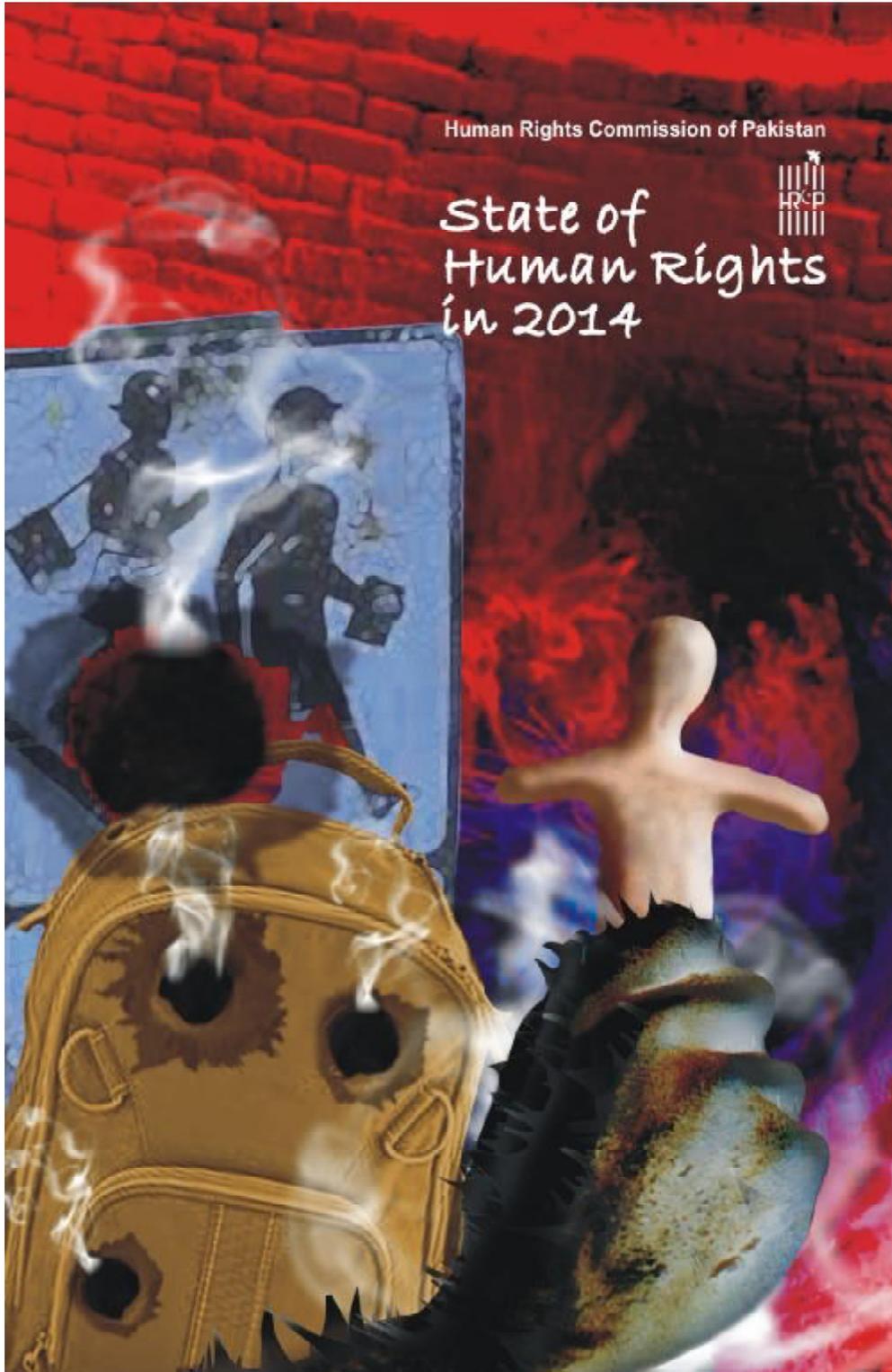


Human Rights Commission of Pakistan



# State of Human Rights in 2014





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of Pakistan**



## **Sources**

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

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# Contents

*Abbreviations*

*Glossary*

*Introduction* ... 1

*Highlights* ... 3

<b>I</b>	<b>Rule of law</b>	
	Laws and law-making	... 15
	Administration of justice	... 29
<b>II</b>	<b>Enforcement of law</b>	
	Law and order	... 57
	Jails, prisoners and disappearances	... 85
<b>III</b>	<b>Fundamental freedoms</b>	
	Freedom of movement	... 107
	Freedom of thought, conscience and religion	... 121
	Freedom of expression	... 139
	Freedom of assembly	... 153
	Freedom of association	... 171
<b>IV</b>	<b>Democratic development</b>	
	Political participation	... 183
<b>V</b>	<b>Rights of the disadvantaged</b>	
	Women	... 201
	Children	... 221
	Labour	... 239
<b>VI</b>	<b>Social and economic rights</b>	
	Education	... 259
	Health	... 281
	Housing	... 301
	Environment	... 317
	Refugees	... 335
	<b>Appendices</b>	
	HRCF activities	... 355
	HRCF stands	... 381

# Abbreviations

<b>ADB</b>	Asian Development Bank	<b>CIA</b>	Criminal Investigation Agency
<b>AJK</b>	Azad Jammu and Kashmir	<b>CII</b>	Council of Islamic Ideology
<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>	Criminal Procedure Code
<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		the Conservation of Nature
<b>ECL</b>	Exit Control List	<b>JI</b>	Jamaat-e-Islami
<b>EIA</b>	Environment Impact Assessment	<b>JJSO</b>	Juvenile Justice Systems Ordinance
<b>EPA</b>	Environment Protection Agency	<b>JUI (F)</b>	Jamiat-e-Ulema-e-Islam (Fazlur Rahman Group)
<b>EPI</b>	Expanded Programme for Immunization	<b>LHC</b>	Lahore High Court
<b>FATA</b>	Federally Administered Tribal Areas	<b>LHV</b>	Lady Health Visitor
<b>FCR</b>	Frontier Crimes Regulation	<b>MNA</b>	Member of the National Assembly
<b>FIA</b>	Federal Investigation Agency	<b>MPA</b>	Member of the Provincial Assembly
<b>FIR</b>	First Information Report	<b>MQM</b>	Muttahida (formerly Mohajir) Qaumi Movement
<b>HEC</b>	Higher Education Commission	<b>MSF</b>	Muslim Students Federation
<b>HRCP</b>	Human Rights Commission of Pakistan	<b>NA</b>	National Assembly
<b>ICCPR</b>	International Covenant for Civil & Political Rights	<b>NAB</b>	National Accountability Bureau
<b>ICESCR</b>	International Covenant for Economic, Social & Cultural Rights	<b>NCSW</b>	National Commission on the Status of Women
<b>IDMC</b>	Internal Displacement Management Centre	<b>NEQS</b>	National Environment Quality Standards
<b>IG</b>	Inspector General [of Police]	<b>NGO</b>	Non-government organisation
<b>IMF</b>	International Monetary Fund	<b>NIC</b>	National Identity Card
<b>ISI</b>	Inter-Services Intelligence	<b>NIRC</b>	National Industrial Relations Commission
<b>ISPR</b>	Inter-Services Public Relations	<b>NSC</b>	National Security Council
<b>IUCN</b>	International Union for	<b>PAEC</b>	Pakistan Atomic Energy Commission
		<b>PATA</b>	Provincially Administered Tribal Areas
		<b>PFUJ</b>	Pakistan Federal Union

	of Journalists	<b>SSP</b>	Senior Superintendent of Police
<b>PHC</b>	Peshawar High Court	<b>TB</b>	Tuberculosis
<b>PkMAP</b>	Pakhtun Khawa Milli Awami Party	<b>TJP</b>	Tehrik Jafria, Pakistan
<b>PMA</b>	Pakistan Medical Association	<b>TNSM</b>	Tehrik Nifaz-e-Shariah Mohammadi
<b>PML(N)</b>	Pakistan Muslim League (Nawaz group). PML-Q is Pakistan Muslim League, Quaid-e-Azam.	<b>UDHR</b>	Universal Declaration of Human Rights
<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>PPPP</b>	Pakistan People's Party Parliamentarians	<b>UNHCHR</b>	Universal Nations High Commission for Human Rights
<b>PS</b>	Police Station	<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>PTI</b>	Pakistan Tehrik-e-Insaf	<b>UNICEF</b>	United Nations Children's Fund
<b>RHC</b>	Rural Health Centre	<b>WAPDA</b>	Water and Power Development Authority
<b>SC</b>	Supreme Court	<b>WASA</b>	Water and Sewerage Authority
<b>SAARC</b>	South Asian Association for Regional Cooperation	<b>WB</b>	World Bank
<b>SCARP</b>	Salinity Control and Reclamation Project	<b>WHO</b>	World Health Organization
<b>SCBA</b>	Supreme Court Bar Association	<b>WTO</b>	World Trade Organization
<b>SHC</b>	Sindh High Court	<b>WWF</b>	Worldwide Fund for Nature
<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		

# Glossary

## *[Terms commonly used in discourse on rights and laws]*

*abadi*: settlement; habitation; also population

*asnad*: certificates awarded by educational institutions, especially religious school. [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*: wheat flour

*aqaan*: the Muslim call to prayers

*azad*: free

*baitulmaal*: originally the state treasury in an Islamic state. In Pakistan it mainly disburses zakat

*baituzzikr*: house of prayers. Ahmadis have been using this term for mosque since April 28, 1984, when they were barred from using Islamic terms

*basant*: Spring kite-flying festival

*begaar*: forced labour

*benami*: without name. It refers to a property transaction where identity of the purchaser is not revealed.

*bhatta*: protection money

*Bheel*: one of the ‘low’ and poorest of the Hindu castes

*burqa*: a long loose body-covering garment with holes for the eyes, worn by some Muslim women

*chador*: a long loose cloak worn over other garments by Muslim women

*chadar and chaardiwari*: literally, chador and four walls. The phrase signifies security of citizens (including women’s) and of their privacy.

*chak*: a 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 formalized, follows from early investigations; also a traffic ticket

*chapati*: flat and round bread made of wheat flour

*Chaudhry*: 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 immobilized in that position. The pain generally makes the accused confess.

*deeni madrasah*: a religious school [Plural: *madaaris*]

*deh*: a small village [plural: *dehaat*]

*dera*: extended residential site of an influential figure; also a farmhouse

*diyat*: the financial compensation paid to the victim or heirs of a victim in the cases of murder, bodily harm or property damage

*ehtisab*: accountability

*Eid-al-Fitr*: Festive occasion which marks the end of the Muslim month of Ramazan

*fatwa*: religious ruling

*fiqh*: Muslim jurisprudence

*gaddi nashin*: custodian of a shrine

*gherao*: Laying a kind of siege to someone important to pressure him to acceded to your demands

*hadd*: Islamic punishment (Plural: *hudood*)

*haari*: Sindhi peasant, tenant or farmhand

*hujra*: retiring room of an imam or any religious person or outhouse

*iddat*: the period a woman has to observe after the death of her husband or after a divorce, during which she cannot marry another man

*iftar*: breaking of fast

*ijtihad*: creative reinterpretation of Islamic injunctions

*ijtima*: congregation; gathering

*imam*: prayer leader

*imambargah*: Shias' place of congregation

*Isha*: The post-dusk Islamic prayer, which gets due after about 90 minutes of nightfall

*jirga*: a gathering of elders, especially in tribal societies settles disputes, decides criminal cases etc.

*kalima*: the Muslim declaration of faith; shahadah

*karokari*: originally, karo (black male) and kari (black female) were terms for adulterer and adulteress, but it has come to be used with regards to multiple forms of perceived immoral behaviour. Once a woman is labeled as a kari, family members consider themselves authorized to kill her and the co-accused karo in order to restore family honour.

*katchi abadi*: shantytown; shacks in makeshift communities

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

*khateeb*: person who delivers religious sermons before Friday prayers; also orator

*khidmat committees*: community service organizations, comprising government nominees, required to check failures of public institutions and officials

*khula*: divorce obtained on wife's initiative

*kutchery*: a court of law. The khuli kutchery is the audience given by ministers or officials to resolve grievances of the public

*maghrib*: the Muslim prayer due at dusk

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

*marla*: a unit of area that is one 160<sup>th</sup> of an acre

*masjid*: mosque

*mehfil*: gathering; party

*mehr*: the money the groom pledges to the bride at the time of the wed-

ding as a token of his earnestness

*moharrir*: police clerk who records complaints and crime reports

*mullah*: a Muslim cleric

*Muharram*: the Muslim month of mourning, especially for Shias

*naib qasid*: office boy

*najis*: unclean; something religiously regarded as impure

*napaid bazo*: family's decision to wed one off ahead of birth

*nazim*: mayor, also administrator

*naib nazim*: deputy mayor

*nikah*: marriage; also marriage ceremony

*nikah khwan*: a mullah who is authorized to solemnize marriages

*nikahnama*: marriage certificate

*panchayat*: a gathering of elders

*patharidar*: an influential landowner in Sindh who harbours criminals

*peshgi*: advance payment against labour

*pir*: spiritual guide, who often acts as a faith healer

*pucca*: literally solid, generally refers to houses made of baked bricks

*pardah*: 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

*qisas*: equal retribution; eye for an eye, tooth for a tooth

*Ramadan*: the Muslim month of fasting

*roti*: chapati; flat and round bread made of wheat flour

*sangchatti*: Sindhi term for *swara*

*swara*: a child marriage custom in the Pashtun areas. It is tied to blood feuds among the different tribes and clans where young girls are forcibly married to members of different clans in order to resolve the feuds.

*shalwar*: loose pajama-like trousers. The legs are wide at the top and narrow at the ankle. It is held up by a drawstring.

*tandoor*: a clay oven used to bake chapati

*tazia*: replica of Imam Hussain's mausoleum displayed in Muharram

*tonga*: a light horse-drawn vehicle

*ulema*: persons learned in Islamic practices [singular: aalim]

*ushr*: Islamic land tax

*vani*: a cultural custom found in parts of Pakistan, called 'swara' in the KPK, wherein young girls are forcibly married as part of punishment for a crime committed by her male relatives. Vani is a form of arranged child marriage, and the result of punishment decided by a council of tribal elders named jirga.

*wadera*: a big landowner; jagirdar

*watta satta*: the swap system of marital alliances 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

*zaakir*: religious preacher who mostly recounts events of the Islamic past, usually in Moharram at the annual commemoration of Imam Husain's sacrifice at Karbala

*ziarat*: pilgrimage

*zina*: adultery; fornication. Rape is zina-bil-jabr



# Introduction

It is not easy to sum up a year that started with a series of faith-based assaults on religious minorities and came to an end with a massacre of young students that led to the highest death toll in a terrorist attack in the nation's history. There were many other instances of ever more gruesome violence against the most vulnerable segments of society.

However, the year 2014 did throw up the occasional ray of hope too. One of these was women's active participation in political protests, and adoption of some laws aimed at making the women's lot easier in the country. At least in some parts of the country, marriage of children younger than 18 years was outlawed. Balochistan also criminalised domestic violence. The provincial governments increased the minimum wage for unskilled workers, although the extent of the raise did not come up to workers' expectations. The Peshawar school attack in December seemed to have created consensus against bands of thugs of all hues who had been exploiting the religious banner for ends both grand and petty. The government discovered some resolve to restore its writ in the tribal areas and launched military operations against extremist militants.

Yet pressing human rights concerns and worrying trends made for a much longer list. Horrific acts of terrorism and sectarian violence continued to ravage the country. Attacks on religious minorities encroached into areas where they had been largely absent hitherto and the government failed to take measures to reassure the citizens that it had the ability or the commitment to clamp down on faith-based violence. Extrajudicial killings, unlawful and arbitrary detention, custodial torture and enforced disappearance continued. Well over two million internally displaced persons, most of them women and children, had to leave their homes in search of safety and joined multitudes of others who had been displaced in earlier bouts of armed conflict between the security forces and

militant extremists.

A proliferation of instances of the so-called honour killing, rape, acid attacks, domestic violence and assaults against women was evident. Infants bore the brunt of the prolonged drought in Tharparkar, where over 650 paid with their lives for the apathy in high places. For another year, Pakistan lagged most Asian countries in educating a significant proportion of its children, especially girls. The healthcare system, already among the weakest in South Asia, continued to deteriorate at a fast pace. Targetted attacks on healthcare workers and their security escorts posed a serious challenge to what some already considered Pakistan's losing battle against polio. In 2014, the high incidence of polio in Pakistan broke the country's own previous record. Child and bonded labour remained rampant and labourers including children, continued to work in hazardous conditions.

With the murder of 14 media practitioners, the country, especially the Balochistan province, remained among the most dangerous places in the world for journalists. Rival TV news channels engaged in months of mud-slinging and even traded blasphemy accusations. Muslims and non-Muslims continued to be victimised through leveling of accusations under the blasphemy law. The challenges for human rights defenders grew ever more difficult in the face of a stubborn refusal by the state to provide a conducive working environment for them.

Even as the prisons were packed way beyond authorised capacity, alternatives to penal servitude were not explored. Except for Balochistan, all provinces dragged their feet on holding local government elections. Housing for the poor remained a major challenge with disasters like floods putting a great strain on an already inadequate housing situation.

The justice system moved at a glacial pace and nearly two million cases were pending in courts at the year's close. Efforts to counter militancy and terrorism chipped away at basic due process guarantees and resulted in adoption of laws that were criticised for compromising human rights in pursuit of security. Amid pressure to crack down on militants in the wake of the Peshawar school attack, the government championed military courts and lifted a de facto moratorium on the death penalty and hurriedly hanged seven convicts by the yearend.

The challenges for the country at the end of 2014 were by no means lesser than they had been at the start of that year. However, careful nurturing and use of the growing resolve for confronting all manners of militancy and intolerance could perhaps provide just the impetus that the human rights struggle in Pakistan had for long been yearning for.

**Waqar Mustafa**

*Editor*

# Highlights

## ■ Law and law-making

- u Parliament made 10 laws, less than half the previous year's 22. Nine presidential ordinances were promulgated.

- u Some important laws passed by the parliament were designed to address security concerns, working of the judicial system, and issues related to terrorism, including the controversial Protection of Pakistan Act, 2014.

- u With provincial legislation amounting to 137, a much larger and diverse set of laws was adopted by the provincial assemblies.

- u The highest number of provincial acts and ordinances emerged from Khyber Pakhtunkhwa, followed by Sindh, Punjab and Balochistan during the year under review.

- u The Hindu Marriage Bill and the Christian Divorce Bill, which were tabled in the parliament in 2011, were still pending. No progress was possible on the Domestic Bill either.

## ■ Administration of justice

- u 1.793 million cases were pending in courts across the country

- u The gap between the laws and their implementation caused crime rates and low conviction rates to grow, especially in relation to crimes against minorities and vulnerable sections of society

- u No efforts were seen to institute judicial and legal reforms. The legislature seemed inclined to promulgate laws that sought to promote state security at the expense of citizens' rights and liberties

- u According to HRCP research 37 cases were registered during the year for offences relating to religion. Seven of the cases were registered under Section 295-C of the Pakistan Penal Code that carries

a mandatory sentence of death.

## ■ Law and order

- u The country recorded 627,116 cases of crimes against people and property during 2014 as against 634,404 in 2013 – a nominal fall.

- u Sindh police registered 1,261 cases of kidnapping of women for forced marriages in 2014. There were 114 cases of acid attacks in Pakistan, involving 159 victims.

- u 1,723 people were killed and 3,143 were injured during 2014 in 1,206 terrorist attacks – including 26 suicide hits. Sectarian violence killed 210 people.

- u 12 doctors and 13 lawyers were killed in targeted attacks.

- u 45 members of polio teams — vaccinators and their facilitators — were killed

- u HRCP monitored 63 killings of people in custody – including four women and two minors – while FIR was registered only in 14 cases. Forty-seven people including seven women underwent custodial torture.

- u There were 3,392 encounters in 2014 as against 2,616 in 2013 in Sindh. 925 suspects were killed in shootouts and 160 personnel of police and Rangers fell in the line of duty in Karachi. Khyber Pakhtunkhwa police killed 26 persons in encounters. Punjab police killed 276 suspected criminals and arrested 322 while 27 policemen died and 59 suspected criminals and 73 policemen got injured in 283 encounters in 2014.

## ■ Jails, prisoners and disappearances

- u 231 persons were sentenced to death by the courts. The government lifted the moratorium on executions in the last fortnight of 2014 and by the yearend seven persons had been hanged.

- u Jails across the country, except Gilgit-Baltistan, were overcrowded. The last countrywide figures available (December 2013) showed that in 97 prisons of the country there were 78,218 prisoners as against the capacity for 45,210, of whom 53,345 were under-trial. So, 24,873 or only 31% (less than one third) of the total were convicts. The December 2014 figures could not be given for some of the provinces because the authorities there were not ready to part with the information. The total population in 32 prisons of Punjab was 49,560, 32,514 of whom were under-trial. The total population in 11 prisons in Balochistan was 2,980, 1,214 of whom were under-trial. The total population in seven prisons of Gilgit-Baltistan was 307, 212 of whom were under-trial. Other provinces did not provide the prisons data.

- u There were 80 HIV positive and 31 AIDS prisoners in Punjab jails

- u 11 political activists went missing in Sindh in 2014

## ■ Freedom of movement

u The freedom of movement and to choose one's residence were compromised, directly or indirectly, on account of armed conflict, imposition of curfew or curfew-like conditions, internal displacement, lawlessness or absence of the writ of state in some areas. Cost of travel, poor road infrastructure, attacks on trains or railway tracks, and absence or shortage of means of travel also hindered movement.

u Hurdles to the entry of displaced persons from FATA to some of the provinces were noticed, particularly in June and July.

u Hundreds of thousands of people in debt bondage remained in conditions of virtual slavery.

u Some curbs on citizens' foreign travel under the Exit Control List and undue delay in provision of passports to citizens in the country or through Pakistani missions abroad were reported. Attacks on aircraft and on the Karachi airport, cancellation of flights by some airlines over security concerns, and the WHO recommendation regarding travel restrictions on Pakistan due to rising polio cases, represented new impediments to travel abroad.

u Shia pilgrims' buses passing through Balochistan and passenger buses and vans plying between Gilgit-Baltistan and the rest of the country had to travel in convoys under security escorts.

u The state failed to ensure, in many instances, the right of women to move freely in public places, without having to be chaperoned by male relatives.

## ■ Freedom of thought, conscience and religion

u 11 Hindu temples and churches were attacked in Sindh. Two attacks were carried out against the Zikri sect in Balochistan.

u A total of 144 incidents of sectarian violence were reported from across Pakistan, out of which 144 were sectarian-related terrorist attacks and three were sectarian clashes.

u A Christian couple in Kot Radha Kishen, Punjab was lynched and burned by a mob for allegedly desecrating a copy of the Holy Quran.

u A total of 11 Ahmadis lost their lives in targeted attacks.

u No laws were made by the federal government to safeguard the interests of religious minorities and only two bills related to minorities were passed at the provincial level by Khyber Pakhtunkhwa.

u Around 157 families belonging to religious minorities were among those displaced from FATA due to Pakistan army's operation against militants in the region. Some of these families reported that they faced discrimination at IDP camps.

## ■ Freedom of expression

u Pakistan was termed the most dangerous country in the world

for media, with 14 journalists and media workers killed in 2014 alone, making a mockery of the freedom of expression.

- u The challenges to and constraints on freedom of expression did not decline in 2014

- u Government response to information requests submitted under the current laws was dismal, especially from the federal, Balochistan and Sindh governments.

- u The year 2014 saw some distressing new lows, from a major news network being forced off the cable operators' list to a political figure hurling threats at journalists and the National Assembly's standing committee wanting to impose restrictions on the scope for reporting.

- u Major media issues surrounded allegedly "blasphemous" content. The media faced crippling fines and blanket bans on coverage forcing many outlets to practise self-censorship.

### ■ Freedom of assembly

- u 14 persons were killed and several hundred injured when clashes erupted between the police and Pakistan Awami Tehreek (PAT) workers on June 16

- u The PAT rallies were held for removal of the prime minister as well as revamping of the political system of the country

- u The PTI's rallies started on August 14 in protest against alleged rigging in 64 constituencies during the May 2013 election. They ended on December 16 after an attack on a school in Peshawar.

- u Thousands of people, predominantly women and children, took to the streets in Panjgur, Balochistan to protest against closure of private schools under militants' threats.

### ■ Freedom of association

- u 134 political activists were killed in Karachi, the capital of Sindh province.

- u According to HRCP's monitoring of 48 volatile districts in Pakistan, journalists and human rights defenders suffered 19 attacks in 2014. HRCP's South Punjab Coordinator and human rights activist Rashid Rehman was shot dead on May 7 in Multan for defending a blasphemy accused.

According to the National Internal Security Policy, a document published by the government, about 60 banned organisations were operating in Pakistan.

### ■ Political participation

- u 2014 saw the people's active participation in political activities in the form of protests, rallies, sit-ins, social media campaigns, civil disobedience, and finally, countrywide shutdowns

- u PTI, PAT protests highlighted the need to rethink a balance between the people's right to protest and the state's obligation to protect the rights and interests of the public.
- u The year saw the space for marginalized groups in politics shrink even further.
- u The year saw the "kill and dump" policy, previously used against dissidents in Balochistan, extended to Sindhi nationalists
- u Unprecedented participation of women in political movements was attacked as immoral by some conservatives and retrogressive elements
- u PTI targeted youth participation by aiding them in procuring party's membership
- u Violent attacks against religious minorities continued to hinder every aspect of their lives, including political participation.
- u Except for Balochistan, all provincial governments dragged their feet on fulfilling the legal and administrative requirements to hold local government elections.
- u The new system in Gilgit-Baltistan failed to offer a sense of empowerment to the local population.

## ■ Women

- u According to Human Rights Commission of Pakistan in 2014: 597 women and girls were gang-raped; 828 raped; 36 stripped in public; 923 women and 82 minor girls – including 21 in Gilgit-Baltistan — fell victim to "honour" killings. Seven women died in acid attacks on 92 women and 13 minors. 60 women expired in other incidents like cylinder blast, stove burning and setting on fire.
- u Global Gender Gap Report (GGGR), 2014 ranked Pakistan second to last in gender equality globally in access to health care, education and work.
- u Punjab government regularized 47,000 Lady Health Workers, announced the establishment of 65 day care centres for working women and introduction of training programmes for 4,000 women from rural areas.
- u Khyber Pakhtunkhwa recruited 36 women as the province's first female anti-terror squad commandos who trained alongside men. The province also established women facilitation desks at the police stations to help the female complainants.
- u World Health Organization in its July 17, 2014 report recorded 950,000 persons displaced due to the North Waziristan war, out of which 73% were women and children.
- u The Ministry of Law, Justice and Human Rights set up a 24-hour helpline 1414 for women in distress, where women could call and lodge their complaints with women police operators.

- u The Punjab Women Development Department launched a women toll-free helpline for women in distress operational from 8 am to 4 pm daily and accessible from all parts of the province.

- u Punjab Commission on the Status of Women was established to work for the empowerment and socio-economic development of women and elimination of all forms of discrimination against them.

- u In Sindh, the legally valid age for marriage for girls was raised to 18 years through an amendment to the Restraint of Child Marriage Act 1929.

- u Balochistan criminalised domestic violence by passing the *Domestic Violence* (Prevention and Protection) Bill, 2014 in June 2014.

## ■ Children

- u Pakistan failed to achieve MDG 4 target of reducing under-five mortality to 52 per 1,000 live births by 2015.

- u 650 children lost their lives during the year due to drought, malnutrition and lack of maternal care in Tharparkar, Sindh.

- u Alif Ailaan Pakistan revealed that 25 million children, 47% of all Pakistani children, were out of school. Out of these out-of-school children, 68% never attended school while 32% did go to school at some point.

- u The much trumpeted legislation for child protection in Sindh, Sindh Child Protection Authority Act 2011, awaited implementation in the province despite the lapse of three years since its enactment.

- u Sindh was the first province of Pakistan to approve a bill on prohibition of child marriage.

- u Sahil revealed that around 311 cases of sexual abuse of children had been reported from January to September 30 in 2014, with 214 girls and 97 boys falling prey in Rawalpindi and Islamabad.

- u According to HRCP monitoring, 120 children, including 27 girl children, faced corporal punishment during the year.

- u Pakistan ranked sixth on Global Slavery Index 2014 where child labour was most prevalent.

- u According to available data 1126 juveniles were incarcerated across prisons in the country including Punjab (764), Sindh (313) and Gilgit Baltistan (3).

- u To increase the birth registration rate in Punjab, registration fees at the Union Council level were waived throughout the province under the Punjab Women Empowerment Initiative of 2014.

## ■ Labour

- u The European Union granted GSP plus status to Pakistan, which became effective from January 1. It calls for Pakistan's compliance with 27 international conventions including eight ILO core

labour conventions.

- u The Privatization Commission announced plans to privatize nine entities, which sparked countrywide protests by workers.

- u The International Trade Union Confederation (IUTC) Global Rights Index 2014 gave Pakistan ranking of 4 on a scale of 1- 5+. This rating signified that systematic violations of labour rights were common in Pakistan.

- u Punjab and Sindh governments raised the minimum wages for unskilled workers to Rs 12,000 a month, the Khyber Pakhtunkhwa government to 15,000 and Balochistan government to Rs 10,000. However, most of the workers did not benefit.

- u 82 persons died and more than 88 were injured in at least 38 occupational accidents in 2014.

## ■ Education

- u The combined federal/provincial budgetary allocation to education was the lowest in South Asia, at 2% of Gross Domestic Product (GDP)

- u Violent attacks on educational institutions were widespread, especially in Balochistan and the North-West. A terrorist attack on an army public school in Peshawar resulted in 150 deaths, most of them children.

Pakistan had the second highest number of out-of-school children in the world, a staggering 5.5 million, only after Nigeria.

## ■ Health

- u With 306 new polio cases in the year 2014, Pakistan stood out as the worst polio-affected country. Cases here accounted for 86% of the 356 detected worldwide during the year. In total, 45 members of polio teams including vaccinators, facilitators and security personnel were killed during 2014.

- u The infant mortality rate was 95 per thousand as compared to 60 in other countries.

- u Deaths from pregnancy-related complications stood at 276 per 100,000 live births and early marriage was a major cause.

- u Blood transfusion services in Pakistan were neither organised nor regulated. A National Policy and Strategic Framework 2014-20 for Blood Transfusion Services (BTS) was a step in the right direction.

- u Pakistan lacked a proper legal framework to cover mental health patients. Only Sindh government had passed a law but it was yet to come up with rules and regulations.

## ■ Housing

- u Housing backlog stood at nine million units — 3 to 3.5 million units in urban areas — almost all needed by low-income families.

- u Despite the huge demand for housing, the overall contribution of housing finance was very low – less than one percent of the GDP.
- u Rental housing was found as a prohibitive option in the urban contexts in Pakistan.
- u Fires in inhabited areas in the country remained a major hazard.

## ■ Environment

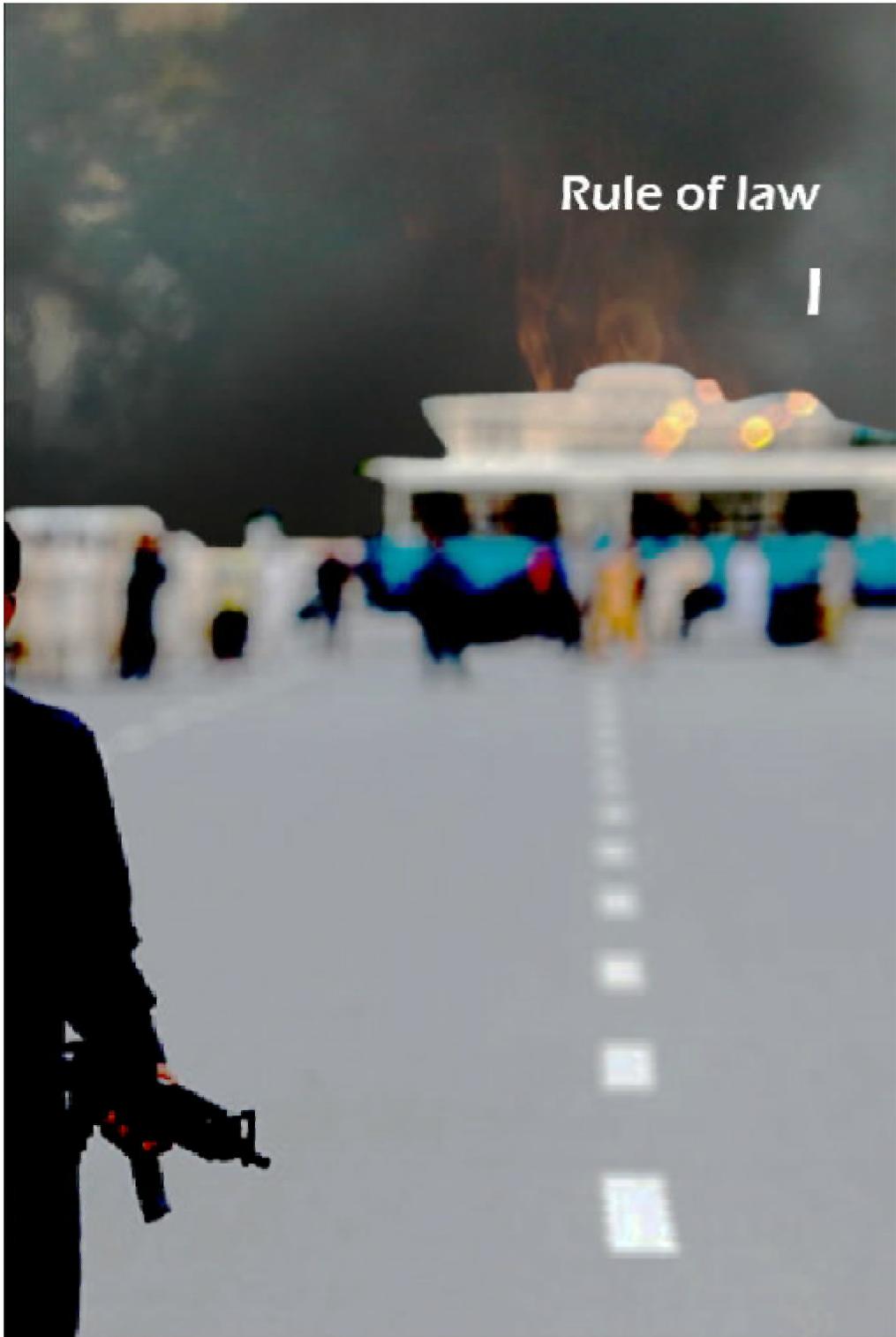
- u With the adoption of Environmental Protection Act by the Sindh and Khyber Pakhtunkhwa assemblies in 2014, all provinces had legislation related to environmental protection in place.
- u The PTI-led government in KP planned to increase the tree cover from 20 to 30 percent.
- u Climate change caused food shortage and floods in many regions.
- u More than 200 black pond turtles, an endangered species, which had been smuggled to China, were brought back to Pakistan.
- u The Balochistan High Court banned the hunting of rare houbara bustard and other birds in the province.

## ■ Refugees

- u There were around 1.5 million registered refugees from Afghanistan and a roughly similar number of unregistered Afghans in Pakistan at the end of 2014. Only 12,991 registered Afghans returned home during the year.
- u At least 2.56 million people were displaced from Khyber and North Waziristan regions in FATA amid security forces' operations against extremist militants. Hundreds of thousands of citizens from other FATA districts uprooted in earlier operations remained displaced.
- u Large-scale flooding for the fourth consecutive year affected more than 2.5 million people. Over half a million people were displaced, mainly in the Punjab province.
- u Tens of thousands of desert inhabitants from Thar in Sindh and Cholistan in Punjab were forced to migrate due to drought-like conditions.
- u Around 40,000 people had to leave their homes in dozens of villages in Sialkot amid cross-border shelling by Indian forces.
- u Nothing was done to end the de facto statelessness of hundreds of thousands of Pakistanis stranded in Bangladesh since 1971.

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)

In 2014, the federal parliament's legislative output amounted to 10 laws,

less than half the previous year's 22. However, a big increase in legislation was seen in provinces.

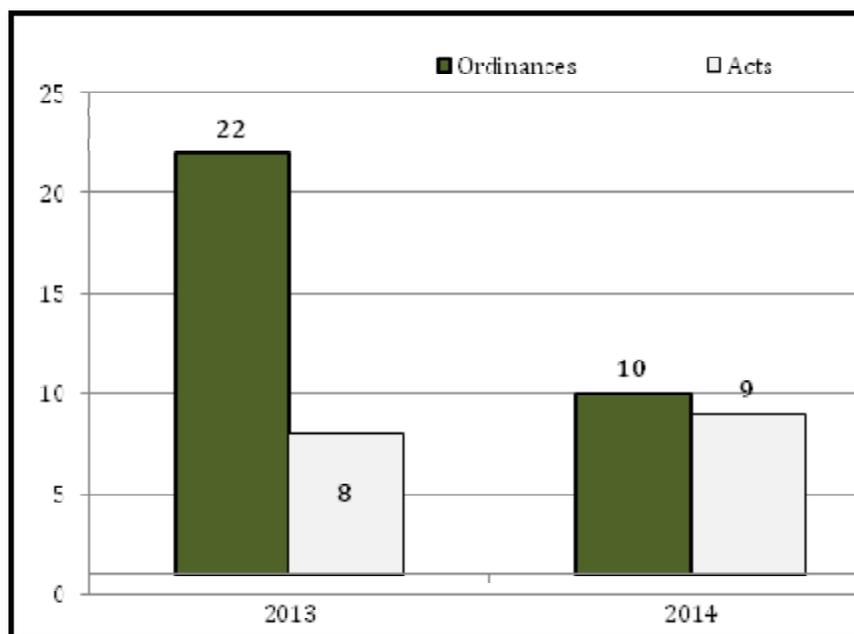
### Federal parliament's legislation

Some important laws passed by the parliament were designed to address security concerns, the judicial system, and countering terrorism. The president promulgated nine ordinances, including one that aimed at preventing acts threatening the security of Pakistan.

With growing concerns for terrorism across the country, the lawmakers adopted a rather controversial law, the Protection of Pakistan Act, 2014. The bill, based on an ordinance issued in 2013, faced considerable criticism from the civil society and politicians. Critics of this law said that it was draconian and violated human rights. No progress was made on the Hindu Marriage Bill, the Christian Divorce (Amendment) Bill and the Domestic Violence Bill.

A much larger and diverse set of laws was adopted by the provincial assemblies, which made good use of the legislative powers given to them under the 18<sup>th</sup> Amendment to the constitution. They enacted laws on environment, health, education, women's rights, taxes, security, development, tourism, and rights of religious minorities.

The highest number of provincial acts and ordinances emerged from Khyber Pakhtunkhwa, followed by Sindh, Punjab and Balochistan during the



year under review.

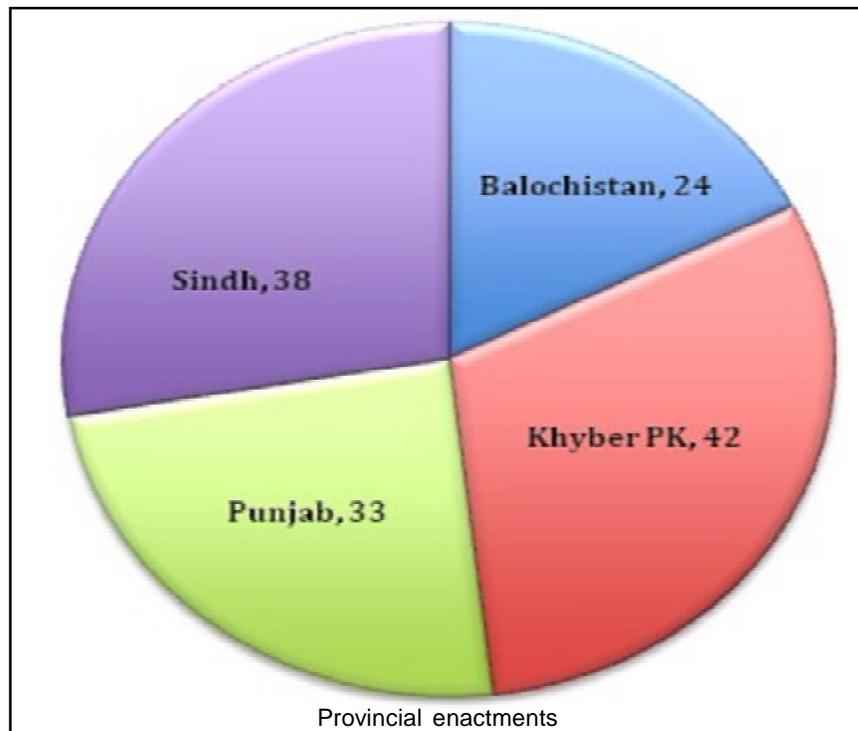
### **Provincial legislation**

In some instances the provincial assemblies hurriedly passed laws because the attendance on the opposition benches was thin. A few times this was done without prior notification of a bill's introduction in the assembly. Such practices meant that the proposed laws were not properly scrutinized and deliberated upon.

On March 13, rejecting the opposition's objections, the Punjab Assembly, where the PML-N had a comfortable majority, passed three bills. The Punjab law minister also tabled four new bills during the assembly session. The opposition benches, led by the PTI, sought the bills to be circulated for eliciting public opinion. But the law minister rejected these arguments, saying that in the presence of public representatives in the assembly there was no need for making the bills public.

While the quantity of legislation grew in the province, the jury was still out on the quality and extent of implementation. In some instances, funds allocation seemed to be insufficient or was delayed, which affected implementation.

The federal budget was passed in the form of Finance Act in June. The

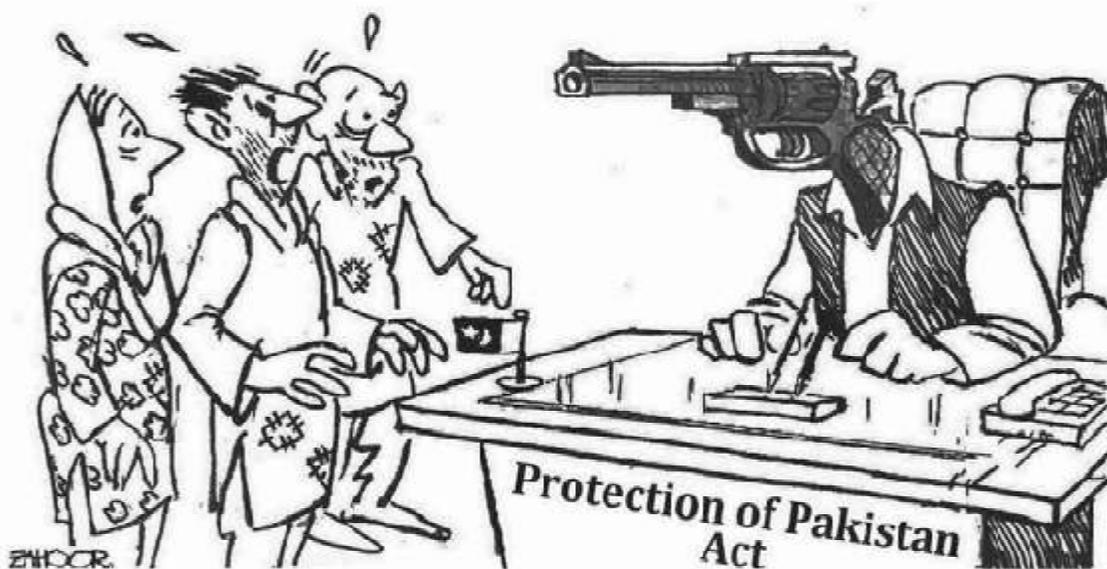


passing of provincial budgets followed this enactment.

The following are some important laws that were made during 2014:

### Acts of parliament

- ◆ The Protection of Pakistan Act, 2014; July; to protect Pakistan against waging of war and insurrection, prevent acts threatening the security of Pakistan, and for the speedy trial of related offences.
- ◆ The Finance Act, 2014; June; to give effect to the financial proposals of the federal government.
- ◆ The Law and Justice Commission of Pakistan (Amendment) Act, 2014; June; to enable the federal government to appoint a member for each province and to give the commission approval to enter into a Memorandum of Understanding with the law commission of any country.
- ◆ The Anti-terrorism (Second Amendment) Act, 2014; June; to amend the provisions regarding terrorism and to provide for swifter dispensation of justice
- ◆ The Service Tribunals (Amendment) Act, 2014; June; to empower the president to establish one or more service tribunals and set their territorial limits.
- ◆ The Legal Practitioners and Bar Councils (Amendment) Act, 2014; June; to further regulate the disciplinary proceedings in the cases of grave professional misconduct and to prescribe the period for expeditious disposal of complaints.
- ◆ The National Judicial (Policy Making) Committee (Amendment) Act, 2014; June; to include the Chief Justice of Islamabad High Court as a member



of the National Judicial (Policy Making) Committee.

- ◆ The Federal Court (Repeal) Act, 2014; June; to repeal the Federal Court Act, 1937 which was deemed redundant after framing of Supreme Court Rules, 1980.

- ◆ The Surveying and Mapping Act, 2014; May; to regulate surveying and mapping activities.

### **Ordinances promulgated by the president**

- ◆ The Gas Infrastructure Development Cess Ordinance, 2014; to levy and collect infrastructure development cess on natural gas.

- ◆ The Electoral Rolls (Amendment) Ordinance, 2014; to bring the local government elections within the purview of the Election Commission of Pakistan (ECP).

- ◆ The Delimitation of Constituencies (Amendment) Ordinance, 2014; to carry out delimitation of constituencies for holding local government elections.

- ◆ The Federal Judicial Academy (Amendment) Ordinance, 2014; to convert the Federal Judicial Academy into a Centre of Excellence for Law and Judicial Education with the status of a degree awarding institution.

- ◆ The Pakistan Medical and Dental Council (Amendment) Ordinance, 2014; March; to reform the regulatory body.

- ◆ The Sales Tax (Amendment) Ordinance, 2014; to compel gas filling stations to pay due taxes.

- ◆ The Gas (Theft Control and Recovery) Ordinance, 2014; January; for prosecution of cases of gas theft and other offences related to gas.

- ◆ The Protection of Pakistan (Amendment) Ordinance, 2014; January; for prevention of acts threatening the security of Pakistan.

- ◆ The Criminal Law (Amendment) Ordinance, 2013; January; for punishment for offences relating to theft of electricity.

### **Laws made by the provincial legislatures**

#### ***Punjab Assembly***

- ◆ The Punjab Commission on the Status of Women Act, 2013; February; to provide more opportunities for socio-economic development of women and eliminate discrimination against them.

- ◆ The Punjab Shops and Establishments (Amendment) Act, 2013; February; to make it mandatory for the businesses where 25 or more women are employed to set up a daycare room for their children under six years of age.

- ◆ The Punjab Finance (Amendment) Act, 2014; February; to restore the previous property tax rates.

- ◆ The Punjab Fair Representation of Women Act, 2014; March; to amend



Punjab Assembly in session.

certain laws to ensure representation of women in decision-making bodies.

- ◆ The Lahore Garrison University Act, 2014; March; to establish a university with two pre-existing campuses.

- ◆ The Punjab Livestock Breeding Act, 2014; May; to regulate livestock breeding services, improve genetic potential of breeds and protect indigenous breeds.

- ◆ The Punjab Civil Servants (Amendment) Act, 2014; May; for regulating the appointment and the terms and conditions of service of civil servants.

- ◆ The Punjab Employees' Efficiency, Discipline and Accountability (Amendment) Act, 2014; May; to provide for proceedings against government and corporation employees in relation to their efficiency, discipline and accountability.

- ◆ The Punjab Payment of Wages (Amendment) Act, 2014; March.

- ◆ The Punjab Development of Cities (Amendment) Act, 2014; March; to transfer the powers of district nazims in development authorities to the chief minister.

- ◆ The Punjab Reproductive, Maternal, Neonatal, and Child Health Authority Act, 2014; March; to regularize 48,000 Lady Health Workers (LHWs) and management of employees' affairs.

- ◆ The Punjab Public Private Partnership Act, 2014; May; for fostering an enabling environment for public-private partnerships.

- ◆ The Punjab Industrial Relations (Amendment) Act, 2014; May; for conformity with conventions C87 and C98 of the International Labour Organisation ratified by the government.

- ◆ The Muhammad Nawaz Sharif University of Engineering and Technology Multan Act, 2014; May; to establish an engineering and technology university in Multan.

- ◆ The Punjab Mental Health (Amendment) Act, 2014; May; enacted in

place of the Mental Health Ordinance 2001, as the subject was devolved under the 18<sup>th</sup> Amendment.

- ◆ The Khwaja Fareed University of Engineering and Information Technology, Rahim Yar Khan Act, 2014; May; to establish an engineering and IT university at Rahim Yar Khan.

- ◆ The Punjab Finance Act, 2014; June; to levy and rationalize certain taxes, fees, and duties.

- ◆ The Bab-i-Pakistan Foundation Act, 2014; June; to help in carrying out functions of the Bab-i-Pakistan Trust.

- ◆ The Management and Transfer of Properties by Development Authorities Act, 2014; June; to enable the development authorities in Punjab to strategically manage and transfer immovable properties.

- ◆ The Punjab Strategic Coordination Ordinance, 2014; October; for establishing the institutional mechanism to take effective measures to counter terrorism and to formulate a security policy.

- ◆ The Punjab Registration of Godowns Ordinance, 2014; October; to establish a system for the registration of godowns in Punjab.

- ◆ The Punjab Curriculum and Textbook Board Ordinance, 2014; September; to ensure preparation, approval and publishing of textbooks.

- ◆ The Punjab Overseas Pakistanis Commission Act, 2014; October; to establish a body to receive and redress grievances of overseas Pakistanis regarding government agencies.

- ◆ The Punjab Local Government (Amendment) Act, 2014; October; to permit the establishment of cattle markets in districts.

- ◆ The Punjab Local Government (Second Amendment) Act, 2014; October; to empower the Election Commission of Pakistan to carry out delimitation of constituencies for local government elections.

- ◆ The Punjab Strategic Coordination Act, 2014; October; to establish a 'Provincial Security Council' and 'Provincial Strategic Coordination Board.'

- ◆ The Punjab Free and Compulsory Education Act, 2014; October; to provide free and compulsory education to all children between five and 16 years of age.

- ◆ The Punjab Higher Education Commission Ordinance, 2014; October; to empower The Punjab Higher Education Commission to regulate funding of the universities and select their vice chancellors.

- ◆ The Punjab Arms (Amendment) Act, 2014; December; minor technical change in the law.

- ◆ The Punjab Explosives (Amendment) Act, 2014; December; minor technical change in the law.

- ◆ The Pakistan Kidney and Liver Institute and Research Centre Act, 2014; December; to establish the Pakistan Kidney and Liver Institute and Research Center.

- ◆ The Punjab Institute of Quran and Seerat Studies Act, 2014; December;

to establish an organization for research on Quran and Sunnah.

- ◆ The Punjab Higher Education Commission Act, 2014; December; to improve and promote higher education, research and development in the province.

### ***Sindh Assembly***

- ◆ The Prevention of Defacement of Property Act, 2013; February; to prevent the defacement of walls.

- ◆ The Sindh Building Control (Amendment) Act, 2014; February; to take back all powers of town planning from local government institutions and transfer them to the Sindh Building Control Authority.

- ◆ The Sindh Emergency Procurement Act, 2014; February; to allow the law enforcement agencies to procure latest weapons, bombproof vehicles and other material on short notice.

- ◆ The Sindh Healthcare Commission Act, 2013; February; for improving quality of health services and banning quackery.

- ◆ The Environmental Act, 2014; February; for the protection, conservation, and rehabilitation of natural resources and controlling pollution.

- ◆ The Registration (Sindh Amendment) Act, 2013; February; to amend the Registration Act, 1908 for its application to Sindh.

- ◆ The Sindh Land Revenue (Amendment) Act, 2013; February.

- ◆ The NIBD Post Graduate Institute of Life Sciences Act, 2014; February; to establish the institute.

- ◆ The Sindh Solid Waste Management Board Act, 2014; February; to establish a board for the collection and disposal of solid and other waste.

- ◆ The Sindh Civil Servants (Regularization of ad hoc Appointments) (Amendment) Act, 2014; March; to grant service benefits to ad hoc government employees from the date they were hired.

- ◆ The Sindh Service Tribunals (Amendment) Act, 2014; March; on the instructions of Supreme Court, to appoint a three-member service tribunal in consultation with the Sindh High Court chief justice for a period not extending three years and for one time only.

- ◆ The Provincial Motor Vehicles (Amendment) Act, 2014; May.

- ◆ The Sindh Criminal Prosecution Service (Constitution, Functions and Powers) (Amendment) Act, 2014; May.

- ◆ The Sindh Shaheed Recognition and Compensation Act, 2014; May; to honor and recognize the services of persons who sacrifice their lives in the struggle against terrorism while performing duty and to provide compensation to their legal heirs.

- ◆ The Sindh Child Marriages Restraint Act, 2013; May; to make marriage under 18 years of age an offence in the province.

- ◆ The Sindh Finance Act, 2014; June; to give effect to the financial proposals of the provincial government.

- ◆ The Sindh Local Government (Amendment) Act, 2014; October; to



Sindh Assembly session at the new building.

hand over the powers of delimitation of local bodies' constituencies to the Election Commission of Pakistan.

- ◆ The Sindh Civil Servants (Amendment) Act, 2014; October.
- ◆ The Sindh Special Development Board Act, 2014; October; to undertake low-cost housing schemes, rehabilitate katchi abadis and slums and regulate multi-storeyed and high-rise buildings.
- ◆ The Sindh Injured Persons (Medical Aid) Act, 2014; October; to allow doctors to treat patients without police clearance.
- ◆ The Sindh Allopathic System (prevention/misuse) Act, 2014; November; to prevent the misuse of the allopathic system of medicine.
- ◆ The Physiotherapy Council Act, 2014; November; to establish a physiotherapy council.
- ◆ The Pharmacy Council Act, 2014; November; to establish a council to regulate the working establishment of pharmacies.
- ◆ The Sindh Nursing Council Act, 2014; November; to devolve the Pakistan Nursing Council.
- ◆ The Postgraduate College of Medical Sciences Act, 2014; November; to establish an institute.
- ◆ The Sindh Arms (Amendment) Act, 2014; November; to extend the arms license on merit to facilitate the general public.
- ◆ The Sindh Condominium Act, 2014; November; to regulate the maintenance of amenities, façade, parking and common areas in public projects.
- ◆ The Sindh Epidemic Diseases Act, 2014; November; to consolidate the law on prevention of the spread of dangerous epidemic disease.
- ◆ The Sindh Eye Surgery (Ban) Act, 2014; November; to prohibit eye surgeries by people other than qualified and registered medical practitioners.
- ◆ The Sindh Tuberculosis Notification Act, 2014; November; to establish

a TB notification system.

- ◆ The Sindh Public Private Partnership (Amendment) Act, 2014; December.
- ◆ The Larkana Development Authority (Amendment) Act, 2014; December.
- ◆ The National Institute of Cardiovascular Diseases (Sindh Administration) Act, 2014; December; for administration of the affairs of the National Institute of Cardiovascular Diseases.
- ◆ The Sindh Employees Old-Age Benefit Act, 2014; December; to establish Sindh Employees' Old-Age Benefits Institution.
- ◆ The Sindh Education Standards and Curriculum Act, 2014; December; for improving quality of education from early years to grade 12.
- ◆ The Altaf Hussain University in Karachi Act, 2014; December; to establish a university in Karachi.
- ◆ The Altaf Hussain University in Hyderabad Act, 2014; December; to establish a university in Hyderabad.
- ◆ The Shaheed Benazir Bhutto University in Shaheed Benazirabad Act, 2014; December; to establish a university in Nawabshah.

***Balochistan Assembly***

- ◆ The Balochistan Protection and Promotion of Breast-Feeding and Child Nutrition Act, 2014; February; to ensure nutrition for infants and young children by promoting and protecting breast-feeding.
- ◆ The Balochistan Local Government (Amendment) Act, 2014; January.
- ◆ The Balochistan Introduction of Mother Languages as Compulsory Additional Subject at Primary Level Act, 2014; January; for teaching the mother tongue in addition to the national language.
- ◆ The Civilian Victims of Terrorism (Relief and Rehabilitation) Act, 2014; January; to provide relief and rehabilitation to the civilian victims of terrorism.
- ◆ The Balochistan Food Authority Act, 2014; January; for ensuring the safety and standards of food and to establish Balochistan Food Authority
- ◆ The Balochistan Compulsory Education Act, 2014; January; to provide for free and compulsory education in Balochistan.
- ◆ The Balochistan Sea Fisheries (Amendment) Act, 2014; February; to prevent illegal fishing.
- ◆ The Balochistan Chief Minister and Ministers (Salary, Allowances and Privileges (Amendment) Act, 2014; February; to increase ministers' salaries and perks.
- ◆ The Balochistan Speaker and Deputy Speaker (Salary, Allowances and Privileges) (amendment) Act, 2014; February; to increase the salaries and perks.
- ◆ The Balochistan Assembly Members (Salary, Allowances and Privileges (Amendment) Act, 2014; February; to increase the salaries, allowances and privileges.



Balochistan Assembly banned private money-lending in the province.

- ◆ The Sardar Bahadur Khan Women University (Amendment) Act, 2014; February; to establish a women's university in the province.
- ◆ The Balochistan Family Torture and Protection Act, 2014; February; to protect family members of a suspect from torture.
- ◆ The Balochistan Coastal Development Authority (amendment) Act, 2014; February.
- ◆ The Balochistan Domestic Violence (Prevention and Protection) Act, 2014; February; to define forms of domestic violence and protect women.
- ◆ The Balochistan Wild Life Protection, Preservation and Management Act, 2014; March; for the establishment and management of protected areas and to protect, preserve, and conserve wildlife.
- ◆ The Balochistan Tourist Guides Act, 2014; May.
- ◆ The Balochistan Travel Agencies Act, 2014; May.
- ◆ The Balochistan Hotels and Restaurants Act, 2014; May; to provide for tourist facilities and infrastructure to develop tourism.
- ◆ The Balochistan Judicial Academy Act, 2014; June; to establish the institute.
- ◆ The Balochistan Archives Act, 2014; August.
- ◆ The Balochistan Antiquities Act, 2014; August; to prevent smuggling of antiquities.
- ◆ The Balochistan Borstal Institutions Act, 2014; August; for the establishment and regulation of borstal Institutions in Balochistan.
- ◆ The Balochistan Prohibition of Private Money Lending Act, 2014; August; to ban private money-lending in the province.

#### ***Khyber Pakhtunkhwa Assembly***

- ◆ The Khyber Pakhtunkhwa Ehtesab Commission Act, 2014; January; to establish good governance and prevent corruption.
- ◆ The Khyber Pakhtunkhwa Promotion, Protection and Enforcement of Human Rights Act, 2014; January; to promote, protect and enforce human

rights in Khyber Pakhtunkhwa.

- ◆ The Khyber Pakhtunkhwa Ministers (Salaries, Allowances and Privileges) (Amendment) Act, 2014; January.

- ◆ The Khyber Pakhtunkhwa Deserving Widows and Special Persons Welfare Foundation Act, 2014; January; to establish a welfare foundation for helping widows and special persons.

- ◆ The Khyber Pakhtunkhwa Higher Education Scholarship Endowment Fund Act, 2014; January; to award scholarships to students and establish an endowment fund.

- ◆ The Khyber Pakhtunkhwa Sensitive and Vulnerable Establishments and Places (Security) Ordinance, 2014; February; to provide for the security of sensitive and other vulnerable establishments and places in the province.

- ◆ The Khyber Pakhtunkhwa Food Safety Authority Bill, 2014; March; for establishing an authority to regulate and monitor food business to ensure provision of safe food.

- ◆ The Khyber Pakhtunkhwa Farm Services Centres Act, 2014; March; to establish farm services centers in all districts of Khyber Pakhtunkhwa.

- ◆ The Khyber Pakhtunkhwa Tenancy (Amendment) Act, 2014; March.

- ◆ The Pakhtunkhwa Energy Development Organization (Amendment) Act, 2014; March.

- ◆ The Khyber Pakhtunkhwa Restriction of Rented Buildings (Security) Act, 2014; March; for monitoring the business of rented buildings.

- ◆ The Khyber Pakhtunkhwa Journalists Welfare Endowment Fund Act, 2014; March; to establish a welfare endowment fund for journalists.

- ◆ The Khyber Pakhtunkhwa Medical Transplantation Regulatory Authority Act, 2014; March; for establishing an authority to regulate transplantation of human organs.

- ◆ The Khyber Pakhtunkhwa Public Private Partnership Act, 2014; March; for fostering an enabling environment for public-private partnerships.

- ◆ The Khyber Pakhtunkhwa Local Government (Amendment) Act, 2014; March.

- ◆ The Khyber Pakhtunkhwa River Protection (Amendment) Act, 2014; March.

- ◆ The Khyber Pakhtunkhwa Surrender of Illicit Arms Act, 2014; March; to provide for the surrender of illicit arms.

- ◆ The Khyber Pakhtunkhwa Housing Authority (Amendment) Act, 2014; March.

- ◆ The Khyber Pakhtunkhwa Hotels Restriction (Security) Act, 2014; March; to monitor hotels and guests staying in the hotels.

- ◆ The Tibb and Homeopathic Employees (Regulation of Services) Act, 2014; March; to regularize the appointment of employees on contract or temporarily in the province.

- ◆ The Khyber Pakhtunkhwa Ehtesab Commission (Amendment) Act,



Khyber Pakhtunkhwa Assembly

2014; June; to make Ehtesab Commission the sole body to investigate corruption practices.

- ◆ The Khyber Pakhtunkhwa Ministers (Salaries, Allowances and Privileges) (Amendment) Act, 2014; June.

- ◆ The Khyber Pakhtunkhwa Salaries, Allowances and Privileges Laws (Amendment) Act, 2014; June.

- ◆ The Khyber Pakhtunkhwa Finance (Amendment) Act, 2014; June; to give effect to the financial proposals of the provincial government.

- ◆ The Khyber Pakhtunkhwa Regulation of Lady Health Workers Programme and Employees (Regularization) and Standardization Act, 2014; June; to regulate the status of Lady Health Workers Programme.

- ◆ The Khyber Pakhtunkhwa Charitable & Religious Trusts Act, 2014; October; for more effective control over the administration of charitable and religious trusts.

- ◆ The Provincial Motor Vehicles (Khyber Pakhtunkhwa) (Amendment) Act, 2014; November.

- ◆ The Khyber Pakhtunkhwa Land Revenue (Amendment) Act, 2014; November.

- ◆ The Khyber Pakhtunkhwa Registration (Amendment) Act, 2014; November.

- ◆ The Khyber Pakhtunkhwa Civil Servants Retirement Benefits and Death Compensation Act, 2014; November; to establish a fund for retirement benefits and death compensation for civil servants.

- ◆ The Khyber Pakhtunkhwa Elementary and Secondary Education Foundation (Amendment) Act, 2014; November.

- ◆ The Khyber Pakhtunkhwa Zakat and Ushr (Amendment) Act, 2014; November.

- ◆ The Khyber Pakhtunkhwa Injured Persons and Emergency (Medical

Aid) Act, 2014; November; for medical treatment of the injured persons on priority.

- ◆ The Khyber Pakhtunkhwa Environmental Protection Act, 2014; November; to promote sustainable development, prevent and control pollution, and protect, conserve, rehabilitate and improve the environment.

- ◆ The Khyber Pakhtunkhwa Appointment of Law officers Act, 2014; November; to provide for appointments of law officers.

- ◆ The Khyber Pakhtunkhwa General Provident Investment Fund (Amendment) Act, 2014; December.

- ◆ The Khyber Pakhtunkhwa Services Tribunal (Amendment) Act, 2014; December.

- ◆ The Khyber Pakhtunkhwa Emergency Rescue Services (Amendment) Act, 2014; December.

- ◆ The Khyber Pakhtunkhwa Pension Fund (Amendment) Act, 2014; December.

- ◆ The Khyber Pakhtunkhwa Protection of Communal Properties of Minorities Act, 2014; December; for the protection of properties of non-Muslim communities.

- ◆ The Khyber Pakhtunkhwa Evacuee Trust Properties (Management and Disposal) Act, 2014; December; for the management and disposal of properties of minorities.

- ◆ The Khyber Pakhtunkhwa Senior Citizens Act, 2014; November; for the wellbeing, comfort and dignity of the senior citizens in the province.

### ***Recommendations***

1. *There is an urgent need to set up official mechanisms and monitoring systems to ensure that the many laws enacted each year are also implemented. Civil society also needs to play a more active role in monitoring implementation.*

2. *A number of important draft legislations, such as the Hindu Marriage Bill, have been in the pipeline for a long time. Proposed legislation regarding such pressing matters need to be expedited without further delay.*

3. *Due consideration must be given to private members' bills, especially on human rights-related concerns.*

4. *Much more must be done to invite input from the people at the stage of drafting of proposed legislations. Affording them an opportunity to voice their opinion would enhance interest in the legislative process and enable the lawmakers to make informed decisions in the light of public opinion.*

5. *The websites of the federal and provincial legislatures contain lists of laws but these are not comprehensive and in some cases all that is mentioned is the name of the law. It is important to publish, and indeed to publicise, all new laws in the national and regional languages to increase public awareness of the laws.*

# 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

In 2014, the administration of justice in Pakistan continued to struggle. The 21<sup>st</sup> Constitutional Amendment was being proposed. Execution of convicts on death row was revived in the last fortnight of the year. General Pervez Musharraf's trial got underway but his legal and public relations team challenged the neutrality of judges. Spearheading a movement against what he called the corrupt electoral system, opposition leader Imran Khan accused a former chief justice and retired judges serving as election commissioners and returning officers of systematically rigging the 2013 national elections. The judiciary was up against more than 1.793 million cases pending in courts across the country. With this backlog taking a toll on individuals as well as the system, public faith in the efficacy of the justice system to deliver seemed to have dwindled.

### **Dispensation of justice**

Just as the year was coming to a close, the Tehreek-e-Taliban Pakistan attacked the Army Public School, Peshawar killing 145 people, including 132



Rule of law is still not an entrenched value in Pakistan.

schoolchildren, and injuring many more. The question in the aftermath of the Peshawar attack was whether an event as brutal and horrifying as this would shake up Pakistan's conscience and prod the state and society to address the deep-rooted institutional and societal malfunctions that have made Pakistan's collective national mindset a natural sanctuary for terrorists and extremists. While terrorism is born and bred by a diverse set of institutional and societal factors, leading among them are a flawed national security doctrine and the role of religion in statecraft. The anger in the aftermath of the school attack seemed to focus on why our criminal justice system was failing to convict terrorists and dispense justice.

### **Abuse of laws**

The chasm between the black letter of the law and its implementation seems to be growing as manifested in growing crime rates and low conviction rates, especially in relation to crimes against minorities and vulnerable sections of society. With coercive laws being abused to persecute minorities and dissident voices, questions arise about the quality of our laws and their ability to produce justice. And with disputes being settled outside formal structures of the justice system with the use of coercion as opposed to the law, a big question mark hangs over whether our formal court system is even relevant to resolving thorny disputes amongst state institutions or between citizens and the state.

In view of the complacent manner in which superior courts continued to perform their functions visibly disconnected from the woes of ordinary consumers of justice, the callous acceptance of crimes of hate and bigotry by

all components of the criminal justice system, the lack of any sense of urgency exhibited by the judiciary and the executive to institute judicial and legal reforms, and the proclivity of the legislature to promulgate laws that seek to promote state security at the expense of citizens rights and liberties (e.g. Protection of Pakistan Act, 2014) and refusal to review laws (e.g. blasphemy laws) whose abuse is acknowledged by lawmakers themselves, a few themes emerge from the review of administration of justice in Pakistan in 2014.

One, rule of law is still not an entrenched value in Pakistan and there is no normative consensus across the institutions or power elites in Pakistan that they ought to conduct their affairs in accordance with declared law. Two, at the societal level there is growing lack of faith in the credibility of the court system to timely mete out justice to the average citizen and in the ability of judges to act as neutral and non-partisan arbiters of the law, highlighted by public support for the demand to establish military courts to deter terror.

### **Judicial accountability**

By virtue of the National Judicial Policy Making Committee Ordinance, 2002, and the new judicial appointment process introduced through the 18<sup>th</sup> and 19<sup>th</sup> Constitutional Amendments that nominates the Chief Justice of Pakistan as Chairman of the Judicial Commission and thus further entrenches his role as *pater familias* [literally meaning father of the family, a metaphor for the chief justice because of his role in administrative issues], the federal design of our judiciary as conceived in the original Constitution of 1973 has steadily been transformed into a unitary one.

The mention of judicial accountability remains taboo. The constitutional scheme of trichotomy and separation of powers in Pakistan has been interpreted and projected overtime to mean that the only form of judicial accountability acceptable under the Constitution is self-accountability. But that has not taken root. According to Transparency International, the judiciary in Pakistan is perceived to be amongst one of the more corrupt public institutions. But the high courts that possess administrative control of the district judiciary within each province have made no structured effort to curb corruption within the courts subservient to them.

The Supreme Judicial Council constituted under Article 209 of the Constitution also exists as a non-functional accountability structure. There exists a Code of Judicial Conduct but the SJC has made no apparent effort to give it effect. For example, in the contempt proceedings undertaken by the Lahore High Court against ARY News, the judiciary has taken stern notice of any scandals published by the media regarding the integrity of its members and exercised its powers under Article 204 of the Constitution and the Contempt of Court Ordinance, 2003, to clamp down on allegations of impropriety made against a judge. However, the SJC has neither investigated allegations of



Supreme Judicial Council could serve as an accountability structure for judges.

impropriety or misconduct against superior court judges nor taken measures to strictly implement the Judicial Code of Conduct.

In Criminal Review Petition 10-L of 2013 in Criminal Petition NO. 896-L of 2012 Sayyed Mazahar Ali Akbar Naqvi vs. State, disposed of through order-dated 22.01.2014 (and not just approved for reporting but sent to registrars of all high courts for compliance), the Supreme Court found that in granting bail a judge of the high court appeared to have taken into account extraneous considerations and exercised discretion in a manner that was “somewhat colourable”. Yet despite the passage of such incriminating ruling over exercise of judicial authority by a superior court judge who hears criminal law matters including murder references, the SJC was not convened to hold the judge to account or grant him a clean chit.

The National Judicial Policy Making Committee, headed by the Chief Justice of Pakistan, is responsible for, *inter alia*, “improving the capacity and performance of the administration of justice”, “setting performance standards for judicial officers and persons associated with performance of judicial and quasi-judicial functions”, and “improvement in terms and conditions of service of judicial officers and court staff to ensure skilled and efficient judiciary.” After restoration of Chief Justice Iftikhar Chaudhry in 2009, the NJPMC issued the National Judicial Policy in 2009. The key objective was, “to clear the huge backlog that has accumulated over the years at all levels of judicial hierarchy.”

### **Pending cases**

The National Judicial Policy failed to realize this key objective. According to Judicial Statistics of Pakistan Annual Report 2013 published by the Law

Commission, there were 1,561,060 cases pending across Pakistan on Jan 1, 2013. The number had gone up to 1,709,345 by Jan 31, 2013, almost uniformly across various categories of cases and across all courts of Pakistan. At the close of the year 2014, according to the law and justice minister, more than 1.793 million cases were pending in courts across the country. The minister told the National Assembly that as many as 20,480 cases were pending in the Supreme Court of Pakistan, 173,037 cases in the Lahore High Court, 66,475 cases in the Sindh High Court, 26,716 cases in the Peshawar High Court, 4,923 cases in the Balochistan High Court, and 13,387 cases in the Islamabad High Court. As many as 1,107,634 cases are pending in the district courts of Punjab, 124,190 cases in those of Sindh, 132,762 cases in those of Khyber Pakhtunkhwa, 8,444 cases in those of Balochistan and 30,300 cases in those of Islamabad. The pattern of increase in backlog of cases each year appears to be steady. According to Judicial Statistics of Pakistan Annual Report 2012, there were 1,449,494 cases pending across all courts of Pakistan on 01.01.2012, which number by the end of the year had risen to 1,561,060.

Fixing the backlog falls within the exclusive domain of the judiciary and more specifically the NJPMC, which, other than the Chief Justice of Pakistan, comprises the Chief Justice of the Federal Shariat Court and the Chief Justices of the four provincial High Courts.

The scorecard on the issue of judicial appointments fares no better. According to Judicial Statistics of Pakistan Annual Report 2013, on Dec 31, 2013, 1,193 out of 2,365 sanctioned posts in Punjab's district judiciary, 81 out of 446 in Sindh, 112 out of 450 in KP, 89 out of 273 in Balochistan and 48 out of 101 in Islamabad lay vacant. What is worse is that there is no clear criterion or process prescribed to guide high court judges in selecting district court judges. It is up to each high court to determine how to appoint district court judges. Sometimes they conduct examination, at other times interviews, which leaves a lot more room for discretion and its abuse. (Islamabad High Court for example conducted interviews back in 2011 and the results were later challenged and the matter is pending before the Supreme Court). Back in the day FPSC used to select civil judges like civil servants. But then the authority was taken back by the judiciary in the name of independence of judiciary and exercising administrative control.

### **Appointment of judges**

Since the introduction of Article 175-A that created a Judicial Commission and a Parliamentary Committee for scrutiny of judicial appointments, the judiciary has exercised its authority to interpret the Constitution in a manner that has left the Parliamentary Committee redundant. Notwithstanding the text and spirit of Article 175-A of the Constitution, judicial appointments still work more or less the way they did prior to the introduction of the new process:

judicial leadership agrees on judges-to-be through informal consultations shrouded in secrecy and the constitutional mechanism is then used as a rubber stamp.

Recent landmark cases (e.g. Ashraf Tiwana, Mohammad Yasin) decided by the Supreme Court have held that appointment to a public office must be through an open, fair, transparent and participatory process. In UK, Supreme Court appointments are made under the Constitutional Reform Act, 2005. While the legislation prescribes no process, the selection commission voluntarily advertises vacancies even at the apex court level for transparency. But in Pakistan, no criteria or credentials have been prescribed to guide appointment of high court judges. This keeps such appointments mired in controversy. For example the Khyber-Pakhtunkhwa Bar Council formally boycotted the oath-taking ceremony of newly appointed Peshawar High Court judges in November 2014. The exercise of administrative authority by judges unfortunately fails to meet the standard set by themselves for executive appointments.

### **Arbitrary exercise of powers**

The superior courts are being run largely without non-discretionary court and case management systems, though a process of reform has started and lists are prioritised. Every day the superior courts bend the executive's ear for the arbitrary exercise of authority. Yet there is nothing more arbitrary than the manner in which benches are constituted and cases fixed, in the Supreme Court as well as the high courts. While the exercise of arbitrary unstructured discretion is the foremost ground for judicial review of executive actions, this practice remains alive and well as part of the administrative authority and personal prerogative of the chief justices.

On Dec 18, 2009, the Supreme Court decided the Habib-Makro case, cancelled the lease granted to the Army Welfare Trust over a playground in Karachi and ordered that the Makro store built thereon be demolished. On March 17, 2010, while the author judge was posted outside Islamabad, Chief Justice Iftikhar Chaudhry fixed the review petition against the order before his bench and granted a stay. The review was dismissed on May 21, 2013 by the bench headed by the author judge, but the Supreme Court order wasn't complied with. In December 2013, the petitioner filed a contempt application to seek the order's enforcement, which is yet to be decided.

On the jurisprudential plane, there is no objective test for the exercise of Article 184(3) powers. The Iftikhar Chaudhry court exercised these *suo motu* powers in a manner that attracted much criticism. For example, Imran Khan continues to ask what justifies *suo motu* cognizance of recovery of two bottles of wine from a passenger's luggage but not over allegations of massive electoral fraud in a national election. Rule of law rests on legal certainty. There was hope that the apex court might constitute a larger bench post-Chaudhry to

clearly lay out the legal basis for exercise of Articles 184(3) powers, and also provide for appeal under Article 184 (3), as demanded by the Bar, so they get delinked from the whims and wishes of an incumbent chief judge. With a second chief justice in office since Iftikhar Chaudhry's retirement, this unfortunately hasn't happened, though the number of *suo motu* cases has declined and signs of internal restraint are visible.

But the post-Chaudhry Supreme Court is trying to undo some of the damage done to our constitutional jurisprudence in the past few years since the restoration of judges. In *Dosani Travels (Pvt.) Ltd. vs. M/S Travels Shop (Pvt.) Ltd.* [PLD 2014 SC 1], a bench headed by Chief Justice Tassaduq Hussain Jilani held that the courts ought to exercise restraint in scrutinizing policies and ordinarily defer to decisions of administrative bodies entrusted with policymaking functions of the executive. Earlier, the Chaudhry court while ruling in *Khawaja Muhammad Asif vs. Federation* [Constitutional Petition No 30 of 2013] essentially took the authority to make higher executive appointments out of the executive's domain and ordered that it be vested in a high powered autonomous commission.

The PML-N government refrained from seeking a review of the decision while Chief Justice Chaudhry was still in office. But after his retirement it sought to reclaim control over executive appointments and essentially sought a review of the *Khawaja Asif* case by raising the issue by filing a miscellaneous application in an unrelated petition entitled *Ghulam Rasool vs. Government of Pakistan* that was being heard by Chief Justice Nasir ul Mulk. In stating that it was clarifying the *Khawaja Asif* ruling, the Supreme Court practically reviewed and overturned it and held that, "it is the exclusive preserve of the federal government to appoint officers of statutory bodies, autonomous bodies, semi-autonomous bodies, regulatory bodies etc..."

Having rightly foregone the populist exercise of *suo motu* powers post-Iftikhar Chaudhry but without developing or pursuing an agenda for structural reforms within the justice sector, the apex court has failed to replace Iftikhar Chaudhry's catharsis-as-justice model with actual justice delivery through due process. Consequently, the judiciary is becoming largely irrelevant to the evolving socio-political milieu in Pakistan even for those who, after the restoration of independent-minded judges in March 2009, came to see the judiciary as an agent of change in Pakistan with its focus on entrenching rule of law to promote democracy and constitutionalism in the country.

### **Legitimacy of the constitutional structure strained**

With (i) the treason trial of General Musharraf, (ii) the clash between Jang/Geo Group and the military establishment in the aftermath of the assassination attempt on Hamid Mir, and (iii) the likely creation of military courts to adjudicate terrorism cases, with no recourse or appeal to civilian

courts, our civil-military strife and imbalance has reemerged as a major fault-line in the polity. This is coupled with PTI spearheading a movement against electoral rigging and failure of the court system to deliver justice, with calls to force reform of a non-performing constitutional system from outside the system and without concrete suggestions. Together the two developments have strained the credibility and legitimacy of the constitutional structure and the role of the judiciary as the ultimate arbiter in disputes between state institutions or between the state and members of the society.

Historically, the judiciary and the bureaucracy provided required institutional support to ruling dictators. But General Musharraf's second coup of November 3, 2007, was primarily against the judiciary. Even though the deposed judges were restored in March 2009 and the Supreme Court initially exercised careful restraint, evident in its handling of the missing persons' case and delay in taking up the *Asghar Khan* case [*Air Marshal Muhammad Asghar Khan vs. General Mirza Aslam Beg*, Human Rights Case No. 19 of 1996], the eventual strictures against the military in these cases, together with insistence on trying General Musharraf, did not help reduce the schism between the judiciary and the military. Despite the change of leadership at the GHQ and the Supreme Court, it is safe to say that the military sees the judiciary as standing on the wrong side of the civil-military divide.

Legally speaking, General Musharraf's treason case isn't a 'hard case'. He subverted the Constitution in 1999, but had his actions justified by the judiciary [*Zafar Ali Shah* case] and later protected by the parliament through the 17<sup>th</sup> Constitutional Amendment. When he subverted the Constitution the second time on November 3, 2007, he failed to get away with it. The Supreme Court headed by Iftikhar Chaudhry declared his actions unconstitutional [*Sindh High Court Bar Association* case] and the parliament also refused to grant immunity to his actions under the 18<sup>th</sup> Constitutional Amendment. Initiation of the treason trial by the PML-N government under section 2 of the High Treason (Punishment) Act, 1973, irked the military. It saw the trial as revenge and not justice i.e. a move by Nawaz Sharif to settle his score with General Musharraf for the coup of 1999.

As the second coup was against the judiciary, questions were raised by General Musharraf's proponents about the impartiality of the judiciary and its ability to mete out justice to the general. Musharraf's legal team argued before the Special Court established pursuant to section 4 of the Criminal Law Amendment (Special Courts) Act, 1976, that a military court should try him instead. The Special Court rejected the plea. The object of Musharraf's legal team seemed two-fold: delay the initiation of the trial by raising legal objections and simultaneously try and expand its scope to include all alleged aiders and abettors of General Musharraf to drag it on indefinitely. The first strategy did not work beyond a certain point and the Special Court indicted General

Musharraf on March 30, 2014.

The second strategy has worked partially and in November 2014 the Special Court partially accepted Musharraf's plea of expanding the scope of the trial and ordered the federal government to resubmit the complaint after including the names of Shaukat Aziz who was prime minister on November 3, 2007, Zahid Hamid who was the law minister then and is now a prominent PML-N MP, and former chief justice Abdul Hameed Dogar. Notwithstanding the ultimate outcome of the Musharraf trial, it is already marred by controversy. If Musharraf is punished, many in Pakistan will see the trial as revenge by the judiciary and Nawaz Sharif. If the trial is delayed indefinitely, it will be seen as a deal between the military and a weak PML-N regime.

The Musharraf treason trial is a hard case for it is about things that divide Pakistan: need for democracy and rule of law, and the military's sense of entitlement. The Constitution unequivocally provides for civilian control of the military and the military has no legal basis to interfere in politics. But that for the most part Pakistan has either been ruled directly by the military or by the military pulling strings from behind the curtain is a matter of record. The question thus is not whether Pakistan's historical civil-military imbalance needs fixing but what is the best way to go about doing so.

Those opposed to Musharraf's trial as a means of fixing the civil-military imbalance argue that if putting the fear of Article 6 in the heart of every general was the surest way to block military coups, one elected prime minister (Zulfiqar Ali Bhutto) would not have been hanged by a dictator (General Zia-ul-Haq) and a second one (Nawaz Sharif) would not have been expelled from the country by another dictator (General Musharraf) since the insertion of the treason clause in 1973. If Article 6 was the deterrent that could preserve and protect democracy, Pakistan would not have seen the serving army chief General Raheel Sharif warn, as reported in newspapers, in unambiguous terms that the army "will resolutely preserve its own dignity and institutional pride" while reacting to the trial of a former army chief under the same Article 6.

It will take capable, confident and resolute civil and military leaders to fix Pakistan's institutional imbalance, grit to make necessary compromises and readjustment will be required of both sides. Transforming an army that perceives any challenge to its holy cow status as a grave affront and a threat to its vital institutional interests, into one that has no saviour complex and willingly treats the law and the Constitution as binding legal instruments will not come easily. This will require instilling change in behaviour and mindset. The shutdown of Geo after it projected ISI DG as the key suspect in the assassination attempt on journalist Hamid Mir suggested that such change in attitudes was not in the offing.

The attack on Hamid Mir, Geo's response to the attack, the ISI establishment's response to Geo coverage, and the acute polarization within

the media and the society caused as a consequence of this back and forth doesn't bode well for the rule of law. Pakistan appears to be losing its ability to distinguish between suspicion and conviction, between fair reporting and slander, and losing its patience for accountability and due process. Outdated notions of national security and national interest and an unflinching commitment to entrenching them oppressively seem alive and well. Those questioning the security state's version of national interest are still readily being branded traitors.

Freedom of speech is not freedom to slander or malign. The right to hold and express an opinion needs to be protected. But presenting opinion as fact is a disservice to journalism. Geo perhaps crossed a red line in reporting Amir Mir's accusation against the DG ISI not because it aired the accusation, but because the manner in which it did amounted to running a media trial, and not just indicting but condemning the DG ISI in the public eye.

But Geo was not prosecuted for defamation. It was just condemned as a traitor and taken off air initially for its audacity to voice a victim's suspicion against a ranking general. Its transmission was not restored despite court orders. When this was not enough, cases under the blasphemy law were registered against Geo Entertainment and Geo's owner for airing controversial content in a morning show. The channel was fined and taken off-air formally for a 15-day period and it apologized for any hurt caused to the religious sensibilities of its viewers. But the witch-hunt continued. Geo's transmission was not completely restored, about 25 cases against its owner were pursued in different cities across Pakistan, and an Anti-Terrorism court in Gilgit-Baltistan awarded 26-year prison term to Geo's owner for hurting religious sentiments of people. Press freedom in Pakistan thus remained under attack.

The weakening of the PML-N government due to its tensions with the military and for being under attack by PTI has ensured that all security matters fall within the exclusive domain of the military with little interference or input from the civilian government. Whether it is matters related to foreign policy vis-à-vis Afghanistan, India and the US, the manner and timing of military operations in FATA or military concerns regarding required changes in the legal architecture to enable the military to discharge its security duties, the military now appears to have a free hand.

### **Protection of Pakistan Act, 2014**

Since its promulgation on July 9<sup>th</sup>, 2014, the Protection of Pakistan Act, 2014 ("PPA") has attracted much criticism. The primary question being raised by its critics is whether as a law that claims to provide for "*protection against waging of war or insurrection against Pakistan, prevention of acts threatening the security of Pakistan and for speedy trial of offences*", does PPA strike the right balance between fundamental rights of individual citizens guaranteed by the Constitution while conferring on the state the requisite authority to fight

terror. The military has argued that the criminal justice paradigm might not be adequate to fight the transnational threat posed by non-state terror groups and must be replaced or supplemented by war paradigm affording limited rights to terrorists.

The state in Pakistan has traditionally exhibited a preference for quick-fix solutions and reliance on special structures and laws to deal with terrorism, which include, inter alia, the following: Suppression of Terrorist Activities (Special Courts) Act, 1975; Special Courts for Speedy Trial Ordinance, 1987; Terrorist-Affected Areas (Special Courts) Ordinance, 1990; Terrorist-Affected Areas (Special Courts) Act, 1992; Anti-Terrorist Act, 1997; Pakistan Armed Forces (Acting in Aid of Civil Power) Ordinance, 1998; The Investigation for Fair Trial Act, 2013; and Protection of Pakistan Act, 2014. A shared effort in most of these laws appears to be to make them ‘judge-proof’ i.e. create catchall categories that make it easier for the state to convict the accused.

Over the years Pakistan has also seen threats emanating from within Pakistan as the predominant challenge to the country’s national security. The growing internal threat has not seen a proportionate focus on enhancing the capacity of civilian law enforcing agencies. Consequently there has been greater reliance on the use of the military and military-led intelligence agencies as the front internal security and interrogation agencies. However, as the existing laws of Pakistan have not conceived such role for the military, the need has been felt to review and revise these laws to create appropriate legal framework legitimizing the de facto policing and investigation roles being played by the military.

The promulgation of the Anti-Terrorism Act, 1997 provided for “*the prevention of terrorism, sectarian violence and for speedy trial of heinous offences*” and constituted Anti-Terrorism Courts that would ensure speedy trial of offences stipulated under the Anti-Terrorism Act, 1997. In *Mehram Ali vs. Federation* case the Supreme Court struck down many of its provisions for being in conflict with the fundamental rights guaranteed by the Constitution and thus ultra vires. The Pakistan Armed Forces (Acting in Aid of Civil Power) Ordinance, 1998, was also challenged for being ultra vires of the Constitution and struck down in *Sheikh Liaquat Hussain vs. Federation* case.

Section 54(1) of the Pakistan Telecommunication (Re-Organization) Act, 1996, stipulates that, “*in the interest of national security or in the apprehension of any offence, the Federal Government may authorize any person or persons to intercept calls and messages or to trace calls through any telecommunication system.*” While telephone intercepts by intelligence agencies without due process of law have continued for decades, the Fair Trial Act, 2013 established for the first time the admissibility of such intercepted material in judicial proceedings and all other legal proceedings and referred to “*modern investigative techniques such as covert surveillance and human intelligence, property interference,*

*wiretapping and communication interception*” as an “*indispensable aid to the law enforcement and administration of justice.*”

The key objections to the Protection of Pakistan Act are as follows: labeling citizens as enemy combatants and treating them as aliens; the right to shoot on suspicion [Section 3(2)(a) of the Act provides an officer of the police not below BS-15 or member of the armed forces or civil armed forces with the right to shoot any person “*who is committing or in all probability is likely to commit a scheduled offence*” and makes it lawful for any such officer “*after forming reasonable apprehension that death or grievous hurt may be caused by such act*” to fire or order the firing upon any such person] ; the right to search/arrest without warrant [Section 3(2)(c) of the Act stipulates that “*in particular and without prejudice to the generality of sub-section (1), an officer of the police not below BS-15 or member of the armed forces or civil armed forces in the above situation may enter and search, without warrant any premises to make any arrest or to take possession of any fire-arm, explosive, weapon, vehicle, instrument or article used, or likely to be used and capable of being used, in the commission of any scheduled offence.*”]; the right to detain and intern without disclosure and oversight [Section 6 of the Act authorizes the detention of a person if the Government has “*reasonable grounds to believe that such person is acting in a manner prejudicial to the integrity, security, defense of Pakistan or any part thereof or external affairs of Pakistan or public order or maintenance of supplies and services.*”]; and the reversal of the burden of proof [Section 15 of PPA presumes that an “*enemy alien*” or militant charged with a scheduled offence under the Act or a person arrested in preparation or while attempting to commit such an offence was engaged in waging war or insurrection against Pakistan unless he establishes his non-involvement in the offence. Furthermore, any person apprehended in the course of “*preparation*” of an offence and from whom any weapon, which is capable of being used to facilitate such offence, is recovered shall be presumed to be guilty of preparation of such offence. Section 15 therefore reverses the burden of proof and requires the accused to establish his innocence]; enhancing the legal intercepts regime [Item (1)(xiv) of the Schedule to the PPA now clarifies that “*cyber crimes, internet offences and other offences related to information technology which facilitate any offence under this Act*” would constitute offences under the PPA]. By promulgating the Investigation for Fair Trial Act, 2013, the Protection of Pakistan Act, 2014 and by introducing amendments to the Anti-Terrorism Act, 1997, an attempt was made to legalize the manner in which law enforcement, intelligence gathering and investigations were being undertaken in Pakistan, especially in relation to terrorist activities, with an active role for the military and military-led intelligence agencies.

There had been some debate about whether to use the war or the criminal justice paradigm while dealing with terrorists. Neither paradigm sits neatly as

on one hand the enemy largely comprises citizens, and on the other it is an armed militia adept at guerilla warfare effectively fighting the state with foreign and local patronage. Pre-Peshawar, Pakistan wasn't willing to grant the military impunity in fighting terror and thus the military sought tools within the criminal justice paradigm. But that didn't appear to be enough in the aftermath of the Peshawar school attack. The attack created an environment wherein public sentiment could be guided to embrace the war paradigm and reject the criminal justice approach to terrorism cases.

The amended Anti-Terrorism Act, the Protection of Pakistan Act and Fair Trial Act, together, afforded the military control over internal security, intelligence and investigations. Action in Aid of Civil Power Regulations (for Fata and Pata) gave the military internment camps. The real missing link was the courts. In view of the attention given to the missing persons' cases, the military saw the courts as an obstacle to producing desirable outcomes in terrorism cases. The attack on the army school in Peshawar provoked yearning for revenge and the Constitution, fundamental rights and due process suddenly came to be seen as luxuries that Pakistan could ill-afford in extraordinary times.

### **Military courts**

Military courts are undeniably desirable for the military, not because it thinks these courts form the pivot in Pakistan's fight against terror but because as the front-line national agency fighting terrorism, complete control of the criminal justice system would make the fight more convenient. The military is not trained to deal with courts, investigation and prosecution and it doesn't wish to start learning in the middle of its declared war on terror. The internal military logic seems to be that while fighting terrorists and capturing them during combat, it should not have to prove to another agency whether the fighters are guilty or not and why should due process benefit such combatants or afford them the possibility of going scot-free for lack of evidence.

The civilian government of Nawaz Sharif and other political parties represented in the Parliament appear willing to introduce military courts for a limited period as part of a National Action Plan against terrorism. In view of the extent of anger generated by the Peshawar school attack within the military and the public at large, the civilian political leaders need something spectacular to exhibit their resolve against terror as well as their ability to be wartime leaders. The proposed 21<sup>st</sup> Amendment establishing military courts for a limited-time period to try terror suspects could become such a marriage of expediency between our civilian and military leaders. [Cicero had stated that, "in times of war the law falls silent". The US Supreme Court employed the logic in *Fred Korematsu v. United States* (65 S. Ct. 193) upholding an executive order consigning Japanese Americans to internment camps during The Second World

War. Three judges had dissented. Justice Robert Jackson was most forceful, for he exposed the danger of molesting the constitution and rule of law in the name of necessity or expediency: “A military order, however unconstitutional, is not apt to last longer than the military emergency ... But once a judicial opinion rationalises such an order to show that it conforms to the constitution, or rather rationalises the constitution to show that the constitution sanctions such an order, the court for all time has validated the principle of racial discrimination in criminal procedure.... The principle then lies about like a loaded weapon, ready for the hand of any authority that can bring forward a plausible claim of an urgent need.”]

If the 21<sup>st</sup> Constitutional Amendment is promulgated [*On January 6, the country’s parliament adopted the 21st Constitutional Amendment Bill and the Pakistan Army (Amendment) Bill, 2015 unopposed after 247 members of National Assembly along with the Senate voted in favour of the laws aimed to set up constitutionally protected military courts to try civilian terrorism suspects*] creating military courts that are not subject to the oversight of the judiciary, such amendment will most likely be challenged before the Supreme Court on the basis that it besmirches the fundamental rights of the citizens and that the Parliament, even with a two-thirds majority, does not possess the legal competence to alter the basic structure of the Constitution. [*No sooner had the 21st constitutional amendment been signed into law that a citizen challenged it before the Supreme Court, along with the Pakistan Army (Amendment) Act, 2015*] The Supreme Court will be asked to follow the Indian Supreme Court verdict in *His Holiness Kesavananda Bharati Sripadagalvaru and Ors. v. State of Kerala and Anr.* and hold that while the parliament has wide powers it still cannot deconstruct basic features of our Constitution such as separation of powers and independence of the judiciary. The Supreme Court will thus be encouraged to strike down the amendment, reclaim its rightful role as an independent pillar of the state and redeem its honour.

Article 239 of the Constitution unequivocally states that (i) there is no limitation on the authority of parliament to amend the Constitution, and (ii) the court must not entertain legal challenges against constitutional amendments. Adopting India’s basic structure doctrine would require the Supreme Court to disregard unambiguous provisions of Article 239 under the garb of constitutional interpretation, inject judicial assumptions into the Constitution that are not backed by its explicit words or provisions, and call such reliance flowing out of the will of the judges to be the will of the Constitution.

If it chooses to adopt and apply the basic structure doctrine, which over the last 40 years it has rejected multiple times, the Supreme Court would be affirming at least three propositions. One, the legislative assembly that promulgated the Constitution of 1973 was omnipotent, and some of the provisions that it has inscribed into the Constitution are akin to divine

pronouncements that can never be altered by parliament. Two, the Constitution of 1973 is an inflexible document that cannot be changed in certain respects, even if that is what the people of Pakistan wish to do through their chosen representatives. And, three, while the judiciary derives its authority to interpret the words of the Constitution from the Constitution itself, it also has an inherent power to disregard unattractive provisions of the Constitution or determine at will that some of its provisions will trump others.

### **Restoration of death penalty and executions**

After a seven-year moratorium, the government reintroduced the death penalty on terrorism-related cases in December, following the December 16 Peshawar school attack. By the yearend, seven men had been hanged, most of them convicted for attempting to kill former military ruler General Musharraf and attacking the military installations. [In March 2015, the government decided to implement death penalty in all cases eligible for capital punishment, and began executions in cases where appeals and clemency pleas were no longer an option.]

UN Secretary-General Ban Ki-moon and the European Union urged Pakistan to restore its moratorium on the death penalty, which also applies to crimes such as adultery, apostasy and blasphemy. While some sections in Pakistan remained in favour of the capital punishment, contending that it acted as a deterrent, rights groups – like the HRC – said the retreat to the gallows was no way to resolve Pakistan’s pressing security and law-and-order problems. They said the death penalty was an ineffective form of punishment and the country’s justice system was marred by unfair trials, poor counsel and police torture. More than 8,000 citizens languish on death row in the country, one of the highest in the world. During the year under review, 231 persons – 225 male and six female – were sentenced to death by different courts, according to the HRC research.

### **Ascent of coercionists**

The lack of normative acceptance of rule of law as an inalienable value within state institutions is accompanied by growing retrogressive tendencies within the society. As reported in the media, the chairman of the Council of Islamic Ideology (CII), Muhammad Khan Sheerani, has stated that prohibition of child marriage under the Muslim Family Law Ordinance is un-Islamic. He has also argued that the requirement to seek permission of the first wife before taking on a second (or third or fourth) is also un-Islamic. He has also opined that evidence generated by forensic DNA testing can’t be treated as primary evidence in rape cases. Given this proclivity for regression in all forms, it would be unjust to conclude that the CII chairman is merely a proponent of gender inequality.

The thinking of the CII chairman epitomizes the crisis of religious thought

in Pakistan. The divide here is not just between those who advocate absolute conservation of tradition and those who advocate progressive change, or between those who have a minimalistic approach to religion and those who wish the state to enforce a maximalist version, or between proponents of rigid construction of religious text as opposed to contextual construction. The real problem is the ascent of coercionists who claim a monopoly over the understanding of religious texts, and wish to leave no political and social space for reasonable people to debate and disagree over matters of faith.

Since 1990, at least 60 people have been killed outside the Pakistani justice system in cases relating to blasphemy, according to the Islamabad-based Centre for Research and Security Studies (CRSS). The list includes lawyers, alleged blasphemers and even politicians calling for amendments to the law. While the core of Pakistan's laws on offences relating to religion date back to 1860, during British rule, military ruler Zia-ul-Haq made a raft of changes in the late 1970s and 1980s. As a result, while there were only seven blasphemy cases lodged from 1851-1947, there were 327 such cases from 1977-2012, according to the CRSS.

With the ascent of coercionists any talk of reforming the blasphemy laws to prevent their abuse is now seen as blasphemy itself. The victims include former Punjab governor Salman Taseer and former federal minister Shahbaz Bhatti. When religious scholar Javed Ghamidi spoke up in the wake of Salmaan Taseer's murder (by his guard for speaking up in favour of Asia Bibi, a Christian woman accused of blasphemy) he attracted a bomb attack and had to flee Pakistan along with his family. In 1998, the bishop of Faisalabad, Dr John Joseph, shot himself outside a courthouse, to protest the persecution of the Christians in the name of enforcing blasphemy laws.

Pervez Ali Shah, the judge, who sentenced Mumtaz Qadri to death for killing Governor Salmaan Taseer, has been 'exiled' to Saudi Arabia to save his life. In 1996, Justice Arif Bhatti of the Lahore High Court was shot in his chambers after the release of an 11-year old charged with blasphemy. Meanwhile, after hearing the appeal of Asia Bibi, whose case had attracted considerable attention due to the related assassination of Governor Salman Taseer and had been awarded the death sentence for blasphemy by a trial court four years back, Lahore High Court confirmed her death sentence.

Celebrated human rights activist and lawyer Rashid Rehman was told in court he would be killed for accepting the brief of a blasphemy accused. And then he was shot dead in his office in Multan.

In July, three female members of the Ahmadi community, including two minors, were killed and eight others were severely injured when an angry mob attacked and burnt five houses, a storage building and several vehicles over alleged blasphemy. Those killed in the attack were a 55-year-old woman Bashiran, a minor girl Kainat and 7-year-old girl Hira. Police said the trouble

started with an allegedly blasphemous post on Facebook by an Ahmadi youth.

The Lahore High Court Multan Bench restored the case on religious ground against Ms Sherry Rehman in November 2014. The case was quashed by the judicial magistrate.

### Offences relating to religion

According to HRCP research 37 cases were registered during the year under Chapter XV of the Pakistan Penal Code (PPC) which lists offences relating to religion. Seven of the cases were registered under Section 295-C. The punishment upon conviction under this provision was death. The offences under Chapter XV PPC are:

No.	Section	Offence	Maximum punishment
1	295	Defiling places of worship	2-yr prison or fine, or both
2	295-A	Malicious acts that outrage religious feelings	2-yr prison or fine, or both
3	295-B	Defiling a copy of the Holy Quran	Only one penalty, life term
4	295-C	Derogatory remarks about the Holy Prophet (PBUH)	Mandatory death penalty
5	296	Disturbing religious assembly	one-yr prison or fine, or both
6	297	Trespassing on burial place	one-yr prison or fine, or both
7	298	Uttering words or gestures that wound religious feelings	one-yr prison or fine, or both
8	298-A	Derogatory remarks about holy figures	3-yr prison or fine, or both
9	298-B	Misuse of titles reserved for holy personages or places	3-yr prison and fine
10	298-C	Propagation of faith by Ahmadis	3-yr prison and fine

As many as 24 cases were registered against Muslims, six out of these under Section 295-C of the PPC. The data does not include registration of more than 600 cases – with multiple cases against one or more persons at multiple places – which complainants believed to be acting on behalf of certain media channels against the staff of the rival channels.

#### *Cases on religious grounds against Muslims in 2014*

Sr.	Name/s	Province	Distt/City/	FIR No/ Dated__	U/S. PPC	Police Station	Date of Occur- rence	Alleged Allegation	Arrest /Jail
1	Ashraf	Punjab	Sialkot		295/B	Hajjipura	Jan 1, 2014	Burn the Holy Quran	Arrested
2	Azam Khan	Sindh	Karachi			Baldia town	April 2014	Loaded blasphemous sketch on face book	Arrested
3	Unknown	Punjab	Kasur		295/B	Mustafabad		Insulted the Quran	
4	Ali	Punjab	Faisalabad	May 2014	295/B	Ghulam Mohammad abad	May 2014	Insulted the Quran	Arrested
5	Ghulam Akbar	Punjab	Vehari		295/C		6-5-2014	Claimed to be a Prophet	Arrested

Sr.	Name/s	Province	Distt/City/	FIR No/ Dated___	U/S. PPC	Police Station	Date of Occur- rence	Alleged Allegation	Arrest /Jail
6	Case against lawyers 8 nominated, 60 unknown	Punjab	Jhang	492/14 13-15- 2014	298/A	Kotwali	13-5-2014	Shouted slogan against Hazarat Umer (R.A) but all it was name confusion.	
7	Shahid Ali	Punjab	Arifwala		295/B	City		Desecrated the Holy Quran	Arrested
8	Husband+Wife 2 others	Sindh	Mirpur khas			Railway station		Hurt the religious feelings	
9	M. Shabaz	Punjab	Nankana		298/A			Uttered rough language against the companions of the Prophet (PBUH)	Arrested
10	Murad Ur Rehman	Sindh	Karachi		295/C			Sent blasphemous E-mail	
11	. Azhar Abbas . Shafqat Raza	Punjab	Malsi	May, 2014	298/C	City	28-05- 2014	loaded disrespectful material on face book against the companions of Prophet (PBUH)	
12	Yasir Mehmood	Punjab	Lalamusa	June, 2014	295/B		June,2014	Insulted the Holy Quran	Arrested
13	Mahar Ali Shah	Sindh	Nausharo Feroz	4/14	295/B	Tagar	June,2014	Burn the Holy Quran	Arrested Jailed
14	Siddique Baloch	Punjab	Chishtian	July, 2014	295/B	City	June, 2014	Insulted the Holy Quran	
15	M Bilal	Punjab	Lahore	April, 2014	295/B	Naseer abad	April, 2014	Desecrated the Holy Quran	Arrested, Bail denied on 23-8-2014
16	Tanveer Ahmed	Punjab	Tobatake Singh	October, 2014	295/B	City	October, 2014	Burn few pages of Holy Quran	Arrested
17	Alam	Punjab	Jhang		295/A	Kotwali		Insulted a companion of the Prophet (PBUH)	
18	Tahir	Punjab	Jaranwala	November, 2014	295/C	City	November, 2014	Uttered blasphemous words against the Prophet (PBUH)	
19	Manzoor	Punjab	Manchan- abad			Meclode Gung	November, 2014	Desecrated the Holy Quran	Arrested
20	Ghulam Yasin	Punjab	Jalalpur peerwala	November, 2014	298/A	City	November, 2014	Claimed to be a Caliph of the Prophet (PBUH)	Arrested, Died in Nashtar hospital where he was shifted from jail for treatment
21		Punjab	Chakwal	November, 2014			November, 2014		
22	Prof Hafiz Tahir Naeemi	Punjab	Attock	November, 2014	295/C		November, 2014	Uttered blasphemous words during the lecture in the class	
23	Junaid Jamshed	Sindh	Karachi	234/14	295/C 298/A	Risala		Uttered blasphemous remarks.	
24	Nazir	Punjab	Lahore Sundar	722/14 December, 2014	295/C	Sundar	December,	Sent blasphemous SMS	

## Minorities

In November, two Pakistani Christians, Shahzad (26) and Shama (24), were burnt like pieces of coal in Kot Radha Kishan in the brick kiln they worked at by fellow villagers after accusations of blasphemy were levelled against them from the bully pulpit of the local mosque. Chief Minister Shahbaz Sharif reportedly took 'strict' notice of the incident, just as he did after the Gojra riots in 2009 that claimed the lives of eight Pakistani Christians and the Joseph Colony attack in Lahore where 150 houses and two churches were torched (incidents also triggered by allegations of blasphemy). More than 3,000 people had rampaged through the colony in 2013, after the allegations of blasphemy against Sawan Masih, a Christian man, emerged.

Masih was sentenced to death for blasphemy in March 2014. He appealed against his conviction, saying the charges were trumped up to speed the eviction of Christians from the area. Police had initially said they would investigate whether or not businessmen in the area might have instigated the violence with the aim of seizing the land, or to exploit the blasphemy allegations for political gain. But they did not and most of the rioters were released on bail. In a reaction, rights group Amnesty International (AI) condemned the sending to death of Masih. "This is a travesty of justice. There are serious concerns about the fairness of his trial, and an argument between two friends is not a basis for sending anyone to the gallows. Sawan Masih must be released immediately and unconditionally," said David Griffiths, AI's deputy Asia Pacific director. Although dozens of the suspected perpetrators [of rioting] have been charged, nobody has yet been convicted, according to AI and other rights investigators. "A riot should never have been allowed to effectively destroy one of Lahore's oldest Christian neighbourhoods," Griffiths said. "Sawan Masih's harsh treatment under the law is in stark contrast to how others suspected of deliberately burning down people's homes have not yet been brought to trial. It sheds light on discrimination against Christians and other religious minorities through blasphemy laws and Pakistan's justice system in general," he added. In January, an elderly Briton was sentenced to death in Pakistan for blasphemy, though his lawyers said the court had failed to consider "overwhelming" evidence of his mental illness. Mohammad Asghar was detained in 2010 after a disgruntled tenant living in his property went to police with unsent letters allegedly written by Asghar in which he claimed to be a prophet.

Dr Mehdi Qamar, a US-based cardiologist visiting Pakistan for a week, was shot 10 times and killed in Rabwah in May 2014. Dr Qamar was Ahmadi. The Shias are another vulnerable religious minority. Dr Faisal Manzoor, was shot dead outside his clinic in Hasanabdal in May 2014. He was Shia. The stories of attacks on Shias, especially Hazaras in Quetta, are innumerable. There has been no organized effort by the state to restrain and extinguish terror groups such as Lashkar-e-Jhangvi that promote sectarian hatred and routinely accept responsibility for sectarian killings. Unfortunately a majority in Pakistan seems to have accepted that one can be killed by hardliners because of one's faith.

As many as five cases were registered against Christians, one out of these

under under Section 295-C of the PPC.

***Cases on religious grounds against Christians in 2014***

As many as six cases were registered against Ahmadis, none out of these under Section 295-C of the PPC.

Sr.	Name/s	Province	Distt/City/	FIR No/ Dated__	U/S. PPC	Police Station	Date of Occurrence	Alleged Allegation	Arrest /Jail
1	Qaiser Ayub	Punjab	Chakwal	June, 2011	295/C		June, 2011	Used derogatory remarks about the Prophet (PBUH)	Arrested from Lahore in November 2014
2	Javed Masih Anand Lal	Punjab	Bhawalpur	487/14 August, 8, 2014	295/B	Baghadad- ul Jadid	29-8-14	Burns the Quran	Bail granted
3	Nazir Masih	Punjab	Bhawalpur	404/14 23-8-14	295/A	Civil Lines	23-8-14	Insulted Prophet Lot (A.S)	Bail granted
4	Bashir Masih	Punjab	Sargodha	442/14 October, 2014	295/B			Desecrated the Quran	
5	Pastor Arif and ten others	Capital	Islamabad	596/14 December, 12.2014	295/B		22-12-14	Burn the Quran	

***Cases on religious grounds against Ahmedis***

Two cases were registered against Hindus, none out of these under Section 295-C of the PPC.

Sr.	Name/s	Province	Distt/City/	FIR No/ Dated__	U/S. PPC	Police Station	Date of Occurrence	Alleged Allegation	Arrest /Jail
1	M. Idrees Abbas M. Khan Mushtaq Ahmed	Sindh	Badin Tando Bago	96/14 July 24, 2014	298-B 298-C			Call worship place as a Mosque	Granted bail
2	Tahir Ahmed Khalid	Sindh	Tando Allah yar	68/2014 March 31 2014	295/B	Tando Allah yar	Defiling the Holy Quran	March 2014	
3	M. Yar Wahab ul Hassan	Punjab	Okara	224/14 March 31, 2014	298/C	Haveli Lakha		Preaching	
4	Khalil Ahmed Gulam Ahmed .Ehasan Ahmed Mubashar Ahmed	Punjab	Sharaqpur	May 12, 2014	295/A	Sharaq- pura		Protested against a poster	Arrested
5	Mubashar Ahmed Khalid Ahmed Javed Ahmed	Punjab	Gujranwala	547/14 June 2, 2014	298/C	Baghban- pura	May 27, 2014	Preaching	Arrested
6	Aqib	Punjab	Gujranwala	553/14 July 28, 2014	295/A	People's Colony	July 28, 2014	Forward SMS of an objectionable sketch.	

### ***Cases on religious grounds against Hindus in 2014***

Sr.	Name/s	Distt/City/	Section of PPC	Alleged Allegation	Remark /Jail
1	Weergi Kohli Naseeb Kohli	Badin	295/A	Hurt religions feelings	Arrested
2	Name not confirmed	Jacobabad (Thal)	295/B	Desecrated the Holy pages	Not known

During the year under review, courts handed out death sentence to three persons for blasphemy, life term to six persons and a two-year jail to three persons. One accused was acquitted.

In November, a British national of Pakistani origin who spent five years in a Karachi prison over blasphemy charges was granted bail by the apex court.

“We have felt inclined to admit the petitioner (accused) to bail at such a stage of the case not only because the petitioner requires a specialist attention to his medical condition but also because the delay in conclusion of his trial has been found by us to be unconscionable. This petition is, therefore, converted into an appeal and the same is allowed”, the Supreme Court said in its four-page judgment as quoted in the media.

On May 22, the Sindh High Court had refused to grant bail to Rehman in the blasphemy case, which was registered at Gizri police station in Karachi on July 18, 2009. According to Additional Prosecutor General Sindh Saleem Akhtar, journalist Ansar Abbasi had registered case against the accused after receiving an allegedly blasphemous email. The charge was framed against the accused on June 3, 2010, but no significant progress was seen in the trial. The top court in its order lamented that the petitioner had already spent more than five years in jail without his guilt being established.

### **Sentences/acquittal**

Sr.	Name/s	Province	Distt/City/	FIR No/ Dated__	U/S. PPC	Police Station	Date of Occurrence	Alleged Allegation	Arrest /Jail
1	M. Asghar	Punjab	Rawalpindi	Sep, 2010	295/C	Sadiqbad	22-9-2010	Claim to be a Prophet	Death penalty on 23-2-14
2	Husnain Raza Shah	Punjab	Pakpattan		295/B	Ahmed Yar	2013	Burn the Holy Quran	Life imprisonment On 8-2-2014
3	Sawan	Punjab	Lahore	112/13 8-3-2013	295/C	Badami Bagh	March 8, 2014	Uttered blasphemous remarks about the Prophet (PBUH)	Death sentences 27-3-2014
4	Shafique	Punjab	Lahore		295/B	Shadbagh	2012	Insulted the pages of Quran	Life imprisonment on 27-3-2014
5	Jalal Chandio	Sindh	Shahdadpur		295/B			Insulted the Holy Quran	Life imprisonment 2-4-2014

Sr.	Name/s	Distt/City/	Section of PPC	Alleged Allegation	Remark /Jail
6	Ammar Shafqat	Lahore			Acquitted
7	Malik Muhammad Farooq	Karachi	295/C	Torn a banner bearing the name of the Holy Prophet (PBHU) and kalma	Life imprisonment 8-5-14
8	Abdul Samad	Lahore	295/B	Burnt the Holy Quran	Life imprisonment on May 2014
9	Ghulam Abbas	Sialkot	295/B	Burnt the pages of Quran	Life imprisonment on Sep 16, 2012
10	Zulfiqar	Lahore	295/C	Wrote blasphemous slogans on walls	Death penalty on 14-7-2014
11	Askari Shah	Bhakkar	295/A	Sms, hurt religious sentiments	Two years imprisonment
12	Shahbaz	Tando Adam		Sent derogatory sms about a companion of the Holy Prophet (PBUH)	Three years imprisonment on December 2014
13	Muhammad Qasim	Sargodha	298/C	Preaching	2 years imprisonment

## Women

In May 2014, Farzana Parveen, the three-month pregnant 25-year-old, was hacked in full public view outside Lahore High Court by her father, brother and their accomplices in the name of family honour. She had married of her own will. Having transpired right outside Aiwan-i-Adl, Farzana's gruesome murder mocked the criminal justice system. The Lahore High Court had ruled back in the '90s that women who marry someone of their own choice bring their parents into disrepute and don't deserve the court's sympathy. In November, an Anti-Terrorism court awarded death sentences to four accused for the murder of Farzana, including her father and brother. According to some estimates more than 3000 women have died in so-called honour killings in Pakistan since 2008.

According to an estimate by the Human Rights Commission of Pakistan, a woman is raped every two hours, and gang raped every eight hours but the judicial system fails them. While a big number of sexual offence cases were filed in the lower judiciary, only a few were handed out conviction. Less than four percent of Pakistan's rape cases result in a conviction, according to anti-rape campaigner War Against Rape. Rights activists say that rape goes largely unpunished because of police manipulation of cases and judges' skepticism of survivors and so, ignoring drastic flaws in the investigation process, a lack of resources for forensics analysis, and confusion about rape laws.

Pakistan's legal system lacks women judges or male judges sensitised to

gender/rape issues on the bench and a programme to protect rape survivors as they appear to give their testimony. Some judges still find it easy to blame the woman. Proving rape is far from easy. The defence puts forth the argument that the act was consensual. Amidst systemic flaws and cultural attitudes that criminalise a female rape victim rather than enable her to become a survivor, the public nature of rape trials, say most experts, is very invasive and humiliating and a big reason why a survivor may recant her charges. Though recanting charges should not mean closing of a case of an un-compoundable offence, which rape is. The state is bound to take it to a logical conclusion.

In 2006, following a previous exclusion in military dictator Zia-ul-Haq's period, rape was moved back to the criminal code, to be prosecuted based on forensic evidence, and the practice of pursuing zina cases against women who could not prove rape was specifically prohibited. Rights activists heralded the law as groundbreaking at the time, but it has been enforced sporadically ever since. Also, there is a lack of resources for forensic analysis.

PML-N MNA Shaista Pervaiz Malik has tabled a bill in the National Assembly for amendments to laws on rape, which seeks stringent punishment for the offender, proper investigation into the case, and punishment for delinquent/corrupt police officials for flawed investigation and protection of rape victims. A similar bill was tabled in the Senate by Syeda Sughra Imam of the Pakistan People's Party (PPP) earlier in 2014, which seeks amendments to remove lacunae in the PPC, CrPC and Qanoon-i-Shahadat Act. Imam told the Senate Standing Committee on Law and Justice that there was zero conviction in rape cases in the country during the last five years due to the flaws in the anti-rape laws.

A large number of cases are either withdrawn or a compromise is reached. However, earlier in 2014, Justice Ikramullah Khan of the Peshawar High Court denied the bail request of a rapist even after the seven-year-old victim's family agreed to a compromise. "The accused does not deserve to be released on bail despite both parties reaching a compromise because people like him are only playing with other people's future," a news report quoted Justice Khan as saying.

## **Intolerance**

The causes of our growing intolerance are many. But most relevant to the justice system are two. One, if there is lack of faith in the ability of the formal legal process to deliver justice – those subjected to injustice resort to self-help. And thus revenge and violence fill the space to be occupied by justice. Two, if

there is no certainty of punishment and the justice system is no deterrent, those who believe in enforcing their views and beliefs through use of force are emboldened.

The manifestations of intolerance within our justice system include the following: judiciary's composition with little representation of minorities; failure to evolve meaningful jurisprudence on the right to liberty; tolerance for intolerance manifested in court proceedings; and self-righteousness or inability of judges to distinguish between the law and personal morality. While courts have expanded the scope of fundamental rights over the years (citizens' economic rights have evolved [*Muhammad Yasin* case], arbitrary decisions and appointments have been struck down under Article 25 (right to equality) and Article 9 (right to life) has been expansively interpreted), there has been no meaningful interpretation or enforcement of the right to liberty beyond its basic physical manifestation i.e. freedom from arbitrary arrest.

What is most problematic is the judiciary's manifest tolerance for intolerance. Legal equality is fiction in a sense that it is meant to exist despite social and economic inequalities prevalent within the society. But if the function of courts is limited to endorsing and legitimizing societal power relations instead of protecting the weak against them, they can come to be seen as chambers of expediency not justice. Whether it is appointment of judges or cases involving socio-religious questions, it is hard to distinguish law from personal morality. If unchecked this trend could oust legal certainty from the rule of law and replace it with the whims of individual judges.

### ***Recommendations***

1. *The Supreme Court should review the Judicial Commission regulations, prescribe objective criteria for appointment of judges and ensure that the process is fair and transparent. The principles laid down by the judiciary for exercise of discretionary authority by the executive must first be applied to the administrative authority of judges. There is need to structure the wide unbridled discretion vested in the office of the Chief Justice. A starting point can be the introduction of modern automated court and case management systems across all courts.*

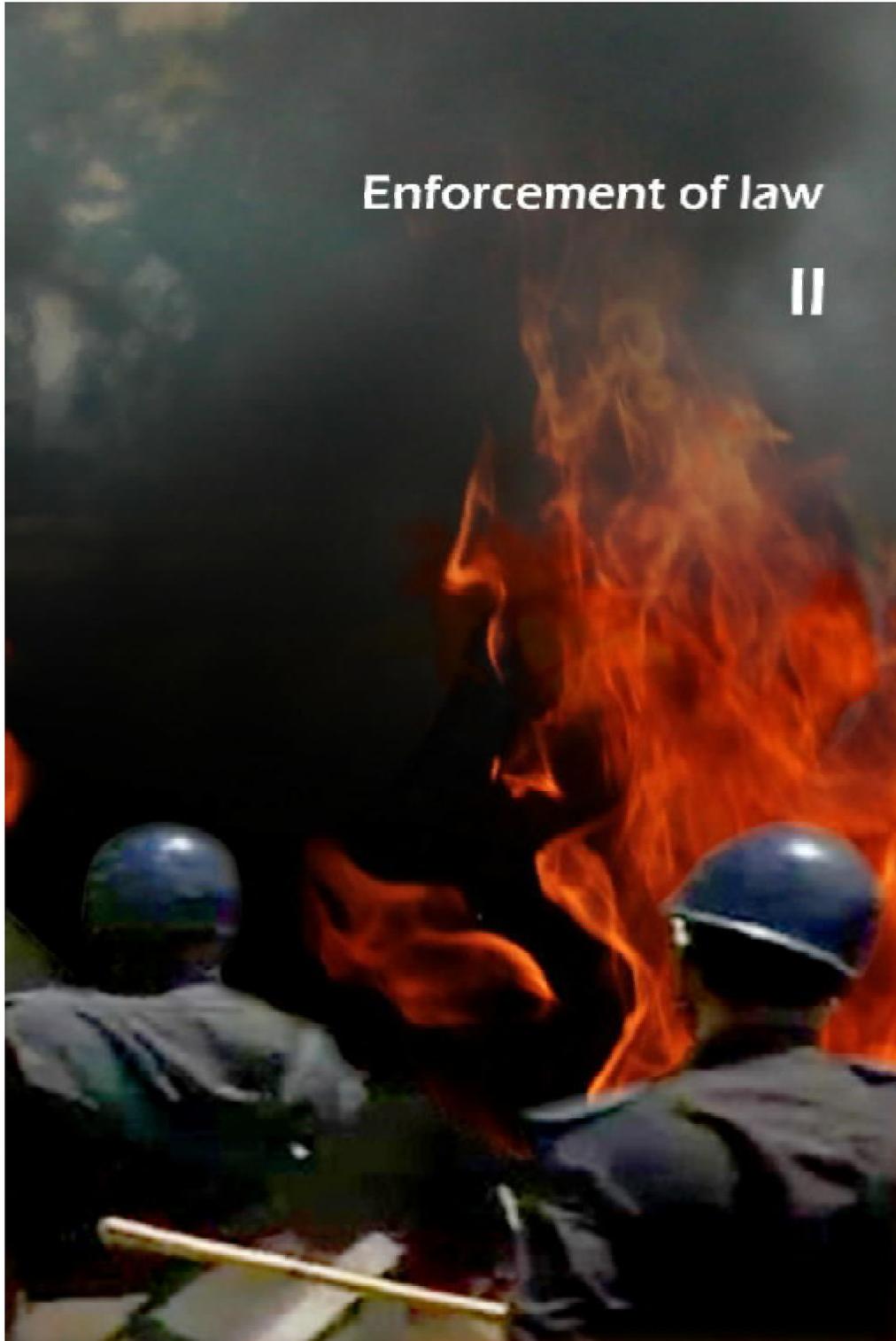
2. *A new National Judicial Policy that doesn't simply pay lip service to the problem of pendency but looks at its perennial causes and finds sustainable solutions should be formulated and implemented. Such exercise by the NJPMC must be accompanied by an exercise undertaken by the Law Commission to identify lacunae in procedural and substantive laws that cause delay in*

*adjudication of cases on the one hand and miscarriage of justice on the other.*

*3. It is time our judiciary indulged in introspection. The 21st Amendment is less a solution to Pakistan's problem of terror and more a vote of no confidence in the judiciary. The judges who have been discharging their duties fairly, diligently and with integrity would have a right to be angry with the government for projecting the judiciary as a major cause for proliferation of terror in the country. Such anger must, however, be directed toward initiating judicial reform.*

## Enforcement of law

II





# 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.*

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

### ***Universal Declaration of Human Rights***

The rule of law and the proper administration of justice play a critical role in the promotion and protection of human rights. The rule of law protects individuals against arbitrary exercise of state power, and also obligates the state to investigate, prosecute and punish perpetrators where violations of human rights and other crimes are committed.

Not only general crime and acts of terrorism but also police excesses continued unabated in Pakistan in 2014. The World Justice Project Rule of Law Index classified Pakistan amongst the countries having the poorest rule of law record as experienced in everyday life. Pakistan ranked fifth among six regional countries in the rule of law performance, ahead of Afghanistan only. Ineffective enforcement of laws, poor policing, impunity for criminals, frequent acts of terrorism and faith-based violence and a glut of weapons including small arms were the main factors that contributed to the poor law and order situation in Pakistan in 2014. The challenges were starker for some citizens, mainly on account of their faith, or ethnicity.

Not only was the police, the premier law enforcement agency, ill-equipped to face the challenge in terms of resources and training, it was also criticised for inefficiency, corruption and politicisation. There were some police stations in the country that lacked the resources to even maintain their premises or fuel their vehicles. Private security companies thrived, though many of them too lacked training and the wherewithal to counter crime. Ever more security cameras and fences were installed and walls topped by barbed wire were built.

Apart from common crime, militant groups, including those buying into violent sectarian ideologies, targeted professionals, including doctors, teachers and lawyers, belonging to the Shia sect. Polio vaccinators found themselves a target of deadly violence only because they were part of efforts to save Pakistan's children from a crippling future.

Rashid Rehman, a lawyer and a regional coordinator of the Human Rights Commission of Pakistan, was shot dead in his office for taking up the case of a university lecturer accused of blasphemy.

Allegations of extrajudicial killings and custodial torture remained commonplace. These along with the heavy-handed crowd control tactics further tarnished the image of the police. In the absence of community-based proactive policing, incidents of mob justice reared their head.

On December 24, the prime minister announced a 20-point

### **Killed for defending a blasphemy accused**

Rashid Rehman, a well-known lawyer and a regional coordinator for the Human Rights Commission of Pakistan (HRCP), was shot and killed by two men who entered his office in Multan at 8:30pm on May 7 and opened fire. Two other persons in the office were seriously injured by the gunmen, who then fled away.

Rashid had complained about receiving death threats after he took up the case of a university lecturer accused of blasphemy.

Rehman, 53, was defending Junaid Hafeez, a lecturer at Multan's Bahauddin Zakariya University who was accused of committing blasphemy on the social media in 2013. The only lawyer who had earlier agreed to represent Junaid had withdrawn the power of attorney after he was threatened.

No lawyer was willing to defend Junaid in court until Rehman stepped forward. At a hearing of the case in March 2014, held inside a prison for security reasons, Rashid was threatened by lawyers representing the complainant.

Rashid drew the attention of the judge in whose presence the threat was delivered but he chose to stay quiet. HRCP wrote to the Punjab chief minister and also issued a press statement noting that: "During the hearing the lawyers of the complainant had told Rashid that he wouldn't be present at the next hearing as he would not be alive."

Rashid had also complained to the police but they too took no action. He had also complained to the District Bar Association.

The day after the murder leaflets were distributed that justified Rashid's assassination because he had dared to represent Junaid and added: "We warn all lawyers to be afraid of God and think twice before engaging in such acts."



Justice dispensed as a favour is like cruelty -- Rashid Rehman

counterterrorism National Action Plan. While progress was slow on several of the points aimed at tackling terrorism and violent religious extremism, the government was quick to implement two points: lifting of the moratorium on the execution of convicted ‘terrorists’ – though most of the hangings by the yearend were of individuals who had targeted the military directly, and legal cover was given to the establishment of military courts for expeditious justice. Even amid a failure to adequately ensure the safety of judges, witnesses, investigators, prosecutors and lawyers, the government put the blame on the judiciary for either acquitting those tried for terrorist offences or for taking a long time to convict them. The move towards establishing the military courts evoked a range of concerns among the democratic forces, human rights activists and the judiciary, which was facing not only a very high volume of pending cases but was also expected to convict suspects even in the face of ineffective investigative and prosecution mechanisms.

Though certain measures and laws were introduced to counter terrorism, no real progress was made to reform and restructure the police or to introduce the required changes in the investigation and prosecution systems. The law and order continued to plummet as a result.

### **Crimes against people and property**

Unbridled crime against people and property across the country and poor investigation and prosecution during the year under review saw the government falling short on its most basic duty, of protecting the safety of citizens and enforcing rule of law.

According to the statistics reported to the federal interior ministry by the provinces, there was negligible improvement in the law and order situation in 2014 over the previous year, with the rate of crime reported to police dropping by 1.16 percent. As many as 627,116 cases of crime against people and property were reported to police in 2014, compared to 634,404 in 2013. A high proportion of crime are believed to go unreported, largely on account of police not facilitating registration of cases because a high crime rate would reflect poorly on their performance. There was also a perception among a substantial number of citizens that reporting the cases to police would not lead to substantial action.

With a slight decrease of 2.7 percent, 114,763 cases of crime against property were reported in 2014 compared to 117,912 in 2013 and 88,767 cases of crime against people were reported in 2014 as against 88,854 in 2013, a .09 percent decrease.

The official statistics show that 411 people were kidnapped for ransom in

2014 — 81 from the Punjab, 190 from Sindh, 96 from Khyber Pakhtunkhwa, 33 from Balochistan, 10 from Islamabad and one on the rail while travelling. Additionally, 18,700 people, mostly women, were kidnapped for a number of reasons.

Sindh police said it registered 1,261 cases of kidnapping of women for forced marriages in 2014.

Acid, found easily and cheaply across Pakistan, was used in many cases as a weapon to exact ‘revenge’ on women for decisions such as turning down marriage proposals. The Acid Survivors Foundation Pakistan, working to eradicate acid violence from the country, estimated that there were 114 acid attacks in Pakistan in 2014, involving 159 victims. (*See also the chapter ‘Women’*)

Some 326 gang-rape cases were also reported in the country, including 263 in Punjab, 35 in Sindh, 11 in KP, and 17 in Islamabad, according to the official crime figures in 2014. As many as 3,243 rape cases were reported — 2,734 in Punjab, 191 in Sindh, 133 in Khyber Pakhtunkhwa (KP), 19 in Balochistan, 162 in Islamabad, and four in Gilgit-Baltistan.

A total of 13,199 people were murdered in the country during the year 2014 — 5,953 in Punjab, 3,252 in Sindh, 3,184 in KP, 615 in Balochistan, 144 in Islamabad, four on railways land [location not known], and 74 in Gilgit-Baltistan.

As many as 114,211 cases of crime against property were reported: 87,933 in Punjab, 18,039 in Sindh, 3,237 in KP, 1,652 in Balochistan, 2,726 in Islamabad, 353 on railways land [location not known], and 211 in Gilgit-Baltistan.

A total of 33,115 vehicles were stolen or snatched during the year under review — 21,072 from Punjab, 8,685 from Sindh, 1,090 from KP, 913 from Balochistan, 1,300 from Islamabad, three from railways land [location not known], and 52 from Gilgit-Baltistan.

As many as 81,096 cases of highway robbery, looting of banks and fuel stations, shoplifting, burglaries and thefts were reported to the police. Of these, 66,861 took place in Punjab, 9,354 in Sindh, 2,207 in KP, 739 in Balochistan, 1,426 in Islamabad, 350 on the railway land [location not known], and 159 in Gilgit-Baltistan.

### **Extortion**

Extortion and violence and threats of violence associated with that crime not only remained commonplace in Karachi, but were also reported more



Traders protest against extortion.

frequently from other parts of the country. In Karachi alone, the police registered more than 1,330 extortion complaints during the year under review, compared to 891 complaints the previous year, according to official figures. Extortion cases were reported from almost all major cities, including Lahore and Faisalabad in Punjab and Peshawar in the Khyber Pakhtunkhwa province.

At least 17 people were injured in an explosion in a shop located in Pakistan Chowk area of Lahore, the capital of the Punjab province, in April. While the police said they were investigating the matter, the shop's owner said he had been receiving threats for not paying extortion money. He stated that unidentified armed men had also fired on his shop two months earlier.

According to Khyber Pakhtunkhwa Chamber of Commerce and Industry, around 150 businessmen and industrialists had left the province out of fear of extortionists, rendering thousands of their employees jobless.

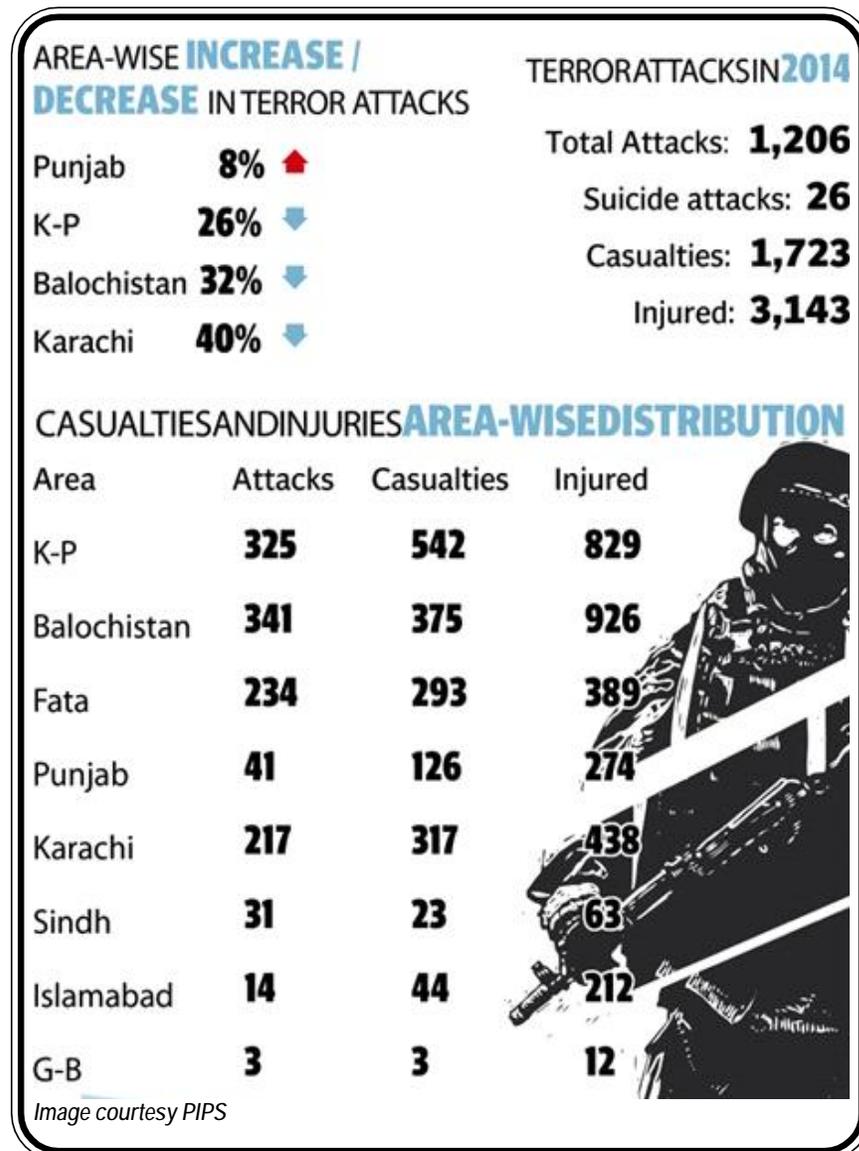
The reported extortion cases in Khyber Pakhtunkhwa registered a ten-fold increase, according to the official data. The central police office in Peshawar put the annual average of reported extortion cases in the province during the last three years (2011-2013) at 30 cases per year. The reported cases jumped to 285 in the first three quarters of 2014.

## Terrorism

In 2014 also, acts of terrorism took a high toll on the population in Pakistan. Thousands of civilians and security personnel became casualties of violent

actions all over the country by militant extremist groups, such as the outlawed Tehreek-e-Taliban Pakistan (TTP) and banned outfits with sectarian agendas, and in the Balochistan province by nationalist insurgents. The year began with violent sectarian killings in Balochistan, and ended with one of the worst terrorist attacks in the country's history, when 150 people, most of them children, were killed at the Army Public School in Peshawar.

Pakistan witnessed a 43 percent drop in the incidence of suicide attacks during 2014, compared to the previous year. Other terrorist attacks and fatalities





Several people were killed and injured in a powerful suicide blast in Pakistan at Wagah.

went down by 30% during the year under review.

According to Pakistan Security Report 2014 issued by Islamabad-based Pak Institute for Peace Studies (PIPS), around 1,723 people were killed and 3,143 were injured during 2014 in 1,206 terrorist attacks – including 26 suicide bombings – carried out by militants, nationalist insurgents and violent sectarian groups.

The number of people killed and injured in these attacks also decreased by 30% and 42%, respectively. In 436 (or 36%) of the total reported incidents, the targets were the security forces and law enforcement agencies.

Since 2001, 45 doctors have fallen victim to targeted killings. In 2014, 12 doctors were killed compared to seven in 2013. Since 2001, 51 lawyers have been killed in Pakistan. Thirteen lawyers were killed in 2014, according to a South Asia Terrorism Portal report.

According to the Portal report, 92 incidents of sectarian violence in 2014 killed 210 people, compared to 525 fatalities in 128 incidents in 2013. The country was convulsed by such incidents almost every month during the year with violent or non-violent protests and shutdowns following each. However, the first half of the year proved more deadly than the second.

The PIPS said that with the exception of Punjab, which witnessed 8% rise in terror attacks with 41 reported incidents, the rest of the country saw a 30% decline in the number of terrorist attacks in 2014. Khyber Pakhtunkhwa witnessed a 26% decrease over the previous year with 325 attacks, Balochistan a 32% drop with 341 assaults and Sindh 40% decline with 217 attacks, the bulk of which occurred in Karachi.

According to the PIPS report, 325 terror attacks were carried out in KP, in which 542 people were killed and 892 injured. In Balochistan, 375 people

were killed and 926 injured in 341 attacks. In the Federally Administered Tribal Areas (FATA), 293 people died and 389 were injured in 234 attacks.

Punjab faced 41 attacks, which claimed 126 lives and caused injuries to 274 people. In Karachi, 217 attacks killed 317 people and injured 438. In the rest of Sindh, terrorists carried out 31 attacks and killed and injured 23 and 63 people, respectively. In Islamabad, 14 terror attacks were reported which left 44 people dead and 212 wounded. In Gilgit-Baltistan, three terrorist attacks killed three persons.

Also killed in these attacks were 105 military personnel and 45 policemen.

In terms of the number of deaths, January 2014 was the deadliest month when 168 people lost their lives and 401 others sustained injuries in 42 bomb attacks. On January 21, a suicide bomber rammed his explosive-laden vehicle into a bus carrying pilgrims in the southwestern district of Mastung, killing 29 people and wounding over 30 others. Another deadly attack took place on June 8 when a suicide bomber hit a hotel in Taftan, Balochistan, where a group of Shia pilgrims returning from Iran were staying, killing 30 people and injuring many others. On November 2, a bomber exploded his jacket amid a crowd of over 200 people who were returning after attending a flag-lowering ceremony and a Rangers parade at the Wagah border crossing between Pakistan and India. The attack killed at least 62 people and left over 150 others injured.

The federal capital Islamabad also came under bomb attack on April 9,



Protesters outraged against sectarian attacks.

when at least 23 people were killed and many others were injured in an explosion in a vegetable and fruit market. Police said the explosives were planted in a fruit box.

### **Political violence**

According to Conflict/Violence Report 2014, published by Islamabad-based think-tank Centre for Research and Security Studies (CRSS), 186 politicians and political activists and 52 persons affiliated with religious organisations were killed in targeted attacks in 2014.

The main incidents of political violence during the year were reported from Lahore, Bhera, Islamabad and Faisalabad when police and anti-government protesters from the Pakistan Tehreek-e-Insaf and Pakistan Awami Tehreek clashed, leaving at least 30 persons dead and several wounded in separate incidents. A stone-throwing mob attacked the convoy of former cricketer and opposition politician Imran Khan as he led supporters through the eastern city of Gujranwala. Men brandishing ruling-party posters attacked his convoy, throwing shoes and stones.

At least 15 people including three parliamentarians were injured when gunmen opened fire on a camp of Muttahida Qaumi Movement (MQM) political party in Karachi.

In October, Maulana Fazlur Rehman, chief of religious-political party



Taliban claimed responsibility for the attack on MQM camp.

Jamiat-e-Ulema-e-Islam-Fazl (JUI-F), was attacked in Quetta, the capital city of Balochistan province. Fazl escaped the bombing unhurt, but three JUI-F workers were killed and another 30 were injured. Jundullah, a banned militant group allied with the banned Tehreek-e-Taliban Pakistan (TTP), claimed responsibility. The attack was the third attempt on Fazl's life.

### **Educational institutions**

Although the carnage in Army Public School in Peshawar in December shook the nation, several other attacks by militants opposed to education, especially for girls, targeted educational institutions earlier in the year.

In May, in Panjgur, Turbat and Gwadar districts of Balochistan, extremist militant groups threatened the private co-education schools to shut down. Parents were also warned not to send their daughters to school and threatened with consequences if they did not heed the warning. The teachers were told not to pursue their profession and a school van was burnt in Panjgur. After this attack, schools remained closed in the district for several months. The closure prompted nationalist groups in Balochistan to stage protest demonstrations to mount pressure on the government to re-open the schools.

Since 2013, HRCP has been monitoring more closely 48 districts which it considers critical because of human rights excesses and violations by organised actors there. In many of these districts spread across six regions repeated threats and attacks on schools were reported in 2014. Out of the 28 attacks, mainly bombings, targeting educational institutions reported from these districts in 2014, as many as 12 occurred in FATA and 10 in Khyber Pakhtunkhwa. Four attacks were reported from the selected districts in Balochistan and two

<b>2014: Attacks on educational institutions in monitored districts in six regions</b>						
Gilgit-Baltistan	Balochistan	Interior Sindh	South Punjab	Khyber Pakhtunkhwa	FATA	Total
2	4	0	0	10	12	28
<b>Schools targeted in the monitored districts in 2014</b>						
Boys' schools		Girls' schools		Co-education schools		
14		11		3		
<b>2014: Casualties in attacks on educational institutions in monitored districts</b>						
Females killed	Females injured	Males killed	Males injured	Total		
3	6	153	121	283		

from Gilgit-Baltistan. The targeted educational institutions included 14 boys' schools, 11 girls' schools and three co-education institutions.

Most of the bombings of school buildings took place at night. The majority of the perpetrators remained unidentified and only in a few cases did they claim responsibility for the attacks. Some of the schools had also received threats from militants prior to the attacks. The militants had mainly threatened the schools for offering co-education, continuing to teach girl students, teaching in English, and promoting 'western' syllabus.

### **Aid workers**

Since 2012, an estimated 75 people involved in Pakistan's vaccination efforts have been killed.

As many as 45 polio vaccinators and their facilitators were killed in 2014. While most attacks occurred in FATA, KP and in the port city of Karachi, vaccinators were also targeted in Balochistan and Punjab during the year under review. The deadliest attack of the year took place on March 1 when 11 members of a polio vaccination team died in a roadside bombing in Khyber Agency, in FATA.

In December, four members of a vaccination team—including a health worker, a driver, and two security personnel—were abducted by the Taliban in Balochistan. Their dead bodies were later found.

Women vaccinators were shown no mercy either. One woman vaccinator



Polio vaccination workers shout slogans against the killing of their colleagues during a protest.

had dogs set upon her in Dera Ismail Khan district in May. Another was tortured before she was killed and her body dumped near a field in Peshawar. In Karachi, a woman vaccinator was invited into a house, splashed with gasoline, and set on fire. Two were killed when a Taliban militant tossed a hand grenade into a van carrying polio workers. However, most of the women vaccinators who were targeted were shot, usually by masked men riding on motorcycles.

While there were several reports of men, women and children getting killed or injured in celebratory fire across the country, two Chhipa Foundation volunteers, Lal Muhammad and Gul Wahab, died while several others sustained injuries after being hit by stray bullets in separate incidents in Lyari, Karachi, in February.

### **Operation Zarb-e-Azb**

During the year, the security forces launched a number of operations in areas where there had been little writ of the state over the past few years. In mid-June, the military launched an offensive against the Tehreek-e-Taliban Pakistan militants in North Waziristan Agency of FATA. The conflict displaced nearly two million people. In October, a military operation was launched in Khyber Agency, in FATA. Over half a million residents of Khyber had to leave their houses for safer areas. (*See also the chapter 'Refugees'*)

According to statistics in the PIPS security report for 2014, the military operations had had some impact on the militants' capability to launch terrorist attacks. The report stated that in 2014 suicide bombings had fallen by 43%, terrorist attacks by 32% and fatalities by 31%, as compared to 2013.

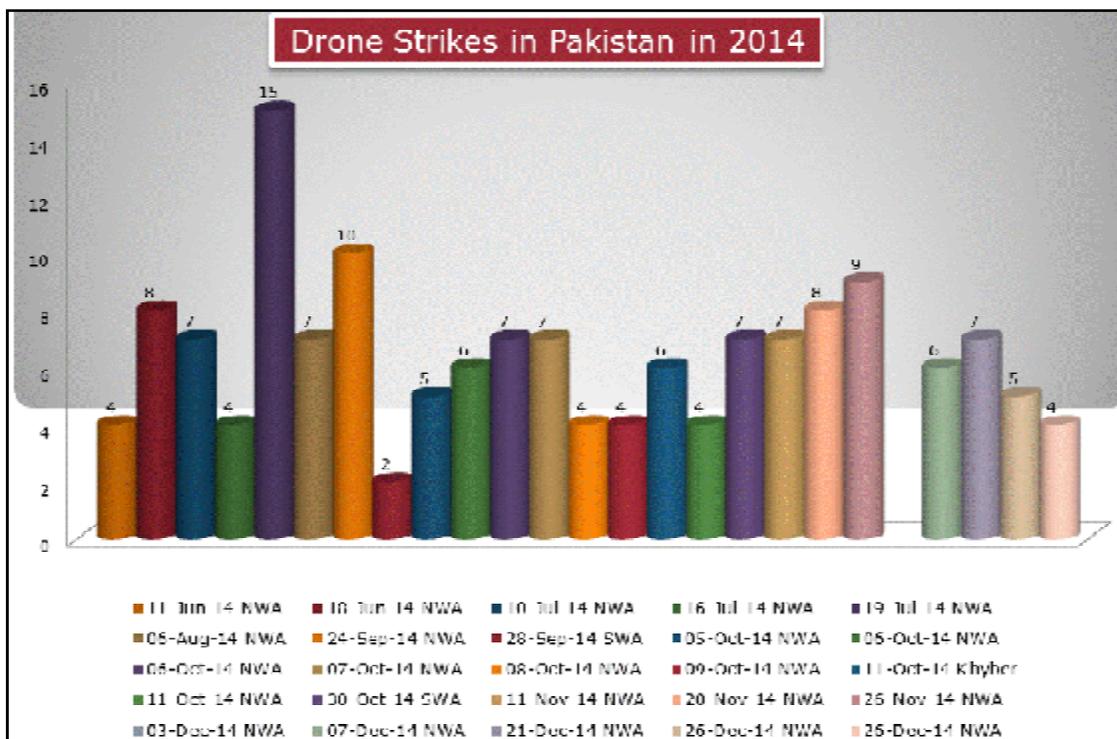
### **Article 245: army in aid of civil power**

The government invoked Article 245 of the constitution, putting the army in charge of the federal capital security for 90 days from August 1 "to pre-empt any possible blowback of Operation Zarb-e-Azb". The government rejected the impression that the measure was aimed at preventing a protest march by an opposition political party.

In December the interior minister justified the measure by saying that after the launch of Operation Zarb-i-Azb, "the government realised that the police is neither equipped nor trained and would require time to tackle the current law and order crisis". He told a security meeting in December that 10,000 army personnel were deployed in the four provinces to assist the provincial security forces.

### **Drone strikes**

According to the Bureau of Investigative Journalism, although the US did not carry out a drone strike in Pakistan for the first five months of the year,



**Source:** Bureau of Investigative Journalism

attacks by drones were reported to have killed at least 114 people in 2014. All but one of the drone strikes in 2014 took place in areas where the Pakistan military was carrying out air or ground operations, said the London-based not-for-profit news organisation.

Because of lack of access to parts of the FATA region for journalists and human rights defenders, it was difficult to determine how many victims of drone strikes were militants and how many civilians had died in these attacks.

### Crimes in uniform

While there were numerous complaints of the police failing in their duty to protect citizens, instances were reported from almost all provinces of criminals using police and security forces’ uniforms while committing crime and terrorist acts. In several cases, policemen themselves were arrested for committing crime and others where they were caught supporting criminals, including land grabbers, car snatchers and blackmailers.

In April, three personnel of the Elite Force police were arrested in a raid on a house in the Khazana police precinct on the outskirts of Peshawar where two kidnapped businessmen were being kept. They opened fire on police in an attempt to evade arrest. Police uniforms, a jeep with a police siren, and a wireless set were also recovered from them.

In February, 18 passengers from the Shia community, who were travelling on the Karakoram Highway from Rawalpindi to Gilgit, were gunned down in

Kohistan district of Khyber Pakhtunkhwa. According to eyewitnesses the gunmen were wearing army uniform.

Sulaiman Lashari, an O-levels student, was shot dead on May 8 as he was studying inside his house in Karachi's Defence area. The shot was fired by one of the policemen accompanying Salman Abro, the son of the special superintendant of police of Sakrand Police Training Centre. The two boys had earlier had an argument. Abro had come to the Lashari residence to settle scores, according to the statement by Lashari's father. The unfortunate episode ended with Sulaiman and a policeman dead. The policeman died because the Lashari household also had guards who returned fire.

In July, more than three dozen suspected terrorists wearing Pakistan army uniform stormed a police station in Diamer district, tied the policemen and took away weapons, uniforms, wireless sets, and valuables. The Dodishal police station was situated a kilometer from the Karakoram Highway at the border of Khyber Pakhtunkhwa and Gilgit-Baltistan regions.

In December, Multan police said it had arrested two members of a robbers' gang who used to strike in police uniforms. A police spokesperson said the four-member gang was wanted for more than 200 robberies in the city. He said the men donned police uniforms and set up 'pickets' in small streets where they stopped unsuspecting people for a search and snatched their cell phones, cash and jewellery. He said the men had confessed to 70 robberies.

A number of incidents were reported of armed men dressed as cops around the country's airports robbing expatriates or local travelers of large sums of money and valuables soon after they left the airport.

### **Police abuse and reform**

The use of police for personal ends had started in 1958, with the martial law under General Ayub Khan. The Police Order 2002 had sought to establish a politically neutral, accountable, operationally autonomous, and professional police force. But the law failed to meet the objective, mostly because of non-implementation.

Police Record and Office Management Information System or PROMIS, involving computerisation of all crime registers of police stations, launched a decade ago, remained ineffective, because of shortage of funds and frequent transfer of focal persons for such initiatives.

#### ***Federal government***

The country's first National Internal Security Policy (2014-18) was introduced during the year under review, promising police reform and capacity



Police-crowd clashes in Model Town, Lahore, badly exposed lack of police training or their inclination for crowd control without violence.

building.

The head of the National Counter-Terrorism Authority – formed in 2008 – was appointed only in November when Hamid Ali Khan, an officer of Pakistan Administrative Service, took over from the interior secretary who had been managing the authority’s affairs as an additional charge.

The federal government writ in Islamabad was tested when the Pakistan Tehreek-i-Insaf and Pakistan Awami Tehreek held prolonged sit-ins in the capital starting in August – with violent marches on the Parliament House, the Prime Minister’s House, Pakistan Television and other government buildings. Three people were killed and more than 600 others injured in the protesters’ clashes with the police. Hundreds of rioters stormed the state broadcaster. The Pakistan Television (PTV) news channel’s transmission went off the air for around half an hour before security forces cleared the mob from the building in Islamabad’s high security ‘Red Zone’.

### ***Punjab***

Punjab had a police strength of 178,000. The Elite Force arm of the police had 5,700 personnel out of whom over 4,000 were deployed to provide security to senior government officials, politicians, other influential persons and their families. It was not clear how many of the non-Elite Force cops were doing the security duty.

In an attempt to switch to complete automation of police record, Jhang police made more than 20,000 first information reports (FIRs) filed from

January 1, 2012 to December 31, 2014 available online under its FIR Management Information System (FIRMIS). Jhang was the first district in Punjab followed by Toba Tek Singh to have computerised the record in 2014 at all police offices and police stations and kept the complainants informed through the short message service about the progress on the investigation of the cases reported by them.

Police officials said FIRMIS performance was better than that of PROMIS, which was introduced in 2005 but was yet to be implemented.

The poor crowd control and protest management capacity was exposed time and again during 2014. The gravest example of that occurred in Lahore in June, when the police clashed with people protesting the removal of some barriers from roads around preacher-turned-politician Dr Tahirul Qadri's residence in Model Town. Fourteen persons including two women were killed and dozens injured. Later, in August people living around Qadri's home were penned in to stop an anti-government protest by his Pakistan Awami Tehreek (PAT) party. PAT activists clashed with police when they tried to remove blockades around the area, leaving at least two people dead.

In December, police baton charged protesters with impaired sight in Lahore during a demonstration to demand that the government implement the official quota for the physically challenged. Around 70 persons with various visual impairments had gathered outside the local press club to make the demand. When they heard that the president was in town they proceeded towards the



Sindh police registered 1,261 cases of kidnapping women for forced marriages in 2014.

Governor's House leading to a clash with the police. Several protesters were injured and one was hospitalised. The police insisted that they had not harmed the protesters and had simply pushed them away from the main road where a security cordon had been established in order to protect the president's motorcade. A government spokesperson said five policemen had been suspended after the incident. "We apologise for this incident, which should not have happened," the spokesman said.

### *Sindh*

Out of about 100,000 police personnel for the entire province some 34,000 were deployed across Karachi. More than 4,000 of the Karachi policemen were on protocol/VIP security duty, while about 12,000 worked as drivers, gardeners, etc. in the city, meaning that only 18,000 were available for fighting crime and controlling law and order in a city of roughly 20 million. About 3,000 of the police were deployed for investigation.

Comprising citizens who provided technical support to police and helped their compatriots seek justice, the Citizen-Police Liaison Committee (CPLC) was looking to expand its operation to all districts in the Sindh province. At the end of 2014, the CPLC had presence in six districts and formal offices in Karachi and Hyderabad.

A CPLC report showed that out of 113 police stations in Karachi 17 did not have toilets. There were no police vehicles in four police stations, while in



Renowned social worker Abdus Sattar Edhi's charity was robbed during the year.

eight stations the police did not even have an official motorcycle. The furniture in more than 50 police stations was damaged to the point that it could not be used. The police lacked investigation skills and training and basic on-job security equipment including bulletproof jackets and helmets. Lower salary was also said to be an obstacle to the honest discharge of duty against the terrorists and criminal mafias in the province.

### ***Karachi***

A bustling metropolis of 20 million and Pakistan's economic capital, Karachi is also the nation's citadel of crime and of sectarian, extremist, and gang violence that has long afflicted the city.

Hold-ups and robberies in the chaotic environs of Karachi had been very common but particularly unnerving in 2014 were the robberies at the offices of respected charities such as Edhi Foundation and Chhipa Welfare Association.

According to the Human Rights Commission of Pakistan statistics on killings in Karachi during the year in review, 2,909 people, including women, children, suspects and law-enforcers, were killed in the city in 2014.

The law enforcement agencies killed 594 suspects in Karachi in 2014; some 142 law-enforcers were also killed in the metropolis in the one-year period. Out of these, 130 were policemen and 12 were paramilitary soldiers. Twenty-seven private security guards were also killed during the year.

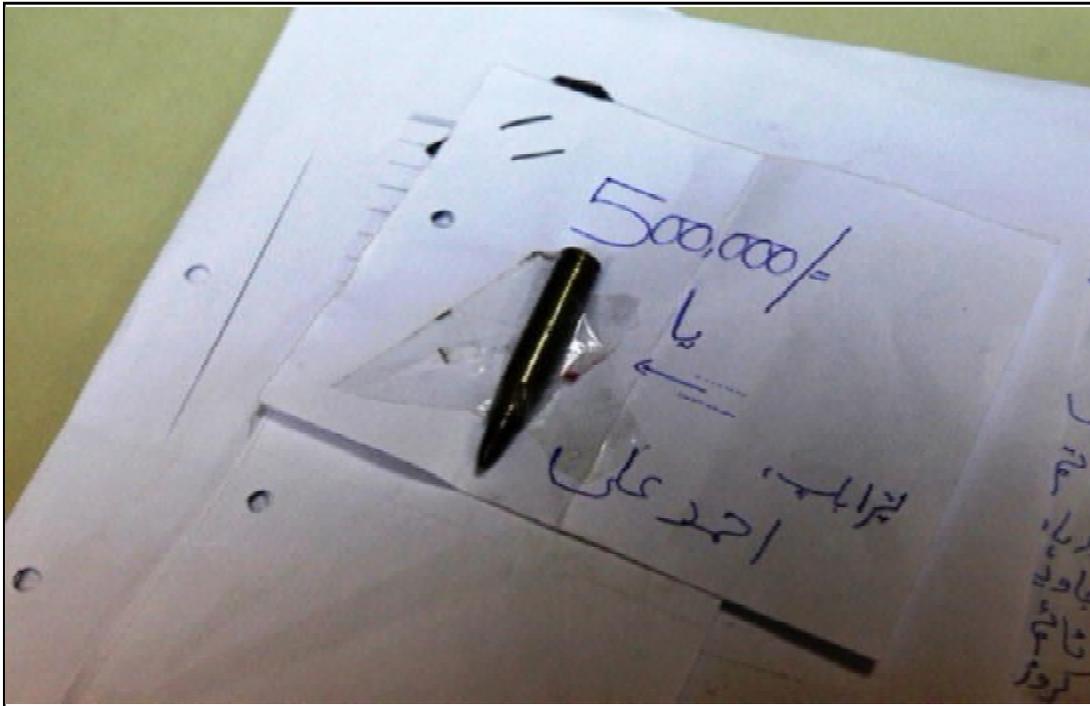
As many as 134 political activists were killed in the port city in 2014, while 340 unidentified bodies were found in different city areas. 661 people were murdered for several other reasons.

As many as 120 people were killed on sectarian grounds, 89 were targeted by some banned sectarian outfits, 70 people were abducted and killed and 28 people lost their lives in bomb blasts. Some 87 people were killed in the lingering armed conflict between criminal gangs in Lyari area.

According to HRCP statistics based on media reports, 457 and 135 suspects were killed in encounters with police and Rangers, respectively, while police torture killed at least two persons during 2014. As many as 134 people were killed in what were believed to be instances of personal dispute or enmity with the perpetrators, 107 were killed by robbers, seven were burnt to death and three were killed by security guards during robbery attempts.

As many as 36 men were killed by stray bullets; 28 were killed on railway tracks; 61 died due to a drug overdose or consuming toxic liquor, while three people were reported to have died in prison.

According to the media monitoring of the killings in Karachi, 78 children were killed during the year. Eight of them were kidnapped and murdered, 15



Citizens Police Liaison Committee (CPLC), displays one of several extortion demands handed over to them by businessmen based in Karachi.

died in bomb blasts, 20 were killed by stray bullets, 18 due to enmity; five were raped and killed and one child was killed on sectarian grounds. Of the 154 women killed during the year, 55 were killed by their relatives, 61 were killed by influential persons; 14 were killed by stray bullets, 11 died in bomb blasts, three were killed on the railway tracks and four women were burnt to death.

Six women became victim to the heinous crime of karo-kari, or the killing in the name of the family's so-called honour. Four men were also killed in this 'honour-related' crime.

The highest number of killings (281) recorded for any one month during the year under review was in March, while the lowest figure (187) was reported in December.

In 2014, law enforcement agencies intensified their crackdown on criminals in Karachi that had started in September 2013. Attacks in Karachi fell 40% in 2014 compared to 2013, the PIPS report said. In December, police killed a number of TTP militants, including their operational commander Abid Mehsud (alias Muchar).

### ***Khyber Pakhtunkhwa***

According to the provincial police, the total number of persons who went missing during 2014 was 1,066. While 651 persons remained untraced, the police were able to trace 415. It was not clear from the police record whether

they were abducted or were victims of enforced disappearances. It was also unclear where they were recovered from.

Abductions for ransom, extortion and illegal activities by organized crime syndicates along with violent attacks by religious militants added to the hazards to the lives and fundamental freedoms of citizens. The dumping of bodies in different parts of Khyber Pakhtunkhwa and the adjoining tribal areas became a recurring phenomenon. Targeted attacks on individuals, including cops, went up from 99 to 129, nearly 30.3% more.

Pakhtunkhwa took some key administrative steps such as intelligence-led search-and-strike operations, surprise snap checking, vehicle verification system, raising of the canine unit, use of android-based geo-tagging for identification of crime hotspots, as well as IT-based capacity building of police personnel. The provincial police had a strength of 65,000, backed up by an investigating wing of 3,000 officers responsible for criminal investigation management, a Forensic Science Laboratory (FSL), an Elite Force of 6,000 men for high-risk security operations and counter terrorism, and a 10,000-strong Frontier Reserved Police.

In view of terrorism challenges, several laws such as Restriction of Rented Building Security Act 2014; Restriction of Hotel Businesses Security Act 2014; and Security of Sensitive and Vulnerable Places and Establishments Ordinance, 2014 were introduced. A new Counter Terrorism Department (CTD) was established for intelligence collection, operations, investigations and surveillance with its wings in all the seven police regions. A Rapid Response Force (RRF) was raised to deal with organised armed assaults, hostage situations and generally to take on terrorists and fugitives. The Bomb Disposal Unit (BDU) was also revamped.

Some public service projects included Dispute Resolution Councils (DRCs); Police Assistance Line (PAL); Online FIR registration; Police Access Service (PAS); and establishment of Female Help Desks in police stations. Despite the introduction of online FIR registration, complaint management remained a major problem because of limited Internet availability. Complaints could be made via phone.

For human resource development, School of Investigation at Peshawar; School of Intelligence at Abbottabad; School of Tactics at Peshawar; School of Explosives Handling at Nowshera; School of Public Disorder Management at Mardan; and two additional regional training schools at Swat and Swabi were established in the province.

The establishment of the Directorate of Police Complaints and Internal Accountability, and disciplinary action resulted in the sacking of 339 corrupt

police officials from the service during the year.

Some other initiatives included increase in police salary; providing the constabulary direct access to the police command through Internal Command Access Line (ICAL); and fast track promotion for capable officials through the Public Service Commission.

### ***Balochistan***

Against a sanctioned strength of 35,098, Balochistan had 33,618 law enforcement personnel including the Balochistan Constabulary.

Enforced disappearances, extrajudicial killings, and torture and mistreatment in custody remained unaddressed human rights concerns in the province in 2014.

According to a Home Department report, a total of 164 bodies were found in the province in the year 2014. Out of the 164 dead, 71 were identified as ethnic Baloch, 35 Pashtun, 19 people of other ethnicities, while 41 victims could not be identified. The home secretary said the unidentified victims could be either militants or anti-state elements. Of these, 80 bodies were found in Quetta, 41 in Kalat division — comprising Khuzdar and Mastung districts — 41 in Makran division, comprising Panjgur, Gwadar and Turbat districts, six



Rescue workers collect evidence from a burnt passenger bus on the outskirts of Quetta.

in Naseerabad division, 13 in Zhob district and eight in Sibi division, said the report. The report did not say who could be suspected of killing these people. On January 16, three mass graves were found in Khuzdar, and according to authorities 17 mutilated bodies were dug up from these graves contrary to the nationalists' reports that had claimed that around 169 bodies were found. A judicial commission was formed to probe the mass graves. In August, the panel absolved the armed forces and intelligence agencies of responsibility in the case. In October, nine bodies of abducted labourers were recovered from Lasbela. The labourers, belonging to different parts of Punjab, had been kidnapped a day earlier.

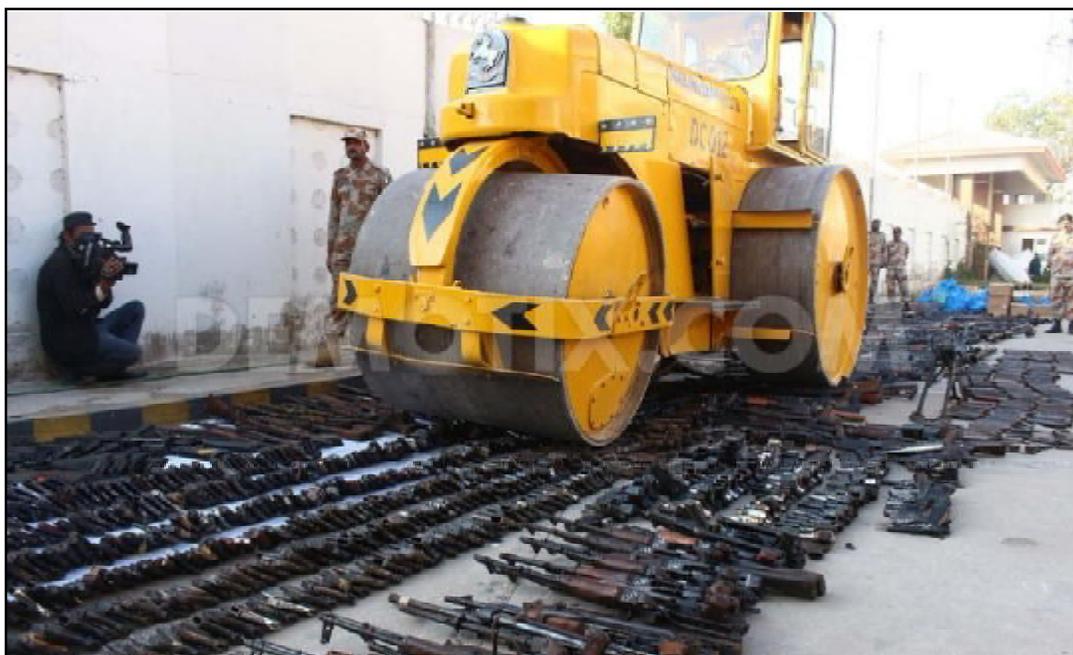
The acts of terrorism and some manner of violent crime in the province registered a decline during the year under review. In 2014, 169 cases of terrorism/sabotage were recorded as compared to 276 cases in 2013, a 39% decrease. As many as 69 cases of target killing (of law enforcement officials, Hazaras, Punjabi settlers, etc.) took place in 2014 against 95 such cases in 2013. As many as 44 cases of kidnapping for ransom were reported to the police in 2014, as against 67 in 2013.

Police revamped the Crime Investigation Department or the CID, Police Training College, Balochistan Constabulary and established Anti-Terrorism Force Training School. Training and capacity building with the help of the armed forces, including provision of arms and ammunition and increasing efforts to enhance combat worthiness of the police pitted against hardened criminals were undertaken. Bulletproof vehicles and jammers were also acquired. Two command and control centres were set up that will monitor with the help of CCTVs the movement of suspects and vehicles leaving or entering Quetta. More than 1,400 close circuit television (CCTV) cameras were to be installed at more than 250 points in the city.

### **Illegal weapons**

Keeping prohibited or unlicensed weapons is a serious offence in Pakistan, punishable by up to seven years' imprisonment. Arms proliferation has been a major security challenge for Pakistan and has not only impacted the law and order situation but also contributed to militancy, according to the Centre for International Strategic Studies (CISS), Islamabad. A perception of the state's inability to protect the people in various parts of the country has also forced the citizens to keep arms to protect themselves.

According to media reports, the number of prohibited and non-prohibited weapons in the country is about 65 million. Of these, only 5 million are licensed. There were about 17 million legal and illegal weapons only in Karachi, whereas



Illegal weapons being destroyed.

the number was said to be over four million in Lahore. A large number of illegal weapons were also reported to be present in the suburbs of Peshawar and in the tribal areas.

In September, a senior official of the ministry of interior informed the Senate Standing Committee on Interior that the Khyber Pakhtunkhwa government had issued nearly 80,000 arms licences over the last 12 months. He said KP had issued 79,256 licences and Sindh 17,000 over the past one year. Punjab had issued 2,482 licences during the same period, including 133 for arms of prohibited bore for securing the Nandipur power project, and Balochistan had granted 1,132 arms licences.

In 2014, Punjab police recovered about 40,000 and KP 153,793 illegal arms and ammunition. Data from Sindh and Balochistan was not provided by the police.

## **Law enforcers' excesses**

### *Torture in custody*

Pakistan ratified the United Nations Convention Against Torture in 2010, which makes it binding upon the country to pass the necessary domestic legislation that brings its laws and practices in conformity. While Police Order 2002 did spell out sanctions for inflicting “torture or violence” on individuals in custody, in practice even the provincial police departments ostensibly operating under it — in Punjab and Khyber Pakhtunkhwa — did not award the sanction. Police investigation needed to move away from trying to beat information out of suspects and towards more modern scientific and forensic



There were several cases of misuse of police uniform during the year.

methods. The Pakistan Protection Act 2014, a new law that went against due process guarantees, appeared to facilitate custodial torture.

Torture remained widespread in Pakistan, with police and security agencies being the most frequent offenders. Resort to torture to extract confessions from suspects and to intimidate individuals in custody or otherwise was routinely reported from across the country. Dumped bodies of victims of enforced disappearance often displayed signs of sadistic treatment. An inordinate number of detainees in internment centres — even young men — seemed to suffer cardiac arrests during the criminal investigation stage. According to the HRCP database which relied on monitoring of the news media, 63 people including four women and two minors died in custody, while FIR was registered only in 14 cases. According to media reports monitored for the database, at least 47 people including seven women underwent custodial torture in 2014.

## **Extrajudicial killings**

### *Encounters*

Death of suspects in police encounters was a nationwide phenomenon, but had become more commonplace in bigger cities, especially Karachi. As many as 3,392 encounters took place in Sindh in 2014 as against 2,616 in 2013, indicating a substantial increase in the incidents.

In Karachi, a total of 925 suspects were killed in shootouts as were 160 personnel of police and Rangers, according to official figures. Of the total, 701 suspects had been killed in ‘encounters’ with police and 224 had been

gunned down in shootouts with the paramilitary Rangers, while 143 personnel of police and 17 of Rangers had been killed in targeted attacks in the metropolis, said spokespersons for police and Rangers.

The fallen policemen included CID SSP Chaudhry Aslam Khan, who died in a suicide attack on his vehicle, and five inspectors, sub-inspectors and constables, said the police spokesman.

In addition, 111 suspected terrorists and gang members were arrested and 50 Rangers personnel suffered injuries during the ongoing operation in Karachi, said the Rangers spokesman.

The killing of suspects often gave rise to complaints, especially by victims' families, that the suspects were either in custody or no longer posed a threat to the police when they were killed.

In Khyber Pakhtunkhwa, 26 suspects died in encounters with the police. As many as 276 suspects were killed in encounters with the police in Punjab, and 322 were arrested while 27 policemen died in the 283 encounters in 2014. As many as 59 suspected criminals and 73 policemen were injured.

### ***Vigilante justice***

Mob justice, including lynching of individuals suspected of a range of offences, has unfortunately not been a rarity in Pakistan. At times vigilante actions have been seen as an expression of lack of confidence that justice would be done and at other times it has been construed as a sign of brutalisation of society.

In 2014, incidents of mob violence were reported most commonly following charges of blasphemy or desecration of the Holy Quran. In Rawalpindi's Adiala Jail a prison guard shot and injured an inmate convicted of blasphemy. Since 1990, at least 60 people have been killed extra judicially in cases relating to blasphemy, according to the Islamabad-based Centre of Research and Security Studies (CRSS). The list includes lawyers and even politicians calling for amendments to the law.

In July, a mob in Gujranwala killed three members of the Ahmadi community after another member of that community was accused of posting blasphemous content on Facebook. TV channels aired footage showing a mob armed with sticks, cheering outside Ahmadi houses before setting a number of houses on fire.

In November, a Christian couple, accused of desecrating the holy Quran, was beaten up and their bodies burned in a brick kiln where they worked in Kot Radha Kishen, by a mob. The prime minister reacted to the brutal mob murder, calling it a "public lynching" and saying the law should pursue and punish those responsible.

In Lahore, Farzana Iqbal, 25, was killed by a group of attackers, reported



The place where the mob burned Christian couple to ashes.

to include her father, because she had married the man she loved without her family's permission.

In some incidents, mob justice seemed to have stemmed from distrust in police and the criminal justice system. In October, television footage showed four alleged robbers being mercilessly beaten to death by a frenzied mob in Karachi and a policeman ruthlessly being clubbed to death by a gang of ruffians in Sargodha.

### ***Recommendations***

*1. Pakistan is in urgent need of a properly trained and well-equipped police force that is familiar with the modern investigation techniques and has the resources needed to counter the challenge of rising crime and terrorism. The training programmes need to focus on technology-led policing, crowd management, intelligence gathering, mobility and connectivity.*

*2. The police need to reclaim their beat from the criminals by working with the communities' and through their intelligence support, especially in vulnerable localities. Being stationed in the affected localities, police are in a far better position than military or paramilitary forces to develop an understanding of local communities, identify stakeholders, conduct effective investigations and build responses.*

*3. The state needs to develop zero tolerance for terrorists, violent sectarian groups and their leaders. It also needs to act with commitment and resolve to*

*confront all instigation of hate, be that in the spoken form or in the form of the written word. Faith-based violence and persecution must be put an end to.*

*4. The authorities need to depoliticise the police, strengthen the criminal justice institutions, promote good governance and take steps to de-weaponise society.*

*5. There is a need for bold judicial reforms that aim at improving the legal system and to ensure the safety of all those who are part of the justice system or engage with that system to ensure that administration of justice becomes possible.*

*6. There is a need for a national discourse to evolve a counter-extremism narrative and strategy.*

# 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 condition of prisoners in the country has remained largely unchanged in well over six decades since independence. Small improvements aside,

authorities have ignored calls for the prison system overhaul to serve the jail rationale of rehabilitating criminals. The lingering issue of overcrowding was addressed by announcing opening of new jails, especially in Punjab where the problem is the gravest. However, the practice of using penal servitude that mainly causes prison overcrowding, continues as the only form of punishment. Using imprisonment as the sole method of punishment does not merely cause problems in jail but also upsets entire family structures. Many have been known to linger in jails for purely civil matters such as giving bad cheques.

No alternatives to penal servitude, like community service, which could reduce the pressure of overcrowding in prisons, were introduced for minor offences. A huge majority of people lingering in jails were under-trials whose actual sentences had not even begun. Visits to jails by judges were encouraging but these visits, which could allow hearing of the cases of prisoners who have difficulty in acquiring a defence counsel or their cases linger for years due to complications besides discouraging jail officials from the torture and ill-treatment of incarcerated prisoners, were not institutionalised. No special effort was seen to make the opportunities available to prisoners for vocational training, improving their level of educational attainment and helping them in becoming law-abiding citizens.

The healthcare regime in prisons is brought under the limelight only when inedible items are found in the prisoners' food and many faint as a result or when prisoners die as a consequence of insufficient or untimely healthcare. Though standardised in Pakistan, jail menu is rarely followed by jail authorities. Prisoners keep complaining about substandard food and resort to buying their own ration and cooking for themselves.

In a survey of selected prisons in Pakistan in 2013-14, HRCP found jail hospitals lacking in numbered beds and medication for hundreds of prisoners. No jail had a full-time female doctor. All serious health issues faced by female prisoners were referred to the local hospital. There were also reports that prisoners selected for preferred treatment were often sent to jail hospitals to avoid the cramped barracks.

HRCP found it difficult to acquire jail population data from provinces. The statements simply include total population, authorised capacity, and the number of convicted, under-trial, condemned, female and juvenile prisoners. For two years in a row, HRCP was unsuccessful in acquiring the statistics from Sindh despite repeated requests. In 2014, HRCP also failed to receive a reply from the Khyber Pakhtunkhwa government to letters and phone calls requesting prison population statements. Such figures should be readily available to the public under the provisions of the Right to Information Act 2013.

The plight of foreign prisoners, mostly in jails on drug peddling charges,



Women and juvenile jails are relatively less over-crowded.

was even worse because of language barriers and lack of legal representation. Most complained that their embassies had abandoned them to their plight and could not even secure a defence counsel for them. The mistreatment meted out to Pakistani prisoners in India and to Indian prisoners in Pakistan stems from the two countries' troubled relations. Generally treated as enemy, these prisoners aroused no sympathy from either the prison authorities or their fellow prisoners.

An unofficial moratorium on death penalty remained in effect for 11 and a half months in 2014 after which it was overturned in the wake of the attack on Army Public School in Peshawar on December 16, as a part of the government's tough rhetoric to indiscriminately target terrorists. By the end of the year, seven persons had been hanged.

The flaws in the criminal investigation system where the likelihood of wrongly convicting persons remains high undermine any argument in favour of the death penalty. In August, death warrants were issued for some condemned prisoners and it seemed likely that the moratorium would be reversed. However, no official announcement or explanation was available.

The worrying trend of enforced and involuntary disappearances continued in Balochistan, KP and Sindh where dozens of students and political workers of nationalist parties were picked up, tortured to death and their bodies thrown in far flung areas. Enforced and involuntary disappearances have been recognized as a heinous crime and a grave violation of human rights, not just because of their impact on the victims but also because of the severe pain and suffering they cause to the loved ones of the disappeared. Pakistan has not only failed to ratify the convention against enforced disappearances but also to



Prisoners' relatives / friends through an apparently crowded prison van.

penalise the violation at home. Enforced disappearances are increasingly seen as a legitimate method to counter terrorism in the absence of a judicial system capable of speedy justice. Whatever the crime is, no person deserves to be taken outside the protection of law and kept in illegal detention for years. The UN Working Group on Enforced and Involuntary Disappearances visited Pakistan in 2012 and made a host of recommendations to the government on how to curb this menace. None was complied with. Instead, the government passed laws contrary to human rights standards and in denigration of fundamental rights in the constitution.

### **Prisoners in Pakistan**

The condition of prisoners in Pakistan remained dismal. Chronic issues such as overcrowding, lack of proper healthcare system, inferior quality food, corruption and rampant torture continued in the year under review.

According to a United Nations Office on Drugs and Crime (UNODC) report, 800 or so female prisoners in Pakistani jails were facing harassment, insanitary conditions and lack of proper healthcare. It is widely believed that a majority of the female prisoners experience sexual harassment and sexual violence at the hands of jail wardens. During prison surveys, UNODC found prevalence of suicidal depression, sleep disorders and other mental illnesses among female prisoners. No gynaecologist was available on call to attend to female prisoners in Punjab.

In February, the Punjab government approved the release of Rs 1 billion to the prisons department for the 2014 fiscal year. Till then Rs 6,099 million from the previous budget had been spent on projects such as construction of new jails, security, barracks, gadgets and medical facilities. For the 2013-14 financial year, the total allocation was Rs 1.09 billion of which only Rs 819 million were utilised. Though the prison system in the country was in shambles,

Rs 271 million out of the budget allocated to the prisons department was returned to the government as unspent.

***Overcrowding: 2/3rds of prisoners under trial***

Region	Women	Juveniles	Total prison population	
Punjab	887	764	49,560	
Sindh (till 02/09/14)	168	313	18,726	
Balochistan	24	46	2,980	
Khyber Pakhtunkwa	Data not available	Data not available	Data not available	
Gilgit-Baltistan	3	3	307	
Total	1,082	1,126	71,567	

Regions	No. of prison	Authorised capacity	Total prison population	Under-trial
Punjab	32	21,527	49,560	32,514
Sindh (till 02/09/14)	25	12,416	18,726	15,248
Balochistan	11	2,585	2,980	1,214
Khyber Pakhtunkhwa	22	7,982	Data not available	Data not available
Gilgit-Baltistan	7	700	307	212
Total	97	45,210	71,567	49,188

In jails across the country, except for Gilgit-Baltistan, the population exceeded the authorised capacity. In Punjab, this excess was about 130%. In some prison barracks, a few convicts had to stand while the others slept or prisoners could not access the washroom in the night because sleeping prisoners covered the entire barrack floor. Such conditions amount to ill-treatment and are beyond the punishment of penal confinement that prisoners have to bear. Living in such close quarters to each other without access to sunlight for most of the day leads to health concerns like skin diseases and a deterioration of the general hygiene level.

The Deputy Inspector General (DIG) of Prisons informed the Lahore High Court (LHC) on November 15 that six new jails would become operational within one month in Punjab. The statement came in response to a petition filed by a lawyer against overcrowding in jails in Punjab. The DIG said that the construction of a high security prison in Sahiwal, District Jail Pakpattan, District Jail Bhakkar, District Jail Layyah, District Jail Okara and family rooms in Lahore Central Jail had been completed and their staff had already been recruited. The court asked the DIG to submit details about the 11 other prisons under construction in the province. Till the end of the year, however, none of these



In jails the population exceeded the authorised capacity.

jails had become functional. The announcement for these new jails was made in March 2012 when a preliminary budget of Rs 400 million was approved for new jails to be built in 10 districts of Punjab. During a Punjab Assembly session, the prisons minister noted that jammers had been installed in 14 prisons in Punjab while provisions had been made to install the devices in all the prisons in the province by the end of the financial year. Multan and Faisalabad jails constructed family rooms in 2014.

Insanitary conditions in the prison, unhygienic food as well as overcrowding caused major health concerns. During a Punjab Assembly session, the Punjab prisons minister stated that in prisons across the province, 80 HIV positive and 31 AIDS patients were present in December 2014. He said the per-head cost of food for prisoners had increased to Rs 80.9. However, HRCP's fact-finding missions in 13 prisons all over Pakistan in 2013 and 2014 failed to see improvement in food quality. In October, 17 prisoners in District Jail, Swat fainted after consuming contaminated food. The affected prisoners were sent to Saidu Sharif hospital for treatment while the two jail officials held responsible for the incident were suspended. The quality of food observed in HRCP's prison survey confirmed that there was room for significant improvement.

Riots proved increasingly difficult to control, especially in prisons where high profile terrorists were confined. On January 5, two factions of the Taliban clashed in Central Prison, Peshawar, during a row over Asr[afternoon] prayer. One group wished to perform collective prayer first but was not allowed to do so by the opposing faction. Prison staff was able to control the situation in half an hour but by then seven prisoners had been injured. Army personnel also reached the prison but the situation had already come under control. The security forces, which had carried out an 18-hour search operation in the



Art work by prisoners.

prison only two days earlier, remained deployed at the prison to bolster security.

On January 10, a brawl broke out between Christian and Muslim prisoners at Kot Lakhpat Central Jail, Lahore. A few weeks earlier a Muslim teacher had warned a Christian teacher not to preach Christianity in the prison. The argument escalated and resulted in a clash. Subsequently, the jail officials isolated some Christian prisoners for complaining to their families about ill-treatment and beat them with clubs. The police beat them for half an hour and severely injured 33 prisoners, according to some inmates. The prison authorities said they had filed an FIR against five Christian prisoners. However, no such FIR was found, nor was there a record of the clash in the prison's daily diary.

A person claiming to be a spokesperson for the banned Tehreek-e-Taliban Pakistan (TTP) called a local newspaper in Karachi and warned the officials of the Karachi Central Jail to stop what he called torture and ill-treatment of 100 or so Taliban prisoners. The caller threatened jail officials, stating that their fate would be similar to that of Crime Investigation Department's Superintendent Chaudhry Aslam, who was killed in a bomb attack on his car in Karachi on January 9 in 2014. He said that in Sukkur Jail, Taliban prisoners were stripped and tortured while in Central Jail, Karachi, they were not allowed to meet their families. He said that if the Taliban prisoners were transferred from one jail to another, they would also transfer former prime minister Yusuf Raza Gillani's son, who remains in Taliban custody since May 2013, to a place 'from where his return would be impossible.'

There were some positive efforts to introduce advanced technology to facilitate provision of justice to needy prisoners. In early 2010, prisons in Punjab installed video conferencing facilities to conduct trials in jails for dangerous criminals, thus diminishing the risks faced while transferring them

to and from courts. It could also prove useful for identification of prisoners without legal representation and to provide them with free legal aid. However, the system was marred by problems in Kot Lakhpat Jail Lahore where it had been installed for many years. Several hours of load shedding meant that the system could not function properly. Since courts had hundreds of cases to go through in a day, waiting for electricity for hours so that the case could proceed wasted precious time.

### **Prison break**

Though the discourse surrounding prisons in the country almost exclusively revolved around greater security and completely ignored aspects such as rehabilitation, actual or suspected prison breaks remained a problem throughout the year. The security equipment in use at the prisons was largely found to be either defective or non-existent. Phone jammers were installed in 15 jails in Punjab at the end of November. Otherwise, the use of cell phones to commit crimes and carry out terrorist activities from within jails had remained a cause of alarm for authorities. Another problem that added to the lax security was jail officials' corruption. Bribes were paid to help prisoners escape or to allow cell phone use inside the prisons.

Two prisoners managed an easy escape from the Sadar Police Station in Tank district of Khyber Pakhtunkhwa. On February 9, when prisoners were brought outside their cells in the courtyard for prayers, three prisoners managed to escape by the front gate. Their absence was only noted by the police when a head count was done afterwards. One of the prisoners was caught while the search for the other two was going on. That the escape was such a simple affair was perhaps because the judicial lockup with a capacity of 15 housed 62 under-trial prisoners.

On January 3, the army conducted a search operation in Peshawar Central Prison after receiving intelligence reports that terrorists had passed on jackets, potentially believed to be stuffed with explosives later for use in suicide bombings, to Taliban prisoners in the jail. The search operation started at 10 pm when 150 army personnel carried out a thorough search in the prison to recover any hidden explosives. A day before, a Taliban prisoner had requested a policeman to receive some jackets at the gate of the prison. The policeman took the jackets in his possession but they were not passed on. An operation was carried out by security forces with explosive detectors and sniffer dogs. The security forces confiscated some SIMs recovered from prisoners. They allegedly took control of the prison for two days and afterwards kept making surprise visits. They also detained a police constable and shifted him to an unknown location for allegedly having links with the incarcerated militants. The jail administration was told that the entire operation was nothing more than a security rehearsal. Later it was also reported in the media that the



A briefing on the tunnel dug to help prisoners to escape.

jackets were perhaps ordered by the prisoner only to cope with the cold weather.

In October, Rangers personnel in Karachi managed to foil a major jailbreak attempt involving an underground tunnel. Some five months earlier, several suspects had purchased a house in Ghausia Colony near Central Jail, Karachi and proceeded to dig a 45-metre tunnel to free some 100 or so prisoners. When the tunnel was discovered after intelligence reports informed the local police, it had to be dug only another 10 meters more in order to reach the jail barracks, which lay at approximately 55 meters from the purchased house. A representative of the Pakistan Rangers in Sindh confirmed that the persons arrested belonged to a banned outfit though he did not confirm their number. It was later revealed by the provincial minister of prisons and IG prisons that the house was bought from a policeman at four times its market price. A committee headed by the home secretary was also constituted to carry out investigations into the incident and find out if any inside help was provided.

On February 4, six prisoners undergoing trial for murder, robbery, theft, kidnapping and other heinous crimes managed to escape from the Dalbandin Police Station's judicial lockup in Balochistan province. The six men managed to break the rear wall of the lockup and escape in the night of February 3. Subsequently, 11 policemen were suspended for negligence. A search operation was launched in Chagai and Noshki districts to re-arrest the prisoners.

### **Custodial torture**

According to the penal code, any piece of evidence acquired through torture cannot be used in a court of law. However, custodial torture remained rampant in jails and police stations across Pakistan. Torture is yet to be defined

in the penal code of Pakistan. So, all matters relevant to it are dealt with under grievous hurt clauses. Also the narrow definition of torture given in the Police Order 2002 limits it to torture by police officials and only when the intent is to extract a confession. Thus, for example, torture committed by the law enforcers to extract bribes is not covered. Lack of use of sophisticated methods of investigation, like DNA testing etc, leaves the investigation team with only one method to solve a crime i.e. confession. A cursory glance at convictions in any year shows that in a majority of cases, the primary evidence used to convict someone is confession. Perhaps then the only thing standing between a conviction and a lingering case for police officials is the use of torture to extract a confession. The government must invest in alternative and more sophisticated methods of investigation so that the police officials do not feel entitled to torture the accused.

According to HRCP's media monitoring, 72 prisoners died in jails in 2014 while 47 others were injured due to accidents or in various clashes. At least 50 of these deaths were confirmed to have been caused by illness or old-age and at least three as a result of custodial torture. The high incidence of deaths in custody of young or apparently healthy men due to heart failure was a worrying trend. Persons, either accused or arbitrarily arrested, were often picked up by the police and their bodies handed over to the family within a few days. Post mortem reports were rarely made public and few policemen found guilty were ever tried or punished otherwise.

On November 21, a man was accused of drug peddling and taken into custody. The next day the police said he had died in custody and his body was handed over to the family. The family staged a demonstration in front of the Green Town Police Station in Lahore and demanded registration of case against its Station House Officer (SHO). Instead of lending an ear to the aggrieved family, the police arrested 10 protestors and registered a case against them. The demonstration was called off after the DIG wrote to the Capital City Police Office (CCPO) requesting for a judicial inquiry into the matter.

There were reports of the prison officials demanding heavy bribes from the prisoners in order to escort them to court for a hearing. Those who could not pay or refused to do so were severely tortured. In June, a prisoner was beaten so badly by the jail superintendent of Central Jail, Lahore that the prisoner's right leg was fractured. The prisoner petitioned in court against the torture. While hearing the case, the additional district and sessions judge asked the jail authorities to step outside so that the victim could record his statement. The detenu said that the prison officials shaved off prisoners' head and eyebrows and subjected them to brutal torture if they failed to carry out their demands. Later on, however, the prisoner proceeded to forgive the officials involved.

In May, a 68-year-old man with four Masters degrees, convicted for



72 prisoners died in jails in 2014 while 47 others were injured in accidents or in various clashes.

murder and incarcerated at Adiala Jail, was tortured and stripped naked after he protested against the jail authorities' attitude. During routine search, the jail assistant superintendant (ASP) took away his two vests to which the prisoner protested. The ASP forced him out into the lawn and in full view of the other prisoners tortured him and stripped him naked while hurling abuses at him. His daughter filed a petition in the Islamabad High Court (IHC) against the jail officials. During a hearing on May 28, the judge directed the Prisons IG to submit a detailed report after inquiry into the incident. He also highlighted the dual standards observed in prisons in which some favoured prisoners were given LCD televisions while others did not even have access to pain-killing medications. The victim also noted that the jail staff regularly demanded bribes from him and though he was entitled to a B class status, he was kept with C class status prisoners.

As per law, it is the obligation of the state to carry out a medical examination of an accused before and after the physical remand at a judicial lockup in a police station. On the basis of the second report, the court decides whether the evidence is admissible or not depending on whether it was acquired through torture. However, medico-legal reports are rarely accurate and the police officials are known to influence their findings. Medical officers sometimes sign the report without having examined the accused. Such practices make it difficult to detect torture and to curb it.

### **Indian and Pakistani prisoners**

India and Pakistan continued arresting each other's fishermen and seizing their boats for violating their territorial waters though their borders are not clearly defined in the Arabian Sea. Many are sent to jail where they often languish for at least a year before being handed over to the authorities in their

homeland. India freed 37 Pakistani fishermen held for almost 16 months in May. Pakistan also freed 151 Indian prisoners in the same month and returned 57 fishing boats as a goodwill gesture before Prime Minister Nawaz Sharif's attendance at Narendra Modi's swearing-in as India's prime minister.

In December alone, 58 Indian fishermen were arrested from Pakistan's territorial waters. By the end of the year, they were waiting for an appearance before a magistrate.

On December 11, a 30-year-old Indian fisherman died while imprisoned at the Malir District Jail in Sindh. He had been arrested along with other fishermen by the Pakistan Maritime Security Agency 10 months earlier. The initial report submitted to the sessions judge stated that there were no marks of torture on his body. According to the medical officer of the prison, he had suffered from hypertension and asthma. The cause of death was withheld until the autopsy and chemical examination reports were released.

After a delay of several months, some headway was made in the murder case of Sarabjit Singh, an Indian national sentenced to death by the Supreme Court of Pakistan in 1991 over terrorism charges. On September 10, in a trial resumed through video-link due to security concerns, the Lahore additional district and sessions judge summoned prosecution witnesses. Sarabjit Singh was murdered in a high security jail in Pakistan in an assault by fellow death row prisoners in 2013. Initially a one-member judicial commission was constituted to probe the murder. In the commission's report, Sarabjit's killers confessed to the crime, stating that it was revenge for his involvement in bomb blasts in Lahore and Faisalabad.

## **Death Penalty**

An informal moratorium on death penalty had been in place since 2008, with only one execution till December 19, 2014. The death penalty had been halted through a temporary executive order and the HRC had been calling for years to formalize it by banning the death penalty. In early August it seemed the moratorium would be lifted because of the PML-N government's initial statements. After a meeting of Prime Minister Nawaz Sharif with out-going President Asif Ali Zardari, it was decided that the moratorium would continue. Though rights bodies welcomed the move, they criticized the government for not sharing with the public the reasons for the decision.

The moratorium on death penalty was lifted after an attack on the Army Public School in Peshawar on December 16. On December 17, the president announced the resumption of executions only for those convicted of terrorism charges. By the yearend, seven men had been executed in different jails across Pakistan. Of these 11, at least six were convicted for an assassination attempt on the then president and army chief, General Pervez Musharraf in 2004. Till December 23, President Mamnoon Hussain had rejected the mercy petitions

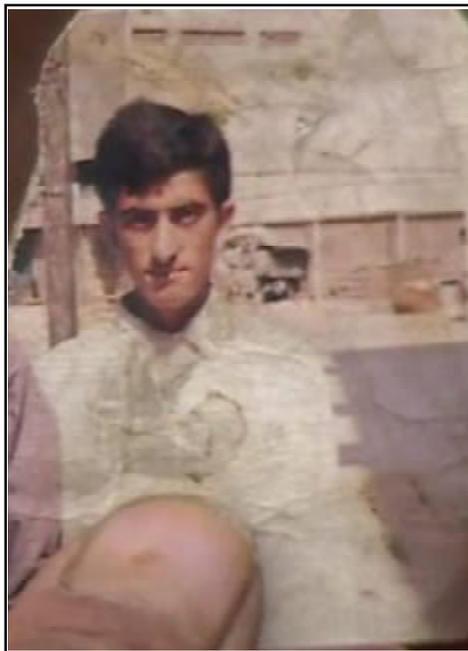
of 50 prisoners on death row.

The Punjab and Sindh governments were set to amend execution rules in the Prison Rules of 1978 to allow execution of a convict a day after their black warrant was issued. Such measures aimed at speedy justice often ignore procedures and laws. The Prison Rules required that an execution must take place at least 14 to 21 days after the issuance of the black warrant. Such rules give room for pardon so that a life can be spared if the victim's family pardons the perpetrator after their death warrant has been issued.

In a conversation on December 25, UN Secretary-General Ban Ki Moon urged Prime Minister Nawaz Sharif to halt executions and revive the moratorium. After offering his condolences for the school tragedy in Peshawar, he stated that while it was important to respect the sentiments of the people of Pakistan, the need for an independent judiciary to uphold the rule of law could not be stressed enough.

Pakistan had one of the largest populations of death row prisoners in the world, more than 8000 by the end of 2014. Of the 231 persons condemned to death in 2014, 105 were sentenced for murder. Though it has been clearly stated that the ones to be hanged will be only those convicted of terror charges, the issuing of a black warrant for Shafqat Hussein indicated that perhaps the death penalty would not be restricted to the most serious offences. In 2004, the 15-year-old Shafqat Hussein was sentenced to death by an Anti-Terrorism court. The judgment was based on a confession which was retrieved after nine days of brutal torture, evidence of which was available in medico-legal reports. His crime did not have anything to do with terrorism either. Shafqat's death warrant was soon to be issued at the end of the year and numerous human rights groups from around the world campaigned against it. He was also scheduled for execution in August 2013 along with seven other men but it was cancelled merely a week before the execution was set to take place.

In 2011, religio-political Jamaat-e-Islami party had written a letter to the



Pakistan had one of the largest populations of death row prisoners in the world, more than 8,000

<b>Death Penalty in Pakistan 2004-2014</b>		
<b>Year</b>	<b>Convicted</b>	<b>Executed</b>
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
2013	227	0
2014	231	7
<b>Total</b>	<b>3,463</b>	<b>338</b>

president, seeking a pardon for Mumtaz Qadri, the self-confessed killer of Punjab governor Salman Taseer. The letter said the case should be withdrawn because the murder was 'in the public interest' and 'in line with the sentiments of the masses'. In a statement issued on December 20, 2014 however, the party's secretary-general said death sentence created a sense of respect for and sanctity of the law in society. He also said that 'murderers, terrorists and enemies of humanity' don't deserve concessions. Such dual

standards in dealing with murderers and terrorists brought the resolve of the proponents of death penalty into question.

In January, Muhammad Asghar, a 70-year-old Briton, was sentenced to death by a court in Rawalpindi over allegations of blasphemy. Asghar had a long history of psychiatric problems; he was diagnosed with and treated for depression in as early as 1993. In 2010, he was diagnosed with late onset of paranoid schizophrenia. He was initially arrested in 2010 after he wrote letters claiming prophethood. During his trial, Asghar claimed to be a prophet in court in the presence of the judge and the prosecutors. Despite the overwhelming evidence of psychological disease, he was found mentally fit to stand trial and subsequently sentenced to death. Politicians, including British Prime Minister David Cameron, academics and numerous rights groups in Britain and Pakistan

<b>Death Penalty convicts in Pakistan 2014</b>	
<b>Region</b>	<b>Convicts</b>
Punjab	5,779
Balochistan	98
Sindh	Data not available
Khyber Pakhtunkhwa	Data not available
Gilgit-Baltistan	19
<b>Total</b>	<b>5,896</b>

pleaded for mercy. His family appealed that Asghar remained unsafe in Adiala Jail as Pakistan had seen numerous cases of mob justice in cases of blasphemy. On October 28, a prison guard at Adiala Jail proceeded to shoot and seriously injure Asghar. Subsequent investigation and interrogation revealed that the guard had served two weeks



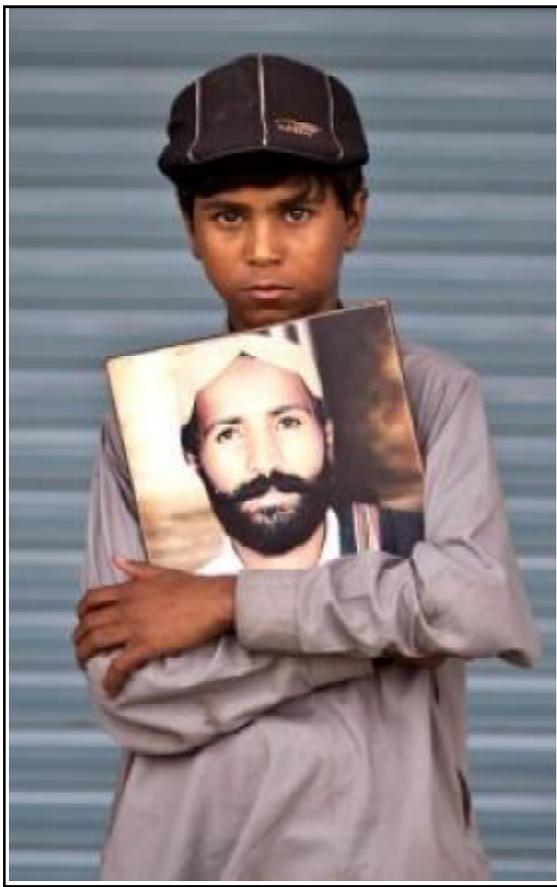
March against enforced disappearances in Balochistan and elsewhere in Pakistan.

at Mumtaz Qadri's jail cell. During this time, Qadri had regularly given him religious sermons and motivated him to target blasphemy accused prisoners in the jail.

For some years now HRCP has been calling for a reduction in the number of offences which carry the death penalty. Till 2014, more than two dozen offences carried the death penalty including adultery, sabotage of the railway system and stripping a woman's clothes. The argument that the death penalty is a deterrent to heinous crime is countered by the falling number of death penalty convictions in Pakistan. In the moratorium years, the courts continued to hand down death sentences but the number reduced consistently from 455 in 2004 to 231 in 2014, potentially indicating a fall in serious crime in recent years.

### **Disappearances/arbitrary detention**

A grave human rights violation in the form of enforced and involuntary disappearances continued unabated in Pakistan during 2014. The momentum gained in 2013 in trying those responsible for enforced disappearances by the Supreme Court all but faded into oblivion as further cases were reported from all regions of Pakistan except Punjab. By the end of 2014, in the entire Asian region, only Philippines had a specific law outlawing enforced disappearances. Where once cases of enforced disappearances were reported only from Balochistan and more recently from KP, the year under review saw the worrying trend grow in Sindh. Pakistan, instead of taking steps towards prohibiting this serious human rights violation, moved towards providing the perpetrators with legal cover. Completely disregarding the recommendations by the United Nations Working Group on Enforced and Involuntary Disappearances made in 2012, the government passed the Protection of Pakistan Act (PPA) 2014 which was



A boy poses for a portrait holding a photograph of his father, who went missing in 2010, while he and other relatives take a break from a long march protest, in Rawalpindi.

a defeat for human rights groups, civil society, families of the disappeared and all concerned citizens of the country.

The government's seriousness in ensuring justice and protection of human rights for the population and ending impunity was seriously doubted in July when the National Assembly passed the Protection of Pakistan Bill 2014. Within one week of its passing, it was challenged in the Islamabad High Court by an MNA for having provisions contrary to the fundamental rights enshrined in the constitution. The PPA aimed at protection against waging war against Pakistan, prevention of acts threatening security of Pakistan and for speedy trial of offences, though these were already covered under a host of existing laws including Pakistan Penal Code. The PPA, vide a number of provisions, stripped the

citizens of Pakistan of their most basic rights. Any person even suspected of about to cause death, grievous hurt to or destruction of property of the armed forces and its subsidiaries could be arrested or fired upon. It granted the armed forces immunity for arbitrary detentions when it said "Government may not in the interest of the security of Pakistan disclose the grounds for detention or divulge any information relating to the detainee". According to international human rights standards, the involuntary abduction or deprivation of liberty by agents of the state and subsequent denial of information regarding the detainee are the conditions which qualify as enforced disappearance. Despite the obvious breach of constitutional guarantees, the bill was passed, effectively legalizing arbitrary arrest and detention, and enforced disappearances.

According to the Commission of Inquiry on Enforced Disappearances (CIED) report submitted to the interior ministry at the end of 2014, there were as many as 1,265 cases of missing persons pending with the commission. According to the interior ministry, 155 bodies of missing persons were found in 2014, 67 of which were Baloch. A Supreme Court judge said on record

“...the involvement of intelligence departments has been found in every case [of missing persons] which the court took for hearing.” Despite these well documented cases and officially accepted figures, HRCP was not aware of a single case in which the security forces or the intelligence agencies had faced prosecution or even an inquiry for unlawful deprivation of liberty, arbitrary arrest and illegal confinement in Pakistan. International human rights law and International Covenant on Civil and Political Rights (ICCPR) place a burden on the authorities in Pakistan to investigate gross violations of human rights. The CIED was able to trace 56 missing persons in October alone but prosecution and conviction details were not available.

According to data from HRCP’s monitoring of 48 critical districts of Pakistan, 129 new cases of enforced disappearance were reported in the year under review, 106 of which were from only nine districts of Balochistan. In November, the bodies of five persons, who had been missing since July, were recovered from a field in village Kotarpan in Nowshera, Khyber Pakhtunkhwa. The bodies were thrown in gunny bags and a post mortem revealed that the cause of death was poison administered through injections. They were identified through their identity cards in their shirt pockets. All wore the same clothes they had worn when they had disappeared four months earlier. Two of these men, namely, Asghar Ali and Irshad Ali, had been charged with numerous crimes but had been acquitted by the Anti Terrorism Court in 2010. A third, Zulfiqar s/o Fazal Ilahi was charged with car lifting but was on bail when he was picked up in July 2014. The remaining two, Mushtaq Ahmad Jan and Noor Rahman, had no cases registered against them. The case was unlikely to make much headway in the courts, especially in terms of convictions for the perpetrators though it was a clear case of extra-judicial killing and enforced disappearance.

On January 1, the Supreme Court sought a reply from the defence ministry regarding the disappearance of Atiqur Rehman, an engineering student at the University of Lahore, who went missing from Sheikhpura in July 2012. The Commission of Inquiry on Enforced Disappearances (CIED) presented its report to the court in which it stated that prima facie the case was one of enforced disappearance and held the intelligence agencies responsible. However, a report submitted by the Military Intelligence (MI) and the Inter-Services Intelligence (ISI) said they had no information on Atiq ur Rehman’s whereabouts. In July 2012, Atiq ur Rehman had received a phone call from his friend to arrange a meeting. The two met at a nearby shop when personnel of the Punjab police, some persons in plainclothes and a few commandos picked up both of them and took them away in separate cars. Atiq ur Rehman’s friend, who was released four months later, explained that the two had been kept separately in captivity.

In late January, a local farmer in Tootak area of Khuzdar district in Balochistan province discovered some human remains near his house. When

security forces arrived and started digging around, a mass grave was discovered. Immediately afterwards, the chief minister of Balochistan constituted a judicial commission to conduct an inquiry. According to official reports, 17 dead bodies were retrieved from the graves, though rights groups and families of missing persons said the figure was severely understated. Human rights bodies also dismissed the findings of the commission which absolved the armed forces and intelligence agencies of any responsibility in the case. The site itself was almost immediately cordoned off by the authorities and subsequently no rights groups were allowed to visit to conduct impartial fact findings. Organizations and groups working for missing persons in Balochistan said that the Tootak mass graves were one among many found all over the province.

HRCP expressed alarm at the rising number of cases of enforced disappearances and dumping of bodies in Sindh in 2014. According to HRCP's media monitoring, 11 political activists have disappeared from Sindh in 2014. The persons picked up and dumped later were all young men, often associated with nationalist political parties. The victims included Sindh University students, activists of Jeay Sindh Muttahida Mahaz (JSM), Jeay Sindh Qaumi Mahaz (JSQM) and others. In the numerous cases reported, the involvement of the agencies and security forces was either confirmed by eye-witnesses or was actively suspected due to the precedent they have set in dealing with dissent over the last few decades in Pakistan. On October 30, a JSQM activist Waheed Lashari was travelling with his sister on public transport when he was abducted from Qambar Shahdadt district in Sindh. His bullet-riddled body was found from a sewerage pond in Karachi's Malir area. On September 18, a 28-year old Sindhi named Rano Khan was taken into custody by the police during a raid in his village. When the villagers and Rano Khan's family visited the police station the next day, they denied involvement in any raid or in the arrest of Rano Khan.

Despite orders from the sessions judge for Khan's release, his whereabouts remained unknown.

The charred bodies of three JSQM activists, including that of Maqsood Qureshi, the brother of Bashir Qureshi, were found in a burnt out car in Hyderabad on 21 March. No headway was made in investigations while the party blamed the incident on intelligence agencies.

Pakistan has not yet signed or ratified the convention against enforced disappearances. Nor has it defined the crime in domestic legislation. But the government still has a responsibility to investigate and prosecute cases of enforced disappearance under Article 9 and 10 of the Constitution of Pakistan which prevent deprivation of life or liberty of a person and provide safeguards against arbitrary arrest and detention. All persons who have been denied justice by being arbitrarily detained or disappeared and kept under illegal confinement should be paid compensation by the state. The laws which were in place to provide protection against crimes committed by state agents should have

provisions for compensation and reparation so that the victim's faith in the rule of law and justice can be restored.

### **Internment centres**

For several years thousands of persons, kept outside the ambit of the law under illegal detention, have been confined in unaccounted for internment centres in Khyber Pakhtunkhwa province. There was no official record of these prisoners, nor any access to courts in the country. They could simply be picked up and hidden away for years under various security laws application to FATA and PATA regions. These prisoners did not enjoy the safeguards other prisoners did in the country i.e. visiting rights of families, right to appeal for an inquiry in case of torture or custodial death.

In 2014, the Peshawar High Court directed the head of the Kohat internment centre to produce a report on the deaths of four internees whose families were handed over their bodies without fulfilling the legal requirement of a post-mortem examination. The families had complained that their loved ones' bodies bore visual marks of torture with at least one aging man saying his son's legs were blackened perhaps due to poisoning or electrocution. The court directed the FATA additional chief secretary and provincial home secretary not to hand over an internee's body to their family without first ascertaining the cause of death. The court inquired from the person in charge of the internment facility and the superintendent of Kohat Jail why the post-mortem had not been conducted. When their reply was received by the court in October, it was immediately rejected. The death certificates produced before the court said that the deaths were natural and despite provision of medical facilities, the internees had not recovered. The officials failed to produce post-mortem reports. On November 18, the court issued arrest warrants for the two officials for their failure to comply with the court orders. Till the end of the year, the death certificates had not been produced.

In November the Peshawar High Court dismissed six habeas corpus petitions by families of missing persons after they were traced to an internment centre in Ghalanai in Mohmand Agency, FATA. The detainees had been interned under the Action in Aid of Civil Powers Regulation 2011 and had been declared 'black', which meant that the authorities possessed evidence of the persons' involvement in terrorist activities and thus the courts could not proceed any further in the case. Simply an acknowledgment by the authorities of having detained a person does not provide any legal remedy to the accused as they remain vulnerable to torture, ill treatment and even extra-judicial killing.

### **Recommendations**

*1. The government should immediately codify enforced disappearance and declare it unlawful and prosecute those held responsible for this heinous*

*human rights violation.*

*2. Pakistan should immediately ratify the International Convention for the Protection of All Persons From Enforced Disappearance*

*3. Since Pakistan ratified CAT in 2012, it should be codified into law and provisions made to provide compensation and reparations to the victims of torture. According to international standards of human rights, reparation and compensation is due to all those who have been denied justice under the law. Provisions should be made to provide reparations for persons who have been disappeared, arbitrarily arrested and detained or their next of kin.*

*4. Human rights groups should be allowed to visit internment centres so that persons confined there can be brought under the ambit of the law.*

*5. The judicial system should devise alternatives to penal servitude so that the problem of overcrowding of jails can be addressed.*

## Fundamental freedoms

III





# 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)

*1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.*

*2. Everyone shall be free to leave any country, including his own.*

*3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.*

*4. No one shall be arbitrarily deprived of the right to enter his own country.*

**International Covenant on Civil and Political Rights**

Article 12

Freedom of movement is a vital prerequisite to the free development of a

person, not least because several other human rights depend on it.

It is the freedom for anyone lawfully within the territory of a state to move without undue restriction, to choose one's place of residence and to be able to leave and return to one's country.

Pakistan, as a state party to the International Covenant on Civil and Political Rights (ICCPR), is permitted to place limitations on movement, but these must comply with the requirement of necessity under Article 12 (3) of the ICCPR as well as the need for consistency with the other rights recognised in the covenant. The UN Human Rights Committee has observed (in General Comment 27) that the restrictions on Article 12 rights should be exceptional and no limitation must have the effect of nullifying the principle of liberty of movement.

The constitution of Pakistan acknowledges every citizen's right, "subject to any reasonable restriction imposed by law in the public interest", to enter and move freely within the country and to reside and settle in any part of it.

In 2014, Article 12 rights were compromised in Pakistan, directly or indirectly, on account of a range of factors including armed conflict and absence of the writ of state in some areas, general lawlessness and targeted attacks, and the inability of the people to travel because of absence or shortage of means of travel, including scarcity of flights for domestic travel for areas that were either too remote or too disturbed for safe road travel. The citizens' freedom of movement was also at times hindered by conditions that made travel difficult, including the cost of travel and poor road infrastructure.

The right to move freely and to establish oneself in a place of one's choice relates to the entire territory of a State. This entitlement was tested by circumstances that forced a large number of citizens to flee their homes. Major population exodus occurred in Federally Administered Tribal Areas (FATA), mainly in North Waziristan Agency of starting in June and in Khyber Agency in October after military operations were launched in the two districts to dislodge militant extremist groups. Anti-IDP rhetoric and at least some opposition and hurdles to the entry of displaced persons from FATA to the provinces of Sindh and Punjab were noticed, particularly in June and July.

Hundreds of thousands of people in debt bondage remained in conditions of virtual slavery. The so-called bonded labour was endemic in agriculture in Sindh and brick kilns in Punjab and Khyber Pakhtunkhwa.

As in previous years, the government barred several clerics from a number of cities during the month of Muharram in 2014 with a view to preventing them from fanning sectarian hatred. Apart from this once-a-year curf, however, little action was initiated against these clerics for hate speech.

The right to leave the country came under what some affected individuals



Natural disasters and armed conflict led to involuntary internal displacement of hundreds of thousands of Pakistanis.

called arbitrary curbs on travel abroad by inclusion of individuals' names in the Exit Control List. In some cases, courts found the restriction to be arbitrary. A more general complaint of undue delay in provision of passports to citizens in the country or through Pakistani missions abroad was highlighted by the media and attracted judicial attention.

Imposition of curfew amid security forces' operations against militant extremists in parts of FATA and some districts of Khyber Pakhtunkhwa province, occasional curfew-like situations, such as strike calls in Karachi and closure of roads by the Punjab and federal governments to thwart two somewhat coordinated protests and sit-ins in Islamabad from August onwards also affected the citizens' liberty of movement.

Closure of the relatively more affordable compressed natural gas (CNG) during winter months and even otherwise for most days of the week, particularly in the Punjab and to a lesser extent in Sindh, made travel expensive and served as a deterrent to all but the most essential travel for many middle-income citizens.

Media reports seemed to suggest that provision of basic facilities in rural areas and small towns could have prevented a large number of citizens from relocating to bigger cities.

### **Freedom of movement**

From natural disasters to armed conflict and even harassment by criminal gangs, a number of factors led to millions of Pakistanis becoming victims of involuntary internal displacement. Hurdles in liberty of movement even as they were uprooted made life particularly difficult for the conflict affected. [See

*also the chapter 'Refugees']*

The military operations in North Waziristan and Khyber district in FATA aimed at ousting extremist militants forced more than two million residents out of their homes. In late June and early July, the provinces of Punjab and Sindh were reported to be opposing entry of the displaced citizens from FATA. In mid-June, the Sindh information minister was reported as stating that individuals coming from outside Sindh would be registered at the inter-provincial borders and allowed entry only after satisfying the authorities about the purpose of their visit and giving the name of the person they intended to visit. He urged the citizens to carry their national identity cards while travelling to avoid hardship. However, the leader of opposition in the National Assembly, who belonged to the ruling party in Sindh, stated in the beginning of July that the constitution guaranteed the freedom of movement to every Pakistani and no one could bar displaced persons from entering any part of the country. The Punjab government also quickly rebutted any impression of barring access to the internally displaced.

However, in July, a number of Sindhi nationalist parties announced 'Sindh Bachao' (Save Sindh) movement against the influx of IDPs, and blocked traffic between Punjab and Sindh for a couple of days. The protesters stopped traffic entering Sindh from Punjab through a major route for one whole day. The following day they staged sit-ins at Ghotki and Kandhkot bypasses. However, on that day the protesters were content to bar buses, coaches and trucks carrying the IDPs, while allowing all other vehicles to pass through.

### **Safety of travel**

Several instances of targeting of passenger trains and railway tracks were reported, representing a disturbing method of sabotage, considering the large number of people who used the railways as their primary mode of travel, especially across provincial boundaries.

Insurgent groups in Balochistan claimed responsibility for indiscriminate targeting of passenger trains. These included a blast targeting a train at a railway station in Sibi district of Balochistan, which killed 16 persons and wounded 40 others in April. In another attack in the same month, three people were killed and six others injured when armed men opened fire on a passenger train in Bolan district of Balochistan.

An explosion on the main railway track near Karachi, in the Sindh province, killed one girl and injured 23 persons when a train was targeted in February. Train tracks had been targeted in Sindh before, with suspicion falling on fringe separatist groups, but those had not resulted in loss of life.

Other attacks or botched attempts to target trains or railway track were



Suicide attack on two buses carrying Shia pilgrims returning from Iran in Mastung, Balochistan.

reported from Nawabshah, Kotri and Hyderabad in Sindh, Rahim Yar Khan in Punjab and some parts of Balochistan.

Attacks on vehicles also targeted Shia Muslims in many parts of the country.

On January 21, at least 28 people were killed and around 40 injured when a suicide bomber targeted two buses carrying Shia pilgrims returning from Iran in Mastung district of Balochistan.

Because of previous acts of terrorism against pilgrims, their travel to and from Iran without official security escorts had been barred a couple of years ago.

Two vehicles of security forces' personnel escorting the buses were also damaged and four personnel injured in the Mastung attack.

Banned militant organisation Lashkar-e-Jhangvi (LeJ), claimed responsibility and warned of more such attacks.

The January 21 bombing in Mastung was the second attack on Shia pilgrims in that part of Balochistan over three weeks. On January 1, one person was killed and 34 injured when an explosives-laden vehicle targeted an Iran-bound bus carrying Shia pilgrims in Hazar Ganji area of Quetta. Jaishul Islam, a banned militant outfit, had claimed responsibility for the attack. [*See the chapter on 'Freedom of thought, conscience and religion'*]

### **Skirting the issue**

On January 24, the Balochistan government suspended the movement of

buses carrying Shia pilgrims from travelling through the province to neighbouring Iran due to security concerns.

The government then arranged C-130 flights for 301 pilgrims returning from Iran and flew them to Quetta, the capital of Balochistan province, from Dalbandin town for fear of more attacks on the Taftan-Quetta highway. Earlier, law enforcement personnel had escorted the buses of the 301 pilgrims from the border crossing with Iran to Dalbandin airport.

On June 9, the government banned road trips to Iran for Shia pilgrims after four men targeted two restaurants in Taftan, near the Iranian border a day earlier. As many as 30 pilgrims returning home from Iran were killed in that attack. The bodies and injured were shifted in army helicopters from Taftan at the Pakistan-Iran border to Quetta.

Hundreds of protesters from the Shia Hazara community held a demonstration in Quetta on June 15 against the ban on road travel to Iran. They called for better security for pilgrims travelling to Iran and Iraq through Balochistan. They said that not every pilgrim could afford the cost of air travel.

Toward the end of October, the government was considering starting a ferry service from Karachi to Iran for Shia pilgrims, who had been demanding action to facilitate protection en route to the pilgrimage. The ferry service was supposed to be a means to bypass the hazards in Balochistan.

At that time the ferry service was reported to be waiting only for a formal no-objection certificate (NOC) from the Ministry of Foreign Affairs. The ports and shipping minister said the paperwork and other necessary arrangements had been completed and the service would be launched immediately after the NOC was issued. However, it did not start operating until the end of 2014.

Some faith-based attacks on the roads were also reported from other parts of the country.

On October 2, three people were killed and nine injured when a roadside bomb hit a passenger van near Gilgit in the northern Gilgit-Baltistan region. All the passengers belonged to the Shia community and the van was bound for Haramosh valley, where the entire population is Shia. Police called the bombing a sectarian attack.

### **Convoys and security escorts**

The system of formation of convoys of passenger buses and assigning security escorts to the vehicles was not confined to Balochistan.

Travel for passenger buses and vans in convoys was made mandatory in Gilgit-Baltistan following terrorist attacks in 2011-12, when buses were stopped



KKH blocked by anti-convoys transporters in Kohistan.

by armed men, who murdered Shia passengers after verifying their sectarian identity.

However, substantial efforts were not made to deal with the threats and actors behind the targeting of vehicles.

In April, two transport associations in Gilgit-Baltistan threatened to suspend the bus service between the region and Rawalpindi. They were unhappy over the system where usually around 40 passenger buses had to wait for hours until a convoy was formed and escorted by security vehicles. They said that travel in convoys doubled the time of the journey which used to take 15 hours. Travel from other Gilgit-Baltistan districts, such as Skardu, Astor and Ganche, took much longer. The transport associations said buses were made to stop in Besham for eight hours at night owing to security risks. However, that added to difficulties for passengers as the area lacked proper hotels.

### **Magnified distances**

Failure to complete or repair important highways made travel longer and arduous than it had to be in many parts of the country. There was no shortage of locations in the country where, on account of inadequate or missing road infrastructure, a journey of a few dozen kilometres took more than a day in this day and age.

In June, hundreds of passenger and goods transport vehicles remained stranded for nearly four days in Lowari because of blockage of an unpaved part of Dir-Chitral road passing through a stream. The passengers, including women and children, were stuck in the deserted area without food. The same route also routinely closed for weeks or even months in the winter due to



Passenger and goods transport vehicles stranded at Daro Khwar area of Lowari because of blockage at the unpaved part of Dir-Chitral road passing through a stream.

snowfall, virtually cutting off the residents of Chitral from the rest of the country. In January, media reports stated that the army engineering corps had been directed to keep the Lowari Top route open. The residents of Chitral earlier used to reach other parts of Pakistan after passing through Afghanistan during the winter months. However, after the closure of Pak-Afghan border the residents of Chitral district had been dependent on the Lowari Top route. Snowfall in March again caused closure of the route.

In some parts of the country, travel on some highways became such a hazardous endeavour at night on account of poor law and order that citizens routinely avoided using those roads after nightfall.

The cost of air travel meant that only a fraction of the population could afford that mode of travel. The lowest return airfare within the country cost more than the minimum wage. Even the airfare for one-way domestic travel cost more than the minimum wage for most destinations.

Even those who could afford air travel had to suffer frequent and unannounced delays and cancellation of flights. Timely departure of flights, rather than delays, was the exception, especially for the ones operated by the state-owned airline.

For the mountainous Gilgit-Baltistan region, the flights were highly weather-dependent and the alternative was a solitary road, where landslides were not uncommon, and where the journey often took an entire day, and at times much longer.

Media reports suggested that a large number of citizens in rural areas or small towns felt compelled to move to bigger cities because of absence of

basic needs, especially the health and education infrastructure, as well as crime and lack of economic opportunities. It appeared that provision of adequate education and health, livelihood opportunities and better road links to urban areas could have persuaded many of them against relocating.

Imposition of curfew during security operations created difficulties in citizens' movement, especially in parts of FATA where security forces were engaged in operations against militant groups.

In February, the authorities imposed curfew in most parts of North Waziristan (including Mir Ali, Miranshah, Datta Khel, Razmak and Dosali) for an indefinite period and security forces were authorised to shoot any violators. The curfew, announced through loudspeakers, was imposed at a time when hundreds of residents of the area were preparing to flee their houses after a deadlock between the government and the Taliban. *[See also the chapter 'Refugees']*

Curfew intermittently remained in effect in many parts of North Waziristan and was eased in June to allow civilians to escape a long-awaited crackdown on the Taliban and other militants in North Waziristan.

### **Freedom to choose residence**

The protection against all forms of forced internal displacement was denied to citizens in several parts of the country, including those affected by floods in the summer months and in FATA where over two million people had to flee their homes amid a military operation against militant extremists. The victims of conflict-induced displacement from FATA were again denied the freedom to choose their place of residence as they initially faced hurdles in travelling to destinations of their choice in the country, particularly in Sindh.

Some groups of citizens were reportedly forced to choose their place of residence for safety. These included members of the Shia Hazara community in Balochistan, who were increasingly concentrated in two localities in Quetta and Shia Muslims who moved to Shia-only neighbourhoods even in big cities such as Karachi, with a view to remaining safe from sectarian violence.

In some cities, such as Gilgit, some areas were off-limits to citizens from members of certain sects. In Karachi, for people perceived to be associated with a gang or political party localities of influence of a rival gang or political party were no-go areas. Parts of Karachi remained under the control of the Taliban and even the police could not enter those areas.

Violence in Balochistan against the so-called settlers, members of non-Baloch ethnicities, mainly from Punjabi and Sindhi ethnic groups, compelled many living in the province for generations to relocate to other parts of Pakistan.

Reports from Balochistan also offered accounts of members of the Shia Hazara community going abroad in search of safety from faith-based attacks.

Accounts of Pakistani Christians languishing in abysmal conditions in Thailand after fleeing persecution at home were also reported by the media.

### **Freedom to leave the country**

Some delay in the grant of passports to those aspiring to travel abroad and complaints of arbitrary use of Exit Control List, a system of border control by the government, were reported during the year under review. Complaints of Pakistan's foreign missions not being equipped to issue machine-readable passports led to the Supreme Court directing the government to expedite steps to issue such passports to applicants.

Critics of the Exit from Pakistan (Control) Ordinance slammed the law for taking away the right to leave one's country without judicial review. They stated that the law not only prevented from travel abroad individuals who faced ongoing criminal or corruption investigations but even those who were suspected of such violations. Their concern emanated from the potential for the law to be used to victimise and harass political and other opponents of whoever happened to be in authority.

While inclusion of names in the ECL was frequently challenged in courts and these matters were adjudicated upon in 2014, no steps were taken to address the concerns regarding the way the law was enforced.

### **Impediments to travel abroad**

Attacks on aircraft and on the Karachi airport, the busiest in the country, represented new threats to air travel, particularly international travel.

On June 8, at least 36 people, including 10 militants, were killed when the militants attacked Karachi's Jinnah International Airport. The banned Tehreek-



Attacks on aircraft and airports represented new hazards in air travel.



Government tried to block protest marchers by placing containers on roads.

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i-Taliban Pakistan (TTP) claimed responsibility for the attack.

At least some airlines cancelled flights to Karachi after the attack and media reports indicated that several airlines were reviewing Karachi flights.

On June 24, a woman was killed and two stewards were injured when a Pakistan International Airlines (PIA) aircraft coming from Saudi Arabia was fired upon before landing at the Peshawar airport.

Following the attack, almost all international airlines operating from Peshawar announced suspension of flight operations at the airport, citing consideration for passenger and crew safety. Others briefly diverted Peshawar flights to Islamabad. Most of these airlines resumed flights around a month later. Qatar Airways, which had resumed flights to Peshawar in early July, announced after the December 16 terrorist attack on Army Public School in Peshawar in which around 150 people, mainly school children, were killed that it was halting flights in and out of Peshawar “until further notice”.

In May, the World Health Organisation recommended strict travel restrictions on Pakistan due to the rising number of polio cases in the country. In a statement, the WHO said Pakistan, Cameroon, and the Syrian Arab Republic posed the greatest risk of further wild poliovirus exportations in 2014. The public health arm of the United Nations issued new guidelines to fight the disease, recommending that Pakistanis traveling abroad should present a polio vaccination certificate.

While the WHO could not impose travel restrictions itself, based on its recommendation, any country could make travelling abroad for Pakistanis a more difficult task than it already was.

### **Movement ‘contained’**

In August, actions taken by the Punjab and federal governments after two

political parties, Pakistan Tehrik-e-Insaf (PTI) and Pakistan Awami Tehreek (PAT), announced and later started somewhat coordinated protest marches towards Islamabad caused considerable obstruction to citizens' liberty of movement. Both parties started their marches from Lahore.

The PTI was protesting against what it called organised poll rigging and the PAT called for revamping of political system and bringing to justice those responsible for the killing of several party workers in Lahore on June 17 in a violent clash with the police. The government initially tried to block the marchers by placing cargo containers on roads, hindering travel between several cities. A simultaneous fuel shortage, whether accidental or planned, affected the citizens' ability to travel. Both parties held sit-ins at adjacent locations in Islamabad. The closure of busy parts of the federal capital by a combination of the sit-ins and security forces' deployment made travelling around Islamabad very difficult and time consuming. The sit-ins even made it difficult for members of the superior judiciary to get to their offices in time.

### **'Seasonal' curbs**

As in previous years, the authorities banned the entry of hundreds of religious leaders in various districts in 2014 in a bid to prevent sectarian violence in the month of Muharram. The ban announced in late October and November was aimed at preventing clerics "from disturbing peace and harmony" in these districts by fanning sectarian hatred. However, as had been the practice, no action was initiated against these clerics apart from the roughly month-long ban on entry into some districts.

### **Curbs on women's movement**

The obligation of the state includes ensuring that the freedom of movement is protected not only from public but also from private interference. A number of instances of an inability to fulfil that obligation were observed during the year under review. These included interference with the right of women to move freely in public places, without having to be chaperoned by male relatives.

In July, acid attacks targeting women in Balochistan, where such attacks had been largely unheard of, fuelled suspicions that these were part of rising religious extremism in the province, aimed at scaring women into staying at home. On July 22, two men on a motorcycle sprayed acid using syringes on two teenaged girls returning from a market in Mastung district of Balochistan. A day earlier, men on two motorcycles had targeted four women aged between 18 and 50, in the same manner in Quetta, as they shopped for the upcoming Eid celebrations in the market area of Sariab. Shopkeepers in both Quetta and Mastung reported a drop in women customers following the attacks.

Hundreds of cases of acid attack, whose victims are overwhelmingly



A man stabbed around 50 women in public places in Cheechawatni over six months.

women, are reported in Pakistan every year. The attacks, which disfigure and often blind the victims, have long been used in so-called ‘family feuds’, often to ‘punish’ women deemed to have sullied family “honour”, or are suspected of “indecent” behaviour, or even daring to turn down a marriage proposal. In acid attacks around Pakistan, a majority of victims know their attackers. That was not the case in either of the two acid attacks in Balochistan in July.

Political and human rights activists in Balochistan, which had long had a liberal tradition and strong political participation by women, called the attacks an attempt to create a climate of terror to prevent women from participating in education, and social, political and economic activities. Others saw the attacks as an attempt aimed at moral policing.

In somewhat similar attacks on women who ventured out to shop in Sahiwal district of Punjab, the man believed to be responsible stated as much.

In May, police arrested a man accused of stabbing around 50 women in public places in Cheechawatni town in Sahiwal district over a period of six months. He reportedly confessed to targeting women unaccompanied by men on roads or in marketplaces because “they were spreading vulgarity in society”. Police officers engaged in the investigation told the media that the accused had been influenced by local clerics who had convinced him that his actions were ‘very noble, moral and religious’. “My attacks have controlled vulgarity in Cheechawatni... fearing my attacks, women now keep away from roads,”

the accused had reportedly told the investigators.

### ***Recommendations***

1. *There is an urgent need for the state to fulfil its obligation to guarantee the citizens freedom of movement across the entire territory of Pakistan, to make sure that there are no no-go areas, and that the people are safe while travelling throughout the country.*

2. *Freedom of movement should be protected not only from public but also private interference. Special efforts should be made to ensure that women are denied none of the rights available under Article 12 of the ICCPR.*

3. *The ECL should be made public, as should the reasons for placing anyone's name on it, and its arbitrary use should be stopped. The delay in issuance of passports needs to be addressed and the facility to issue machine-readable passports provided at all Pakistani missions abroad.*

4. *Special efforts must be made to protect citizens' right to reside in a place of their choice by protecting them against all forms of enforced displacement. Implementation of laws against bonded labour should be ensured as the most vulnerable sections of society find themselves in conditions of virtual slavery.*

5. *Steps must be taken to make journey by road, train and air affordable, efficient and reliable.*

# 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)

Pakistan's religious minorities, which constitute 3% of the country's population, continued to face maltreatment during the year under review. Discriminatory laws, militancy, the state's failure to protect religious minorities, and deep-rooted intolerance gave rise to many incidents of persecution.

No laws were made by the federal government to safeguard the interests of minorities. Out of the four provincial assemblies only the Khyber Pakhtunkhwa assembly passed two bills related to religious minorities. The acts provided for the protection and management of properties of non-Muslim communities.

A report by the US Commission on International Religious Freedom pointed out that Pakistan topped the list of countries that jailed citizens for allegedly attacking religion the most. Though courts gave death sentence to people who were charged with blasphemy, no one had ever been executed by the state. However, the accused often faced mob attacks and vigilante violence. A majority of the people charged with blasphemy were Muslim. More Ahmadis were booked under these laws than Christians, Hindus, and Sikhs.

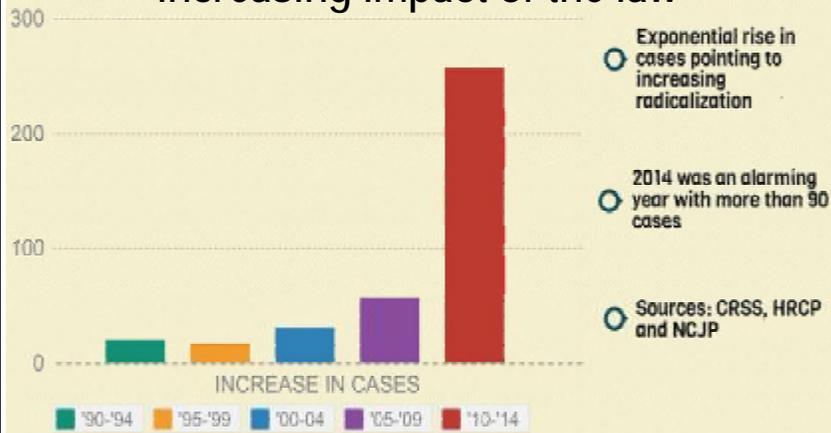
Many people from religious and sectarian minorities were targeted by militants across Pakistan. The Zikri sect was also attacked twice and many Zikris had to move from Balochistan to other parts of Pakistan. Representatives of Christian and Hindu communities said they were fleeing from Pakistan to other countries for safety.

According to the National Database and Registration Authority (NADRA), 114 Christian, 29 Hindu, 10 Baha'i and four Buddhist families were among those displaced from FATA due to Pakistan army's operation against militants in the region. Some displaced families talked to the media and said that they were facing discrimination at the IDP camps in Bannu, Khyber Pakhtankhwa where they had taken refuge. They also said they were being ignored at the food distribution points.

The HRCP Expert Group on Communities Vulnerable because of their Belief—a forum that has since 2010 brought together representatives of religious minority communities with a view to finding answers to the challenges confronting them on account of their faith—met twice during 2014. In the first meeting held in July, the group dwelt at length on attacks on places of worship of religious minorities and the motives for the attacks. In its second meeting in November, the expert group discussed various aspects of access to justice for members of religious minority communities and sects.

HRCP jointly organized a consultation with the Paris-based International Federation for Human Rights (FIDH) in January at which members of the

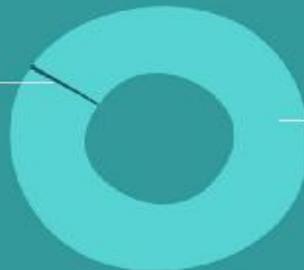
## Increasing impact of the law



## Comparison of Blasphemy Accusations from 1927-1986 and 1987-2014

Before and after the introduction of the stricter blasphemy laws in 1987

**7**  
accusations before the stricter blasphemy laws were introduced in 1987. Lenient versions of blasphemy laws were still present

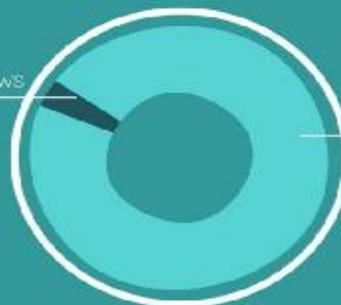


**1335**  
accusations after the stricter blasphemy laws were introduced with death penalty as the only punishment with no room for pardon

## Extra Judicial Killings Before and After the Law was Passed

There were 2 cases of Extra Judicial killings from 1946-1987 as compared to 57 cases of Extra Judicial Killings after the law was passed from 1987-Present

**2**  
Killings before new laws. Only 2 cases of Extra Judicial Killings before the Blasphemy Laws were introduced



**57**  
Killings after the new laws. The narrative behind and surrounding the law has resulted in an alarming increase in extra judicial killings

Source: Dawn

minority communities from across the country expressed their concerns. The main issues highlighted by them included faith-based discrimination and persecution in all spheres of their lives – from political and legal to education and employment. Forced conversions were a matter of great concern for Hindus and Christians. A Sikh participant talked about having to pay *jazia* to militants in parts of KP (particularly Malakand division) in order to enter or leave a place.

### Religious minority groups

Some of the main trends, incidents and challenges faced by Pakistan’s religious minorities are as follows:

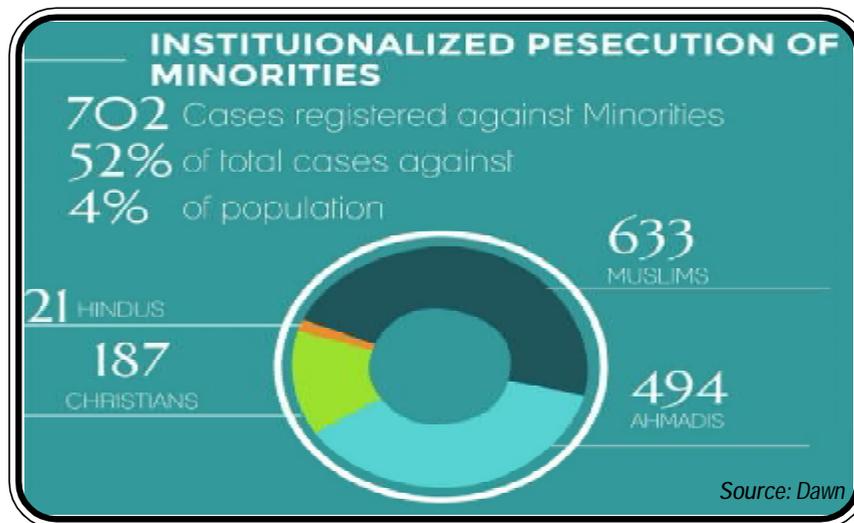
#### *Sikhs*

In Pakistan lies the birthplace of Guru Nanak, the founder of Sikhism. However, life for the Sikh community, especially in Khyber Pakhtunkhwa, has become an ordeal because of the targeted killings and kidnappings they have been facing. A lot of them had to resort to moving to other places like Rawalpindi so that they did not have to live under constant threat to their life and could run their businesses in a relatively secure environment.

On September 3, unidentified assailants gunned down a Sikh in his shop in Shaheedan Bazaar, Mardan. Just three days after this incident, on September 6, unidentified persons opened fire on three shops run by Sikhs in Hashtnagri, Peshawar. One Sikh trader who ran a grocery shop was shot and killed while two other traders were injured. The assailants escaped before police arrived.

Members of the Sikh community took to the streets after these attacks and demanded measures to increase their security.

Kidnappings from Khyber Pakhtunkhwa and the tribal areas have also





Sikhs protest in Peshawar.

been reported. According to some media reports, the abductors often set the ransom so high that the families of victims were unable to pay it and the kidnapped Sikhs were killed. Two Sikhs businessmen were kidnapped from Dera Ismail Khan in February. They were released after four million rupees were paid to the abductors.

Though Peshawar too has become a hostile environment for the Sikh community, at least 500 families migrated to this city from Federally Administered Tribal Areas (FATA) because of the military operation against militants.

The Sikh community said they were afraid to go to Gurdwaras to worship and many of their religious places were closed due to the poor security situation in the region. A lot of Sikhs also had to close down their shops. Many parents were not sending their children, especially boys, to school because they could be easily identified by their headdress.

On May 8, a copy of Guru Granth Sahib was burned when the hall in which it was kept was put on fire. This incident took place at Jai Ram Das Darbar in Shikarpur. A day earlier, another copy of Guru Granth Sahib was desecrated at Bhagnari Temple in Karachi's Lea Market. Reports of desecration of the holy book of the Sikh religion had previously come from various parts of Sindh. On November 14, a Hindu man was arrested for tearing off pages of Guru Granth Sahib in a temple. Keeping the holy book of the Sikh religion in Hindu temples had been a tradition but after such incidents the Sikh community was having second thoughts about keeping their holy book in temples. Ramesh Singh, the head of Pakistan Sikh Council said, "If they can't take care of our

books, then they should just return them.”

In the wake of this incident Sikhs from Sindh and Khyber Pakhtunkhwa stormed the parliament in Islamabad. The protesters demanded better protection for their religious sites. The Pakistan Sikh Council also addressed a press conference and warned the government that the Sikh community would hold protests across the country if the perpetrators were not arrested. On May 15, the National Assembly passed a resolution urging the government to deploy security personnel to guard the holy places of religious minorities.

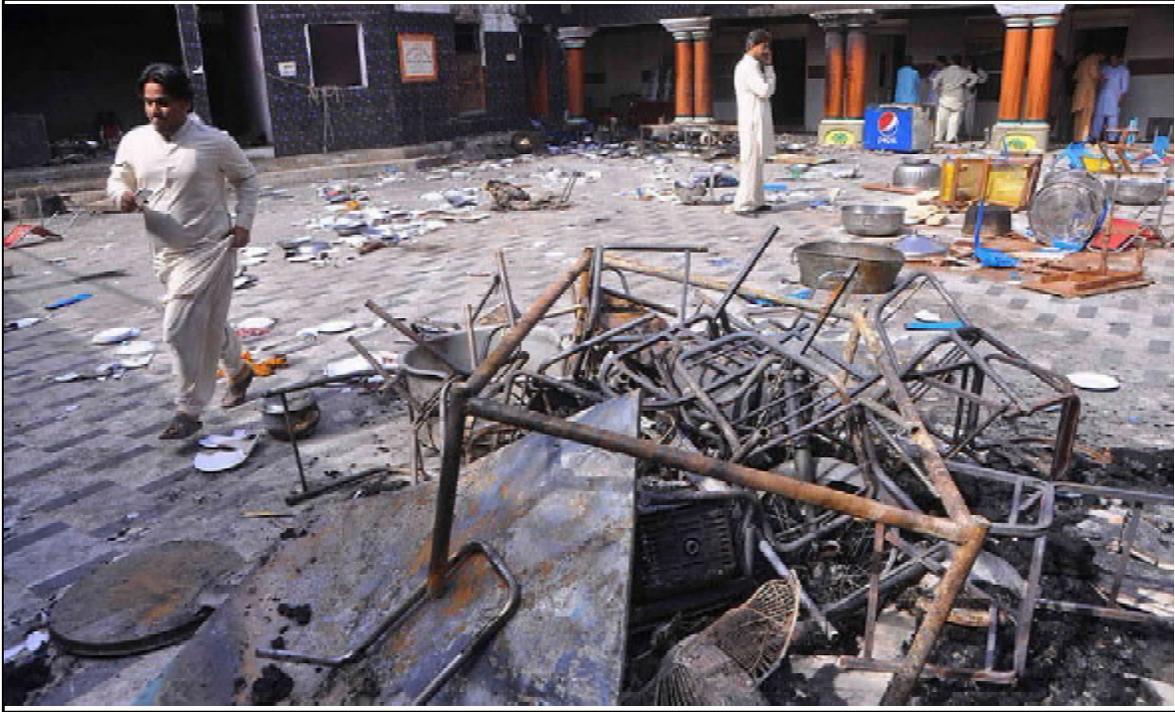
More than 1,000 Sikhs arrived from India to Pakistan to observe the birth anniversary of Guru Nanak. The Evacuee Trust Property Board (ETPB) was expecting to receive 3,000 Sikh pilgrims but many did not come to Pakistan, possibly because of the recent blast at Wagah border. The Punjab government deployed rangers and police to protect the pilgrims and keep security high at the Gurdwaras.

### ***Hindus***

Forced conversion of Hindus was a common complaint in Sindh. In most cases Hindu girls were abducted, forcibly converted to Islam and then married to Muslim men. The Secretary-General of the All Pakistan Hindu Panchayat stated that almost 1000 girls in Sindh were forcibly converted each year. Even Hindu children were being subjected to forced conversion. On February 4, two little girls who sold toys and utensils from door to door did not return to their family. Investigation revealed that they were with a Muslim man who presented them in a court as Muslim girls. The court sent both of them to Darul Amaan, women’s shelter home, on suspicion that they were facing abuse at their house. One of them was later returned to her parents. Children also complained of discrimination at schools. Many parents were said to have started giving Muslim names to their children to protect them from such treatment.

The immediate step that needed to be taken to prevent forced conversions was to draft a Hindu marriage law. The Hindu community had long been irked by the lack of codified Hindu personal laws, particularly Hindu marriage law. A Hindu Marriage Bill was tabled in the parliament in 2011 but it had still not been passed. The Supreme Court of Pakistan also directed the government to take measures to register Hindu marriages. Muslims and Christians can obtain marriage certificates from the government but Hindus have no documentary proof of their marriage. Once passed, the Hindu Marriage Act would offer the Hindu community some protection against forced conversion and harassment by police. It would also enable them to settle other issues such as divorce and inheritance.

The Hindu community in Balochistan has been targeted by kidnapers who mostly pick up Hindu traders and businessmen and ask for ransom. On May 28, five children were picked up by armed men while returning from



Arson attack on Hindu temples in Larkana.

their school. They were daughters and sons of a Hindu trader. The police arrested four suspects but the children had yet to be recovered. A lot of Hindus are moving to other parts of Pakistan due to lack of security in the province.

According to Ramesh Kumar Wankwani, a PML-N lawmaker and head of Pakistan Hindu Council, around 5,000 Hindus migrate from Pakistan to India every year due to religious persecution. He said that scores of Hindu girls were being abducted in Sindh and married to their kidnappers after forced conversion. The lawmaker said the government had failed in its duty to protect the Hindus from attacks and to prevent forced conversions effective laws needed to be enforced.

More than a hundred members of the Hindu community had to abandon their homes because of the military operation against the Taliban in FATA. It was reported that 29 Hindu families had to take refuge among IDPs in Bannu, Khyber Pakhtunkhwa. Reportedly none of these families was allowed to stay in the government-run camps in the city. An official said the families had not registered themselves and measures were being taken to resolve the issue quickly. According to one of the Hindu families, minorities were not treated in the same way as other IDPs.

Many religious places of Hindus were attacked during the year. On January 26, two unidentified men gunned down a policeman guarding a Hindu temple in Peshawar. Police suspected that it was a militant attack. On March 15, just before midnight in Larkana, Sindh, a mob burned down a Hindu temple after a rumour spread that a member of the Hindu community had desecrated a copy of the Quran. Hundreds of students of local Islamic seminaries stormed and

damaged the temple and the community centre. The mob ransacked and set the buildings on fire and destroyed all statues. However, the police arrived quickly and allegedly saved the accused by making him put on a police uniform. On March 17, a temple in Badin was attacked. On March 28, a small Hindu temple was torched in Hyderabad. On March 30, the Faqir Par Braham Ashram in Tharparkar was desecrated. On November 21, an idol of Lord Hanuman and some religious books were burned down by unidentified men at a temple in district Tando Mohammad Khan, Sindh.

Pakistan Hindu Council issued a statement that around 1400 Hindu religious places were in dire need of the government attention. The army was reported to be planning to demolish a Hindu temple in Rawalpindi to build a barracks and an educational complex. They also wanted to evict the Hindus living in the vicinity of the temple in Gracy Lines area. The Hindu community got a temporary stay and the army offered resettlement.

In March, an unauthorised development project also threatened the 160-year old Shri Ratneshwar Mahadev Mandir in Clifton, Karachi when Bahria Town started excavating the roads leading to the temple to build flyovers for the convenience of its residents in a nearby project. The vibration from excavators was damaging the roof of the historic underground temple. On the basis of a letter from HRCP, the then chief justice of the Supreme Court took *suo motu* notice and summoned the relevant officials. The case is in the Sindh High Court which has asked the builders to restore the damaged parts and ensure that all construction work takes place further away from the temple.

The SC chief justice, hearing a petition on non-payment of compensation to victims of the Peshawar church massacre, instructed the government to ensure protection of places of worship of the minorities and to set up a minorities' commission. HRCP also submitted a report on destruction of Hindu temples in Sindh.

The leaders of the Hindu community asked the government to make Diwali a national holiday and also give bonuses to the Hindu employees. The Pakistan Hindu Council urged the government not to hold a Senate session on Diwali day. The government agreed to this request and the Senate observed a holiday on Diwali for the first time in the history of Pakistan. The Chief Minister of Sindh also announced that all Hindu government employees would be given a holiday and bonus on Diwali. The federal government officially patronised the festival and many political parties, including PML-N, PPP, and PTI also celebrated Diwali.

### ***Christians***

Many Christians had to face persecution after being accused of committing blasphemy during the year. Pakistan's blasphemy law can prove deadly for the



Students chant slogans against burning of Christian couple to ashes.

accused even before they are arrested and tried in court. The prime example of this was the lynching of a Shama and Sajjad in Kot Radha Kishan, Punjab. On November 4, the Christian couple was beaten to death and then burned by an angry mob that had been told that they had desecrated a copy of the Holy Quran. Local clerics used loudspeakers to incite the mob. The victims were working as bonded labourers at a brick kiln. It was reported that the couple knew that they were in danger before the attack and went to the kiln owner to seek permission to leave. But he locked them in a room and told them that they could not leave before they cleared their debt. The mob found them there, beat them to death with bricks and shovels and then burned their bodies in a brick kiln. Shama was expecting her fifth child. The suspects were apprehended after a few days.

Christians living in village Torey Wala, Punjab, were looking for a way to get some land to bury their dead because there was no space left in their cemetery. A Muslim landowner gave them a two-acre plot but on September 2 around 500 Muslims confronted the Christians and said that there were some graves of Muslims on that land. The landowner whose family had been in possession of the plot for many generations insisted that there were no graves on the site. On the following day, some Muslims in the neighborhood charged 53 Christians with blasphemy and the police arrested eight villagers including a two-year-old boy. However, the charges were dropped a week later. After this incident, the Christian community in the village had to resort to cramming bodies in the existing graveyard.

The Movement for Solidarity and Peace in Pakistan published a report in

April, which alleged that every year around 700 Christian women were being abducted, forcibly converted to Islam, and then married to Muslim men. According to the report, when a victim's family registers a first information report the abductor registers a counter FIR stating that the girl converted of her free choice. In most cases, these girls remain in the custody of abductors during the judicial proceedings.

A media report stated that activists and members of the Christian community said that thousands of Christians had left the country because of threats, persecution and lack of security. Many of them went to Thailand because it was an easily accessible and affordable option. Some representatives of the Christian community in Thailand said the country had around 10,000 registered Pakistani asylum seekers.

#### Victims of last year's mob attack face marginalization

In Michael Town, Korangi, Karachi, the Christian and Muslim communities had been living in harmony with each other till last year when a fight broke out between them. Around 2,000 Christians lived in that area. On September 23, 2013, some members of the Christian community protested against the killing of Christians in a suicide attack on a church in Peshawar. However, Muslims in the neighborhood alleged that some Christians threw stones at a mosque. A scuffle followed and a Muslim man died in the melee. The Christians said he died in a stampede by the Muslims. A mob then ransacked and burned homes of Christians. Around 300 Christian families had to flee from Michael Town and were too afraid to return to their homes. The commissioner of Karachi's east district called a meeting to broker peace between the two communities but the terms that the Christian families had to accept to return to their homes were seen as punishing the Christians for raising their concerns through public protest. The town's name was changed from 'Michael Town' to 'Khulfa-e-Rashideen Colony.' The Christians were asked to remove external loudspeakers from their church. Three Muslims who were injured in this incident received compensation but none was given to the Christians who had been injured. No FIR was registered against the persons who attacked the homes of Christians. The community was warned not to present evidence in the case relating to the Muslim man who died in this incident. Christians, who continue to face taunts, have to avoid confrontation to co-exist in the area and keep their heads down. Even children are subjected to marginalization and are not allowed to enter the playground to play cricket.

Christian laws were made during the colonial times and need to be updated. In August, the federal government proposed amendments in the Christian Marriage Act and Christian Divorce Act after consultations with the leaders of

Christian organizations. In the proposed Christian Marriage Act, the role of Church of England, Church of Scotland and Roman Catholic Church had been omitted. It states that the age of persons getting married should not be less than 18 years and each church would have the right to solemnize a marriage. The proposed Christian Divorce Act included nine grounds on which a marriage could be dissolved. Previously, divorce could only be sought on the ground of adultery. The Christian community also urged the government to draft inheritance laws for Christian women.

Around 114 Christian families had to leave their homes in FATA and seek refuge among IDPs living in Bannu because of the army operation against militants in the region. Some families reported that they faced discrimination at the government camps and food distributors ignored them.

### *Ahmadis*

The many problems that Ahmadis in Pakistan have been facing since a 1974 constitutional amendment declared them non-Muslim continued in 2014.

On July 27, a mob went to a police station in Gujranwala to register a blasphemy case against an Ahmadi youth and said that he had posted something blasphemous on Facebook. At the same time, another mob went to an Ahmadi



Ahmadis' belongings were looted following accusations of blasphemy, in Gujranwala

neighborhood in Gujranwala and burned down eight houses. An Ahmadi woman and two girls died in the attack due to suffocation. The mob also stopped fire brigades and ambulances from reaching the houses under attack. The police did little to stop this violence.

However, this was not the only attack carried out against the Ahmadi community during the year. A total of 11 Ahmadis were killed in targeted

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## کیا ہم واقعی عاشق رسولؐ ہیں یا صرف دعویٰ کرتے ہیں

**1984 کے قانون کے مطابق کوئی قادیانی شعائر اسلام استعمال نہیں کر سکتا باوجود اس کے**

1. چناب نگر میں قادیانیوں کی شعائر اسلام کی توہین (2) چناب نگر میں گلہ طیبہ کی بے عزتی
3. چناب نگر میں علیہ و احسابی عدلیہ انفاک آفتاب (1) چناب نگر میں دہشت گردی، غنڈا گردی، ظلم و بربریت
5. چناب نگر میں ناجائز تجاویز اور آئین پاکستان کی دھجیاں اڑانے کے خلاف تمام مسلمان سراپا

## احتجاج      احتجاج      احتجاج

اے محبوبِ نبیؐ کے دیوانہ ختم نبوت کے محافظو، ناموس رسالت پر جان نچھاؤ کرنے والے عاشقو! اٹھو اور شعائر اسلام کے تحفظ کیلئے اس احتجاج میں شامل ہو جاؤ۔

1. چناب نگر میں ہر زمین پر اسلام اور ختم نبوت کی توہین کیا ہے؟ تو کب؟ 2. حضرت محمدؐ کی تم نبوت کا تحفظ اب نہیں تو کب؟
3. تحریک ختم نبوت کا حصاب نہیں بنا تو کب؟ 4. جان ختم نبوت کی پکڑ داری اب نہیں کرنی تو کب؟
5. چناب نگر میں ایٹمی پلانٹ کے عالم ہاتھوں اسلام کو اب نہیں چھانا تو کب؟ 6. چناب نگر میں ایٹمی دست بھی کوڑھیا نہیں رہتی تو کب؟

مسلم اور اہل اسلام اور اہل حق پر کفر بن کر سیدنا فاروق اعظم کا جلال بن کر سیدنا عثمان غنی کی حب رسول کا نمونہ بن کر سیدنا علی کی شجاعت بن کر سیدنا معاویہ کا بیٹا بن کر سیدنا خالد بن ولید کی تلوار بن کر، اکابرین کے قدم پر قدم چلاؤ اور

**26 دسمبر 2014 کو نارتھ کورڈ کے قادیانیوں کی چناب نگر میں غیر قانونی سرگرمیاں اور فتنہ گردی نہیں چلنے دیں گے۔**

**26 دسمبر 2014 بروز جمعہ المبارک صبح 9 بجے تمام قافلے ختم نبوت اکیڈمی لکڑ منڈی راسراوانہ ہونگے۔**

چندری گھر چانگہ کپورہ      شیخ محمد شفیع      ملک توصیف      عالمی مجلس تحفظ ختم نبوت سرگرم  
 سکس، سید احمدی روڈ، کراچی      سکس، سید احمدی روڈ، کراچی      سکس، سید احمدی روڈ، کراچی      سکس، سید احمدی روڈ، کراچی

0300-9606593      0301-6729986

A rallying call for protest against Ahmadis.

attacks in 2014. On May 16, while Khalil Ahmad was in police custody for allegedly committing blasphemy, a man entered the police station and shot him. He died and the perpetrator was arrested by police. On May 26, Dr Mehdi Ali Qamar, a Canadian-American cardiologist who had come to Pakistan to serve his community, was gunned down by two unidentified motorcyclists while he was walking to a cemetery in Rabwah.

Some Ahmadi places of worship were also attacked. On January 23, some unidentified persons set an Ahmadi place of worship on fire. However, only a door was damaged in this incident. On January 26, some people stormed a place of worship of Ahmadis in Faisalabad and tore up their religious texts. On February 18, the police razed minarets of two Ahmadi places of worship in Rahim Yar Khan. In June, some men accompanied by the police destroyed a place of worship under construction in Dera Ghazi Khan. During the same month, in Narowal, police told Ahmadis to stop building a place of worship. In addition, burial places of Ahmadis were often desecrated.

The Ahmadi community faced discrimination and harassment at various educational institutions and government offices. They were also not given equal employment opportunities.

The Ahmadis continued to face hostile comments in the media. Hate speech against Ahmadis was seen in posters, rallies, pamphlets, and sermons. On December 22, Geo TV telecast Aamir Liaquat Hussain's programme in which a cleric called Ahmadis enemies of both Muslims and Pakistan. Within a week of this telecast, an Ahmadi was gunned down in Gujranwala.

### **Blasphemy law**

A total of 12 cases were registered under section 295-C (blasphemy law) of the Pakistan Penal Code during the year. As soon as someone in Pakistan is accused of committing blasphemy his or her life is endangered. Those arrested by police are often the lucky ones.

However, even police custody is no protection anymore. Mohammad Asghar, 70, who had returned from Britain and was a psychiatric patient, was arrested for claiming to be a prophet. He was shot multiple times by a police officer and had to be taken to a hospital. A Christian pastor, another man booked for blasphemy, who was sharing the cell with Asghar was gunned down during the attack by the same police officer.

On November 4, Shama and Sajjad, a Christian couple accused of desecrating a copy of the Holy Quran, were beaten to death and then burned in a brick kiln by a mob. This incident took place in Kot Radha Kishan, Punjab where they were working as brick kiln bonded laborers. The Supreme Court,

the prime minister and the provincial chief minister took notice of the incident and the suspects were swiftly apprehended.

Be they rich or poor, marginalized or influential, blasphemy accused have little hope of getting a fair hearing. A blasphemy case was registered against Junaid Jamshed, a television personality, for making blasphemous remarks in one of his televised sermons. He released a video in which he apologized for his remarks and asked for forgiveness but in vain. But someone who had committed blasphemy could not be forgiven under Pakistan's blasphemy law. He fled the country and took refuge in London.

Even lawyers and judges pursuing blasphemy cases are not safe. HRCP Multan office coordinator for South Punjab, Rashid Rehman had been threatened in open court in front of a judge in April for defending a blasphemy accused that no other lawyer in Multan agreed to represent. On May 7, at around 8:45 pm two unidentified assailants entered the HRCP office on the pretext of seeking legal advice and opened fire on him. A bullet that hit him in the head killed him. A fellow lawyer and a client were also injured in the attack. A case was registered in Chehlik police station Multan. No progress was made in apprehending Rashid's killers or even in arresting the men who had issued the threats to him in open court in the judge's presence.

Sawan Masih was accused of making blasphemous remarks in a fight with one of his Muslim friends in 2013. After this accusation was made, an angry mob raided Joseph Colony, a Christian neighbourhood in Lahore, and burned down many houses. In March, Masih was sentenced to death. An appeal was filed against this sentence in the Lahore High Court. Shafqat Emmanuel and Shagufta Kausar, a Christian couple arrested from Gojra in 2013 for allegedly sending a blasphemous text message, were also sentenced to death. An appeal against the sentencing was filed in the Lahore High Court. Following these sentences, the Christian community held demonstrations in some parts of Lahore.

Asia Bibi, a Christian woman, was arrested for making blasphemous remarks four years ago. Her death sentence was upheld in October by the high court. She filed an appeal in the Supreme Court in November.

## **Sectarian violence**

Sectarian attacks by militant groups outnumbered sectarian clashes. Militant groups that claimed responsibility or were suspected in these attacks included Lashkar-e-Jhangvi, Jaish-ul-Islam, Tehrik-e-Taliban Pakistan (TTP) and Sipah-e-Sahaba. According to a report by Pakistan Institute for Peace Studies (PIPS), a total of 144 incidents of sectarian violence were reported from across Pakistan, out of which 141 were sectarian-related terrorist attacks and three

were sectarian clashes.

After the targeted killings of many Shia Hazaras, in 2014 militant groups also started targeting the Zikri sect in Balochistan. In July, a bus carrying people belonging to the Zikri sect was attacked with an IED in Khuzdar and seven persons were injured. The Zikri community was targeted again on August 29 when six Zikris were gunned down by three unidentified men at a shrine in Awaran, Balochistan. Many Zikris had to move from Balochistan to other parts of Pakistan after these targeted attacks.

On October 23, eight Shia Hazaras were killed by unidentified gunmen who boarded their bus and opened fire. No one claimed responsibility but Lashkar-e-Jhangvi was the main suspect because they had been targeting Hazara Shias previously. On October 4, a suicide bomber attacked a crowded Eid bazaar in Hazara Town, Quetta. Five people were killed and 20 injured.

In January, buses carrying Shia pilgrims were targeted by Lashkar-e-Jhangvi in Mastung, Balochistan. At least 23 persons were killed and 32 injured. The casualties included children and women and led to countrywide protests by the Shia community. On the first day of the new year, militant group Jaish-ul-Islam targeted a Shia pilgrim bus travelling from Iran to Quetta in a suicide



Death threat against Zikris.

attack. Three Shia pilgrims were killed and 34 injured, including the policemen escorting the vehicle. On January 21, another bus carrying Shia pilgrims from Iran to Quetta was bombed. At least 20 people including women and children were injured.

In March, a gathering of Ismailis celebrating their ritual of Nauroz (religious new year) in Hunza-Nagar, GB, was attacked by members of Shia and Sunni communities and forced to disperse. The attackers, arrested by police, later stated that they attacked the gathering because in their opinion the Ismaili community was spreading obscenity in the area.

On October 2, some Shias who were traveling in a van were targeted with a bomb near Haramosh village on Gilgit-Skardu road. Five women, two men, and three children were injured in this incident. The local police said this was a sectarian attack.

In November, fighting erupted between members of a Shia procession and activists of a Sunni religious group called Ahl-e-Sunnat-wal-Jamaat (ASWJ) over the route of the Muharram procession through Badin, Sindh. Members of both groups threw stones at each other and beat each other with wooden sticks. Ten people were injured. In Orakzai Agency, FATA, on the 9th of Muharram, a roadside bomb exploded in an imambargah at noon, killing two persons and injuring 28 others. Another attack took place a few days later when a procession was passing through a road in Lower Orakzai. Militants targeted the crowd with a bomb and rockets. Two persons were killed and seven injured.

In December, hundreds of members of Imamia Students Organization (ISO), a Shia youth organisation, were inside a hall at Degree College for Boys, Gilgit, a government college, to commemorate a religious day when a mob of over 100 students belonging to a Sunni sect gathered there and chanted slogans against Shias. The two groups pelted each other with stones. Shots were also fired and three students were injured. The local administration and police intervened to stop the clash. Police registered a case on a number of charges including rioting, causing hurt, etc., against 17 students. After this clash, the police cleared the campus and left. An hour later unidentified persons entered the campus and set three classrooms and a portion of the library on fire.

A number of shrines were also attacked by militants in 2014. On January 7, bodies of six men whose throats had been slit were found at the shrine of Ayub Shah Bukhari, a Sufi saint. The shrine is situated on the outskirts of Karachi and three of the victims worked at the shrine, while the other three frequently visited it. The police found a note along with the bodies in which



A suicide bomber slammed an explosive-laden car into a passenger bus carrying Shiite pilgrims in Akhtarabad, on the outskirts of Quetta.

the Pakistani Taliban claimed responsibility and warned people against visiting shrines. On February 9, six to eight unidentified gunmen on motorbikes fired indiscriminately at the people present at the shrine of Baba Pir Mehrban Shah, which is located in a Karachi suburb. Eight people were killed and more than a dozen injured. On June 20, a bomb blast took place at the shrine of Chan Pir Badshah in Islamabad and 32 persons were injured. On August 26, a bomb explosion at Sheikh Taqi's shrine in Mastung, Balochistan, injured a man and a woman. On January 28, the police found and defused a bomb near Ghazi Baba shrine in Peshawar, Khyber Pakhtunkhwa. On September 6, unidentified men attacked a shrine in Sargodha, Punjab and gunned down a religious leader, his brother who was a brigadier, and another man. Seven other men participating in the religious festival at the shrine were also injured.

Courtesy pervasive impunity for the killers, the perpetrators were arrested in very few cases.

### ***Recommendations***

1. *The government should ensure that the blasphemy law is not misused. Protection should be provided to lawyers, judges and witnesses involved in blasphemy cases. Police should carry out preliminary investigation before registering a case against a person accused of committing blasphemy.*

2. *The government needs to tackle militant groups that frequently target religious minorities. Security forces need to take a more active role in protecting vulnerable minorities.*

3. *Hate speech and activities of banned extremist organizations should*

*be curbed.*

*4. Steps need to be taken to increase tolerance and harmony between religious groups and promote peaceful co-existence.*

*5. Outdated laws such as Christian Marriage Act and Christian Divorce Act need to be updated and new legislation like the Hindu Marriage Bill should be enacted swiftly.*

# 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

Freedom of expression, as well as press freedom and freedom of information, are indispensable to the attainment of all human rights. Article 19 of the Universal Declaration of Human Rights has four key elements; the right to hold opinions without interference, the right to seek information, the right to receive information and the right to impart information to others. Without the freedom of expression, other rights deteriorate.

Freedom of expression is broadly understood as the notion that every

person has a natural right to freely express himself / herself through any media and across any frontier without outside interference, such as censorship, and without fear of reprisal, such as threats and persecution. Rule of law, freedom of information, free, independent and pluralistic media and active civil society are the conditions needed for freedom of expression to flourish. The advent of the Internet and the World Wide Web led the advocates of freedom of expression to believe that with the new technology, the people could truly experience the full range of freedom of expression, from simple speech to artistic expression to political and religious debates.

However, various tactics such as denial of licence to publish or broadcast or access to online content, physical or emotional intimidations; undue denial of or limitations on the access to information; abuse of defamation, slander or libel suits; and restrictive laws and regulations are commonly employed to stifle freedom of expression.

People in Pakistan encountered several challenges and constraints to the rule of law, freedom of information, free, independent and pluralistic media and civil society – the prerequisites to freedom of expression – in 2014.

## **Rule of law**

The rule of law provides a basis for a fair relationship between society and the state. When the rule of law prevails, authorities get the mandate to govern and deliver services, among others to the vulnerable communities. Injustice, insecurity and exclusion contribute to political instability and violence and thus, establishing the rule of law is essential for reducing tensions and societal divisions, and giving people the confidence to secure their livelihoods.

But in Pakistan, armed violence and insecurity continued to inhibit freedom of expression in 2014. Also, a high level of violent crime perpetuated a lack of trust among individuals, communities and the state. Minorities and women and girls were disproportionately affected.

The existence of different legal systems – common law governing the mainland, the Frontier Crimes Regulation (FCR) for tribal areas and informal tribal courts — resulted in unequal treatment and often led to arbitrary and unjust decisions.

The police and the security forces continued to enjoy impunity for indiscriminate or excessive use of force. Extrajudicial killings, enforced disappearances, torture, and other abuses were common. (*See the chapter on Law and order*) Laws expanded the power of law enforcement agencies to engage in detention without trial, electronic surveillance, searches and seizures, and the use of deadly force, ostensibly to combat terrorism and other serious crimes.

The Human Rights Watch said: “Such provisions can easily provide legal



Media was often accused of pushing some agenda.

cover for abuses by law enforcement agencies and open the door for the violation of fundamental rights to freedom of speech, privacy, peaceful assembly, and a fair trial.”

Multiple forms of discrimination against a number of religious, ethnic, and linguistic minorities and other marginalized groups were common. Non-Muslim and Muslim religious minorities were especially exposed to violent attacks and legal persecution under blasphemy laws.

According to media watchdog Reporters Without Borders (RSF) “the criminalisation of blasphemy endangers freedom of information in around half of the world’s countries” noting that religious extremists sometimes also go after journalists or bloggers they believe do not sufficiently respect their religion.

Pakistan’s blasphemy law was invoked against the owner of Geo TV, a popular television channel, for the alleged mockery of highly revered personalities of Islam by the host of a morning show. The owner of Geo TV and the programme host, Shaista Lodhi, faced a trial under the Anti Terrorism Act.

In May, gunmen killed Rashid Rehman, a human rights lawyer and HRCP’s regional coordinator in Multan, in apparent retaliation for representing people accused of committing blasphemy. At the time of his murder, he was representing Junaid Hafeez, a university lecturer facing blasphemy charges, and had received death threats.

Naya Zamana magazine editor and publisher Shoaib Adil fled his home in Lahore and went into hiding with his wife and children. Adil faced threats and possible charges of blasphemy in connection with a book he had published in 2007, written by a judge belonging to a religious minority group in Pakistan.

While serious human rights violations are common, including violations to the right to life and security of the person, the World Justice Project’s Rule of

Law Index 2014 said the country afforded greater protection to the freedoms of speech and assembly than most of its income and regional peers.

“The most significant rule of law challenge facing Pakistan is in the area of order and security (ranking last in the world), due to civil conflict, terrorism, crime and the use of violence to resolve personal grievances,” the report said.

The International Federation of Journalists termed Pakistan the most dangerous country for media, with 14 journalists and media workers killed in the country in 2014 alone rendering impossible the notion of freedom of expression.

In 2014, eight journalists Shan Dahar (Larkana); Jeewan Arain (Ghambat Khirpur); Irshad Mastoi (Quetta); Afzal Khawaja (Usta Muhammad, Jaffarabad); Yaqoob Shehzad (Hafizabad); Nadeem Hyder (Hafizabad); Shehzad Iqbal (Mianwali) and Ibrar Tanoli (Abbotabad); and six media workers Muhammad Mustafa (Lahore); Muhammad Abdur Rasool and Muhammad Yunus (Quetta); and Waqas Aziz Khan, Khalid Khan and Ashraf Arain (Karachi) were killed.

In its report, Pakistan Federal Union of Journalists termed the incident of January 17, in Karachi and of August 28 in Quetta as the worst examples of attacks on the media. On January 17, three employees of the Express News were killed in an attack on their Digital Satellite News Gathering (DSNG) van in North Nazimabad, Karachi. On August 28, unidentified assailants stormed into the office of the General Secretary of Balochistan Union of Journalists and ARY NEWS Assignment Editor, Irshad Mastoi and sprayed bullets. Beside, Mastoi, reporter Abdul Rasool Khajjak and accountant Muhammad Younas were killed.

More than 30 journalists have fallen victim to targeted killing in Balochistan over the last five years. The figures served as a reminder of the growing threats to journalists in the province’s complex political environment where survival depends on an almost impossible delicate balancing act amid insurgent organisations, feuding tribes with shifting allegiances, extremist groups, as well as the security forces, political parties and the courts.

All this affects journalists badly and so the number of stringers and reporters in volatile regions such as Khuzdar is diminishing. According to some media reports the membership of the Khuzdar Press Club is down from 20 to seven as a result of targeted killings and that in the Qalat Press Club from about 10 members to four. Most journalists have either left the profession or relocated to Quetta.

Media watchdog Reporters Without Borders (RSF) ranked Pakistan 159 out of 180 countries in ranking for media freedom. The same group had placed Pakistan at 158 last year in its annual report. Uncertain security conditions, risk of terrorism related activities and overwhelming political influence have been cited as the reasons behind Pakistani media’s lack of



A protest against journalists' killing at Quetta Press Club.

freedom.

In March, the driver of television anchor Raza Rumi was killed in a shooting on his car.

In April, Hamid Mir, a senior reporter for Geo TV, was fired at by gunmen on motorcycles while on his way from the airport to his office in Karachi. Though he survived the attack, and had to undergo a surgery, his assailants are still at large, and the threat to his life was still very much alive. The assassination attempt became a major controversy when Mir's brother accused "certain elements" within the powerful Inter-Service Intelligence (ISI) agency of orchestrating the attack.

In June, Zafar Aheer, resident editor of the Daily Jang, was attacked by unknown armed men while returning home from work in Multan. He was struck with gun butts and received serious injuries to his head, shoulders, legs and other parts of his body.

The house of Jamshed Bhagwan, the bureau chief of Express News TV was attacked with an explosive device for the third time on July 2 in Peshawar, the capital of Khyber-Pakhtukhuwa province.

At least four crew members from Aaj News, including digital satellite news gathering engineer Iqbal, cameramen Usmaan, Iqbal, and Samaarat, (identified by single names only) were beaten on August 25 by workers from the opposition Pakistan Tehreek-e-Insaf (PTI) party while covering a speech by PTI leader Imran Khan during a sit-in in Islamabad. The four were treated in hospital for minor injuries.

The largest number of injuries occurred on August 31 when 28 journalists, camerapersons and other media workers were injured during clashes between

police and the protest demonstration led by the opposition Pakistan Tehrik-e-Insaf (PTI) and Pakistan Awami Tehrik (PAT). The injured media persons were cameramen Khuram Fayaz, Ajab Khan, and Awais Qazi, belonging to Sama TV; cameramen; Atif Yousuf, and Imran Iqbal, Mohammad Zahid, DSNG operator; Jameel Kiyani, driver of Waqt TV; reporters Essa Naqvi and Asad Ayub; Adnan, DSNG Engineer; Anjum Fatemi, TV cameraman belonging to Dunya TV; Asif Abdullah, cameramen; and Iqbal Zaib, of ARY News; Kashif Abbasi, cameramen; and Naushad Abbasi; reporters Yasir Malik and Samar Abbas; Ashfaq Hussain, cameramen; Imran Chaudhry and Mansoor Ahmed of Dawn News cameramen; Express News cameramen, Amir Alam; Majid Shah and Usman Afzal, Express News; Rana Tariq, Haroon Khursheed and Ghulam Ali belonging to Aaj TV. They were beaten up despite having identified themselves with their press cards and while flouting the norms to protect men and women in the media around the world with shameless impunity.

In August, columnist Kamran Shafi and his family received two threats via email.

On September 1, protestors belonging to PTI and PAT attacked the offices of the state-owned Pakistan Television (PTV). They took over the control room and broadcasts of PTV were disrupted for some time.

On November 30, journalists and technicians from two television channels were attacked, and their satellite trucks damaged. A cameraperson from Dawn News was injured by small explosives allegedly thrown by PTI members, while two technicians from Dunya News were wounded by a grenade explosion and rushed to the hospital.

The investigative reporting team of a private television channel ARY was arrested and criminally charged on December 3 for an exposé on the transport of illegal arms and ammunition on state-owned railways. ARY News said two of its investigative journalists, Asif Qureshi and Zulqarnain Sheikh, were not only arrested but also assaulted by the Railway Police. Instead of investigating the serious security lapse, the railway authorities registered a case of arms smuggling against the media team itself.

ARY News said its programme caught railway officials taking bribes to transport illegal weapons from Karachi to Lahore. General Manager of the Railways, Javed Anwar, later told journalists that the railways employees who are guilty of aiding in the transport of arms and explosives had been suspended.

In Faisalabad on December 8, PTI activists abused Geo News anchorperson Maria Memon, reporters Irfanullah and Hammad Ahmad and threw sticks at them when they were covering their protest rally. Their DSNG van was damaged in this attack. Infuriated PTI workers also wrote provocative slogans on their van with spray guns.

In Karachi on December 12, when PTI chief Imran Khan finished his

speech and left the venue of his protest rally, PTI workers harassed the Geo News team including its female reporters Sidrah Dar, Umaimah Malik, and cameraman Zubair Memon from Abb Takk television. They threw stones and empty bottles at the Geo News DSNG van. They also threw sticks and empty bottles and stones at the senior analyst, Mazhar Abbas, and other Geo News staff. They also harassed a female reporter, Sidrah, and used abusive language against her.

On December 15, in Lahore, PTI activists attacked and harassed a media team of Geo News as it was covering their protest demonstration, and prevented them from reporting. Geo TV said that the protesters attacked their anchorperson Sana Mirza, Sohail Warraich, reporters Jawad Malik, Ameen Hafeez, Ahmed Faraz and cameraman Khwaja Amir with stones, glass projectiles and bottles, besides using slingshots to hurl bricks at them. PTI workers hurled bottles and harassed reporter Sana Mirza and shouted hostile slogans to the point where she was unable to hold back her tears. They pelted the Geo News DSNG van with stones. The protesters also threatened a Geo team at the Liberty Chowk area of Lahore and stopped them from carrying out their coverage.

The ARY News channel also complained that workers of the ruling political party, PML-N, hurled rotten eggs at their Digital Satellite News Gathering (DSNG) van while they were covering the PTI protest in Lahore.

On the positive side, on March 1, a court convicted six men for their roles in the murder of Wali Khan Babar, a Geo TV journalist who was shot dead in Karachi in January 2011.

### **Freedom of information**

Right to information is a UN-mandated universal human right. According to the UN General Assembly statement of 1946: “freedom of information is a fundamental human right and is the touchstone of all other rights to which the UN is consecrated”. The right ensures maximum disclosure, minimum exemptions, simple, quick and cheap access procedures, effective enforcement through independent appeals mechanisms and penalties and monitoring and promotion of open governance. The right strengthens the link between the state and the citizen.

Article 19 in Pakistan’s constitution states: “Every citizen shall have the right to have access to information in matters of the public importance subject to regulations and reasonable restriction imposed by law”. But the situation in the country regarding the right to information was far from ideal till the end of 2014.

In 2001, the Asian Development Bank approved a comprehensive action plan for Pakistan that included judicial and administrative reform. Freedom of information legislation was considered part of the reform programme. Against



Paramedics move an injured journalist at a hospital after clashes in Islamabad.

this backdrop the military government of General Pervez Musharraf promulgated the existing Freedom of Information Ordinance in 2002. It was later sanctified by Parliament through a constitutional amendment that validated all laws promulgated by the military dictator.

Because the law was promulgated through an ordinance, it was never debated in Parliament. It remained inoperative for two years until its rules were formulated and published in 2004, following a sustained campaign by civil society and key stakeholders. The Act is believed to be a very weak law, and in view of its lacunae, the government introduced a bill in the Parliament in 2008 to improve the existing legislation. That bill was yet to be approved by the yearend.

Balochistan and Sindh replicated the Freedom of Information Ordinance 2002 in the form of the Balochistan Freedom of Information Act 2005 and the Sindh Freedom of Information Act 2006. These laws remained in vogue in Balochistan and Sindh.

In 2013, the provinces of Khyber Pakhtunkhwa and Punjab enacted RTI legislation as the Khyber Pakhtunkhwa Right to Information Act 2013 and the Punjab Transparency and Right to Information Act 2013 respectively.

Government response to information requests submitted even under the current laws was dismal, especially so from the federal, Balochistan and Sindh governments.

According to the Centre for Peace and Development Initiatives (CPDI) the Punjab law is the strictest of all, requiring departments to revert on information requests within 14 days.

“To test the response of top officials, we sent as many as 1,231 information

requests between March 1, 2014 and October 30, 2014: 749 to Punjab , 409 to KP, 31 to Sindh, 2 to Balochistan and 40 to federal government departments,” the CPDI said. “We received only 143 responses: 48 from Punjab, 91 from KP, just one from Sindh and no response from Balochistan or the federal government,” it said.

Following the first round, the CPDI said that 771 complaints had been filed across the country: 462 in Punjab, 256 in KP, 24 in Sindh and 29 with federal government departments. These yielded 81 more responses: 53 from Punjab, 18 from KP, 10 from the federal government but none from Sindh.

A 28-year-old computer operator, Sabahat Ghaznavi, successfully used the law to apply for and secure a job that had been ‘de-advertised’ by the government.

In Punjab, the executive district officer from Vehari was fined over 60-days’ pay for delaying action on an information request. The information commission in Punjab was formed after the one in Khyber Pakhtunkhwa but it set a precedent for others to follow though it was working without a budget and a proper place to operate from.

The military launched an operation against Taliban insurgents in North Waziristan in June and handed out updates regularly. But the lack of independent media’s access meant the impact of the offensive could only be guessed at.

### **Free, independent and pluralistic media**

The year 2014 saw some distressing new lows, from a major news network being forced off the cable operators’ list to a political figure hurling threats at journalists and the National Assembly’s standing committee wanting to impose restrictions on what can be reported on. Major media issues surrounded allegedly “blasphemous” content, caused rising tensions, including claims of censorship of international media outlets. In most cases, stringers worked without formal appointment letters making them vulnerable to threats as well as financial corruption. The media faced crippling fines and blanket bans on coverage forcing many outlets to practise self-censorship in an effort to stay afloat.

Employers and news managers left journalists vulnerable to attacks in the thirst for ratings and the lust for footage thought to increase viewership and too frequently failing to provide the protective gear such as flak jackets and head-gear.

#### ***Press***

An article about Pakistan’s relations to al-Qaeda was censored from the front page of about 9,000 copies of the international edition of the New York Times in March. An image of the front page with a large blank space in it,



On March 21, the International New York Times front page printed in Pakistan looked like this.

spread on social media. The decision was allegedly made by the NYT's local distribution partner – the Express Tribune — who had been under attack by an extremist group. The international edition was also subject to further content change by the local partner over an article exploring the relationship between Pakistani authorities and militant Islamic extremism. The article, however, was available online. The Express Tribune also deleted an article on the subject in the international edition of the New York Times, which it carries as a daily insert. An opinion piece by Lahore-based author Ali Sethi discussed the case of Rashid Rehman. In May, Jang Group, owner of Geo TV, which had been battling against accusations of blasphemy and the intelligence agency, published an apology on the front pages of two newspapers, the daily Jang and The News. It said its coverage of the gun attack on Hamid Mir had been “excessive, distressful and emotional.” Two Indian journalists were expelled from Pakistan. Meena Menon, a correspondent for The Hindu, and Snehesh Alex Philip, a correspondent for The Press Trust of India, were told their visas would not be renewed and ordered to leave within seven days.

### ***Broadcast***

On June 6, Geo News, was ordered off the air and fined by the Pakistan Electronic Media Regulatory Authority (PEMRA). The regulator said if the channel did not pay a fine of 10 million rupees (US\$100,000) by the end of the 15-day suspension, it would remain off the air. In June the Pakistan Broadcasting Association suspended Geo's membership. The Human Rights Commission of Pakistan (HRCP) voiced concern over what it called a malicious campaign seeking to close down Geo, saying that such a negative movement was a threat to media freedom.

Irrespective of what the HRCP or anyone else might think about Geo's editorial judgment, instigating people to come out on the streets following

charges of blasphemy is an extremely dangerous trend, it said.

“HRCP must point out that the environment of fear that has been created is making the lives of journalists working for Geo extremely vulnerable. They are being intimidated and a large number of them have faced attacks. This trend is likely to escalate if the temperature is allowed to rise and it has the potential to spin out of control,” it further said.

“HRCP is curious how cable operators have illegally banned Geo without instructions from Pakistan Electronic Media Regularity Authority (Pemra) and expects that the authorities would investigate this matter, if they have not done so already, and punish those acting out of bounds.”

The HRCP called upon the government, civil society and media organisations to take all necessary steps to de-escalate the situation, and put an end to this malicious campaign and intimidation of journalists so as to protect media freedom from taking any further blows.

In February two television news channels, Aaj and Waqt TV were attacked with hand grenades on the same night. A security guard was injured in a blast outside Aaj offices and an unexploded device was found outside the Waqt TV offices in Karachi.

### *Media lows*

News channels routinely violated the rules of good and responsible journalism, several under the editorial influence of their owners. And the Geo-Jang group — sacrificing the editorial independence to the notion of its kingmaker status — was no exception. Yet the murderous attack on Hamid



Protests were held in several cities of Pakistan to condemn the attack on Hamid Mir.

Mir and the ensuing tension between Geo-Jang group and ISI resulted in severe setbacks for the Pakistani media in the reversals in media freedoms and divisions between media organisations isolating the Geo-Jang media group, and in tarnishing the image of the media among the public. The distribution of the group's newspapers and of television channels was severely disrupted. Also the prosecution of the Jang group on charges of hurting religious sentiment after Geo Entertainment was fined and even taken off air, and the Jang/Geo group had apologised for any hurt caused, smacked of persecution. The HRCP highlighted that divisions in the media ranks did not augur well for the hard-won freedom that the media had. "It is regrettable that competitive media houses are adding fuel to the fire, without realising what they are being complicit in or what a dangerous precedent they are setting and that the same fire can engulf them too. It is in no one's interest to unleash forces that are neither accountable nor answerable to anyone HRCP said."

Intense media coverage of the two sit-ins in Islamabad provoked an observation that all that was required to thwart a revolution was to switch off the television channels. People complained of partisanship by the media. News anchors were accused of instigation and provocation, while some anchors took part in the protests as protesters.

## **Internet**

Freedom House, a rights organisation, ranks Pakistan among countries it considers to be "not free" in the online world.

In February 2014, angry gamers — who had paid for high speed internet connections and gaming memberships — reported that they were unable to temporarily access Xbox Live, PlayStation Network and Game Ranger.

Pakistan's ban on YouTube remained in place till the close of the year and there were fears it would stay "indefinitely." The country blocked the video-sharing site in September 2012 after it hosted "Innocence of Muslims," a film that sparked protests worldwide for appearing to mock Islam. In keeping shut down a site that is the gateway to information and entertainment for millions of people, the authorities exposed the state's attitude towards citizens' right to access information. While those with the ability have found means of bypassing the ban, officials said they had found no way to filter out blasphemous content other than by blocking YouTube entirely.

In May Twitter announced it would block posts in Pakistan that had "blasphemous" content. It follows Twitter's country specific censorship policy, started in 2012.

Hate speech is a real threat to Freedom of Expression. And it made way into the online world in 2014.

In June, the Pakistani digital rights group Bytes For All launched a research titled Hate Speech: A study of Pakistan's cyberspace "to study the impact online hate speech is having in Pakistan, whether that be the well-organized

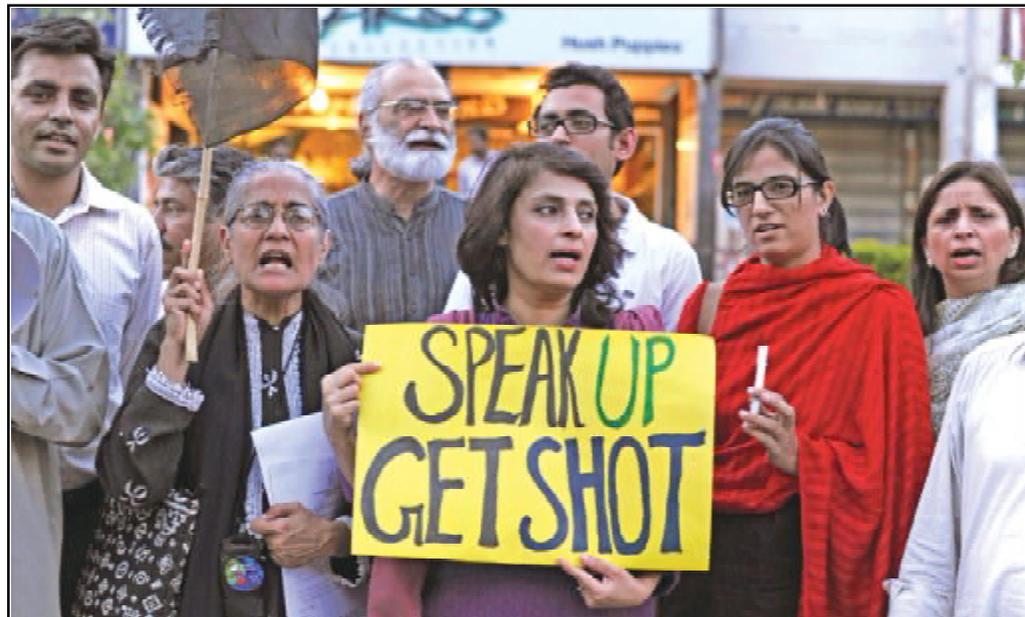
anti-Malala campaign online, how social media fueled sectarian divides during the Rawalpindi riots, the arrest of a professor on grounds of alleged blasphemy for posts run on Facebook, and even the most recent online campaign of hate against media persons”. It said the uncontrolled spread of hate speech on the Internet and social media was reaching dangerous levels, threatening society on many levels. “Clearly the issue needs to be addressed, but without regressive action such as state-led censorship and bans,” Bytes For All said.

According to the study the two largest groups that were a target for hate speech on Facebook were politicians (38% of all hate speech) and members of the media/media groups (10%). These attacks on politicians and the media formed nearly half of all hate speech on the Facebook pages analyzed. On Twitter, 20% of total records were targeted at pillars of the state, with attacks on politicians (11%) and media (7%) registering highest. This high level of hate speech is especially worrying given the context of the ongoing war against terrorism and the threats to life both politicians and those working in the media face.

The country’s record on blocking hate speech by militants or even sectarian terror groups remained unimpressive in 2014.

### **Civil society**

Islamabad police halted a protest organized by Pakistan’s civil society against the pro-Taliban statements of the head cleric of Lal Masjid, allegedly



Civil society activists stage a protest in Islamabad against the killing of Rashid Rehman.

because it ‘went beyond limits.’

Commenting on the Peshawar massacre of schoolchildren at the hands of the Taliban, the cleric refused to condemn the militants, adding that the military and Taliban were ‘brothers’ and should unite.

The civil society activists said Taliban apologists like Aziz should not be allowed to continue spreading their messages of hate.

Asmatullah Junejo, a police officer present at the protest, said the protesters’ right to freedom of speech was not being hindered. “There is a right to freedom of speech for every Pakistani but the protesters went beyond their limits,” he said. “They started using loudspeakers and were chanting slogans directly against the cleric, which is illegal,” he added. “We simply dispersed the protesters from the area to defuse tension between students of the Lal Masjid madrassah and the protesters.”

Maulana Abdul Rehman Muawiya, the general secretary of the Ahle Sunnat Wal Jamaat group, filed an FIR against the protesters with the police.

A few protesters were arrested for “disturbing the peace” but Interior Minister Chaudhry Nisar Ali Khan ordered their immediate release.

### ***Recommendations***

1. *The government should strongly prosecute attacks on journalists to dispel the air of impunity. The government, the media organizations, the civil society and the political groups should collectively arrest the deterioration in freedom of expression and the media safety situation in Pakistan.*

2. *There is a need to further strengthen the Freedom of Information (FOI) laws as per the UN guidelines. Improvement in FOI laws would improve the level of governance in the country.*

3. *There is a need to counter the spread of hate speech in Pakistan’s online space through a multi-pronged approach that educates, creates awareness and discourages hate and intolerance, prohibits and criminalizes the most extreme and dangerous forms of hate speech by law, yet guarantees that fundamental human rights to free speech and information are safeguarded.*

4. *There is a need for better regulation — clearer rules, better enforcement, more transparency and fairness — of broadcast media content after meaningful consultation with the main stakeholders.*

5. *The media should develop effective codes of conduct to promote a more ethical working environment. Effective mechanisms should be developed to resolve complaints against the media.*

# 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*

Assemblies give citizens a collective right to seek a government's accountability and decide on how they are governed. A democratically elected government has the responsibility to not just allow peaceful assembly but also facilitate it, protecting it against any undue interference by the state apparatus.

Though many large-scale protests were held in the country in 2014, the government did not ensure the freedom of assembly, as guaranteed in the national and international laws, for most protesters. It differentiated between different groups of protestors on the space provided to them to exercise their right to peaceful assembly. As in previous years, authorities' negligence and poor management allowed routine administrative problems and demands for basic rights to fester and develop into mass protests.

A large number of people pressed their demands for basic amenities such as gas, electricity, petrol and affordable food. Relatives of missing people took to streets in Balochistan and other areas in the country for their recovery.

Persons with disabilities sought better inclusion in social life. Widespread condemnation and protests also followed the murder of a Christian couple, who were tortured and then incinerated in a brick kiln after being accused of blasphemy in a village near Lahore. But for most of the year much of the media spotlight was fixed on political protests by the opposition Pakistan Tehreek-i-Insaf (PTI) party – against what it called a systematic rigging of 2013 general elections — and a religio-political Pakistan Awami Tehreek (PAT), a party with no seats in the parliament, that wanted Prime Minister Nawaz Sharif to cede power to a “national government” led by technocrats who “should halve food prices, reduce income disparities and end terrorism”.

Some analysts believed that the rallies and the disruption they caused to routine life, especially in Islamabad, could have been avoided had the government set up a tribunal to investigate the rigging claims. The government’s decision to place large containers around Model Town, the housing society in Lahore where PAT leader Tahir-ul-Qadri resides, allegedly to curtail the PAT protesters’ movement, was an undue interference by the state. Also, the excessive use of bullets, tear gas, rubber bullets, water cannons and batons during protests in the country during 2014 proved that protesters’ protection was not a government priority. A violent clash between police and PAT workers on June 17, led to the deaths of at least 14 PAT workers and injuries to 100 others after the police tried to remove barriers placed around Qadri’s house. The incident highlighted the use of excessive force by the police that allegedly used live rounds to disperse the crowd. HRCP, in a statement issued on June 18, questioned the police’s reasoning in removing the barricades in place for many years around Qadri’s house on the eve of his arrival in Pakistan. An operation to remove barricades alone should not have led to so many deaths and injuries, hinting that the move was politically motivated. It was clear that Qadri and his stated aim to mount a revolution against the government were the threats at issue.

International covenants as well as national laws say that participation in peaceful public assemblies should be voluntary and un-coerced. However, there have been reports, not verified by the HRCP, that some people, who joined the PAT and PTI protests, had been promised payment for their participation. Many months into the sit-ins, many families wished to return to their homes but were allegedly not allowed to leave by the leaders of the protests. A woman filed a petition in December in a Lahore court against Tahir-ul-Qadri and other PAT leadership for allegedly refusing to pay the dues she was promised in exchange for attending the sit-in in Islamabad. The petitioner, Hajan Momina, stated that her ID card, along with other women’s cards had been collected by PAT workers to ensure their attendance and each attendant was promised Rs 3,500 per sit-in day. When the sit-in ended 70 days later and the women demanded their dues, they were allegedly mistreated by

the party workers at their Lahore office. The judge sought comments from the Station House Officer (SHO) at Faisal Town police station on December 25. Such practices have been commonly reported about political gatherings in Karachi where it is alleged that ID cards are collected in a door-to-door campaign and returned at the venue of the gathering to ensure attendance.

### **Power and fuel protests**

With 60% electricity load shedding, i.e. 15 hours in 24 hours, and a shortfall of nearly 6000 MW, people bore the brunt of the summer without electricity in 45 degree Celsius temperatures. Officials at various energy departments continued to claim that the electricity shortfall did not exceed 2,300 MW. With the country producing only 49% of the energy requirements, natural gas also fell short of the demand.

Due to increasing shortfalls and hiring of private firms to provide expensive electricity, the price of electricity had to be increased every year to meet the rising costs. In August, people said they received highly inflated power bills which led many to protest in the streets. In September, the local businesses of Islamabad protested against inflated bills by the Islamabad Electric Supply Company (IESCO). Similar protests were held in Faisalabad, Lahore, Gujranwala and other cities.

On September 11, protests were held in Gujranwala and Gujrat against 16- to 20-hour electricity load shedding. Even during Eid, gas load shedding made cooking food at home impossible. Load shedding and over-billing forced residents to protest in front of Wapda and Gujranwala Electric Power Company



People protest continuing energy shortfall.

(GEPCO) offices.

As the winter season progressed, the people had to face gas shortage. On December 16, the residents of Rawalpindi staged protest demonstrations by burning tyres and raising slogans against authorities. Similar protests were held throughout December all over the country as gas supply remained low in most residential areas.

### **Protests against attacks**

The year began with the usual spate of senseless violence against Shiite Hazaras. On January 21, two buses of Shiite Hazara pilgrims were targeted in Mastung, Balochistan, by suicide blast and indiscriminate firing. At least 28 persons were killed and 37 injured, including women and children. A sectarian group, Lashkar-e-Jhangvi, claimed responsibility for the attack. The families of the victims, along with other members of the Shiite Hazara community, once again staged a sit-in on Alamdar Road in Quetta, Balochistan, for almost 60 hours, braving the fierce cold. In a sad replay of previous year's protests, the families refused to bury the dead until justice was served. Despite 'successful' negotiations which ended the sit-in, attacks against Shiite Hazaras were repeated thrice in October, all three of which occurred in Quetta. Despite repeated attacks on ethnic and religious minorities and acceptance of responsibility by certain militant groups, the government failed to prosecute those responsible for the violent acts. The government's laxity in going after militant groups responsible for targeting minorities indicates either incompetence or collusion.

Following a barbaric attack by the Taliban on the Army Public School in Peshawar on December 16, in which more than 150 persons, at least 132 of whom were young students, lost their lives, many emotionally charged protests were held all over Pakistan. The most sustained and systematic of these was held on December 19 in front of the Red mosque in Islamabad, against which the army had led an operation in July 2007 to what it called fight armed militants inside. The Imam of the mosque, Maulana Abdul Aziz, known for his extremist views, had refused to condemn the attack in Peshawar. In a move to hold the Maulana accountable for his sympathetic views on the Taliban, hundreds of members of civil society, students, journalists and politicians gathered outside the mosque in a movement labelled 'Reclaim Your Mosque' and demanded that the Maulana condemn the attack. At the request of the mosque management, a case was registered against the protestors under section 144 for blocking the road and delivering 'hate speech' against the mosque administration. In response to the protest, Maulana Aziz threatened the protesters of launching suicide bombings against them if they did not disperse. The protesters then marched towards the Abpara police station to register a case against Maulana Abdul Aziz under section 506 (2) of the Pakistan Penal Code, concerning



A sit-in on Alamdar Road in Quetta against killing of Shia pilgrims.

offence of criminal intimidation. Later in the evening, after civil society camped outside the police station, the case was registered. The protesters, however, pledged to continue their sit-in until the Maulana was arrested. The police demanded time till December 26 for investigation and promised to act when the deadline expired at 6pm on the date, though no action was taken till the end of the year. The leader of the 'Reclaim Your Mosque' movement received a phone call allegedly from Ehsanullah Ehsan, the spokesman for the TTP, who threatened the protestors of dire consequences if they did not disperse. Protests and vigils in solidarity with the Red mosque protests were held in Lahore, Karachi and Faisalabad.

In January, a number of people, mostly belonging to PTI and Sunni Tehrik, protested the alleged desecration of the Holy Quran and a mosque by forcibly closing down shops and bazaars in Sialkot. The protesters burnt tyres and blocked the main Allama Iqbal Chowk for up to six hours. The accused, who was allegedly mentally challenged, had set some mats in the mosque on fire which engulfed some copies of the Quran as well. The police said intelligence agencies took the accused to an unknown location for interrogation.

On January 4, Majlis-e-Wahdat-e-Muslimeen (MWM), a pro-Shiite politico-religious organisation, held protests in several cities including Lahore, Rawalpindi, Faisalabad, Gujranwala and Multan as well as in London to protest growing targeted attacks against the Shiites and the government's failure to apprehend the killers. Despite the pleas another deadly attack on Shiite pilgrims in Mastung, Balochistan on January 21 took the lives of 26 people.

On the death anniversary of Governor Salman Taseer in January, journalists and members of political parties made speeches in his support at a candlelight vigil held by the civil society in Lahore. Also, 250 madrasa students participated

in a rally in support of Taseer's convicted killer Mumtaz Qadri organised by Mumtaz Qadri Lovers' Forum.

On June 16, the Hazara Shiites of Quetta staged protests against the ban on road travel to Iran through the restive province of Balochistan. The protesters demanded that the ban be lifted and better security provided to the pilgrims travelling to holy sites in Iraq and Iran. The ban came as a result of incidents of terrorism against pilgrims in the remote town of Taftan. Four suicide bombers struck two restaurants, killing 24 pilgrims on their way home. The protesters urged lifting of the ban because they could not afford expensive airplane tickets. Such moves indicated that the government was not only ill equipped to provide security to its citizens but also openly admitted this. The at-risk populations were left to their own devices to seek private security or to barricade themselves inside their homes to avoid untoward incidents.

In February, several civil society and human rights groups staged protest demonstrations all over the country against a government decision to hold peace talks with the Taliban. Speakers at the demonstrations said the Taliban were responsible for countless acts of terror and negotiating peace with them would not prove successful. They demanded a strict military operation to wipe out terrorism from the country. Women's rights groups also resented non-inclusion of women in the team selected for talks with the Taliban. They argued that the Taliban's barbarity was felt most strongly by the women under their rule and they had the most to lose if the Taliban gained control of any territories in Pakistan.

The threats faced by the religious and ethnic minorities were manifold. According to HRCP media monitoring, 11 Hindu temples and churches were



'Reclaim Your Mosque' protest in Islamabad.



Kali Mata Colony residents converge on a road leading to Tando Mohammad Khan against the attack on Hanuman Temple.

attacked in Sindh alone. On May 24, about 300 people belonging to the Sikh faith stormed the parliament building in Islamabad to protest against the desecration of their holy book. The storming, later termed a major security lapse, interrupted the House proceedings. After almost an hour, the leader of the House talked the protesters into calling off the protest.

On March 29, residents of Kali Mata Colony in Larkana, Sindh protested on the streets against an arson attack on a Hindu temple. They burnt tyres and blocked traffic on Tando Muhammad Khan road, demanding greater security for religious minorities. The attack came only a week after a similar arson attack in Larkana carried out to protest alleged desecration of the Quran.

### **Political protests**

The year saw one of the most sustained political protests in Pakistan's history. Between August and December, the airwaves were dominated by the protests and sit-ins held by PTI and PAT. The PTI started its rallies on August 14 against what it called rigging in the national elections in May 2013. The PAT rallies, known as '*Inqilab* March' were held for removal of the prime minister as well as revamping the political system of the country. Holding protests in D-chowk of Islamabad, in immediate vicinity of the Red Zone where important state institutions like the Parliament house are situated, was meant to send out a clear message. They did have the right to exercise their freedom of assembly but in storming the Red Zone in the hopes of entering the Prime Minister's House, they perhaps exceeded their rights and invited retaliation by the police. Late at night on August 19, Imran Khan, leader of PTI ordered the marchers to force their way into the Red Zone. On September 1, the protestors stormed the head office of Pakistan Television (PTV) in Islamabad, disrupting its transmission, destroying property and harassing staff inside. In the third phase of the PTI protests, Imran Khan announced a schedule to shut down major

cities in the country. On December 8, when Faisalabad was shut down, the workers of the ruling party Pakistan Muslim League – Nawaz (PML-N) also took out a rally on the same locations announced by PTI. A clash erupted between the party workers which left one PTI protestor dead and 14 others injured, three of whom were policemen. Even though the PML-N workers could have chosen a different location for their gathering, the PTI leadership was also blamed for inciting the young party workers to engage in violent behaviour. The chief minister ordered a probe and an FIR was registered under PPC as well as ATA by the brother of the deceased PTI worker. In response to his death, PTI workers held protests throughout Pakistan. Main roads were blocked in Karachi, Islamabad and Lahore. Similarly, on December 16, Lahore was locked down and 28 key points were blocked. The PTI workers burnt tyres, put up barbed wire and barricaded Lahore's main roads.

On August 21, the Lahore High Court (LHC) refused to hear a petition seeking a restraining order against the Azadi March of PTI. The petitioner alleged that the march and sit-in were an international conspiracy to create anarchy in Pakistan. He requested formation of a judicial commission to investigate the objectives of the protest. The court dismissed the petition with the remarks that nobody could be stopped from holding a peaceful sit-in or protest.

There were reports that the arrangements made for the protesters in front of the Parliament House in D-Chowk were insufficient. In the absence of proper shelter, the protesters sat in the scorching heat the entire day, awaiting their leaders, who made their appearance every day after sundown. Lack of toilets in the area caused severe discomfort, especially to women. In the absence of any markets nearby, the participants had to walk significant distances to buy items of daily use. It is understood that the protesters who leave the comfort of home to protest on the streets shall inevitably face difficulties but the party leaders whom they so devotedly follow should make proper arrangements for their security and well-being.

On August 21, the Supreme Court issued notices to PTI chairman and PAT chief for creating impediments on the Constitutional Avenue. The Supreme Court Bar Association (SCBA) submitted a petition to a five-member bench headed by Chief Justice Nasirul Mulk saying that cases were being adjourned because the lawyers and judges could not appear in court on time. The SCBA chief who had filed the petition under Article 184(3), contended that the political standoff or impasse was affecting all spheres of national life.

In early January, protests were held in many parts of Sindh over Muttahida Qaumi Movement's (MQM) Chief Altaf Hussain saying in a speech that a separate province or even a country could be demanded for the Urdu-speaking population if their rights were usurped. The protesters demanded an apology from the MQM chief for hurting the sentiments of the Sindhi speaking population

of the province and for calling for a separation of Sindh from Pakistan.

## Violence

Incidents of violence and use of excessive force against protestors set many examples during the year. Despite claims that rubber bullets had been imported for crowd control, high number of casualties with evidence of bullet wounds suggested that live rounds were used with possible shoot-to-kill orders. The police, regardless of gender, showed unusual cruelty in handling unarmed civilians as well as persons with disabilities, all seeking justice with fair demands. The police excessively used batons for crowd control making no distinction between the young and old. News channels often showed footage of several policemen hitting a single protestor, who happened to have fallen and left behind, with batons. Such behaviour was more of a vengeful nature than for peacemaking and diffusing the situation.

During an operation to remove barriers from the house of Pakistan Awami Tehreek's (PAT) Amir Tahir-ul-Qadri's house by the Punjab police, 11 persons died and hundreds were injured in the ensuing clashes. On June 16, the day Tahir-ul-Qadri was set to arrive in Lahore, the operation to remove the barriers, which had been in place for years, was announced. When the police proceeded to remove the barriers, said to encroach on public property, a clash erupted between PAT workers and the police. The police proceeded to baton charge and shell the protestors with tear gas. According to police, 27 policemen were injured while 53 protestors were arrested. During investigations, the police said they were ordered by the Superintendent of Police (SP) to fire live rounds



Police stopping and baton charge on blind persons at Davis Road as they tried to record their protest in front of CM House.

in the air after PAT workers initiated the firing. On August 25, Inspector General (IG) of Police, Punjab issued orders for the transfer of 11 SP rank police officers, including three who were present in Model Town at the time of the clashes. Though suspension of superiors found responsible for such illegal orders is a start, it is not where the process should end. Those responsible should be tried in court and punished. The police should be trained in modern methods of crowd control which ensure the security of both police and protestors.

On April 28, Amna Janjua, Chairperson of a rights group, Defence of Human Rights Pakistan, along with relatives of missing persons held a demonstration at D-chowk in Islamabad against enforced and involuntary disappearances. When the protestors attempted to approach Parliament House in the Red Zone, the police resorted to aerial firing, tear gas, and baton-charge. The police arrested eight men and four women including Amna Janjua. What was particularly troubling, though, was the manner women police handled Ms Janjua while arresting her. Journalists rushed to the scene to record the incident and videos of women police roughing up Ms Janjua were telecast live on TV. The police were seen pushing and shoving her, pulling her clothes and hair, throwing her inside the police van and whisking her away. The journalists trying to record the incident were also targeted. Their equipment was snatched and destroyed and many were wounded. Later that day, the prime minister issued a statement that he disapproved of police torture and ordered the release of all protestors.

On December 3, on International Day of Persons with Disabilities, visually impaired persons staged a demonstration in front of Lahore Press Club seeking an increase in the government job quota for persons with disabilities. When the protestors started moving towards the CM House from Davis Road, the police tried to stop them since a presidential convoy was expected to pass through the route shortly. When the protestors refused to back off, the police baton charged and manhandled the protestors. The brutal response of the police was seen as a violation of basic rights of a group already severely marginalized due to their disability. Five police officials were suspended but the original demands of the visually impaired protestors drowned in the chaos.

## **Curbs**

The right to enjoy freedom of assembly, one guaranteed to all citizens without discrimination, was perhaps extended to some groups more than others. In a bid to register their complaints with the United Nations office in Islamabad, the Voice of Baloch Missing Persons (VBMP), a group comprising relatives of missing persons and against enforced and involuntary disappearances, marched on foot from Quetta to Islamabad. These dozen or so unarmed men, women and children with only a cart full of pictures of



A long march from Balochistan to Islamabad against enforced disappearances.

missing relatives and friends were intimidated at several points during their journey, threatened to turn back and cease their protest. In Wazirabad, Punjab, unidentified persons surrounded the marcher's camp at night, allegedly to intimidate them. In February, Mama Abdul Qadeer, who was heading the long march, received threatening phone calls and text messages, warning that the marchers would not be allowed to enter Rawalpindi, a city adjacent to the capital Islamabad and the official headquarters of the Pakistan armed forces. The threats were widely condemned by civil society and eventually VBMP entered the capital safely on March 4. On the other hand, on December 5 Jamat'ud'Dawa, the charity wing of the banned militant organization Lashkar-e-Taiba, organised a two-day national conference in Punjab's capital Lahore. It called for the complete enforcement of Shariah and reviving jihad against Pakistan's enemies. Speeches were also made against Pakistan's attempts to make peace with India.

Over the course of roughly five months of the PTI and PAT protests, the police set new records of arbitrarily detaining individuals over flimsy charges. The arrests, made under the Maintenance of Public Order (MPO) 1960 and for violations of Section 144 of the CrPC, were dubbed as blatant harassment. Such a systematic campaign sets dangerous precedent by the government to clamp down on fundamental freedoms. As of August, a total of 1,980 party workers belonging to PTI and PAT were behind bars in various jails of Punjab. Also, within a few weeks, almost 3000 to 5000 arrested workers were released showing that the charges against them were weak. Most of the workers were kept in Lahore, Gujranwala, Multan, Faisalabad and Rawalpindi jails. Heavy contingents of police at all entry points into Lahore thoroughly checked the vehicles of the party workers. The move was seen as an unnecessary hindrance

to bar the workers from attending the rallies in Lahore. Article 10 of the Constitution, on preventive detention, should have no place in modern democratic societies, at least during peacetime.

### **Lawyers, laborers, journalists, teachers**

As targeted attacks against polio workers, lawyers, human rights defenders and teachers continued with impunity, protests around the country were organised to call for bringing the attackers to justice. Farmers' demands for land rights, which have been consistently made for decades, continued this year but there was no debate in the parliament on land reforms. Unfair land allocations and land grabbing by the mafia continued from the Thar desert to Muridke, Punjab.

On January 1, the Sindh Land Reforms Movement (SLRM), a network of peasants and civil society organisations, staged public rallies for provision of agricultural land to the landless peasants. Their demands included initiating land reforms according to the Land Reforms Act 1977. The governments of Sindh and Punjab were at the forefront of those who asked the Supreme Court to maintain a status quo on land reforms in recent years despite glaring disparities in land distribution.

Journalists all over the country held demonstrations, vigils and protests against an attempt on the life of Hamid Mir, an anchorperson of Geo News, a leading Urdu-language news channel in Pakistan. He was shot six times in a



Nurses protest in Lahore.



Journalists all over the country held demonstrations, vigils and protests against an attempt on the life of Hamid Mir.

targeted attack on his car in Karachi on April 19. In the aftermath of the attack, Mir's brother accused Pakistan's leading intelligence agency, the ISI, of orchestrating the attack. Geo News aired images of the then ISI chief along with the accusations. Consequently, the defence ministry urged the national media regulator to cancel Geo TV's broadcasting licence. On the request, Pakistan Electronic Media Regulatory Authority (PEMRA) suspended Geo's licence for 15 days and imposed a Rs 10 million fine in June. Till the year's end though, Geo was still unavailable in many localities. Journalists and activists saw this closure as a blatant violation of freedom of information and press freedom. In September, journalists, political party representatives, members of civil society in Hyderabad demonstrated against the illegal closure of Geo. Amnesty International termed the ban an 'attack on press freedom'.

On February 9, dozens of farmers from Kotla Laghari, Muzaffargarh, protested against the government's plan to set up a coal power plant on their lands. The protestors staged a sit-in and blocked traffic for up to seven hours. The area is home to three other power projects which have allegedly added pollutants to the area and degraded the quality of air. The farmers demanded that the government use infertile land close to the area rather than destroying their farmland and their livelihood. About 100 acres of privately owned land was earmarked for the project but a large desert area nearby which belonged to the state was spared.

On February 14, female teachers protested outside the Peshawar Press Club against their forced induction into polio vaccination campaigns in the province. The Sher Shah Suri road was blocked for a while by the All Female



Protest against the killing of HRCP coordinator Rashid Rehman.

Teachers Association. They said that the government had failed to provide protection to the polio vaccinators. Even the security personnel accompanying the teams were unsafe and had failed to protect the vaccinators. In 2014, Pakistan recorded 305 polio cases. According to media reports, at least 30 polio vaccinators have been killed as well as 30 security personnel guarding them since December 2012 in Pakistan.

In September, dozens of teachers protested for nine days at the Boat Basin in Karachi for their wage arrears. Almost 3,600 teachers had been appointed in June 2012 by the then education minister but their salaries had not been paid for two years. On the ninth day of the protest, when the PPP sent a minister with the government's last offer, the protest turned violent. The government proposed that all the appointed teachers take the National Testing Service (NTS) exam after which 1,425 vacancies would be open. The teachers could then apply again and receive their appointment on merit. The minister, however, did not address the issue of dues which angered the protesters. When they tried to force their way into Bilawal House, the police baton charged them and dispersed them with water cannon.

On May 7, HRCP's Multan Task Force Coordinator and eminent human rights activist Rashid Rehman was shot and killed in Multan by two gunmen for representing in court a blasphemy accused. Lawyers, activists, journalists and civil society in general took out rallies in all major cities of Pakistan against the murder as well as the government's lack of response to letters demanding greater security for Rehman prior to the fatal attack. A few days before the murder, he had been threatened by a lawyer and some militants in open court. Despite repeated letters to the authorities, steps were not taken to either prevent

the attack or catch the perpetrators.

Ad hoc nurses in Lahore protested against the government and the Health Department officials on Copper Road for regularization of their services. On the 5th day of protest on March 15, the nurses marched towards the Punjab Assembly to register their protest when the police along with lady constables attacked them with batons. The police tortured the nurses, injuring several of them, including a pregnant nurse, whose condition deteriorated after the attack. The police also arrested 10 nurses and locked them up at the Race Course women police station without registering any first information reports (FIR). Following the violent attack, nurses from hospitals all over Lahore joined the protest to condemn police torture.

### **Protests on social issues**

On November 4, in Kot Radha Kishan, a city in Kasur District, 40 miles from provincial capital Lahore, a Christian couple was accused of desecrating the Quran, beaten severely and then their bodies (one reported dead and the other alive) burnt in the brick kiln where they worked, by a mob consisting of local villagers. The incident was condemned by all sections of society for its brutality and sparked a debate about the treatment of minorities in Pakistan. Immediately after the incident, members of civil society visited the brick kiln where the incident had occurred and placed flowers and candles in remembrance of the two victims. On Sunday, November 9, hundreds of Christians took to the streets in Islamabad to protest against the attack. A member of the World Minorities Alliance stated during the event that the impunity enjoyed by the perpetrators was the reason that such mob attacks kept recurring. On November 27, during a National Assembly session, MNAs jointly condemned the incident and demanded exemplary punishments for culprits. Different political parties, including MQM and PAT held protest and vigils.

On October 28 in Quetta, a seven-year-old girl belonging to the Hazara community was tortured and strangled before being dumped in a garbage can near her house. According to Quetta's police chief, it was a case of attempted rape. The signs of violence on her small body and the red marks on her neck from strangulation with a rope proved that the child had died an agonizing death. In the face of police's apparent inaction, the Hazara community protested against the incident on November 8 outside the office of IG of Police, Balochistan. They chanted slogans against the police for failing to arrest the culprits responsible for the crime. The police said there had been no progress in investigations, a position which continued till the end of the year. The continuation of such attacks points towards the incapacity or unwillingness of the government to end impunity enjoyed by those behind these attacks.

Baloch student activist Latif Johar Baloch went on a hunger strike for 46 days in May and June to protest against the abduction of Baloch Student Organisation-Azad (BSO-A) chief, Zahid Baloch allegedly by intelligence



PAT sit-in panoramic view.

agencies. The strike started out as a hunger strike until the recovery of Zahid Baloch or till death. However, he ended the strike on the 46th day after other persons working for the recovery of missing persons convinced him to end it. Johar was camped outside the Karachi Press Club as his health slowly deteriorated and he lost considerable weight. He was visited by the Balochistan chief minister who promised he would get an FIR registered against the abduction.

On June 14, hundreds of residents of Chak 61 near Faisalabad staged a demonstration and blocked the road to protest against the lack of police response to the killing of two men in their village. The protesters blocked the Lahore-Faisalabad road for traffic by placing the bodies on the road. The protesters claimed that four to five persons had shot and killed the young men and despite informing the police, no one from the security force had shown up and the attackers managed to flee. Police baton charged the protesters. Some of the protesters fired shots in the air but no one was injured. The Station House Officer (SHO) then met with the protesters and assured them that the perpetrators would be caught.

On January 30, the Awami Worker Party, a left-wing political party, held protest demonstrations in Lahore and Islamabad against the on-going operation in Balochistan by the security forces. The party workers chanted slogans against the Frontier Corps, stating that there was a lack of transparency and openness in such operations. They also called for the detainees to be tried in court so that innocent civilians were not targeted. Protesters also demanded an inquiry into the discovery of mass graves in Tootak, Balochistan.

On March 5, a protest was held in Mingora, Swat by women belonging to the families of missing persons. They demanded the safe recovery of their family members who had been missing for four years. The protesters marched from Kanju area to Saidu Sharif road holding pictures and identity cards of their missing relatives. They dispersed later after assurances from the police

that their concerns shall be conveyed to the relevant quarters.

In September, Pakistan Institute of Labor Education and Research (PILER) and Pakistan Dalit Solidarity Network (PSDN) held a protest at Karachi Press Club against the various forms of discrimination against the Hindu community. Earlier the same month, two Hindu shopkeepers in Umerkot had been murdered. Kidnappings for ransom and forced conversions were rampant and these crimes were being committed with impunity. Such incidents have increased the level of insecurity for the entire community, especially in Sindh. The religious minorities in Pakistan often fall victim to violence and sexual assault owing to their community's lack of political representation and influence.

On August 15, dozens of Internally Displaced Persons (IDP) from North Waziristan, dislocated as a result of the military operation Zarb-e-Azab, staged a protest in front of the Peshawar Press Club and demanded their repatriation and an end to the conflict that had forced them from their homes. A majority of the IDPs had taken refuge in school buildings in Bannu during the summer vacations. In August, however, when the schools were due to be opened, the IDPs were asked to vacate the buildings. They were not allowed to return home either though the security forces claimed to have cleared their areas of residence like Mirali, Miranshah and other tehsils.

In late September, business and trade activities in Panjgur, Kharan, Gwadar, Kech, Wadh and other districts of Balochistan came to a standstill. The strike was called by the Baloch Warna Movement and the Baloch National Front (BNF), a political alliance of Baloch nationalist organisations, against the recovery of dead bodies in Panjgur, Khuzdar, Kech and Awaran districts. Different activists of nationalist parties claimed that three people were kidnapped and subsequently killed in illegal detention. On September 26, human remains



IDPs from North Waziristan Agency protested against mismanagement in food distribution at food point and blocked the Kohat-Bannu road.

almost a year old were found in two gunny sacks near a river in Panjgur. The remains were sent to Lahore and Karachi for DNA testing though the nationalist organisations claimed they belonged to missing persons. Further protests and strikes were held on the 29th of September in Chagai, Nushki, Kharan, Awaran Bolan, Hub etc against the new wave of dumping of mutilated bodies.

On June 20, thousands of people, predominantly women and children, took to the streets in Panjgur, to protest against closure of private schools for five consecutive days. The protesters were carrying placards in support of their demand for better security to private schools. The protest and demonstration came as a result of a threat issued by Tanzeem-ul-Islam-ul-Furqan (TIF), ordering co-educational and ‘western-style’ learning schools to immediately shut down.

### ***Recommendations***

*1. The government should facilitate and protect persons joining a peaceful assembly as an indicator of a genuine democracy*

*2. The police should be trained in modern methods of crowd control which ensure the protection of the police as well as the protestors.*

*3. Section 144 of the CrPC and Maintenance of Public Order (MPO) 1960 have been increasingly used to curb the right of peaceful assembly of persons. The laws on arrest and detention should be reconsidered as preventive detention has no place in modern democratic societies.*

*4. The government’s complaint mechanism should be improved so that citizens’ concerns could be addressed and expeditiously resolved.*

# 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)

*Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests -*

**ICCPR**

Article 22

*Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorization –*

**ILO Convention 87**

Article 2

*Workers shall enjoy adequate protection against acts of anti-union*

The freedom to form or join peaceful associations remained limited for the groups most vulnerable because of their belief, gender, profession and political affiliation. Some groups like trade unions and NGOs suffered unnecessary interference by the state or were hindered by legal barriers to association. Others suffered blatant violence and targeting by non-state actors as a direct result of their associations with political groups. The actions of these non-state actors played a significant role in denying at-risk groups the space to exercise their right to peaceful association. These limitations were achieved either through direct violence or through prevailing patriarchal attitudes and social constructions which kept these groups at the margins of society. Thus, the state's obligation extended beyond respecting rights to providing effective protection to rights holders from violations and abuses by both state and non-state actors.

The year 2014 saw growing violence against workers and leaders of political parties. In Karachi, the capital of Sindh province, 134 political activists were killed in 2014, even though according to the Sindh Rangers' report published in August 2014 on the on-going operation in Karachi, 178 terrorist and criminals had been killed and 2,787 arrested since September 2013. Political associations, especially with parties known for their liberal or progressive agenda, were considered dangerous and their workers remained foremost on militants' target list.

Workers and labourers continued to face hindrance in forming and joining trade unions and enjoying the right to collective bargaining. The Industrial Relations Act, a provincial law to regulate formation of trade unions, effectively excluded a major chunk of the workforce by limiting its scope to formal workers. Despite Pakistan's international obligations to extend right to association to all, its domestic, home-based and agricultural workers, and the self-employed were barred from the ambit.

The state's rationale for restricting the right of civil society to freedom of association remained consistent with previous years. Criticism of authorities, especially security forces, and of state policies, including through demonstrations was largely considered a threat to national security and public order. Terms such as 'state sovereignty' and 'national interest' were used to restrict association rights. The government, through the introduction of the Regulation of Foreign Contribution Bill 2013 in the Senate, alleged that NGOs lacked accountability and sought to restrict their access to resources, especially foreign funding.

The United Nations Special Rapporteur for Freedom of Assembly and

Association, one of the 28 independent human rights experts in the special procedures of the Human Rights Council, made requests to visit Pakistan in 2011 and 2013, neither of which was granted. The Rapporteur also sent the government communications regarding four joint allegation letters received in 2010, 2012 and 2013 and three joint urgent appeals received in 2012 and 2013. The government failed to respond to the rapporteur's communication regarding the killing of Mr. Zarteef Afridi, HRCP's coordinator in Khyber Agency of FATA. In the remaining six communications, the government acknowledged receipt but failed to send detailed answers to all the concerns raised in the communication.

### **Restrictions on trade unions**

Trade unions have long demanded the grant of basic human and labour rights to all working men and women in Pakistan. The demand has led to attacks on and imprisonment of their leaders and members. Not only were persons associated with labour unions physically attacked or imprisoned under long sentences, serious limitations to formation and functioning of labor unions were encoded in law, in glaring contrast to Pakistan's international obligations regarding the right of association for labour.

After the 18<sup>th</sup> Constitutional Amendment passed in 2010 and deletion of the Concurrent Legislative List, the labour ministry was devolved to the provinces. This meant that subjects such as welfare of labour, compensation, health insurance, pension, and trade unions became provincial, even though the centre's obligation to ensure universal labour guarantees remained intact. Subsequently, an Industrial Relations Act, a law to regulate formation of trade unions and relations between employer and workmen, was introduced in each province; Khyber Pakhtunkhwa in 2010, Punjab in 2010, Sindh in 2013, Balochistan in 2011 and Federal Capital in 2012. These acts, which primarily dealt with ensuring freedom of association for labour, fell well short of international standards. These acts did not extend to FATA, failing to provide the right to collective bargaining to labourers in these tribal regions. The lack of workplace safety and blatant violations of labour laws experienced by mine workers in FATA were well known. However, laws protecting labourers elsewhere in the country failed to extend their net to labourers in FATA. The Acts collectively excluded the police, armed forces, security staff of Pakistan International Airlines (PIA), staff of government hospitals and public educational institutions, the self-employed, home-based workers (HBW) and agricultural workers from their ambit. Further conditions were imposed on unions which restricted their activity and hindered the free choice of labourers to join a union. As per the law, workers could not be a part of more than one union at an industry. It also required the membership of 75% of the industry's workforce in the union for registration. All members of the union must be engaged or employed in the industry. If two or more unions operated in one establishment, a union required



Members of All-Pakistan Wapda Hydroelectric Central Labour Union protest against privatisation.

at least one fourth membership.

A bill called Domestic Workers (Employment Rights) Bill 2013 was tabled in the Senate in January, 2014. The Senate referred it to the Standing Committee on Law and Justice for review. The bill only extended to the capital territory but once it was passed, it would set a good precedent for the provinces to follow. The bill would recognize domestic workers as labour and thus give them the right to register their unions under the Industrial Relations Order. It was estimated that there were 8.5 million informal domestic workers in Pakistan. The country, however, was yet to ratify Convention No. 189 of the ILO which provided specific protection to domestic workers.

Six power-loom workers and leaders of Labour Qaumi Movement (LQM) union from Faisalabad, who were sentenced to 99 years in jail each, remained incarcerated in the year under review. The six men were charged with attempting to murder four brothers who owned the power-loom factory where they worked. During a protest demanding the 17% wage increase announced by the government in 2011, the four owners were allegedly beaten by the protesting workers. A First Information Report (FIR) was filed against 14 leaders of the LQM and 150 unknown persons three days after the incident. Gunfire was not mentioned in the initial report but appeared in the police report three months after the incident. The Anti-Terrorism Court invoked section 7 of the ATA, punishment for acts of terrorism, and collectively sentenced the six men to 594 years in jail. The new LQM leadership filed an appeal in the Lahore High Court for their bail. Till the end of 2014, the bail had not been granted. The

unusually harsh sentence was considered by labour leaders as retributive meant to intimidate and discourage other labour unions from demanding their rights.

### **Targeted for their political affiliations**

Incidents of persons targeted for their political affiliation and association continued to be reported throughout the year. This violence was most pronounced in Karachi, the capital city of Sindh, where 134 political activists were killed during the year. According to Conflict/Violence Report 2014, published by Centre for Research and Security Studies (CRSS), an Islamabad-based think-tank, 186 politicians and party workers and 52 persons affiliated with religious organisations were killed in 2014. The Awami National Party (ANP) faced the highest number of such attacks with 16 acts of violence followed by Pakistan Muslim League-N with six, according to the Pakistan Security Report, published by Pakistan Institute for Peace Studies (PIPS).

In Orangi Town Karachi, the ANP President of District West Dr Ziauddin was shot and killed by unidentified assailants. The 50-year-old was returning from a mosque after offering Isha prayers when assailants on a motorbike shot and killed him. In September 2013, a bomb had been planted outside his house which was defused in time by the Bomb Disposal Squad. He had repeatedly been threatened by the Taliban who demanded Rs 1 million in extortion money from him. They had also warned him to quit ANP and that failure to comply would lead to dire consequences. Despite serious threats against his life and property, he was not provided additional security. The state has the responsibility to protect all its citizens, especially the ones who selflessly continue their political work to strengthen democracy despite serious threats.

On August 28, more than 150 leaders of four political parties were detained



ANP and NYO workers protesting against the target killing of their leader and president of Karachi West, Dr Ziauddin.

during unannounced raids in Karachi. The detainees belonged to Awami National Party (ANP), MuttahidaQaumi Movement (MQM), Pakistan Sunni Tehreek (PST), Peoples Aman Committee (PAC) and Kutchi Rabita Committee, an organization of Kutchi community, (KRC). There were also reports that on occasions when the law enforcing agencies failed to arrest certain party workers, they instead arrested their family members. Some political workers arrested were senior citizens, like ANP's Baba Zahir Shah who was 70 years old. The police officials said the raids were only conducted against criminal elements. The list provided to the police of persons to be arrested during such raids included sitting MNAs and MPAs and prominent party leaders.

The Karachi Rangers conducted a raid on a reorganization meeting of the Muttahida Qaumi Movement (MQM) at their office on Abul Hasan Ispahani Road on September 24 and took several party workers to an undisclosed location after arresting them. The rangers did not carry any arrest warrants, nor was an explanation provided for the arbitrary raid and detention of workers. One member of Sindh Assembly and MQM party worker was not allowed to enter the office premises. The move was condemned by the MQM Raabita Committee as unlawful and unreasonable.

Six members of the Pakistan People's Party (PPP), including two former councilors, were targeted and killed in the troubled Lyari area of Karachi within one week in November.

A Pakistan Muslim League – Q worker was shot and killed by unidentified men in Islamabad on December 16. The initial probe revealed that the culprits intercepted his car and sprayed him with bullets, 12 to 13 of which were found from his body during the post-mortem examination.

On December 18, MQM District Vice President Syed Asghar Abbas was shot and killed in Chiniot city. Unidentified assailants on a motorbike shot and killed him as he was going to a market.

In December, a PTI worker Nazir Ullah died in custody of the police at Pirabad Police Station, allegedly as a result of brutal torture. The police denied the claim saying that he was found unconscious on the roadside in Orangi Town in Karachi and was shifted to the hospital by the police where the doctors pronounced him dead on arrival. PTI workers and leaders staged protests outside the Karachi Press Club and were baton-charged for trying to move towards the Red Zone.

The Secretary General of the Sindh chapter of JUI-F and a senator between 2006 and 2012, Khalid Mehmood Soomro was shot and killed outside a mosque in Sukkur by unidentified assailants. Soomro, originally hailing from Larkana, was in Sukkur to participate in a conference. The senior leader had previously been attacked six times before the fatal attack took place on November 29.

Maulana Malik Zar, a leader of religio-political party Jamiat-e-Ulema-i-



Protest against killing of Dr Khalid Mahmood Soomro of JUI-F.

Islam, Fazl (JUI-F) was shot and injured in Orangi Colony, Karachi on December 22. He was shot at four times and was taken to hospital in a critical condition. The JUI-F leadership had suffered similar attacks in the last few years, including two failed attacks against the party's chief.

### **Student unions**

Since the ban imposed by General Zia-ul-Haq in 1984 under Martial Law Orders, student unions had lost their effectiveness largely because universities had failed to positively engage with and revive them. Even though the ban was lifted by Prime Minister Benazir Bhutto in 1988, subsequent Supreme Court judgments limited their scope significantly. Students were actively discouraged from engaging in politics while only 'legitimate' student groups were allowed to operate after 1993. The bans and limitations came largely as a result of escalating violence on campuses and reports of political manipulation and interference in the administrative affairs of universities.

Prime Minister Yousaf Raza Gillani announced the restoration of student unions on March 29, 2008 and the decision was supported by the Parliament. Despite this move, questions remained as to whether the government would actively engage with student unions to achieve an integrative democratic environment and address the concerns of Pakistan's youth. Also, various incidents of violence and intimidation on campus by members of certain political parties' student wings demonstrated that the issues which led to the initial ban had not been addressed. In the previous years there had also been reports that a member of trans-national terrorist group Al-Qaeda was arrested from Punjab

University's hostels and was allegedly sheltered by Islami Jamiat Talaba (IJT), the student wing of Jamaat-e-Islami (JI).

Throughout the year reports were published of students manhandling teachers and engaging in hooliganism on campus. On March 19, IJT members, who had been expelled from the university earlier, disrupted a sports gala at the Punjab University. The union members had earlier sent a threatening note to the authorities to halt the sports gala. Around 15 members forced their entry on campus, manhandled senior faculty members, snatched students' handbags and mobile phones and also vandalized a teacher's car. When the education minister of Punjab was informed, he sent a police contingent to the campus to control the situation. As soon as the police arrived, the disruptive group dispersed and no case was registered. Similarly on November 16, IJT members attacked the car of an assistant professor at the Punjab University's law college. The members had threatened him a day earlier. The faculty members complained that these union members had cases registered against them for firing shots at the house of the university's Hall Council chairman on September 1, attacking the car of a lecturer on October 17 and raiding the house of another assistant professor on November 11. However, no arrests had been made and thus such disturbances continued.

Even though criminal elements as part of any association should be rooted out and dealt with according to the law, the association itself should not be made to suffer. Isolated incidents of campus violence should not lead to a carpet ban on all student unions.

### **Attacks against NGOs, human rights defenders and journalists**

For a third year in a row, Pakistan was named as the most dangerous country for journalists in the year under review, according to the International Federation of Journalists (IFJ), a global organization of journalists based in Belgium. The threat was most pronounced in volatile regions such as FATA and troubled districts such as Khuzdar in Balochistan. The targeting of journalists in these regions was a direct consequence of their association with journalism, whether through press clubs or as employees of print and electronic media outlets. According to HRCP's monitoring of 48 volatile districts in Pakistan, journalists and human rights defenders suffered 19 attacks in 2014. NGOs and their staff also suffered numerous attacks from extremist groups who continued to accuse them of promoting a western agenda. Persons, regardless of the nature of their work, were the target of attacks simply for their association with NGOs. On September 15, two employees of an INGO working on a project to rehabilitate communities affected by natural and man-made disasters were targeted by unidentified assailants while they were conducting a survey in Sosut/Pingal pasture in Ghizer district of Gilgit-Baltistan. The two men were investigating a disaster at a glacier and were accompanied by two

policemen when four armed men in masks opened indiscriminate firing on them. When the policemen retaliated, the attackers fled.

The opposition in the Parliament in 2013 decided to regulate NGO and INGO funding with more scrutiny and cancel registration if they were found to be engaged in 'activities detrimental to national interest'. The regulation bill, known formally as Regulation of Foreign Contribution Bill 2013, was largely seen as an undue interference by the state into the working of NGOs. The Bill shall require the NGOs and the Economic Affairs Division (EAD) of the federal government to sign a new Memorandum of Understanding (MOU). All requests for the MOU certification, a requirement for all operational NGOs and INGOs in the country, shall be approved after scrutiny by the Ministry of Interior, the provincial government and other relevant stake holders. The Bill also stated that concealment of foreign contributions would be punishable with a one year jail sentence. Also, the government can assign an officer to inspect books, accounts and records of the NGO to ensure transparency. The Bill sets conditions that INGOs and NGOs receiving foreign contribution shall utilize such contribution only for the purposes and locations permitted by the federal government. Some of the clauses were particularly troubling, especially for their use of vague terms, mainly; "... shall not engage in propagation of sedition", and "...contributions must not be diverted for undesirable purposes, which is against the public interest." The Bill, if enacted, shall regulate all foreign aid or donation from any foreign source, require all INGO and NGOs to obtain prior permission from the government to use foreign funds, allow the government power to arbitrarily deny or cancel permission for NGOs to receive foreign funding, and impose a wide range of operational restrictions.

The local NGOs and representatives of civil society raised serious concerns about the proposed bill, stating that it was a clear violation of UNHRC's Resolution, passed on March 22 2013, which bars the government from putting restrictions on NGOs receiving foreign contributions. The Bill was tabled in the Senate but was yet to be passed.

### **Banned organisations**

The total number of banned outfits operating in Pakistan remained a contentious issue as the figure varied from one report to the next. According to the National Internal Security Policy, a security document published by the government, about 60 banned organisations were operating in Pakistan. In later reports, however, the minister of interior stated that more than 95 banned groups were active in Punjab alone. Despite repeated announcements of bans, at least some openly militant and extremist organisations continued to operate with impunity.

A leader of the banned Lashkar-e-Jhangvi group Malik Muhammad Ishaq was set to be released in December of the year under review but the release

orders were reversed and he was sent on a two-week judicial remand, allegedly after an international uproar against his release orders.

A multi-faceted organization Jamaat-ud-Dawa operated openly in Pakistan and enjoyed significant public support, despite being targeted by the UN Security Council for financial sanctions.

A coalition known as Difa-e-Pakistan Council, comprising religious and small political parties, held rallies, though fewer in number in 2014 than in 2013, across the country with a broad but unclear aim to ‘defend Pakistan’.

### ***Recommendations***

1. *The growing cases of violence against workers and leaders of political parties, especially in Karachi, should be checked and the issue of impunity enjoyed by their attackers addressed. All persons associated with political parties should be given added protection under the law*

2. *The government should prosecute persons accused of killing, assaulting or intimidating human rights defenders, journalists and NGO workers. The government should also respond adequately and in time to the communications sent by the UN Special Rapporteur on Freedom of Assembly and Association regarding harassment and killing of HRDs and NGO workers.*

3. *The government’s decision to ban extremist groups is a welcome move. The government should make the ban effective and enforce it through lawful use of force if necessary against any banned outfits which continue to operate and hold public rallies.*

Democratic development

IV





# 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

*(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (2) Everyone has the right*

*of equal access to public service in his country. (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.*

### **Universal Declaration of Human Rights**

#### *Article 21*

*Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: 1. To take part in the conduct of public affairs, directly or through freely chosen representatives; 2. to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; 3. To have access, on general terms of equality, to public service in his country.*

### **International Covenant on Civil and Political Rights**

#### *Article 25*

*States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:*

*a. to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;*

*b. to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;*

*c. to participate in non-governmental organizations and associations concerned with the public and political life of the country.*

### **Convention on the Elimination of All Forms of Discrimination against Women**

#### *Article 7*

## **Political participation as a human right**

The right to participate in one's political system is fundamental; political participation not only gives citizens a voice in the functioning of their government but also provides support to minority and underrepresented people, including women, and may prevent violent political transitions.

Political participation involves much more than just voting. It encompasses the freedom to speak out, assemble and associate and the ability to take part in the conduct of public affairs. Political participation includes other rights such as the freedom of expression, assembly and association, all of which are prerequisites for democracy to function.

In addition to ensuring that the right to political participation is not impeded by State action, human rights law encourages States to also take measures to overcome difficulties, such as illiteracy, poverty, and violence, that may hinder

political participation and prevent individuals and groups from exercising their rights effectively.

Human rights standards also emphasize that men and women have an equal right to participate fully in all aspects of political life.

### **Overview**

In many ways, 2014 redefined political participation in Pakistan. Ostensibly exercising their right to political participation, the opposition Pakistan Tehreek-i-Insaf (PTI) party held rallies and sit-ins across Pakistan to protest what it called widespread and systematic rigging of the 2013 elections, joined in part by the Pakistan Awami Tehreek (PAT), who promised a revolution by overthrowing the system. The manner the protests were carried out, as well as the government's action –and at times inaction —highlighted the need to rethink the balance between the right to peaceful participation in political affairs and the State's obligation to maintain law and order.

### **Anti-government protests**

The 2013 general election, which brought the Pakistan Muslim League-Nawaz to power at the Centre, continued to be a source of controversy. While most national and international observers judged the elections considerably fairer than the previous ones, the PTI said widespread and systematic rigging plagued them, and accused the PML-N, the then Chief Justice of Pakistan,



PTI Chairman Imran Khan and PAT chief Dr Tahirul Qadri during a protest rally in Islamabad.

Ifthikhar Muhammad Chaudhry, the Election Commission, the caretaker setup in Punjab and a powerful media house of ‘colluding to steal the people’s mandate’.

The PTI gave the PML-N a deadline of August 14, 2014, Pakistan’s Independence Day, to carry out an audit of votes in four constituencies and insisted that a Supreme Court commission lead the inquiry. In response to the government inaction, the PTI headed by Imran Khan, as well as Dr Tahir-ul-Qadri’s Pakistan Awami Tehreek, having no seat in the parliament but its own agenda to bring about a revolution, started a wave of protests, rallies and sit-ins that captivated and paralyzed the country for more than four months. Qadri’s supporters’ clashes with police on June 17 had left at least 11 people dead, including one police officer, and hundreds injured during resistance to the police plan for removing barriers outside Qadri’s house and the party’s secretariat in Lahore’s Model Town area. With the incident providing the anti-government protests a spur, on August 14 thousands of people marched from Lahore to Islamabad and eventually camped there.

### **Call for civil disobedience**

Soon after the commencement of the sit-in, PTI announced a countrywide call for civil disobedience to pressurise Prime Minister Nawaz Sharif into resigning. Imran Khan urged his supporters to stop paying taxes and utility bills to paralyze what he called an illegitimate government.

### **Storming of the Constitution Avenue**

On August 20, the PTI and PAT moved their protests into Islamabad’s “Red Zone” and gathered outside the Parliament House. To avoid further clashes after the Model Town incident, the government remained passive, and despite heavy deployment of police as well as the armed forces in the Red Zone, the protestors were allowed to stage their sit-ins. On their part, both parties agreed not to enter any high-security building in the Red Zone.

On August 31, however, both parties went back on their word as the protestors tried to storm the Parliament House and the Prime Minister’s residence. At least three people were killed and hundreds others injured and as the police clashed with protestors, many of whom were armed with batons and other small weapons. The next morning, clashes once again erupted as some protestors entered the Pakistan Television headquarters, resulting in PTV transmission being temporarily cut off.

### **Shutdowns**

Following its sit-in in the capital and the call for civil disobedience, PTI threatened a countrywide shutdown on December 16 (later changed to December 18) preceded by a periodic shutdown of major cities if its demand

for an independent audit of the May 2013 elections was not accepted.

### **Detention, arrests and use of force**

The government responded to the protests in curious ways. Much of Lahore was sealed with containers to prevent protestors from marching to Islamabad on August 14, followed by much of Islamabad being blocked with containers to prevent more protestors from joining the sit-ins. This was coupled with a wave of preventive detention of dozens of PAT and PTI workers.

After the storming of Parliament, the government's misdirected response took new turns. On many occasions, First Information Reports (FIRs) or police complaints were registered against PTI and PAT members, including the leaders of both parties, under the Anti-Terrorism Act (ATA), 1997. Some protestors were also arrested before being released on bail.

Finally, the government relied on the police force to manage the increasingly agitated crowds, despite ample warning signs –including the loss of life in the Model Town incident –that the Punjab police was not trained in the essential skill of peaceful crowd-control. On 8 December, for example, during PTI's "shutdown" of Faisalabad, a PTI worker was killed during a clash with supporters of PML-N. On many occasions, in addition to unarmed protestors, police also attacked journalists and reporters.

PAT announced an end to its sit-in on October 21 in favour of countrywide protests. Imran Khan called off the campaign on December 17 following the massacre of nearly 150 people including 132 students by the Taliban at a school in the northwestern city of Peshawar. His announcement came a day ahead of his party's planned country-wide shutdown intended to force the prime minister into resigning.

### **The contours of the right to political participation**

The second half of 2014 saw active political participation in the form of protests, rallies, sit-ins, social media campaigns, civil disobedience, and finally, countrywide shutdowns. Analysts, regardless of political affiliations, commended the inclusion of women and young people in political activities. A class that previously thought of politics as "dirty" business became a part of politics –albeit on its own terms. Many of their demands embrace the core of a healthy democracy: electoral reforms, an independent and prompt investigation into allegations of rigging, and accountability for loss of life perpetrated by agents of the State. In a vibrant and healthy democracy, such political participation keeps the government of the day accountable to the electorate during its term, as opposed to merely on an election day.

However, the year's events also illustrated the need for responsible political participation, without which the hard-won right to political association and

protest, at least in the Punjab, could lose legitimacy. Law enforcement agencies must be brought to account for their excesses and trained to control peaceful crowds without resorting to lethal force. However, to what extent can protestors who carry batons and other weapons be called peaceful? When thousands of protestors attempt to storm the country's parliament with the intention of overthrowing the government, where does one draw the line between peaceful protests and acts of terrorism? While the State's obligations to protect the rights of peaceful assembly, association and political participation must be stressed unconditionally, what about the ensuing duties of the protestors and their leaders to stay peaceful, ensure they refrain from inciting hatred and violence, and keep their demands within the parameters of the constitution?

How the Pakistani State strikes a balance between the right to political participation and the duty to ensure peace, law and order would have far-reaching consequences on mainstream politics in the country.

### **Marginalized groups and political participation**

While the PTI and PAT expanded the right to political participation in Punjab's political arena in 2014, the year saw the space for marginalized groups in politics shrink even further. With media and public attention focused on PAT and PTI for much of the year, the shrinking of the space for these marginalized groups was mostly ignored.

In October 2014, HRCP's coordinator in Gilgit-Baltistan, Israruddin Israr, and 10 others were charged with sedition for declaring the Anti-Terrorism Act (ATA), 1997, a "black law" and holding a protest against the conviction and sentencing of a political rights campaigner, Baba Jan. Following a 2010 landslide in Gilgit-Baltistan, which destroyed scores of villages and left over a thousand people displaced, Baba Jan mobilized local communities to demand compensation for their displacement. The protests turned violent in August 2011 when clashes between the police and protestors resulted in two protestors being killed and public property being damaged. Baba Jan and eleven other activists from Gilgit-Baltistan were arrested and charged under the Anti-Terrorism Act, 1997, and in September 2014, they were all convicted and given life sentences by an anti-terrorism court.

On March 18, the chairperson of Baloch Student Organization-Azad (BSO-Azad), Zahid Baloch, was abducted at gunpoint in Quetta, according to eyewitnesses, by members of the Frontier Corps. His fate and whereabouts still remain unknown. Baloch, like dozens of other activists who have been allegedly subjected to enforced disappearance by agents of the State, was also exercising his right to political participation by demanding justice and equal treatment for the marginalized Baloch community.

Similarly, the year also saw the "kill and dump" policy, previously used

against Baloch activists, extended to Sindhi nationalists. HRCP documented a number of cases where men associated with Sindhi nationalist groups were abducted, allegedly by security personnel, with their bodies later found in different parts of Sindh and Balochistan. Similarly, reports of illegal detentions and torture of many activists, particularly those who identified themselves as Baloch nationalists or were close to Baloch separatist groups, also became rampant. Several bodies of Baloch young men were found dumped in Karachi. Legitimate political participation by Baloch and Sindhi nationalists was severely curtailed leading to increased disillusionment with the state.

The protests by these groups, active in the margins of Pakistan that are less open to media scrutiny as opposed to the Punjab, were declared as treasonous and anti-Pakistan, giving State agencies a free hand to deal with them the way they pleased. This can be contrasted with PTI's at times violent and manifestly unlawful attempts at coercing an elected prime minister to resign and PAT's rather extravagant demand of toppling the system, lauded as heroic efforts by the media, and evoking sympathy, if not backing, by the establishment. The double standards must be considered when assessing the changing contours of political participation in the country.

## **Women**

2014 was a very interesting year for women's political participation. On the one hand, the Pakistan Tehreek-e-Insaf (PTI) and Pakistan Awami Tehreek (PAT) protests, rallies and sit-ins were celebrated as allowing unprecedented participation of women in political movements, a development that was mocked at as immoral by some reactionary and retrogressive forces in the country. On the other hand, there were allegations that women were being used as protective shields, and that women's participation was reduced to attending protests and sit-ins rather than being given any meaningful say in decision-making.

Hundreds, if not thousands of women came out on the streets to participate in the rallies of both the PTI and PAT. Like their male counterparts, they too were seen listening, cheering, and marching as well as dancing to the music played during the rallies. Very disturbingly, the sight of women at public gatherings brought out the deep-rooted misogyny in Pakistani society. The media flashed pictures of young women for much too long; religious and conservative parties condemned women's presence at the rallies as immoral; and detractors of PAT and PTI derogatively referred to the rallies as social events where men go only to ogle at women, reducing women to mere showpieces. All these reactions highlight the hurdles to women's full political participation.

The PTI and PAT leadership touted the numbers of women attending their rallies as a revolutionary change, bringing men and women one step closer to

equal political participation. However, the stark difference in numbers of women on the stage and in the crowds in both PAT and PTI gatherings dispels the myth of equality. While it is certainly a positive development to see women attend political rallies, their contributions have to be more than cosmetic to establish that protests are radically changing women's role in politics. To have any long-term impact, women's political participation has to be empowering, allowing women's voices to be heard rather than being lost in chants of hero-worship. Unfortunately, there was little evidence of any such change in women's political empowerment in 2014.

In May 2014, Search for Common Ground Pakistan launched a report titled "Strengthening Women's Political Participation and Leadership for Effective Democratic Governance in Pakistan: A Baseline Research Study". The study identifies strengths and challenges related to the role of women parliamentarians in the democratic politics and governance of Pakistan.

The study found that women parliamentarians were competent and possessed an adequate level of knowledge for making legislation, but they were a less popular choice of political leaders as well as the voters as compared to their male counterparts largely due to deep-rooted gender inequality and bias. The report found that most women were allowed to run for elections because they were from a political family. The study recommended assigning leadership roles to women leaders within political parties, allocating increased seats to women on general seats, and electoral and legislative reforms to provide level playing field to women as essential steps to realising the rights of women to full political participation.

At a conference on "Increasing Women's Technical Capacity to Participate in the Political Process" organized by the Forum of Federations, an international governance organization, participants highlighted many barriers impeding women participating in politics. These included ideological barriers, based on a general mindset that the "rightful" place for women was not in politics; social and cultural barriers, which included women's disproportionate burden in work and domestic sphere; economic barriers, which included poverty contributing to exclusion of women; and political barriers, which included economic and social criteria for political candidacy, the level of availability which political activity demands as well as the stigma that politics is "dirty". An increased ability and capacity, and equal opportunities for women to run for elections were recommended for better political participation of women.

According to a Free and Fair Election Network report issued on International Women's Day, women legislators performed impressively during the nine sessions of Parliament in the first parliamentary year.

Female parliamentarians played an active role in the lawmaking process by submitting 12 private member bills, six singly and six jointly with other

parliamentarians. These bills focused on governance, human rights, democracy and political development. Women parliamentarians singly submitted 20 resolutions, 14 call attention notices, 1,383 questions, 22 motions under rule 259 and raised 64 points of order during the period.

The annual Global Gender Gap Report, published by the World Economic Forum in October 2014, placed Pakistan in the 141<sup>st</sup> spot out of 142 countries surveyed for gender equality worldwide.

The report seeks to measure the gap between women and men across health, education, economy and politics. According to its findings, Pakistan's performance was assessed to be the best out of the four areas in political empowerment. Pakistan ranked 141<sup>st</sup> in terms of economic participation and opportunity for women, 132<sup>nd</sup> in terms of education attainment, 119<sup>th</sup> for health and survival and 85<sup>th</sup> for political empowerment.

## **Youth**

Pakistan is home to one of the largest youth populations in the world. Out of a population of 180 million, 59% are below the age of 24 and 67% are under 30.

According to various surveys held in the last few years, young people saw little point in being politically active because they perceived the political system as being inherently corrupt and felt that Pakistan's power structures prevented participation by those who came from outside the nepotistic and closed system.

Since most of the Pakistani young people of voting age were born in the 1980s or later, in an era when student politics was banned by military ruler General Zia-ul-Haq and a state-sponsored campaign maligned public institutions as corrupt and incompetent, they remained deprived of experiencing student politics and understanding the link between students and national politics.

Political parties too failed to encourage the youth to fully participate in politics and their policies, such as the Punjab government's laptop scheme, had been hollow, aimed at co-opting the youth rather than empowering it politically.

The PTI emerged as the one party that went beyond cooption and sloganeering in reaching out to the youth. The party targeted youth participation by aiding them in procuring party's membership. The Insaf Student Federation was setup as the official student wing of the PTI with youth representatives from all provinces. Forums were set up on social networking sites to encourage youth to use social media to participate and express their views. This resulted in widespread participation of young people, largely belonging to urban, middle-



Balochistan chief minister talking Lateef Johar into ending hunger strike.

class Pakistan, in PTI's brand of politics.

While ensuring youth participation in the democratic process is a key factor in cementing the future of the democratic process in Pakistan, the involvement of the youth in politics cannot be taken as an absolute good. While 2014 saw a large number of students and young people come out in the street to support Imran Khan and PTI, the same people continued to show immense disdain for the political class and of democratic norms.

Their legitimate desire for change was often expressed as a self-righteous disdain for those who disagreed with their party's course of action. News channels, journalists and media houses that were perceived as less sympathetic to their cause were frequently subjected to harassment, abuse and attack, both on social media and in the streets. It appeared that the newly politicized class of young people was too impatient to work for long-term political and democratic gain.

Young people were also seen at the forefront of another very different kind of political movement. The Voice of Baloch Missing Persons that started a Long March from Quetta in October 2013 to raise awareness about human rights violations in Balochistan and demand the recovery of their "missing" relatives, reached their destination, Islamabad, in March 2014. Another young person, Lateef Johar, a 22-year-old Baloch student, went on hunger strike in front of Karachi Press Club for 46 days to protest the abduction of Zahid Baloch, BSO-Azad's chairperson.

The year ended with yet another kind of political movement. In the wake of the December 16 attack on the Army Public School, there were widespread calls urging the government to ensure that extremism and sectarianism in

madrastas and mosques was curtailed, and those who instigated violence and hatred were brought to justice. Maulana Abdul Aziz, a cleric associated with the Lal Mosque in Islamabad, refused to condemn the attack on the school on a television show.

This was followed by a stream of protests outside the Lal Mosque, later called the “Reclaim Your Mosque” campaign, demanding that Maulana Abdul Aziz apologize. The police filed charges against the protestors for “disturbing the peace, and the next day, five of the protestors were arrested. The protests, however, continued, and a few days later, the main organizer of the campaign got a threatening phone call allegedly, from Ihsanullah Ihsan, spokesman of the Taliban splinter group Jamaat-ul-Ahrar, to stop the protests or he and his family would face consequences. Maulana Abdul Aziz also used his Friday sermon to threaten suicide-bombings if any harm came to him. On 26 December, an FIR was registered against Maulana Abdul Aziz under section 506 (2) of the Pakistan Penal Code for criminal intimidation or threats. The protests continue, struggling to reclaim mosques as places of worship and prayer as opposed to sanctuaries for extremists, and also challenging mainstream narrative by highlighting the role of various state actors, including the armed forces and religious elite, in the rise of religious extremism and terrorism in the country.

These different kinds of youth movements illustrated that Pakistan remained a fragmented country –religiously, ethnically, across class and gender lines. This fragmentation was also visible in the youth, which was not a homogenous group as it is referred to in everyday parlance.

### **Religious minorities**

Violent attacks against religious minorities continued to hinder every aspect of their lives, including political participation. The insecurity experienced by religious minorities not only exposes them to the threat of death and injury, but also reinforces their exclusion from political activity, basic services, education and employment. (*See chapter on religious minorities*).

Institutional discrimination against religious minorities’ participation in politics also remained unchanged. Articles 41(2) and 91(3) of the Constitution of Pakistan, for example, bar non-Muslims from holding the positions of the head of state, the president, and the head of government, the prime minister. Such restrictions in the Constitution of Pakistan prove that the right to full political participation is not guaranteed to non-Muslims.

This exclusion is most evident in case of Ahmadis, who continue to appear on a separate electoral list even though all other religious minorities have been added to a common list of voters. To register their votes, Ahmadis must provide their address and dissociate themselves from Islam, which has meant that



Violent attacks against religious minorities continued to hinder every aspect of their lives, including political participation.

Ahmadis have long been deprived of an opportunity to vote.

A report titled “Searching for Security: The Rising Marginalization of Religious Communities in Pakistan”, released in December 2014 by the Minority Rights Group International, expressed concern at the growing exclusion of religious minorities from the political process. The report found that political parties rarely offered minorities the opportunity to contest elections to general seats, and even on the rare occasion when they do or when minorities run as independent candidates, they often meet with other forms of resistance. For instance, during the recent election of May 2013, in a district where the PPP awarded party tickets to Hindu candidates, a local madrasa distributed leaflets that cautioned Muslims against voting for non-Muslim candidates, labeling Hindus as “infidels”.

The report further highlighted that even when efforts were made on the part of majority candidates to reach out to voters belonging to religious minorities, many were still ignored, even in areas with large non-Muslim populations. For example, in Mirpurkhas district few attempts were made by candidates to approach the 40% Hindu population for support. However, since the community belonged to lower castes and worked for feudal landlords, candidates called on these landlords to secure minority votes instead of attempting to access the minority groups directly.

### **Devolution of power and local governments**

Local government, being the nearest to the grass roots, is considered an essential component of participatory democracy. In Pakistan various manifestations of local governments have historically served only one purpose:

to legitimize and strengthen the control of despotic regimes, in particular military rulers. Even subsequent civilian governments have either failed to revive elected local governments or have been unable to fulfill their real purpose.

Local government elections were held in Balochistan in December 2013. During 2014, the province held second and third phases of the election and was due to have local governments installed in January 2015 and become the only province in the country to have complied with a Supreme Court order on local bodies elections. The first phase of the election was held on December 7, 2013. The process had been delayed in the province due to amendments to the law on the LB polls. The local governments' term in the province had expired in 2009.

Other provincial governments dragged their feet on fulfilling the legal and administrative requirements to hold elections.

In March 2014, the Supreme Court declared that provisions of provincial local government laws that empowered provincial authorities to make delimitations of local government constituencies was unconstitutional and void. The court ordered the federal and provincial legislatures to amend the laws to empower the Election Commission (ECP) to make the delimitations by October 30, 2014.

On 20 October, the Sindh Assembly approved the Sindh Local Government (Amendment) Bill, 2014, empowering the ECP to carry out the delimitation process. On October 27, 2014, the Punjab Assembly adopted Punjab Local



Except Balochistan, all provinces dragged their feet on holding local government elections.

Government (second amendment) Ordinance, making a similar provision.

In Khyber Pakhtunkhwa, the PTI-led coalition government had long demanded that local government elections be conducted through biometric electronic thumb verification machines to ensure greater transparency. The ECP responded with saying that it would only be able to hold the elections in November 2015 by using biometric system. In November 2014, the PTI agreed to hold local government elections without the biometric thumb verification system in April 2015.

### **Gilgit-Baltistan**

In 2009, President Asif Ali Zardari had passed the Gilgit-Baltistan Empowerment and Self-governance Order, 2009, providing a limited chance to the locals to govern some affairs of the region for the first time. Following the first elections held after this presidential order, the PPP won a majority of seats and became the single largest party in the legislative assembly.

Governance in Gilgit-Baltistan, however, failed to offer a sense of empowerment to the local population, and according to activists and political analysts, the limited self-rule and continued deprivation of fundamental rights in the region was tantamount to treating Gilgit-Baltistan as a colony.

2014 saw ongoing popular protests that reflected the growing sense of alienation experienced by the people of the region. Thousands took to the streets, with major sit-ins taking place in Gilgit and Skardu. The trigger for the protests appeared to be the government's withdrawal of the subsidy on wheat, but the political subjugation and denial of basic rights were also brought to the fore.

An HRCP report, "Caught in a New Great Game", based on observations of a fact-finding mission sent to the region in October 2013, highlighted that the people of Gilgit-Baltistan suffered greatly due to their anomalous constitutional and legal status, as well as the incompetence of the Gilgit-Baltistan Council, which had only met once during the last four years. The fact-finding mission revealed that no stakeholder expressed satisfaction with the Empowerment and Self-Governance Order, 2009. Additionally, the people of the region believed that their right to political participation was severely impeded, and the issues they raised locally did not get attention at the national level.

On December 10, the legislative assembly's term came to an end. Elections for the new assembly were expected to take place in March 2015.

Prime Minister Nawaz Sharif approved the appointment of a retired judge Justice Tahir Ali Shah as the Chief Election Commissioner. The Pakistan Tehreek-e-Insaf challenged Justice Shah's appointment in the Supreme Court,



The people of Gilgit-Baltistan believed that their right to political participation was severely impeded.

claiming Justice Shah was unsuitable for the position given his close ties with the PML-N.

### ***Recommendations***

*1. The government must ensure that the right of political participation is guaranteed across the board, without discrimination based on class, ethnicity, gender, ideology, religion or any other reason. Measures should promptly be taken to curtail the unlawful use of force by law enforcement and security agencies that impinge on the right to political participation and perpetrators must be brought to account;*

*2. Political parties should establish targets or adopt internal quotas to ensure a specified minimum number of women and members of religious minority groups are put forward as candidates. They should also provide support and resources to secure the election of women and religious minority candidates, and also make sure that they are fully represented in party leadership and policy committees;*

*3. The Election Commission must be strengthened as an independent, effective body with adequate powers to conduct free and fair elections. Reforms of the electoral system, including strengthening the Election Commission, must be undertaken after a collaborative and consultative process involving all political parties, within and outside of parliament, as well as civil society groups;*

*4. All legislation and policies that prohibit the operation of student unions and limit the participation of students and youth in politics must be amended*

*or repealed;*

*5. Religious minorities should be provided opportunities for full political participation, which includes: ensuring that all citizens enjoy equal voting rights and that Ahmadis are not obliged to vote on separate electorate rolls; allowing non-Muslims to occupy all levels of government by amending discriminatory restrictions such as Articles 41(2) and 91(3) of the Constitution, which bar non-Muslims from the positions of president and prime minister; and taking steps to stop violence against all religious communities and providing them effective protection, particularly in areas where they are vulnerable to militant attacks.*

*6. The anomalous constitutional status of Gilgit-Baltistan must be corrected urgently, after consultation with all stakeholders from the region. A provisional or permanent provincial status should be considered, and fundamental rights guaranteed to those living in other provinces in the country should also be extended to the people of Gilgit-Baltistan.*

# Rights of the disadvantaged

v





# 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.*

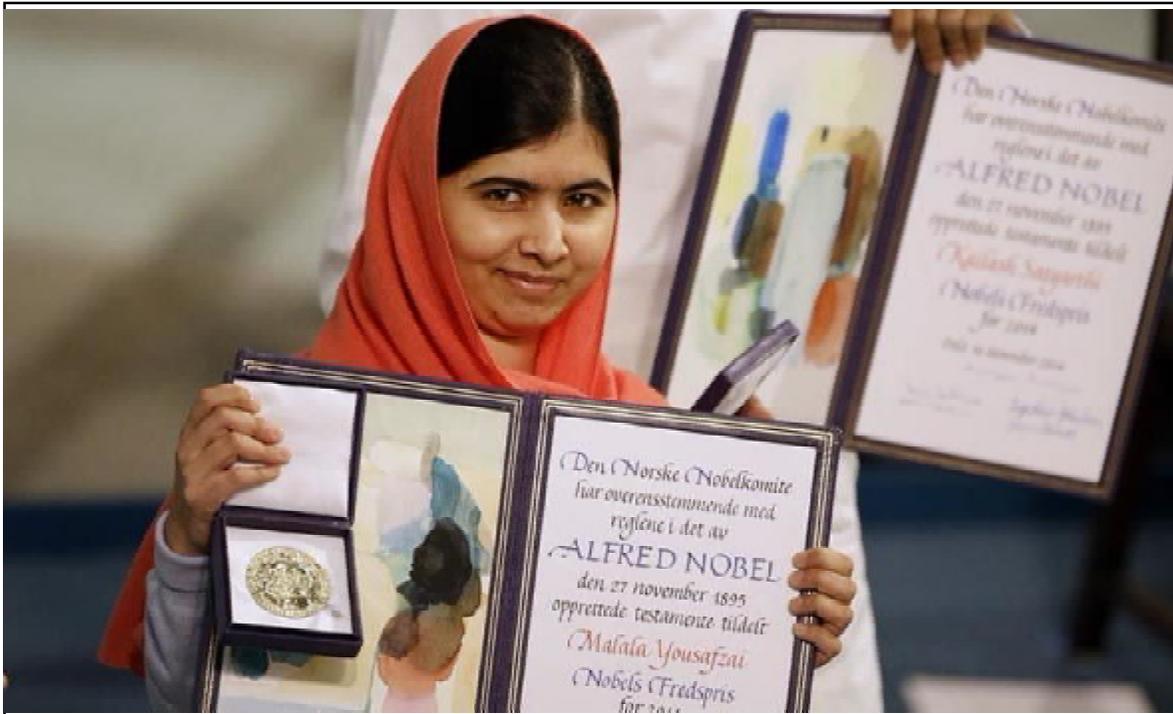
*Everyone has the right to equal access to public service in his country.*

*Mother and childhood are entitled to special care and assistance.*

## **Universal Declaration of Human Rights**

Article 1, 2, 7, 16, 21(2), 25(2)

Despite a few sporadic efforts by the State to strengthen the overall safety



Nobel Peace Prize winner Malala Yousafzai from Pakistan.

net for women, 2014 was yet another year dominated by incidents of violence and injustices against women, with floods and ongoing war against terror in the tribal regions resulting in their displacement, making their plight worse. The year witnessed cases of extreme public brutality against women such as a family bludgeoning a pregnant woman to death outside the high court in Lahore for marrying without their approval. That the right to public space for women was fraught with insecurity was also underscored by two incidents in Balochistan. In the first one, masked men entered a jewellery shop in Quetta and sprayed acid from syringes on four women patrons. In the second incident, two teenage sisters shopping in a bazaar in Mastung were attacked in an identical manner. There have been three earlier attacks employing the same method in the province in the last few years, in Dalbandin, Kalat and Quetta, handing out a terrifying message that women venturing independently into the public domain would be attacked.

Each year a gamut of promises is made for the protection and development of women but to remain unfulfilled by the yearend. This year was no different. Provincial governments announced special measures to support women but most of these were mere rhetoric, with no practical measures taken for their implementation.

Despite the odds, women in Pakistan won laurels on various fronts in 2014. Malala Yousafzai became the first Pakistani and youngest recipient of the Nobel Peace Prize. She also received several other awards. In December, Prime Minister Nawaz Sharif appointed journalist-turned-diplomat Dr Maleeha Lodhi as Permanent Representative of Pakistan to the United Nations based in

New York. Previously, Lodhi had twice served as Pakistan's Ambassador to the United States (1993-1996 and 1999-2002) and as Pakistan's High Commissioner to the United Kingdom (2003-2008). She has also served as a member of the UN Secretary General's Advisory Board on Disarmament Affairs (2001-2005). Asma Shirazi, first female war correspondent from Pakistan, received the Peter Mackler Award 2014 for Courageous and Ethical Journalism. The women cricket team brought home the first and only gold medal for Pakistan in the Asian Games.

### **Economic and social rights (opportunities and challenges)**

Continued low literacy and educational levels and poor access to life skills or education put Pakistan among the bottom 10 countries with the lowest proportion of poor girls who had ever been in school. UNESCO's Education for All Global Monitoring Report (EFAGMR), which takes stock of the progress made - or not made-towards the global education goals, estimated that only six countries, all in Africa, fared worse than Pakistan. It revealed that 62% girls in Pakistan, aged between seven and 15, had never spent time in a classroom, compared to 30% in India and 9% in Bangladesh among South Asian countries. The report also disclosed that Pakistan was one of the 10 countries where young women spent least time in school in their lifetime, stating that girls between the ages of 17 and 22, on an average spent one year in school in Pakistan and spent 2.9 and 4.4 years in school in India and Bangladesh.

Though Pakistan's latest economic survey 2013-2014 noted a slight improvement in gender parity in primary education, secondary education and youth literacy, the country failed to achieve its MDG 3 targets on gender equality. Also, in terms of equal employment opportunities, the share of women employment in non-agricultural occupations was 10.1 percent. While this share has consistently increased during the last couple of decades, the country entering 2015 failed to achieve the MDG 3 target of 14 percent share of women in non-agricultural wage employment. On the gender inequality index, as per the 2014 Human Development Report "Sustaining Human Progress: Reducing Vulnerabilities and Building Resilience", Pakistan fell by four spots to 127 from last year's ranking of 123. A Gender Gap Index (Global Gender Gap Report (GGGR), 2014) by the Geneva-based World Economic Forum, ranked Pakistan second to last in gender equality globally in access to health care, education and work. Pakistan was placed at the 141st position, the second lowest on a list of 142 countries in GGGR. According to International Labour Organisation Global Wage Report 2014-15, released in December 2014, Pakistani women are less likely to hold wage jobs and women earn 38.5% less than men in similar jobs.

The Pakistan Demographic Health Survey (PDHS) 2012-2013, the latest



62% girls in Pakistan, aged between seven and 15, have never been in a classroom.

such study that contained data sets and estimates on significant demographic and health related indicators, measured the level of women empowerment in the country for the first time. In the most recent survey, 29 per cent of women interviewed between the ages of 15-49, were employed compared to 98 per cent men in the same age bracket. In terms of control over husband's earnings, 71 percent men in Balochistan, 68 percent in KP, 35 percent in Sindh and 25 percent had complete control. Sixteen percent men in Sindh, however, said their wives were the prime decision-makers in spending.

Pakistan signed a memorandum of understanding with the US government in May 2014 on Joint Efforts to Enable the Economic Empowerment of Women and to Promote Women's Entrepreneurship aimed at providing space for both the governments to jointly venture into projects that would promote economic empowerment of Pakistani women by boosting their entrepreneurship and economic and business prospects.

## Provinces

In commemoration of International Women's Day, the Punjab government announced a number of steps for the advancement of women's economic rights. These steps included the regularization of 47,000 Lady Health Workers, establishment of 65 day care centres for working women from the Punjab Day Care Fund and introducing training programmes for 4,000 women from rural areas for the Punjab Skill Development Fund. The Punjab Assembly passed Fair Representation Act 2014 on March 8 that aimed at ensuring women's participation in decision-making, and amendments to the Child

Marriage Restraint Act 1929, the Dissolution of Muslim Marriages Act 1939, the West Pakistan Family Courts Act 1964 and the Dowry and Bridal Gifts (Restriction) Act 1976. While women rights campaigners welcomed the legislation, they said a similar package announced in 2012, which provided safeguards against domestic violence, was never completely implemented.

To support women financially, it was announced that the Microfinance Rozgar Bank would issue 30% percent of its loans to women and 50% share would be reserved for women under the Small Business Loan Scheme launched by the prime minister. In September, the Punjab ombudsman allowed unmarried daughters to be recipients of family pension, rejecting objections by the Education and Finance Department.

The Sindh Women Development Department announced certain projects for empowerment of women. The department had been allocated Rs 87 million for new schemes in the fiscal 2014-2015 but, to a question, it told the Sindh Assembly in a written answer on November 10 that not a single rupee had been released in the first four months of the financial year. The session was informed that Rs55 million had been allocated in the budget for building offices for the directorate of women development. However, the fund was not released. Rs12 million had been allocated for economic empowerment and development of rural women of Sindh and Rs20 million for micro-financing and skill training to rural/less privileged women through First Women Bank. No money was released for these schemes. Of the Rs 348 million allocated for the ongoing schemes of the women development department relating to the year 2013-14, just seven per cent (Rs 24.8 million) had been released, reflecting government priorities on women.

The Sindh Women Development Department, however, was able to employ three transgender persons with bachelor degrees in January 2014 as a way to promote transgender rights. In October, the Sindh government also endorsed a Women Empowerment Package proposed by the Ministry of Labour and Women Development Department. This package envisages 33% representation of women in public sector bodies. Additionally, Sindh Health Department also promised to establish a separate job quota for acid and kerosene attack survivors as already existing for persons with disabilities.

Khyber Pakhtunkhwa recruited 36 women as the province's first female anti-terror squad commandos who trained alongside men. The province also established women facilitation desks in the police stations to help the female complainants. However, religious and cultural mores kept most women confined to the home, and unable to stray beyond the traditional roles of wife, mother, and housekeeper. Most women dreaming of a career encountered endless hurdles to equal participation in the economy. For instance, the health sector in the province, which has a population of 22 million people, employs just 40,000 women, while maintaining a male labour force of some 700,000, according to public health specialists. Hundreds of female students are enrolled



Relatives of a female polio vaccination worker, who was killed by unidentified gunmen, mourn outside a morgue in the Jinnah Post-Graduate Medical Centre in Karachi.

in the public sector's medical colleges, but the province only has 600 female doctors, compared to 6,000 male doctors. The province has a total of 119,274 teachers, but only 41,102 are female. The manufacturing sector does not fare any better. Only three percent of the workforce in 200 industrial units around KP is comprises women.

In Balochistan, female immunisation workers faced the brunt of attacks aimed at polio teams. On November 26, gunmen killed four polio workers, including three women, in Quetta. A female health worker was shot at by gunmen on the Charsadda Road in Peshawar. The outlawed Tehreek-i-Taliban Pakistan, Jamaat-ul-Ahrar (TTP-JA) accepted the responsibility for the attack. Threats and intimidation were a constant in their lives and the killings of polio workers invoked a deep sense of insecurity among the female volunteers and lady health workers. Most of the women partaking in the anti-polio campaign come from poverty-stricken strata. They are paid a nominal amount for each day's work. But most of the female volunteers and LHWs complained that the health department delayed payment.

In October, services of 366 LHWs in the Islamabad Capital Territory were regularized on the orders of the Supreme Court of Pakistan. Balochistan government regularised the services of 7,000 LHWs in the province in April.

HRCP produced a report of its mission to Gilgit-Baltistan that sought to "ascertain the status of implementation and impact of the system introduced under Gilgit-Baltistan Empowerment and Self Governance Order, 2009; document major human rights issues; and record the views and concerns of



Female police commandos during an exercise at a police training centre in Nowshera, in the Khyber Pakhtunkhwa province.

various sections of the population”. Among other people, the mission met a group of women students and working women and asked them if the situation had improved for women and if their voices were being heard more under the new system.

They said the ‘empowerment order’ was welcome as it brought some change. In Skardu, women had growing realization that they had the right to have control over their lives and things had changed for the better. At the Karakorum University campus in Skardu there were more girl students than boys. Girls’ education had been supported by clerics in Baltistan. There was minimal sectarian tension in Baltistan because of the progressive role of clerics and religious scholars. Girls were consulted regarding the decision about their marriage. However, some participants in the discussion said that daughters were reluctant to turn down the prospective spouses suggested by their parents. Practices like karo kari were absent. There was some disagreement on whether a fatwa (religious edict) had been issued in Baltistan against girls using cell phones. However, there was some mention of references in Friday sermons to the use of cell phones by girls for “improper conversation”.

In a meeting with women’s rights activists in Gilgit, the fact-finding team members learned of the difficulties for women in the region. The activists recounted the advantages of places like Hunza where NGOs working on women’s rights and health and education for women were not taboos. In narrating extremes, they highlighted that there was no gynaecologist in Diamer district, because such a prospect apparently disturbed the clerics in the area.

Women in Nagar were being kept backward because of male resistance to their education, but women organisations were working to improve the situation by persuading the parents to ensure education for their daughters too. While the extent of women's awakening in Gilgit-Baltistan could not be compared to the same for women from 'down areas', things had improved a great deal over the last few decades because of women's participation in different fields. Women were socially in a weaker position but were getting more aware of their rights because of education.

Women activism had developed in Gilgit-Baltistan in recent years, with the launch of the Aga Khan Rural Support Programme (AKRSP) activities, particularly due to the emphasis on education and establishment of women's development organisations. The tribal stranglehold over women had relaxed somewhat. Violence against women, the so-called honour killing and child abuse were the main concerns of women's rights organisations. There were incidents of honour killing, which were in reality sectarian issues. Marriage of minor girls was also frequent because of sectarian reasons in areas with a cross-sect presence, as there were fears that the girls might get involved with someone from a different sect. It was a shortcoming of the civil society in Gilgit-Baltistan that it had failed to appropriately investigate whether the deaths of many women were 'honour killings', accidental drowning or suicide. Women could not use a bus in Gilgit without being harassed. There had been reports of honour killings in Diamer and denial of medical treatment to women because of fears among men that that would compromise women's purdah.

## Health

The Pakistan Demographic Health Survey (PDHS) 2012-2013 was launched



in 2014. PDHS classified 14 percent women, between the age of 15 and 49, as thin (BMI<18.5) while 40 per cent as overweight or obese (BMI< 25). The fertility rate for women was 4.2 children in rural areas and 3.2 in urban areas.

Save the Children's annual State of World's Mothers Report 2014 referred to Pakistan as the 'most perilous place' for mothers in the world. Pakistan was ranked at 147 out of total 178 countries in terms of condition of mothers – lowest ranking compared to all other South Asian countries. While Pakistan has halved its maternal mortality rate, it has failed to achieve targets set under MDG 5 for maternal mortality ratio by 2015 mostly owing to natural disasters and conflicts that have engulfed the country. The report ranked Pakistan 20th out of 45 fragile states affected by conflicts and natural disasters and also stated that 59 percent of all maternal deaths worldwide occurred in fragile states. According to PDHS 2012-13 Pakistan's maternal mortality rate stands at 276 deaths for every 100,000 live births. Only 41% women have access to skilled birth attendants while giving birth. In another study, conducted by Contech International, a healthcare research, consulting and management organisation in collaboration with Research and Advocacy Fund (RAF), Pakistan is ranked 4<sup>th</sup> in global maternal deaths where 16,000 women die annually due to complications related to pregnancy and childbirth. The UNICEF Demographic Health Survey for 2014 found that more than one in seven adolescent girls also experienced physical violence during pregnancy in Pakistan.

The ongoing insurgency followed by a military operation and onslaught of floods worsened the overall health status of women in the country. By July 2014, 261,734 had registered as IDPs with the FATA Disaster Management Authority. Many of these women faced serious health hazards due to poor hygienic conditions, resulting in increased ARI (Acute Respiratory Infection), gastro infections, skin and other water borne diseases. World Health Organization in its July 17, 2014 report recorded 950,000 persons displaced due to the North Waziristan war, out of which 73% were women and children.

Some 40 tribal elders decreed that families fleeing the military offensive should not allow women to collect food aid. "If any woman comes to the ration distribution area, she will be punished," they said. Women IDPs wore the head-to-toe "burqa" robe with only a small mesh area to see through as they queued up to secure food, water or medicine. But journalists and members of the security forces saw one tribal elder slap several women queuing for food at the main stadium in Bannu, where most aid was being distributed. No one intervened and the women who were struck, along with a dozen others in line, left quickly. The tribal elder then handed out leaflets telling women to stay indoors. "We, the elders of Waziristan have decided that from now on, no woman should come to the ration distribution area," the leaflet read. "People of Waziristan ... should keep their women at home," the leaflet continued. "Otherwise, the elders of Waziristan will go to the house and give the husband appropriate punishment." After (apparently) a few violent incidents where

men were seen beating women out of relief goods queues, the army issued a public notice that no women would be allowed to come into the main distribution point at the sports complex. There was no suggestion how widows or women unaccompanied by their husbands might secure aid. Children, and many IDP women, had no identity card, which is a tool through which they could independently access relief goods and services. The Sim card scheme, through which IDPs were provided aid money, was not accessible to women either. The cultural barriers limiting women from having a 'phone' denied them the cash transfer of Rs 7,000 from KPK, Rs 8,000 from Punjab and Rs 30,000 Ramadan package from the federal government. Since women could not enter the sports complex, their only access to any services was at the other smaller distribution points which excluded the charity relief packages. While several pregnant women gave birth to children after exiting the conflict areas, women camped in Bannu had little access to health facilities. Health remained the primary concern among the IDPs with little medical coverage. Reproductive health of women particularly suffered as essential reproductive health medicines were missing and only four gynaecologists were available at the health facilities. In July, WHO collaborated with the KP government to support the Women and Children Hospital in Bannu to provide care to an estimated 40,000 pregnant women amongst the IDPs along with strengthening 20 basic health units with high IDP clientele.

The Thar desert, one of Pakistan's poorest areas spread over 22,000 square kilometres with a population of about 1.5 million, saw an alarming number of children suffering from pneumonia or diarrhoea due to a dangerous mix of drought, poverty and poor health infrastructure. Deficit of rainfall gripped a large part of rain-fed Thar in drought and resulted in proliferation of morbidity and mortality among livestock, which in turn deprived women and children of their only source of nutrition i.e. dairy products. A relatively harsh winter aggravated the situation particularly for malnourished lactating mothers and infants. Their immunity plummeted due to lack of nutrition and made them unable to sustain hunger and cold wave. Drought in the desert remote areas is natural but the death of people is not. The lack of medical facilities coupled with drought conditions going on for years in the area resulted in ill health of mothers, thereby making them prone to bearing undernourished children. Half of the posts of doctors are lying vacant for years and barring the hospital in Mithi no hospital has a woman doctor. The deaths prompted criticism of the Pakistan People's Party (PPP), which governs in Sindh where part of the desert is located.

In Gilgit-Baltistan, the authorities received a letter from a representative of a local chapter of the Tehrik-i-Taliban-Pakistan warning them of bombing of the ultrasound facility for women at Chilas's district headquarter hospital, which the militant organisation dubbed as anti-Islamic, if it was not closed.

Fifteen Asia-Pacific countries, including Pakistan, launched a Sexual and

Reproductive Health Rights (SRHR) Campaign in May designed to ensure that the government recognize SRHR as a fundamental right of women.

A major step taken in 2014 was the creation of space for women in public decision-making through the enactment of Punjab Fair Representation of Women Act 2014. This law ensures at least 33 percent representation of women on the boards of all statutory bodies, public sector companies, special purpose task forces and provincial committees.

Gilgit-Baltistan enacted Local Government Act 2014 reserving a special quota for women in the local councils, categorically stating that no local council would be considered effective and operational unless the designated number of women seats had been filled.

A collaborative study of incidents of violence against women in politics that took place from 2003-2013 by Centre for Social Research and UN Women titled ‘Violence against Women in Politics’ showed that while women candidates and female voters had increased significantly, the ratio of female representation in national bodies had not risen correspondingly. The study revealed that more than one in every three respondents in Pakistan was of the view that the common belief that politics was purely a male domain was a major reason for violence against women in politics. All respondents in KP quoted *purdah* as a main hurdle to women participating in politics. Forty five percent respondents believed that it was mandatory for women to obtain consent from families to participate in politics and 78 percent respondents felt that women should not ignore their domestic responsibilities after being elected. The study found that every two in three respondents in Pakistan believed that police did not respect a woman’s right to participate in violence-free politics and 70 percent respondents believed that this form of violence was perpetuated because most cases went unreported.

Another local report on women in politics titled ‘Strengthening Women’s Political Participation and Leadership for Effective Democratic Government in Pakistan’, conducted by Search for Common Ground (SFCG), was released in May. The report had similar findings as the UN Women report. It found that strong political family background enhanced a women’s political participation; deep rooted patriarchy and gender disparity prevented men from accepting women in leadership roles; women politicians were reluctant to appear in media because of social pressures; and women politicians did not connect strongly across party lines which diminished their overall power as politicians. The report recommended focusing women’s ability and equality of opportunity to run for elections, support from political leadership and male counterparts, working relation with government officials and portrayal of women politicians in media to ensure effective participation of women in politics.

In March, women lawmakers in KP developed programmes for political

and economic empowerment of women for inclusion in the 2014-15 Annual Development Programme.

Punjab Women Parliamentary Caucus was formed in March aimed at making better legislations and promoting women's rights in the province. In October, Women Parliamentary Caucus was formed in Sindh Assembly and targeted at attaining a broad-based consensus among all women members of the assembly on an agenda for women development, empowerment and emancipation, enabling them to work for the uplift of the women in Sindh. A resolution to form such a caucus was passed in the Balochistan Assembly in March but the caucus had not been constituted by the end of the year.

In October, women lawmakers of the Khyber-Pakhtunkhwa Assembly criticised the government for not allocating development funds for them, drawing attention to the release of money to their male counterparts. The 22 woman MPA members of Women's Parliamentary Caucus walked out from the assembly session in protest. Every year, Rs 20 million in development funds are allocated to each member of the assembly.

After several consultations during the year, HRCP came up with a set of demands for reforming the election commission that included a demand that at least one of the members of the commission should be a woman.

### **Access to justice and legislative changes**

On the International Girl Child Day, the Ministry of Law, Justice and Human Rights made public its plans to set up a 24-hour helpline for women in distress. Towards the end of the year the helpline service (1414) had been introduced in some cities where women could call and lodge their complaints with women police operators.

In September 2014, Sindh government announced that it intended to establish women police stations in Thatta, Umerkot, Sanghar, Nawabshah and Khairpur districts. Directives were also issued to set up counters of the Women Development Department in newly established women police stations in Karachi. To further strengthen gender responsive policing, it was also announced that 2000 new women police officers would be recruited in Sindh. For the first time in Sindh three female SHOs were granted charge of entire police stations – two were given charge in April and one in August 2014. Earlier in February, US State Department's Bureau of International Narcotics and Law Enforcement Affairs gifted buses for female police officers in Karachi.

In April 2014, KP government announced the establishment of women desks in all 500 police stations of the province. It said the KP Police Department was developing a plan to increase women's strength in the police force.

Women in prisons continued to languish in jails in appalling conditions. A United Nations Office on Drugs and Crime (UNODC) survey, conducted in

2014, revealed that around 800 female prisoners in different jails of the country were facing insanitary conditions, harassment, and lack of healthcare, counselling and vocational training. Mental health of the prisoners suffered the most as no clinical psychologists were available at the prisons. In a survey of select prisons in Pakistan in 2013-14, HRCP found that none had a full-time female doctor. All serious health issues faced by female prisoners were referred to the local hospital. According to the UNODC, a majority of Pakistan's female prisoners were suffering from different mental illnesses including suicidal depressions and sleep disorders along with critical drug dependency.

Several legislative changes took place in the provinces to strengthen the rights of women. Punjab Commission on the Status of Women Act 2014 was passed in Punjab on February 12, 2014 with the objective of establishing a commission that works for the empowerment and socio-economic development of women and elimination of all forms of discrimination against them. The commission started functioning in March 2014. Punjab Chief Minister also announced that necessary changes would be made in Child Marriage Act 1929, Dowry and Gift to Bride Act, Marriage Function Act, Guardian and Ward Act, Marriage Certificate, Punjab Land Revenue Act and Law Regarding Distribution of Assets for upholding women rights but no practical step in this regard had been taken by the yearend.

In Sindh, the legally valid age for marriage for girls was increased to 18 years through an amendment to the Restraint of Child Marriage Act 1929. Balochistan criminalised domestic violence by passing the Balochistan domestic violence law in June 2014 and its women development department had started work on developing the implementation mechanisms required under the law by the yearend. Sindh Women Development Department also forwarded a Bill on 'Provincial Commission on Status of Women' to the provincial Law Department for comments before tabling it in the Sindh Assembly.

Several private member bills were moved in the National Assembly in 2014 to legislate on new issues or to amend existing laws. Hindu Marriage Bill 2014 was tabled in March 2014 to introduce special form of marriage and divorce among Hindu community. Acid Burn Crime Bill 2014 (private member bill) for ICT was tabled in April 2014 to regulate the trial for acid and burn crime and sale of acid. The Child Marriage Restraint (Amendment) Bill 2014 was also laid in the assembly to raise the age of marriage for girls to 18 years in the capital territory. Minority MNA Asiya Nasir from Jamiat Ulema-e-Islam-Fazl (JUI-F) moved the Harassment of Women at Workplace (Amendment) Bill, 2014 in May 2014. The Bill was aimed at enhancing the scope of definitions of harassment, employees and employers in order to protect a wide array of employees and workers in both formal and informal sectors as well as students and trainees, from all forms of harassment at work in pursuit of studies and

vocational training. No progress was made on these bills or proposed amendments by the end of the year.

### **Violence against women**

Violence in Pakistan takes many forms varying from physical to emotional violence, many of which are not even recognized as violence by the victims. According to non-governmental organisation Aurat Foundation, six women were kidnapped, four raped and six murdered while three committed suicide in Pakistan every day during the year 2014.

According to Human Rights Commission of Pakistan, which monitored newspapers for cases of violence against women, 597 women and girls were gang-raped, 828 raped and 36 stripped in public in the country during the year.

The Ministry of Interior statistics for 2014 show 18,700 people, mostly women, were kidnapped. Some 326 gang-rape cases were reported in the country, including 263 in Punjab, 35 in Sindh, 11 in KP, and 17 in Islamabad. As many as 3,243 rape cases were reported — 2,734 in Punjab, 191 in Sindh, 133 in KP, 19 in Balochistan, 162 in Islamabad, and four in GB.

In the rape cases, most of the media sets up shop. The survivors are hounded by journalists from home to hospital bed, narrating the victim's experiences of abduction and rape to reporters and millions of viewers across the globe – again and again. What the family first sees as a means of getting justice, comes back to bite them. The excessive media coverage makes the victim an object of judgement. It is both unethical and illegal to identify rape victims in the media. One of the fundamental rights provided by the Constitution is the right to privacy. As the Fourth Estate, the media must respect the Constitution.

The media even creates events. It was said about the girl in Muzaffargarh (alleged victim of gang-rape who died in an act of self-immolation on 14th March 2014), that a reporter told her to throw a bit of petrol on herself to garner more attention, saying 'we will save you, do not worry'. The girl was wearing silk clothes, the fire got out of control and that was that."

### **Violence against girl children**

According to UNICEF, around 120 million girls around the world (approximately one girl in ten) have been raped or assaulted by the time they turn 20. A large proportion of these victims come from the developing world where child protection institutes are either non-existent or ineffective: Pakistan is one of these countries.

In 2014, the Madadgar National Helpline released its three year database on violence against children in Pakistan and reported 4,572 cases of rape with minor girls from January 2000 to December 2013. According to HRCP

database, 139 minor girls were gang-raped and 290 raped during 2014.

Some of the cases highlighted by the national newspapers in 2014:

In August 2014, Masooma Bibi, 14, resident of Andrasi village in Manshera - Khyber Pakhtunkhwa was raped by a fellow villager. She lodged a complaint at the Shinkiari police station where a local police officer registered her complaint and consoled



597 women and girls were gang-raped, 828 raped and 36 stripped in public in the country during the year.

her, promising to bring her tormentor to justice. On pretext of taking the girl for a medical examination to a local hospital, the police officer took the girl to his house and raped her. The girl informed the District Police Officer (DPO) of her ordeal, who ordered the perpetrator arrested and initiated proceedings for Masooma's medical examination. The officer was arrested. The victim has been receiving threats since then to settle the case.

In October 2014, a five-year-old girl was abducted from Islampura locality in Ahmedpur East. She was taken to an abandoned home where she was raped by the accused. The police have registered a rape case against the accused. In the same month, a five-year-old girl was raped in Tahliwali Village in rural Bahawalpur. Again in October, a 13-year-old girl was raped by her cousin in Chak 12-BC. The police have arrested the accused.

In November, Seher Batool, a six-year-old Hazara girl was found strangled in a garbage heap after apparently being subjected to rape attempts. The police were yet to arrest the culprits.

According to HRCP 894 women committed suicide while 357 attempted suicide, mostly over some domestic issue.

For the first time the Pakistan Health and Demographic Survey 2012-2013 measured the level of domestic violence in the country. The survey found that one in five women experienced physical violence in the survey year and one-third of 'ever-married women' had been experiencing physical violence since 15 years of age. About 40 per cent of women said they were subjected to spousal abuse at some point in their life and the most commonly occurring form of violence was emotional violence, reported by almost 32 per cent of women. The most alarming finding was that more than half the women who

suffered violence never sought help. A similar finding was also given in UNICEF report titled 'Hidden in Plain Sight: Statistical Analysis of Violence against Children', released in September, which stated that 52% of women between 20-49 years of age who had experienced sexual or physical abuse never told anyone about it. In terms of attitude towards wife beating, PDHS found that about 43 per cent of women and one-third of men agreed that a husband was justified in inflicting violence on his wife if she argued with him (35 per cent), neglected the children (31 per cent), refused to have sex with him (31 per cent), went out without telling him (30 per cent), neglected the in-laws or burnt the food.

Despite the enactment of Protection of Women against Harassment at Workplace Act 2010, women continued to suffer harassment at the hands of their employers. July 2014 witnessed the suicide of a 19-year-old female cricketer. Haleema Rafiq, a resident of Multan and a fast-bowler on the national women's cricket team, died after she drank toilet-cleaning acid. She, along with five other female cricketers had been pursuing a sexual harassment case against the officials of the Multan Cricket Club since last year. In response to their charges, a club official filed defamation suit against the cricketers, which purportedly pushed Halima to take her own life.

Earlier in March, the Supreme Court of Pakistan had sought a report from the law secretary on the implementation of the harassment law and on why no progress had been made in the Captain Rifat Hai case. Since 2010, Rifat Hai had been complaining before various forums of facing harassment from the early years of her career by senior officials of PIA without receiving any form of redress. The law secretary had not produced any report by the end of the year as directed by the SC.

In June, the Senate Standing Committee on Law and Justice also sought to amend the harassment law to protect students in educational institutes. This was proposed in response to a series of harassment cases occurring at universities in the past few years where accused had escaped liability due to the legislative lacunae.

Some progress was seen this year in the 2012 Kohistan video case, in which two boys and three sisters were killed on the orders of a jirga after being captured dancing and singing at a wedding ceremony in a video leaked on the internet. In January 2014, the district court handed down death penalty to one man and life imprisonment to five others implicated in the murder. However, the head of the jirga that ordered the murder of the four girls and two boys appearing in the video was acquitted along with several others despite being accused of abetting the triple murder.

A collaborative study by the Centre for Social Research and UN Women, quoted above, showed that violence against women in politics was increasing in Pakistan along with two other South Asian countries namely India and Nepal. The study found that 90 percent women in these countries broke their resolve to enter politics due to fear of violence and in Pakistan character

assassination was the bigger threat than physical or verbal abuse.

Trafficking of women is a serious issue of concern in Pakistan. United Nations Office on Drugs and Crime (UNODC) in Pakistan released a research report titled “Recent trends of human trafficking and migrant smuggling to and from Pakistan” in January 2014 in which it stated that trafficking of women and children from here to the Persian Gulf for sexual exploitation was on the rise. While it did not give any statistical evidence, it stated that anecdotal data showed that women from Pakistan were regularly trafficked to UAE to work as dancers and were then subjected to sexual exploitation. United States Department of State, 2014 Trafficking in Persons Report - Pakistan, that came out on 20 June 2014 also documented that Pakistani women were subjected to sex trafficking in the Gulf states. The report termed Pakistan as a source, transit, and destination country for men, women, and children subjected to forced labour and sex trafficking. The report also observed that social media and Internet cafes were used for recruiting and blackmailing girls for sex trafficking.

Despite the rising violence against women, the state has taken to serious measures to uplift the practical protection services for the victims. The Sindh Darul Aman Reforms Project, initiated by NGOs Rozan, Shirkat Gah and Indus Resource Centre in collaboration with the provincial government’s Social Welfare Department is one step in the right direction to upgrade the 4 state-run Dar-ul-Amans in the province. Similar collaborations must also take place in Punjab where there is one DUA in each district. There is currently only one DUA in Balochistan with no private shelters and there is dire need for more shelters in Balochistan as suggested by local CSOs and women parliamentarians from Balochistan.

### **Honour crimes and acid attacks**

The Aurat Foundation estimates that more than 3,000 have been killed for “honour” since 2008 in Pakistan. HRCP database recorded that 923 women and 82 minor girls fell victim to “honour” killings in 2014. The count included 21 deaths in Gilgit-Baltistan. The total number of victims of these crimes is usually higher as both men and women are targeted in such incidents. The predominant cause of these killings in 2014 was alleged illicit relations where both the boy and girl believed to be involved in the relationship were murdered as a result. Firearms were the most commonly used method of carrying out these killings.

Lahore witnessed one of the most brutal cases of honour killing in 2014. A pregnant 25-year-old woman was stoned to death by her family outside the Lahore High Court. Her father, two brothers and former fiancé were among the attackers. Farzana had been engaged to her cousin but married another man. Her family registered a kidnapping case against him but Farzana had come to court to argue that she had married of her own free will. In response to this incident, the Sunni Ittehad Council (SIC) issued a statement declaring



Like Farzana, 923 women and 82 minor girls fell victim to “honour” killings in 2014.

that murder in the name of honour is ‘*haram*’ and that there is no permission in Islam ‘for such a callous offence’. In November 2014, the Lahore High Court handed death sentence to the four men involved in Farzana’s murder.

Acid attacks have been rising in Pakistan despite the criminalization of this offence in 2010. According to HRCP’s database seven women died in acid attacks on 92 women and 13 minors in 2014. Sixty women expired in other incidents like cylinder blast, stove burning and setting on fire. Between 2007 and 2014 the Acid Survivors Foundation (ASF), an NGO supporting acid attack victims, has recorded 1,090 incidents of acid attacks. 43 cases were recorded in 2009, 55 cases in 2010, 150 in 2011, 93 in 2012, 143 in 2013 and 161 cases were recorded from January-October 2014. The number of cases has increased since last year, which makes it all the more necessary to have a comprehensive law in place in each province to protect the victims. This is particularly essential for Punjab where 56 per cent of the cases took place in 2013 according to ASF.

In July 2014, two alarming incidents of acid crimes occurred in Balochistan within 24 hours where the victims were sprayed with acid-filled syringes. In the first incident, two motorcyclists threw acid on four women outside a jewellery shop in Killi Kamalo area of Quetta’s Sariat Road. This was soon followed by another incident where two sisters, aged 12 and 14, were sprayed with acid in Mastung district, 45 kilometres from Quetta. In both incidents, the perpetrators fled the crime scene and police were unable to find any evidence that led to them. A news report, quoting data from ASF, stated that 65 per cent of the acid and burn victims were women and girls, 15 per cent were children and the prosecution rate in such cases was a mere 35 per cent. It also said that most of the acid attacks in Punjab were concentrated in South Punjab including



Acid attacks on women cast a pall of fear.

Multan, Muzaffargarh, Rahim Yar Khan and Bahawalpur. In September 2014, Shabnam Bibi, 16, was attacked with acid by two men in Jhang district of Punjab when the girl's family rejected the marriage proposal of one of the attackers. The girl was severely injured in the attack with 90% of the burns affecting her face, causing damage to her eyes. The girl's mother was also injured in the attack. Police have arrested one attacker while the other has gone into hiding.

### **Forced conversion marriages**

The Movement for Solidarity and Peace in Pakistan released a report in April 2014 in which they found that about 1,000 minority women are forced to convert and marry Muslims in Pakistan each year. With the support of ten case studies, the report demonstrates an identical pattern in all such cases where it starts with victim's family pursuing the case but always ends with the women professing that she consented to the conversion and marriage with no relief being provided to the family. Most of the women are then subjected to sexual violence, rape, forced prostitution, human trafficking and sale, or other domestic abuse. The Sindh Assembly approved a resolution against forced-conversion marriages on November 18, 2014. The resolution sought protection for the non-Muslim minorities, especially Hindu girls who were being kidnapped, raped, and forced to convert and for a law prohibiting forced conversion / marriages. The resolution made reference to a recent case of a 12-year-old girl from Daharki who was kidnapped and forced to convert and marry. The girl was recovered and shifted to Dar-ul-Aman in Karachi but was



Sindh Assembly approved a resolution against forced-conversion marriages.

not being allowed to see her parents. The resolution demanded her protection and that she be handed over to her parents.

### **Recommendations**

1. *Fair Representation of Women Act should also be emulated by provincial governments of Balochistan, KP and Sindh to give women space in public decision-making processes.*
2. *Special measures need to be taken to improve maternal health of women in Pakistan especially women affected by flood and war.*
3. *Legislative framework for women protection needs to be strengthened in each province. Laws on child marriage, forced conversion, domestic violence and acid and burn crimes need to be adopted and implemented to reduce the incidence of VAW.*
4. *Shelters / homes must be recognized as a strategy to combat violence against women - Government run Dar-ul-Amans should be uplifted with improved systems and well-trained staff to ensure holistic protection of women. Service providers in women protection must work in close coordination to offer seamless service to victims of violence.*
5. *The State must increase its focus on women's economic empowerment by introducing skill training and job creating schemes for them. Increased women participation in the Pakistan's labour force will also help resolve its current economic crisis.*

# 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)

The State failed for another year in a row in giving child rights a priority. Serious weaknesses in social and legal protection framework made children victims of violence, abuse and exploitation. Military operation in North-Waziristan displaced 400,000 children among about one million people from their homes. The Pakistani Taliban stormed the Army Public school in Peshawar in December. It was the worst terror attack Pakistan had experienced in recent history, and one in which children were specifically targeted. Over 141 people, including 132 students, were killed in a brutal massacre.

Floods affected a large number of children among 4.5 million people in Kashmir, Punjab and Sindh. And drought in Sindh affected 2.9 million people with the child death toll hitting 650 at the close of 2014. Children suffered the most by the denial of access to education and health facilities, limited availability of food and micronutrients, and being exposed to harsh climate conditions due to poor shelter. With 306 cases, Pakistan also broke its own 15-year record of the highest number of children affected by polio.

Pakistan progressed poorly in achieving its targets set under the Millennium Development Goals (MDGs) and complying with its commitments under the Convention on the Rights of the Child (CRC), an international instrument it ratified more than two decades ago. Pakistan submitted its 5<sup>th</sup> period report on the implementation of the CRC to the UN Committee on the Rights of the Child in May 2014, after a delay of more than a year. The report is reflective of the major gaps Pakistan faces in its child protection system and of a persistently dismal record of delayed reporting and poor implementation.

Even though 2014 marked the 25th anniversary of the CRC, it was termed as the most ‘devastating’ year for child rights by UNICEF. The UN organisation said that more than 15 million children were caught in armed conflict globally and Pakistan was one of the countries where “protracted conflict” continued to destroy thousands of young lives and futures. Reflecting on the improvement in the past 25 years on child rights, UNICEF analysis showed that the world was certainly a better place for children today due to this Convention, but still millions of children were deprived of any benefit under the Convention - particularly the poor, those who belonged to ethnic/religious minorities, who lived in rural areas, or those with disabilities. Pakistan’s children have not benefitted much from this landmark instrument due to weak political will and poor socio-economic conditions.

The president and prime minister of Pakistan both in their address on



Drought in Sindh affected 2.9 million people with the child death toll hitting 650 at the close of 2014.

Universal Children's Day said Pakistan was committed to safeguarding child rights and that the country was proud to join the international community in the CRC's 25-year celebrations. However, as evidenced by record, Pakistan has very little to celebrate a quarter-century after ratifying the Convention.

Pakistani schoolgirl and a passionate education campaigner Malala Yousafzai, who was shot in the head by the Taliban militants in 2012, became the youngest person ever to win the Nobel Peace Prize. A fund set up in her name helps children in education around the world.

### **Health**

The Demographic and Health Survey (PDHS) Report 2012-13 was launched in February by the National Institute of Population Studies (NIPS). Though noticing a few improvements since the last survey was conducted in 1990, more than two decades ago, the survey painted an extremely dismal picture of children's health in Pakistan. The report found that one in every 14 children died before the age of one and one in every 11 children died before the age of five in the country. It also recorded that the neonatal mortality rates had increased from 51 deaths per 1,000 live births in 1990 to 55 in 2012, but the infant mortality had decreased from 91 deaths per 1,000 live births in 1990 to 74 in 2012. The report said the vaccination coverage stood at 66 per cent in urban areas and at 48 per cent in rural areas with around 54 percent of children between 12 to 23 months having received all recommended vaccinations.

UNICEF's The State of the World's Children 2014 report ranked Pakistan 26<sup>th</sup> in its list of countries with highest infant mortality rates in the world. The report stated that in Pakistan the average life expectancy for every newborn child was 66%, while one third of all children under five years of age (73.8 million) were underweight. Mercy Corps, a global aid agency engaged in

transitional environments that have experienced some sort of shock — natural disaster, economic collapse, or conflict — conducted a countrywide survey in Pakistan in 2014 to judge the level of information of senior health officials of the country about fatal diseases affecting children. According to its findings, the awareness level of the senior health managers in all four provinces, including the health directors general, about the neonatal mortality ratio, guidelines and measures to prevent deaths of babies, was nearly the same as that of low-profile workers like lady health workers, community midwives, traditional birth attendants and community women. It stated that most of them were unable to recall any of the guidelines, including those of the World Health Organization (WHO) for newborn care.

With only a slight decline, Pakistan miserably failed to achieve MDG 4 target of reducing under-five mortality to 52 per 1,000 live births by 2015.

Polio accelerated in Pakistan at an alarming rate in 2014. From 58 cases in 2012 to 93 cases in 2013, it shot up by more than 300 per cent, recording 306 cases in 2014, breaking Pakistan's own 15-year record. Pakistan now accounts for four-fifths of world's polio cases and has been termed as the "epicentre of poliovirus in the world" by World Health Organization (WHO) and the single major roadblock to achieving a polio-free world. WHO said that 80% of polio cases in the world occurred in Pakistan this year. A total of 359 polio cases were reported globally, out of which 306 were reported from Pakistan alone. WHO recommended imposition of strict travel restrictions on Pakistan and two other countries due to the rising number of polio cases. Conflict in North Waziristan, worsening law and order problem, refusal of parents coupled with authorities' lack of commitment hampered proper vaccination of children in Pakistan. Polio vaccinators and police escorting them continued to be targeted by the Taliban.

The North Waziristan military operation and floods this year displaced a large number of children, depriving them of basic amenities of life. According to United Nations Office for the Coordination of Humanitarian Affairs, the total number of internally displaced persons of North Waziristan crossed one million, out of which 45% were children who faced serious health issues. WHO reported that they suffered from acute respiratory infections, acute diarrhea, pyrexia of unknown origin, skin diseases and suspected malaria. Poor hygienic conditions and severely hot weather caused water borne diseases and gastro infections among the IDPs. WHO expressed concern at lack of health facilities for the IDPs and recommended strengthening of hospitals in the IDP-hosting districts. Government resources and facilities to combat growing health concerns among the IDPs remained inadequate by the end of the year.

The situation of drought and famine and the inability to procure nutritious

food in Tharparkar in Sindh worsened in 2014, taking the lives of about 650 children. Most children suffered from malnutrition, pneumonia or diarrhea due to the drought, poverty and poor health infrastructure. Scarce ambulance services forced parents to travel long distances to take their children to hospitals. In November, the Sindh chief minister announced that a nutrition programme was being initiated for children in Tharparkar and a project for marketing of milk from Thar had also been firmed up in collaboration with the World Bank. However, children and babies continued to die till the end of the year.

On August 29, the World Bank approved US\$ 47.95 million to help Pakistan improve nutrition status of children under the age of two and of expecting and lactating women in targeted areas. The World Bank said that all the provinces of Pakistan were facing challenges of malnutrition - 51% children in Balochistan, 50% in Sindh, 48% in Khyber Pakhtunkhwa and 39% children in Punjab were stunted. The average nutrition status in Sindh and Balochistan is worse than the national average, therefore, this project will initially focus on Sindh and Balochistan only.

## **Education**

Lack of spending on education has mainly contributed to a high illiteracy level in Pakistan. In 2014-15 fiscal year, notable increase was seen in the federal and provincial education budgets, though keeping the record in view, it seemed unlikely these funds would be spent as envisaged. Punjab enhanced its budget by 10% in the 2014-2015 fiscal year, allocating Rs. 47.61 billion for education, out of which Rs 20 billion was apportioned to school education, Rs. 24 billion to higher education, Rs 151 million to special education and Rs. 35 million to non-formal basic education. KP increased its education budget by 14 percent. Sindh set aside 45.02 billion (21.13 per cent), about Rs. 10 billion up from last year's Rs. 135.55 billion, and Balochistan increased spending on education by 23.09 percent. The federal government budgeted Rs64 billion for education in the fiscal year 2014-15, an eight per cent increase from last year. Although, education is now a provincial subject, the federal government also announced five schemes worth Rs. 406 million, as part of its budget, for capacity building of teacher training institutes and training of elementary school teachers in Islamabad Capital Territory (ICT), Punjab, Sindh, Khyber-Pakhtunkhwa and Balochistan.

The addition of Article 25-A in the Constitution of Pakistan was a major step, but no significant difference was noted in the school enrolment rates, even though all provinces, except KP, had passed legislations for the provision of free and compulsory education in compliance with the Article 25-A. Punjab was the most recent province to pass this law on May 13.

Pakistan Education Atlas 2013, a survey report on education in Pakistan

was formally launched in March 2014. According to the report, improvement in the education sector had been extremely slow and the percentage of children completing primary education varied from province to province. The highest survival rate was found in Islamabad Capital Territory at 96% followed by Gilgit Baltistan at 95%, Khyber Pakhtunkhwa at 64%, Punjab at 56% and FATA at 48%. Lowest percentage of children completing primary education was calculated in Sindh and Balochistan at 43% each. The number of children completing middle school education in different provinces of Pakistan increased marginally according to the report -100% children reached middle school in Islamabad Capital Territory, 89% in Gilgit Baltistan, and 87% in Punjab, 72% Khyber Pakhtunkhwa, 69% in Azad Jammu Kashmir and 67% in Balochistan. Sixty-one percent children made it to middle education in FATA compared to 44% in 2010. Sindh had the lowest number of children reaching middle education at 59%.

The report also highlighted the availability of basic facilities for children in schools. It showed that students in only 64% of primary schools in the country had access to drinking water and a much lower rate was found in Azad Jammu Kashmir at only 27%. In Islamabad, children in 185 of 191 schools had access to clean drinking water. Only 49% of government primary schools had electricity and only 58% of schools had toilets. In Balochistan, out of 10,000 schools, only 1,662 schools had electricity and 2,000 schools were equipped with toilet facility. In response to the findings of this report, State Minister for Education, Trainings and Standards in Higher Education Balighur Rehman said that under the National Plan of Action Rs. 188 billion had been earmarked in 2013 to be spent over three years to target out-of-school children and missing facilities in schools across the country.

NPA, also referred to as the MDG Acceleration Programme, was announced in 2013 and designed in collaboration with the provinces. However, no details of the plan were shared in the 2014-15 budget, which made it hard to assess its progress in the first year.

The second annual Alif Ailaan Pakistan District Education Rankings 2014 report, prepared in association with Sustainable Development Policy Institute (SDPI), was launched in May 2014 in an attempt to provide reliable and up-to-date data on education. This report mapped the varying standards of primary and middle education across Pakistan through specially developed education and school indexes and identification of areas where the system needed immediate attention and improvement. Each district was awarded points from 0 to 100 on the basis of enrolments in schools, survival rate of students, literacy, learning outcomes, infrastructure, gender parity, and availability of facilities. Islamabad was ranked the best performing region for overall education standards. Punjab was ranked second followed by Azad Jammu Kashmir and



25 million children, 47% of all Pakistani children, are still out of school.

Gilgit Baltistan while FATA was ranked at the bottom. The report also revealed that 25 million children, 47% of all Pakistani children, were out of school. Out of these out-of-school children, 68% never attended school while 32% went to school at some point. Global Competitiveness Report 2014-15 published by World Economic Forum in September 2014 ranked Pakistan at 132 out of 144 with one of the lowest school enrollment rates. The report estimated that a quarter of children did not go to primary school in Pakistan.

No attempt to reform the madrasa education system was witnessed in 2014, though unregistered madrasas mushroomed across the country. In November, police recovered 36 girls from a house in Karachi, who had been placed there by a madrasa administration as a guarantee for loan they had issued to the owners of the house. The madrasa wanted to impose the upkeep of these girls on the house owners and also use them as a surety if they defaulted in paying back the loan. The girls hailed from Bajaur tribal region and could not speak or write Urdu. They were shifted to Darul Banaat child protection unit in Shantinagar in Karachi where parents and guardians came to claim them.

Shortage of teachers was another major gap in the education system in the country. According to a UNSECO policy paper, released in October 2014, Pakistan would require more than 150,000 new trained primary school teachers by 2015 to achieve the universal primary education target by 2015 and over 290,000 by 2020. It also said that 84 percent of primary school teachers in



No attempt to reform the madrasa education system was witnessed in 2014.

Pakistan were trained and the target was the availability of 40 students for every trained teacher. According to KP District Education Management Information System (EMIS) 2013-14, of the over 78,000 sanctioned posts for teachers at the primary level more than 6,800 positions, of the 21,494 sanctioned posts at the intermediate level 7,409, and of the 30,844 posts for secondary education 6,315 lie vacant, and there are no teachers to fill 2,193 of the 11,000 posts in the higher education. EMIS recorded that the total population of boys between the ages of 5 and 16 was close to 3.7 million and around 736,000 of them were out of school in the 25 districts of the province. The situation was far worse for girls as around half of the over 3.4 million girls of the province were not receiving education.

To support children affected by armed conflict, a Conflict Support Program was initiated in 2014 by USAID in partnership with the telecom sector. Under this programme, educational scholarships were to be provided for 4,000 children affected by armed conflict and who had lost their parents. By the end of the year, 2,685 children from KP had already been awarded scholarships.

### **Rights violations and child protection**

Persistent gender discrimination, and low government spending on health, education and social protection were identified as major reasons for the slow improvement in child rights situation in South Asia by UNICEF's report titled 'Improving Children's Lives, Transforming the Future - 25 years of child rights in South Asia'. In Pakistan this year, no significant improvements or additions were made in the protection framework for children, which showed government's serious lack of interest. The only notable step taken in this regard was the announcement of setting up of a National Commission for Children by the Office of National Commissioner for Children Wafaqi Mohtasib (Ombudsman's) Secretariat. An apex body for child rights monitoring, the commission would comprise prominent people with a commitment to child and human rights, with all provincial ombudspersons and child commissioners

as its ex-officio members.

The Child Rights Movement (CRM), a consortium of civil society organizations working for promoting the cause of children, urged the state to introduce child protection policy and drew a petition to garner support for the enactment of pending child protection bills. The Punjab Social Welfare Department, in collaboration with UNICEF, has been in the process of drafting a child protection policy since 2011. On July 8, 2014, more than 10 MPAs of Punjab and other government officials, in a workshop organized by CRM, agreed to adopt a child protection policy without further delay, but the policy remained pending till the end of the year.

The bills awaiting enactment included National Commission on the Rights of Children Bill, the Prohibition of Corporal Punishment Bill 2013, the Child Protection (Criminal Law) Amendment Bill 2013, the Charter of Child Rights Bill 2013 and the Child Marriages Restraint (Amendment) Bill at the federal level. At the provincial level, Balochistan Child Protection and Welfare Bill, the Punjab Commission on the Rights of the Child Bill, the Right to Free and Compulsory Educations Bills in Balochistan and KP and bills against child employment remained pending in provinces. The much trumpeted legislation for child protection in Sindh, Sindh Child Protection Authority Act 2011, awaited implementation in the province despite the lapse of three years since its enactment. The government had made no progress in notifying the authority and its rules by the end of 2014, though according to the law the authority should have come into being within 60 days of its enactment.

CRM also launched a report titled 'Taxation in Pakistan and its Impacts on Children's Lives' in November 2014. The report stated that low levels of investment in children manifested in poor child health and education. The report recommended ensuring investment in children through targeted allocations to remove group disparities, identifying the supply gaps in the social service delivery and improving the key social indicators for children.

### **Violence against children**

A UNICEF report, 'Hidden in Plain Sight: Statistical Analysis of Violence against Children', released in September, surveyed 190 countries and ranked Pakistan amongst the top 10 with the highest child homicide rates. The report showed that 30 percent of girls aged 15 to 19 years surveyed claimed that they experienced physical violence since the age of 15, with 24 per cent saying they had experienced physical violence within the last 12 months. The report also recorded that 53% of the girls and 34% of the boys aged 15 - 19 years interviewed for this survey believed that the husband/partner was justified in beating the wife in certain circumstances.

Sahil, a nonprofit and nongovernmental organization working on child



Despite the soaring number of sexual abuse cases reported last year, no serious measures were taken by the authorities to address the issue in 2014.

sexual abuse, released its annual publication titled 'Cruel Numbers 2013' in March. In this report, it observed that child abuse had significantly increased over the past few years. A total of 3,002 cases took place in 2013, about eight percent increase from the previous year. Out of the total number of cases, 57.46 per cent occurred in rural areas and 42.54 per cent in urban areas. The report showed a six per cent increase in abduction cases. A total of 1,706 children were abducted in 2013 that meant that, on an average, five children were abducted every day during 2013. The report recorded 1,220 cases of rape/sodomy including gang rape and gang sodomy and 202 cases of attempted rape/sodomy including attempted gang rape and gang sodomy. It also observed that children most vulnerable to abuse were aged between 11 and 15 years. 2003 cases of abuse were reported from Punjab, 583 from Sindh, 139 from Khyber Pakhtunkhwa, 134 from Islamabad Capital Territory, 106 from Balochistan, 35 from Azad Jammu Kashmir and only two were reported from Gilgit Baltistan. The organisation revealed that around 311 cases had been reported from January to September 30 in 2014, with 214 girls and 97 boys falling prey in Rawalpindi and Islamabad alone.

A report titled The State of Pakistan's Children 2013, prepared by the Society for the Protection of the Rights of the Child (SPARC), launched in May 2014, also recorded statistics on violence against children. It showed that 2,033 cases of child abuse took place in 2013, out of which 1,365 were boys and 668 were girls. 1,115 cases of kidnapping, 294 murder cases, 102 cases of boys' sexual assault while 97 cases of sale of children occurred in

2013. Despite the soaring number of sexual abuse cases reported last year, no serious measures were taken by the authorities to address the issue in 2014.

Pedophilia was highlighted as a serious issue occurring in the northern parts of Pakistan. A documentary named Pakistan's Hidden Shame, was released in 2014, depicting the high incidence of pedophilia especially at bus stations in Khyber Pakhtunkhwa province. The documentary revealed that 9 out of 10 homeless children of Peshawar had been victims of pedophilia and that pedophilia was a common practice among bus/truck drivers in KP. The documentary showed interviews of drivers who had sexually abused children. Poverty is the biggest reason for children to indulge in this activity. A 12-year-old boy in an interview in the documentary said the first time he consented to the act was because he was hungry and had not eaten for two days.

### **Corporal punishment**

Corporal punishment continued to take place in schools. According to HRCP monitoring, 120 children, including 27 girl children, faced corporal punishment during the year.

In an attempt to control this, a three-month campaign to end corporal punishment was launched on the occasion of Children's Day in November 2014. The campaign titled 'Bare Pyar se Samjahien' is a joint effort of the Ministry of Law and UNICEF, targeting millions of people across the country through various mediums, incorporating messages on adverse effects of corporal punishment. During the launch, findings of a baseline survey, conducted in five districts prior to starting this campaign, were also shared. The study revealed that nine out of ten guardians such as parents and caregivers had beaten their children, with more than half knowing that this kind of violence could have deep-rooted effects on the child. A similar campaign titled Campaign against Corporal Punishment (COP) of children was also launched in March 2014 by the Ministry of Law, Justice and Human Rights in collaboration with the South Asia Initiative to End Violence Against Children (SAIEVAC) and the South Asia Coordinating Group on Action against Violence against Children (SACG). Pakistan became the second country in the SAARC region to start this campaign designed to take steps for enacting legislation prohibiting corporal punishment, train authorities, civil society, children and other stakeholders on positive parenting, teaching, caring and appropriate implementation of the legal reforms needed and raise awareness about harmful consequences of corporal punishment on children's development at community, sub-regional and national levels.

None of the provinces passed a law prohibiting corporal punishment. In April 2014, the Directorate of Elementary and Secondary Education, KP government issued a notification that if there was any complaint of inflicting

corporal punishment received against any teacher in any district, the teacher would be tried under the Special Powers Removal from Service Ordinance 2000-2001. The notification recognized that the rampant use of corporal punishment in schools was causing a serious decline in the literacy rate of the province and preventing the province from achieving its education MDG.

Several cases of corporal punishment were highlighted in the media from different parts of the country, some resulting in very serious injury to the child; for example, in August 2014, a seven-year-old child from Abbottabad broke his leg after being dragged by his hair and tossed in the air by his proctor. In another case in September, a grade 9 student in Islamabad suffered two broken fingers as a result of beating by her teacher.

A study titled 'The Voice of Teachers: Learning from Teachers Across Pakistan', undertaken by Alif Ailaan and the Society for the Advancement of Education (SAHE), launched on November 20, 2014, established a strong link between corporal punishment and the level of non-teaching duties of teachers. The report stated that Pakistan's teachers burdened by non-teaching duties, which took them away from the classroom, were highly in favour of corporal punishment and if given the option, would prefer better-paying, administrative positions in the education department as opposed to teaching.

## **Child labour**

Pakistan ranked sixth on Global Slavery Index 2014 where child labour was most prevalent. It estimated that about two million Pakistanis, approximately 1.130% of the country's population, comprised mostly of children and bonded labourers. The GSI also revealed that approximately 10 million child workers existed in Pakistan, out of which 3.8 million were aged five to 14 years.

No nationwide survey was conducted or any serious measure taken to abolish child slavery. The last official survey conducted in 1996 stated that 3.3 million children aged 5-14 years were involved in child labour. In 2012, the ILO estimated that this figure exceeded 12 million while the UNICEF stated there were about 10 million underage workers in the country. Pakistan's Child Rights Movement estimated in the same year that approximately 9.86 million children and adolescents between the ages of 10 and 19 years in Pakistan were active in the labour force, 2.58 million of these children were between 10 and 14, while thousands more were even younger than the age of 10. No bills at national or provincial level were introduced in 2014 to eradicate child labour, while children across the country continued to work under hazardous conditions.

ILO continued to support Pakistan in helping eradicate child labour this year. In August 2014, the Government of Punjab and International Labour Organization initiated a project titled Integrated Project for Elimination of Child



Child labour remained rampant in Pakistan.

Labour and Bonded Labour, expected to end in 2020, targeting 36 districts of Punjab to combat child labour and bonded labour. In another ILO supported project, implemented in collaboration with the Ministry of Overseas Pakistanis and Human Resource Development, 8,000 children were rehabilitated in Sahiwal and Sukkur, as stated in an ILO press release. The Punjab government intends to start similar projects in other districts with its own resources.

In December 2014, Save the Children, in collaboration with Ikea Foundation, DevCon and Government of Sindh extended and expanded their collaborative efforts to tackle the causes of child labour in Pakistan's cotton growing district, Shaheed Benazirabad. The project aims to improve the living conditions of 1.5 million children involved in cotton growing in the next four years by improving education prospects for children and empowering women and girls.

### **Juvenile justice**

The year 2014 went by without the establishment of a single juvenile court for children involved in criminal litigation or the creation of Borstal institutions at district level despite express provisions to the effect in the Juvenile Justice System Ordinance (JJSO) 2000. AGHS Child Rights Unit, a project for the promotion and protection of child rights, regularly monitors juvenile section of prisons in Punjab. According to the monitoring reports of 2014, AGHS CRU team witnessed irregularities in almost all the prisons in Punjab. Segregation of adults from children was not strictly followed. Children faced torture in police stations and on occasions in the prison too.

According to SPARC's Annual Report on the State of Children in Pakistan 2013, released in 2014, 1,383 juveniles were in prisons across Pakistan in 2013, of which 137 were convicts and 1,246 under trial. Punjab had most of

them, 783, followed by Sindh 276, Khyber Pakhtunkhwa 217 and Balochistan 107. The report showed that 288 children were released on probation in the country in 2013 - 156 in Punjab, 71 in KP and FATA, 51 in Sindh, and 10 in Balochistan.

According to an official report 746 juvenile prisoners, only 61 out of them convicted, were incarcerated in different facilities across the Punjab province. No female juvenile was confined anywhere in the province.

Foundation for Research and Human Development (FRHD) that conducted visits to Sindh jails reported that 198 juveniles — 196 under trial, and 2 convicted — were imprisoned in Karachi; 63 juveniles — 58 under trial (half of them for murder), and 5 convicted in Hyderabad, 18 juveniles -- 16 under trial (10 in murder case), two convicted — in Sukkur, and 12 were juveniles -- 11 under trial (8 in murder case), none convicted and one condemned in Larkana.

Shafqat Hussain, now 24, was incarcerated at the Central Jail in Karachi, Sindh. He has been on death row for more than 10 years, after being convicted for murder and sentenced by an anti-terrorism court to be executed by hanging. Shafqat was 14 when, in 2004, he was arrested and convicted for attempted kidnapping and murder, the case resting on a single piece of evidence: a confession, which he and his lawyers say was obtained under torture. According to court records, Shafqat told the judge he had confessed under pressure and torture. Neither the trial judge nor the teen's state-appointed attorney pursued those claims. Shafqat was tried as an adult — police reports indicate he was 23 years old at the time. *[Interior Minister Chaudry Nisar Ali Khan in January 2015 announced a stay of execution while Shafqat's case was reviewed, though he remained on the death row.]*

Region	Juveniles
Punjab	764
Sindh (till 02/09/14)	313
Balochistan	46
Khyber Pakhtunkwa	Data not available
Gilgit-Baltistan	3
Total	1,126

### Birth registration

UNICEF rated Pakistan as a country that had one of the lowest birth registration rates, with the last recorded rate at 27 per cent. UNICEF started a pilot project in collaboration with Telenor, a cellular company, on March 27, to improve the birth registration rate in the country. The project seeks to register births through mobile application. This innovative new method is said to be cheap and quick and could increase the registration rate. This pilot project

started in selected union councils of Punjab and Sindh. To increase the rate of birth registration in Punjab, registration fees at the Union Council level were waived throughout the province under the Punjab Women Empowerment Initiative of 2014.

### **Street children and children with disabilities**

No official data on the number of street children was collected in 2014. Estimates by civil society organizations exceeded 1.5 million street children. Initiator Human Development Foundation, a non-governmental organization, in its recent survey estimated that about 66 per cent of street children were runaways who had left home after experiencing violence from home or school or where they worked. According to IHDF, organized mafias exploit street children by pushing them into begging and stealing.

CRM expressed disappointment that the government had paid no heed to the recommendations of Committee on the Rights of the Child on street children in Pakistan and no systematic approach had been adopted to improve the situation of street children.

There were no facilities for the shelter and protection of street children. Sindh, in particular, lacked systems to support street children on the same lines as the Punjab Child Protection Bureau or the Child Protection and Welfare Commission in KP did.

On the upside, for the first time, Pakistan participated in the Street Child World Cup (SCWC) 2014 in Rio De Janeiro, Brazil. Nine young street children



Pakistan has 18 million people with disabilities, a major portion of them children.

from Pakistan demonstrated their talent and came home proud with a bronze medal to their name. Participation in this competition provided the country's street children a chance to demonstrate their skills and get recognition on an international platform.

According to estimates Pakistan has 18 million people with disabilities, a major portion of them children. No significant development was witnessed in 2014 for the welfare and facilitation of children with disabilities. Punjab, however, allocated Rs800 million in the budget for the welfare of special children. Civil society repeatedly stressed the need for inclusive education. Media's role in highlighting issues of special children was not encouraging. No serious initiative by the provincial governments or the federal was seen in 2014 to provide education to disabled children. Efforts were made by CSOs to improve the learning opportunities for children with physical disabilities. For the first time in Pakistan 'Pakistan Sign Language (PSL) Resources', sign language learning digital tools, were launched in November.

### **Child marriage/early motherhood**

According to estimates Pakistan's 179.1 million population is 18 years old or younger. Sahil in its annual report 'The Cruel Number 2013' recorded 96 cases of early child marriages in the country, an increase of 21% from 2012. Out of these, 71 cases were reported from rural areas and 20 cases from urban areas. 41.76% victims of early child marriages belonged to the age group of 11-15 years and 34.07% were from the age group of 6-10 years. Province-wise division showed that 42.86% cases of child marriage took place in Sindh, 30.76% in Khyber Pakhtunkhwa and 25.27% cases of child marriages were reported from Punjab. No case of early child marriage was reported from Balochistan. The report revealed that 57.14% of cases were registered with the police. A UNICEF report titled 'Improving Children's Lives, Transforming the Future - 25 years of child rights in South Asia' found that nearly half of South Asian girls married before 18.

Madadgar National Helpline recorded 42 cases of early and forced marriages in just the first four months of the year from across Pakistan, which included 17 cases in January, 10 cases in February, eight cases in March and seven cases in April.

Early motherhood is a direct consequence of child marriage, which has serious ramifications for the health of the under-age mother. According to PDHS 2012-13, eight per cent of adolescent women (between the age of 15 and 19 years) are already mothers or pregnant with their first child in Pakistan. The survey also found that about 12 per cent teenagers from low-income households were more likely to have begun child bearing compared to three per cent from high-income families and young motherhood was the highest in



The Sindh government, in April 2014, passed Child Marriage Restraint Bill 2013 prohibiting marriage of children below 18 years of age.

Khyber Pakhtunkhwa at 10 per cent.

The Sindh government, in April 2014, passed Child Marriage Restraint Bill 2013 prohibiting marriage of children below 18 years of age. Sindh is the first province of Pakistan to approve a bill on prohibition of child marriage. The bill was presented in the assembly by Sharmila Farooqi and Rubina Qaimkhani in 2013, which was unanimously passed by all members. The bill did, however, face opposition from the Council of Islamic Ideology which declared this law in contradiction with Islamic injunctions as there was no age limit in Shariah for marriage. According to the Sindh Child Marriage Restraint Act 2013, those found violating the law can be sentenced to prison for three years and could also be fined. No other province had passed such a law by the end of the year.

### ***Recommendations***

1. *All possible efforts need to be made by the provincial and federal governments for a polio-free Pakistan and a polio-free world. The exponential rise in polio cases in 2014 calls for extreme and urgent measures to control the situation and eradicate the endemic disease from the country.*

2. *Federal and provincial governments should ensure that the larger share of the budget allocated to education is spent as envisaged and accounted for. CSOs working on education must act as a watchdog and pressurise the governments to meet their budgetary goals for education. Measures must also be taken to criminalize corporal punishment, a major factor in children dropping out from school.*

3. *An all-encompassing child welfare policy must be adopted by all provinces instead of merely focusing on a certain category of children. All*

*pending laws on children must be immediately passed and corresponding rules for laws that have already been passed notified to ensure implementation of the existing laws. Special schemes need to be introduced to ensure that street children and children with disabilities are protected and have access to basic amenities and services.*

*4. Eradication of child labour must feature as a priority for the government. A fresh survey on the number of children involved in child labour should be conducted for formulation of an appropriate policy.*

*5. All forms of violence against children must be eradicated by creating awareness of applicable laws, improved access to justice and fair investigation procedures. Awareness sessions must be given to parents and children for safety and protection from child sexual abuse.*

*6. Birth registration needs to be viewed as a fundamental right of children and the government must remove all hurdles in the registration process especially in the rural areas.*

*7. Child marriage laws need to be changed across provinces to increase the legally valid age of girls to 18 years. Adverse health (mental and physical) consequences of under-age marriages must be highlighted in the media and through door-to-door awareness campaigns.*

# 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)

Improved quality of life and better terms and conditions at workplace — as measured through increase in real wages, safe work environs, reasonable work hours, protection from income loss during sickness, disability and old-age, and freedom to form unions — remained a dream for a majority of workforce in 2014. Labour laws violations continued unabated throughout the year.

The granting of the Generalised Scheme of Preferences (GSP) Plus status



Hyderabad Workers of Wapda from 16 districts of Sindh converged at Hyder Chowk to join a protest against the proposed privatization of national institutions including 16 power supply companies of Wapda.

to Pakistan, providing preferential access to the EU market through reduced tariffs under the EU trade programme, from January 1, 2014 offered the only silver lining for workers. The GSP Plus is conditional to compliance with eight ILO core labour conventions out of 27 international standards and covenants on labour, human and women's rights, environment, narcotics and corruption. There was hope that the government would now take serious note of labour rights violations. However, during the year, neither the federal government nor the provincial governments came out with any firm plan for the implementation of labour laws.

Various groups of workers in the public sector as well as informal sector rallied for payment of dues and salaries, increase in wages and implementation of minimum wages during the year. The trade unions in the public sector resisted privatization and lobbied for legislative reforms.

In January, the Privatization Commission announced privatization of nine entities — Pakistan Steel Mills, Oil and Gas Development Company Ltd, PIA, Heavy Electrical Complex, NPCC, LESCO, FESCO, Northern Power Generation Company, Habib Bank and Allied Bank. The Joint Action Committee of PIA Employees, All Pakistan Wapda Hydro-Electric Workers Union and the Northern Power Generation Company workers held numerous meetings and rallied against impending privatization.

The International Trade Union Confederation (IUTC) Global Rights Index 2014 ranked Pakistan as among the world's worst countries for workers with a ranking of 4 on a scale of 1- 5+. Countries with the rating of 4 reported

systematic violations and the government and/or companies were found engaged in serious efforts to crush the collective voice of workers and putting fundamental rights under continuous threat.

### **The labour market**

The Federal Bureau of Statistics did not release the quarterly Labour Force Survey Reports in the year 2014. The annual Labour Force Survey 2013-2014 was not published till the yearend. The last Labour Force Survey 2012-2013 had noted a labour force of 59.74 million workers. Of them, 56.01 million were employed, indicating a shortfall of 3.73 million jobs and an unemployment rate of 6.2 per cent. Unemployment among 15-29 years was higher at 9.2 per cent. Labour force participation rate was 32.9 per cent with a wide disparity between men (49.3%) and women (15.6%) participation rates. A significant proportion, 69.48 %, of the employed labour force in Pakistan, worked for 40 to 56 or more hours a week, indicating lower productivity per hour as well as low level of wages. The bulk, 59.9%, of the labour force fell under the category of ‘vulnerable employment’ that include own account workers and contributing family workers.

### **Laws, policies and litigation**

In May 2014, after persistent lobbying by the trade unions and pressure from the ILO for four consecutive years, the restrictive condition of 50 workers as mandatory for the formation of union was finally removed from the Punjab Industrial Relations Act 2010 through an amendment.

In August, the Sindh High Court gave a judgment with complex implications on the formation of trade unions and settlement of industrial disputes. Disposing of 52 different constitutional petitions filed by several public and corporate sector institutions, and trade unions, relating to the IRA 2012 legislated by the federal government, a full bench of the high court held that the federal government was competent to legislate on matters relating to companies that operate trans-provincially. This judgment led to transfer of all cases pertaining to trans-provincial establishments from the Labour Court to the NIRC of appropriate jurisdiction causing hardships to the workers as there was just one NIRC bench in each province. This judgment indicated the pitfalls of dual federalism that some experts had been pointing out in the post-18<sup>th</sup> Amendment years.

A draft labour policy, shared with trade union representatives by the Government of Punjab in April 2014, was criticized on several points. Lack of tripartite mechanism for drafting the policy was also pointed out. Till December, the policy was not finalized. In January, a draft Domestic Workers (Employment Rights) Act 2013, applicable only to the Federal Capital Territory, was tabled

in the Senate and referred to the Standing Committee on Law and Justice.

### **Wages and pension**

In June 2014, both Punjab and Sindh governments increased the minimum wages for unskilled workers from Rs 10,000 to Rs 12,000 a month for the fiscal year 2014-2015. The Punjab government revised and notified minimum wages in 51 industries, increased the death grant from Rs 2 lacs to 4 lacs through an amendment to the Workmen's Compensation Act 1923 and enhanced the workers' group insurance from Rs 2 lacs to Rs 4 lacs through an amendment to the Industrial and Commercial Establishment Ordinance 1968.

The Balochistan government raised the minimum wages from Rs 9,000 to Rs 10,000. The Khyber Pakhtunkhwa government increased the wages up to Rs 12,000 in June. Later, on the opposition's demand the government raised the minimum wages to Rs 15,000. However the KP government did not notify the change till the end of the year.

With no effective mechanism for the implementation of labour laws, a majority of the workers remained deprived of minimum wage of Rs 12,000 in the year 2014. The official data (Pakistan Labour Force Survey) of 2013 had noted 20 per cent of employed workers getting up to Rs 5,000 per month and 41.73 per cent earning a monthly salary between Rs 5,000 to Rs 10,000.

The gap between wages of low-income and high-income groups widened further in 2014. The official data (PLFS) indicated a six-fold gap between



The disagreement between the EOBI and finance ministry means that pensioners continue to wait with a committee now formed to resolve the issue.

elementary occupation (Rs6,952) and the managers' salary (Rs36,946). The rural-urban and male-female wage differentials were also very high.

The country has a statutory minimum wage fixing system which does not function. Minimum wage setting is not carried out institutionally but arbitrarily, based on political expediency. Wage-setting through collective bargaining agency is rare as trade unions stand shrunk in number, size and power.

The existing meagre pension of Rs 3,600 a month was not raised in the year 2014. There are 329,336 retired persons in the miniscule formal sector drawing monthly old-age pension from the EOBI, which ranges from Rs3,600 to Rs6,240 a month. Government employees are drawing a minimum pension of Rs3,600. In June the federal government announced an increase in pension up to Rs 6,000 for government employees. However, in July, the EOBI Board rejected the increase and stated that Rs3,600 would remain the minimum pension for government employees till 2027 unless contributory amount was increased!

### **Occupational safety and health**

There were no visible signs of change in the deplorable occupational safety and health conditions for most workers in 2014. The causes of the worst industrial disaster — Baldia factory fire of September 2012 — established by the initial proceedings of the case in the year 2013-2014 included serious violations of labour laws and building safety laws and criminal negligence of the factory owners and the state departments' officials.

The criminal proceedings during 2014 against the owners of the Baldia garment factory, Ali Enterprise, established that the factory was not registered under the Factories Act and was never inspected by the labour inspector from the Labour Department, Electricity Department and SITE Authority as mandated under different laws. The factory owner had violated several building by-laws and obtained a fake international certification SA8000. The owners, not acquitted of the charges, remained at large on bail through the year. Thus, it is not only the employers, but a strong nexus between industrialists, state officials and political elite that resists implementation of safety and health laws at work places.

Officially 73.6 per cent workers are employed in the informal sector, comprising small to medium-sized industrial units, that shun registration and violate labour laws. In medium-sized units, conditions are not better as the employers evade implementation of related laws and bust unions. Even large production units in the country often do not have adequate occupational health and safety management systems in place. Pakistan Readymade Garments Manufacturers and Employers Association has 551 registered members in the country, according to its website in 2014, and the Baldia factory, Ali Enterprises, where the disaster took place, is one of its members. This gives a fair idea of the extent of violations and the existing conditions of safety and health in

### **Baldia factory fire: Criminal case and compensation**

After more than two years of the worst industrial disaster in Pakistan that killed 255 workers in a garment factory in Baldia, SITE, Karachi, all the accused, including the factory owners, are on bail in the criminal case filed on September 12, 2012. The charges have still not been framed against the accused and the criminal trial has yet to begin. No cases have been registered for the violations of fire and safety laws, social security laws and building laws.

On the last hearing of the criminal case held on September 26, the Sindh High Court issued contempt notices to the head of the National Forensic Science Authority (NFSA) and the in-charge of its DNA laboratory over their failure to submit a detailed report on the identification of burnt bodies from the Baldia factory fire. The division bench headed by Chief Justice Maqbool Baqar also issued a contempt notice to the Employees Old-Age Benefit Institution (EOBI) chairperson for failing to submit a report on the payment of statutory pension to the families of the 255 workers who had died in the fire.

Financial compensation to the families of the victims was facilitated by the judicial activism of the Sindh High Court, on a petition filed by the Pakistan Institute of Labour Education and Research (PILER), the National Trade Union Federation (NTUF) and other organisations. By August 2014, each family of the 255 deceased received Rs13 lakhs, and each of the 55 injured people received from Rs1,25,000 to Rs 6,10,000 depending on the nature of their injuries. Pensions to the victim families are finally also being paid. This financial compensation included relief provided by the state, dues under various laws and \$US 1 million provided by KiK Textilien i.e. the German company, the main buyer of the Baldia factory garments.

different industrial sectors.

The provincial labour departments are responsible for documenting industrial accidents under various laws. However, due to poor governance and inefficient functioning, documentation is not done regularly and it is rarely shared with the public. Hence the only source of information on industrial accidents is the media.

According to a recent ILO-Pakistan report, the country lacks an efficient labour inspection system. The departments are grossly under-funded and under-staffed. Labour inspectors lack modern training and capacity to undertake effective monitoring. In 2012, there were 337 labour inspectors in the country,

that is, one labour inspector for every 25,000 workers.

The Sindh Labour Department shared a draft policy on occupational safety and health in September at a tripartite consultation meeting. This was one of the outcomes of an ILO-solicited Joint Action Plan shared earlier in January. The department finalized the draft policy in November and sent it to the provincial cabinet for approval in December.

The Punjab Labour Department reported setting up of a Labour Inspection Computerized System. By September data of 4,917 factories was entered and inspection reports of 1,111 factories received on line. However, this data was not available on the department's website. The department also shared at a consultation that in the previous nine months, it inspected 7510 factories in the province.

#### ***Industrial Accidents in 2014***

S.#	Nature of accident	Date	Place	Deaths	Injured
1.	Well repairing	7 Jan	Samozai Pirbandah, Mardan	3	
2.	Construction	16 Jan	Lowari Tunnel, Chitral	1	
3.	Well repairing	20 Jan	Pakpatan	3	
4.	Coal mine	30 Jan	Orakzai	2	5
5.	Marble quarry	31 Jan	Mohmand Agency	3	4
6.	Construction-site roof collapse	3 Feb	Ring Road, Peshawar	1	24
7.	Boiler explosion	4 Feb	Bhagbanpura Lahore	1	
8.	Mine roof collapse	7 Feb	Qila Saifullah, Chaman, Balochistan	5	Several
9.	Boiler explosion	Mar	Kot Lathpat Lahore	4	
10.	Electric shock	20 Mar	Vita Textile Mills, Sohrab Goth, Karachi	1	
11.	Boiler explosion	2 Apr	Sadhoki Gujranwala		8
12.	Well cleaning	20 Apr	Mailsi, Vihari	7	3
13.	Boiler explosion	22 Apr	Samundri Road Faisalabad	1	2
14.	Sewer cleaning	7 May	Kot Salamatpura, Kasur	1	1
15.	Electric shock	15 May	Narang Mandi, Muridke	1	
16.	Electric shock	16 May	Shalimar, Lahore	1	

S.#	Nature of accident	Date	Place	Deaths	Injured
17.	Fire cracker explosion	22 May	Memon Goth, Karachi	6	
18.	Coal mine cave-in	30 Jun	Jhimpir	2	4
19.	Electric shock from machinery at loom	07 Jul	Sadhar, Faisalabad	1	
20.	Poisonous Gas leakage	07 Jul	Bhagbanpura Lahore	2	
21.	Boiler explosion	26 Sep	SITE Karachi	1	
22.	Well digging	17 Jul	Mithi, Tharparkar	3	
23.	Gas cylinder blast	13 Jul	Gajumata, Lahore	3	
24.	Construction site roof collapse	10 Jul	Kandhkot Sindh	2	5
25.	Electric shock	Aug	Gia Mosa, Shahdara	2	
26.	Electric shock	Aug	Muridke	2	
27.	Explosion	19 Aug	Pakistan Ordnance Factory, Attock	2	
28.	Well digging	24 Aug	Landhi, Karachi	2	
29.	Boiler blast	25 Aug	Sukkur	1	24
30.	Poisonous gas leak	25 Aug	Korangi Karachi	2	
31.	Poisonous gas leak (oil factory)	8 Sep	Hyderabad	2	
32.	Electric shock (construction)	9 Sep	Faisalabad	2	
33.	Coal mine blast	10 Sep	Orakzai, FATA	3	Several
34.	Electric shock (construction)	11 Sep	Topi, Swabi	2	3
35.	Electric shock (road digging)	13 Sep	Kahna, Punjab	2	
36.	Construction-demolition	14 Sep	Khara, Kasur	1	
37.	Well digging	20 Sep	Renala Khurd	3	
38.	Well digging	29 Sep	Mangan, Okara	1	1

During 2014, a significant number of occupational accidents were reported in the media as shown in the Table (not exhaustive of all media reports). The causes included boiler explosions, roof collapse at construction site, well-digging, electrocution and coal mine accidents. Boiler explosions are frequent and the reasons include lack of hiring of qualified and certified boiler engineers by the employers, lack of maintenance and inspection. Accidents in the

construction sector result from lack of safety measures for workers and violations of building standards by the establishments. Electrical workers and line installers die of electric shock because international electrical standards, codes and regulations are violated by the companies' management.

## **Hazardous occupations**

### *Mining and stone-crushing*

In January, two coal miners were killed and five injured in a cave-in accident in Orakzai Agency. In February, five workers died in Chaman when a chromite mine's roof caved in. On 30 June, two coal miners died and two were seriously injured in another similar accident at the mining zone of Yaqoob Brohi village near Jhimpir, Sindh. The mining zone had no medical facility and the only rural health centre in the area was non-functional.

One of the most hazardous occupations in the world, coal mining is fraught with great dangers to workers in Pakistan. Coal and minerals are extracted through simple tools with no safety provisions. Coal dust inhalation, methane gas explosions, fires, cave-ins, poisonous gas leakages and haulage accidents are frequent in coal mines. The data from the Inspectorate of Mines and Minerals, Punjab, quoted by the media in September 2014, revealed that on an average 62 workers die and 14 are injured annually in the province during mining operations. According to a trade union activist, accidents in mines take



Miners take a break from work in a coalmine in Choa Saidan Shah, in Punjab.

## Deaths from Silicosis

In July, the outgoing chief justice Tassaduq Hussain Jilani took suo motu notice of the death of 18 labourers in Gujranwala. The notice was taken on an application filed by the Public Lawyers Front, a civil society organization, under Article 184 (3) of the constitution, pointing to the death of a young labourer in May 2014 and of 17 more workers who died of silicosis during the last couple of years. All the 18 workers were employed by four different stone crushing factories in the same vicinity. The deceased labourers had made repeated requests to the factory owners, but they were neither provided with any masks to protect them from silica powder inhalation, nor did the factory owners install any dust control equipment. The court was also informed that more than 100 labourers of stone crushing factories had died from silicosis in Dera Ghazi Khan and other regions of Punjab in the last few years.

A three-judge bench of the Supreme Court, headed by chief justice Nasirul Mulk, at its subsequent hearings in September and October directed the Punjab government to award compensation to the heirs of 18 labourers. The court was informed that a nine member committee, comprising minister of labour, secretaries' of Labour Department, Environment Protection Department, Industries Department, was formed to ensure compliance with labour safety standards and to submit an implementation plan. The provincial government approved Rs 5.4 million for compensation to the heirs of the deceased. The court was further informed that the provincial government had so far paid Rs0.5 million as compensation to families of each of the 34 labourers who had died in Dera Ghazi Khan.

In Pakistan there is no law on silicosis whereas in India there are 15 legislative pieces on this fatal occupational disease. The risks can be reduced by providing protective gear including full face safety helmets to workers and installing dust settlers, scrubbers, mechanisation, wetting methods and controlled environment in the industry.



Village Nut Kallar, some 30km east of Gujranwala, has lost nine of its sons to silicosis. All had worked in the stone-crushing industry, from six months to several years.

place almost daily but are seldom reported. The accidents causing deaths, injuries and occupational diseases, particularly silicosis — an incurable and progressive disease — are frequent among miners.

An important intervention against the lack of occupational safety and health conditions in the mining sector was the *suo motu* notice of deaths of 18 workers due to silicosis taken by Tassaduq Hussain Jillani, the former Chief Justice of Pakistan in July. (*see Box*)

Pakistan has not ratified the ILO Safety and Health in Mines Convention 1995 (No. 176) and neither does it follow the 2006 ILO Code on Safety and Health in Underground Coalmines that sets out general principles and specific guidance in all aspects of mining operations, including record keeping and documentation. There was no demand for ratification of the international occupational safety and health standards either from the trade unions or from civil society organizations.

### ***Electrical works***

On August 20, a Lahore Electric Supply Company (LESCO) workers' rally highlighted the rising number of casualties as a result of electrocution during the performance of their duties. More than 25 linesmen were electrocuted in a couple of months due to the unsafe working conditions. Again in November, three members of the line staff of LESCO died of electrocution within three days. According to the trade union, there are about 22,000 linesmen in Pakistan, and of them 100 linesmen lose their lives annually, while many are disabled for life. Line installers and repairmen, involved in various processes of generation, transmission and distribution of energy across the country, encounter serious hazards on the job that is considered one of the ten most dangerous occupations in the world. The workers in Pakistan are neither provided with any protective gear nor do they receive adequate training.

### ***Ship-breaking***

On November 1, two accidents on yard number 107, Gadani Beach, were reported. According to Bashir Mehmodani, President Gadani Ship-breaking Mazdoor Union, 15 workers were injured when a faulty lift fell on the ground. In a joint statement along with the National Trade Union Federation, the union leader highlighted the plight of the workers in the most hazardous sector in Pakistan and demanded compensation to injured workers, abolition of contact system and registration with EOBI and SESSI.

Ship-breaking is one of the most hazardous works relegated by the rich north to the countries in the south. The workers at the Gadani yard, often exposed to deadly toxins, exploding gases, falling steel plates and other dangers, get a pittance for their risky labour. According to a recent study, an estimated

12,000 to 15,000 workers are engaged at the shipyard. Mostly aged 18 to mid-50s, the workers are not provided with any safety gear and have no, or limited, access to medical aid or emergency services. They live in the vicinity without the facility of safe drinking water, electricity and decent shelter. As the Gadani Beach is located away from the city, the workers' exploitation does not get the attention of the media.

Labour struggles against bondage and exploitative terms and conditions

Pakistan ranked sixth highest among 167 countries on the Global Slavery Index 2014 for the prevalence of modern forms of slavery that include debt bondage. According to the Index estimates, there are 2,058,200 people in Pakistan living a life of slavery. Brick kiln and agriculture are the sectors most afflicted with debt bondage.

### ***Brick-kiln workers***

Brick-kilns workers, one of the most vulnerable groups, continued their fight against exploitative terms and conditions of work, including bondage prevalent in the sector. In several districts in Punjab, the workers submitted applications to the district coordination officers and filed petitions at the court against the owners.

The year 2014 witnessed increasing incidents of conflict between workers and owners of brick kilns in the province of Punjab, leading to a rising wave of collective protests. The fight between the owners and the workers intensified due to the government intervention which gave recourse to the workers to seek justice and caused the owner to retaliate: the Punjab government reactivated the District Vigilance Committees in late 2013. According to the Punjab Labour Department, the reactivated committees held 199 meetings during Oct 2013 to March 2014. 399 FIRs were lodged against brick kiln owners who were guilty of keeping labour in bondage.

During January and February, the brick kiln workers of Toba Tek Singh staged rallies at the office of the District Labour Officer and demanded implementation of wage rates notified by the government in 2013. In late March, workers sat in front of District Coordination Officer's office in Faisalabad for implementation of the minimum rate of Rs 740 per one thousand bricks. After 34 hours of sit-in when the government and owners did not agree, the workers started a long march towards Chief Minister's House in Lahore. More than one thousand men, women and children marched for 80 km despite threats by police and owners. The workers from Nankana Saheb and Sheikhpura districts joined the march. Finally an agreement was signed between the Labour Qaumi Movement, Brick Kiln Owners Association and District Managements of Faisalabad and Nankana Sahib pledging to pay Rs 740 per 1,000 bricks and not to detain workers against their will.

In April, three separate incidents of physical violence, torture and illegal



The year 2014 witnessed increasing incidents of conflict between workers and owners of brick kilns in the province of Punjab.

detention perpetrated by the brick kiln owners of Kasur, Punjab, on the workers were reported when they demanded wages at the rate notified by the Punjab government in 2013 and asked for social security registration cards. In one case in April, four brick kiln owners were arrested when they fired at a court bailiff and the police that had raided the kilns for release of workers from illegal detention. On April 22, the Kiln Owners Association of Sahiwal demanded withdrawal of the Factories Act from the brick kiln sector revealing the height of irrationality, feudal mentality and disrespect for laws. In May, 19 brick kiln workers were freed from a Kasur brick kiln on court orders.

In June, brick kiln workers from Vehari filed a petition in the Lahore High Court, Multan, against the owners. In an incident in Sialkot district, a brick kiln owner and his henchmen kidnapped a family of workers, murdered the head of the family and detained the family members. In July, Lahore High Court ensured the release of 20 brick kiln workers from illegal detention by a kiln owner in Kasur. In September, there was a report of a kidnapping by the brick kiln owner of a worker in Sargodha.

In December, brick kiln workers of Muzaffargarh district held sit-ins

against lower than notified wages paid by the owners. The district has 160 brick kilns and about 26,000 labourers. The rate of bricks was Rs 888 per 1,000 but the owners were paying only Rs 530. The District Coordination Officer formed a committee to ensure implementation.

### **Agricultural workers**

During the year, many cases of non-payment of dues, harassment and eviction of share croppers and daily wage workers were reported from different districts of Sindh province. According to a labour organization which facilitated the peasants to file cases in the Tenancy Tribunals under the Sindh Tenancy Act 1950, 12 cases were filed against different landlords in district Sanghar from January till August and five cases were registered in Umarkot for settlement of dues and against eviction. Another civil society organization filed 93 cases in Umarkot district during the first 6 months and more than 200 cases were filed in other districts for the release of bonded labourers in farming and brick kiln sectors.

In February, 13 peasants were recovered from the private jail of a landlord in Hafizabad, Punjab, on the directive of the Lahore High Court. The peasants had been in bondage for the last 10 years. In July, 100 workers, women and children included, were freed from a brick kiln in the suburban area of Hafizabad and three landlords were arrested who had kept the workers in subhuman conditions and extracted their labour on the brick kilns and the farms of the



Women cotton pickers unload cotton blooms plucked from plants to make a bundle in a field!ö Many cases of non-payment of dues, harassment and eviction of share croppers and daily wage workers were reorted in 2014.

<b>Bonded Labourers released from various illegal private confinements of Sindh in 2014</b>	
<b>District</b>	<b>Released</b>
Hyderabad	19
Mirpurkhas	786
Badin	445
Umerkot	1871
Sanghar	494
Tando Muhammad Khan	57
Khairpur	9
Tando Allahyar	212
Tharparkar/Mithi	21
Jamshoro	0
Mityari	30
Thatta	28
<b>Total</b>	<b>3,972</b>

accused. The workers informed the officials that the owners had killed six people for trying to escape.

In June, 72 bonded labourers of 8 families released on the directive of the Sindh High Court, Hyderabad Bench, by a landlord in Umarkot, staged a sit-in in front of the Hyderabad Press Club demanding recovery of their cattle and belongings snatched by the landlord. The labourers were employed as daily wage workers by the landlord for the previous six years but were harassed, tortured and denied fair wages. The civil society activists helped the workers

to access their livestock through legal procedure.

### **Child labour**

Though according to the ILO Global Report on Child Labour 2013, child labour is on the decline globally, the number of children engaged in labour is increasing in Pakistan despite the slight decrease in the labour force participation of the age cohort 10-14 years. The absolute number of children aged 10-14 years engaged in productive activities, according to the PLFS in 2012-2013 was 6.81 million, with a participation rate of 11.4 per cent whereas in 2011-2012 the labour force participation rate in the age group 10-14 was 11.8 per cent and their absolute number was 6.75 million. The increase in child labour is due to overall population increase and lack of access to schooling for a larger number of children. About 5.5 million children were reported to be out of school in Pakistan in a recent UNESCO study.

In the Child Labour Index 2014, guided by relevant ILO conventions on child labour, Pakistan ranked 9 at the bottom among 196 countries. The index is developed by a UK-based company, Maplecroft Global Risk Analytics, which undertakes financial risk analyses for multinational companies. Pakistan was evaluated as an 'extreme risk' country where abuse of child workers is most widespread.

According to a 2014 statistics published by the UNESCO, 13 per cent



Child labour is on the decline globally but it is increasing in Pakistan.

children of age 10-14 were engaged in labour in Pakistan. Of them, 76 per cent were toiling in agriculture (farming and fishing), 14.6 per cent were involved in services sector (food catering, automobile repair and transport, domestic services, construction,) and 9.3 per cent were working in the industrial sector (brick kilns, surgical instruments, football stitching, carpet weaving, coal mining).

The last national survey on child labour was done in 1996. Since then, there has been no effort to determine the magnitude and the extent of child labour in the country. In 2013, rapid assessment surveys on the worst forms of child labour were conducted in the selected districts of the four provinces under the ILO and the Provincial Child Labour Units. In Sindh, the survey in six districts—Thatta, Badin, Tando Allahyar, Sanghar, Kamber-Shahdadt, Dadu—revealed that child labour is most prevalent in the households where adult members earn below minimum wages and where government schools do not exist or education is unaffordable. Child labour was the highest in agriculture. A new sector that has emerged afflicted with child labour in recent years in rural Sindh is transport (QingQi rickshaw driving). Wood work and rag picking were two other hazardous sectors in these districts where a high prevalence of child labour was found.

After the devolution of labour, only Punjab province replaced the federal law with the Employment of Children (Amendment) Act 2011 and drafted the Prohibition of Employment of Children Bill 2012. Sindh, Balochistan and Khyber Pakhtunwa provinces had not finalized the draft laws by the yearend.

As children have no agency or representation, no voices, demands or protests are ever heard from the children themselves of their exploitation as labour. Human rights groups and civil society organizations working on children

keep the issue alive. During the year there were sporadic news of extreme forms of child labour abuse — torturing to death, sexual exploitation — in agriculture and domestic services.

### ***Recommendations***

*1. Formulation and implementation of a legal framework for labour laws at the federal level for harmony of laws in the provinces; speedy adaptation/reframing of labour laws by the provinces; coverage of agricultural workers in all labour laws;*

*2. Establishment of a unified body/authority for occupational safety and health; strengthening the labour inspection system at provincial level;*

*3. Effective implementation of national minimum wages, maximum working hours, minimum rest and paid leave; old-age benefits in relation to minimum wage; ; single labour welfare authority for national oversight and decentralised implementation;*

*4. Social Security to cover injury, sickness, loss of job, in relation to minimum wage;*

*5. Registration of workers with local government, independently of enterprises and current employment.*

## Social and economic rights

VI





# Education

*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)

*(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

*States Parties agree that Education of the Child shall be directed to:*

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;*
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;*
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;*
- (d) The preparation of the child for responsible life in a free society, in the*

*spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;*

(e) *The development of respect for the natural environment.*

### **Convention on the Rights of the Child**

Article 29

◆ *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 on Economic, Social and Cultural Rights**

Article 13

### **Education: a fundamental human right**

Education is a prerequisite for the exercise of all other human rights. The UN committee that oversees the implementation of the International Covenant on Economic Social and Cultural Rights (ICESCR), which Pakistan ratified in 2008, calls education both a human right in itself and an indispensable means of realizing other human rights. Education plays a vital role in empowering those groups and individuals who are vulnerable and susceptible to exploitation, and is strongly linked with the quality and dignity of life.

After the 18<sup>th</sup> constitutional amendment, the constitution now recognizes free primary education as a fundamental right. Both federal and provincial laws have been promulgated to implement the right. Yet more than nine million children do not receive primary or secondary education, and literacy rates have remained stagnant. Entering 2015, Pakistan seemed failing to meet its Millennium Development Goal of providing universal primary education by the yearend. The net primary school enrolment rate in 2012-2013 showed a

mere 1% increase from 2010-2011. There were significant gender disparities and differences between rural and urban areas. The combined federal/provincial budgetary allocation to education was the lowest in South Asia, at 2% of the Gross Domestic Product (GDP).

Equally distressing was the quality of education provided in both public and private primary schools in the country. According to the ICESCR, education must 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.” Education must 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.”

The question is whether what is being taught is enabling them to become more tolerant and progressive, or whether it is perpetuating the same prejudices, bigotry, and biases that have been slowly causing decay of the social fabric of the country.

2014 was a unique year for education in Pakistan. Violent attacks on educational institutions were widespread, especially in Balochistan and the north-west areas. The year ended with one of the most indiscriminate and brutal attacks on an educational institution in recent history, when the Tehreek-i-Taliban Pakistan killed 150 people, a vast majority of them children, in an army public school in Peshawar. On the other hand, Malala Yousafzai was awarded the Nobel Peace Prize (along with Kailash Satyarthi of India) for her “struggle against the suppression of children and young people and for the right of all children to education”. The award symbolized the hope that no child in Pakistan, regardless of gender, would be deprived of education. While the year started with Malala being ostracized and rejected by various segments in the country for furthering a “western agenda” and maligning the image of Pakistan internationally, it ended with a more universal consensus that violence was a major impediment to education in Pakistan.

### **International rankings and literacy rates**

Similar to previous years, Pakistan scored poorly in all major global human development rankings, performing even worse than neighboring countries with smaller GDPs. One key reason for Pakistan’s abysmal performance remained poor indicators in education.

A UNESCO report released in February 2014 revealed that Pakistan had the second highest number of out-of-school children in the world, a staggering 5.5 million, only after Nigeria. Pakistan also has the highest number of illiterate adults in the world, after India and China. The report also states that Pakistan is among the 21 countries facing an “extensive” learning crisis, which encapsulates a number of indices, such as enrolment, dropout rates, academic

performance and literacy.

According to the 2014 Human Development Report “*Sustaining Human Progress: reducing vulnerabilities and building resilience*”, published by the United Nations Development Programme (UNDP), Pakistan remained in the group of countries with low human development, showing little sign of improvement.

Pakistan ranked at 146 out of a total 187 countries on the index, scored 0.537 points on HDI, an improvement of a mere 0.002 points from last year’s score of 0.535. One striking reason for this low score was Pakistan’s performance in education. Pakistan’s mean duration for schooling was a dismal 4.4 years, and expected years of schooling only 7.7 years. This is in stark comparison to Pakistan’s neighboring countries, where the number is much higher. For example, expected years of schooling in India according to the report are 11.7 years; Nepal, 12.4 years; and Bhutan, 12.4 years.

Reiterating the same pattern, Pakistan was ranked at 129 out of the 144 economies around the world in the World Economic Forum’s (WEF) Global Competitiveness Report (GCR) 2014-2015, released in September 2014. Low enrollment in primary, secondary and tertiary education was said to be one of the main reasons for a decline in Pakistan’s competitiveness ranking. According to the report, at 129, Pakistan ranks the lowest among the SAARC member countries: India ranks at 71, Sri Lanka at 73, Nepal at 102, Bhutan at 103 and Bangladesh at 109.

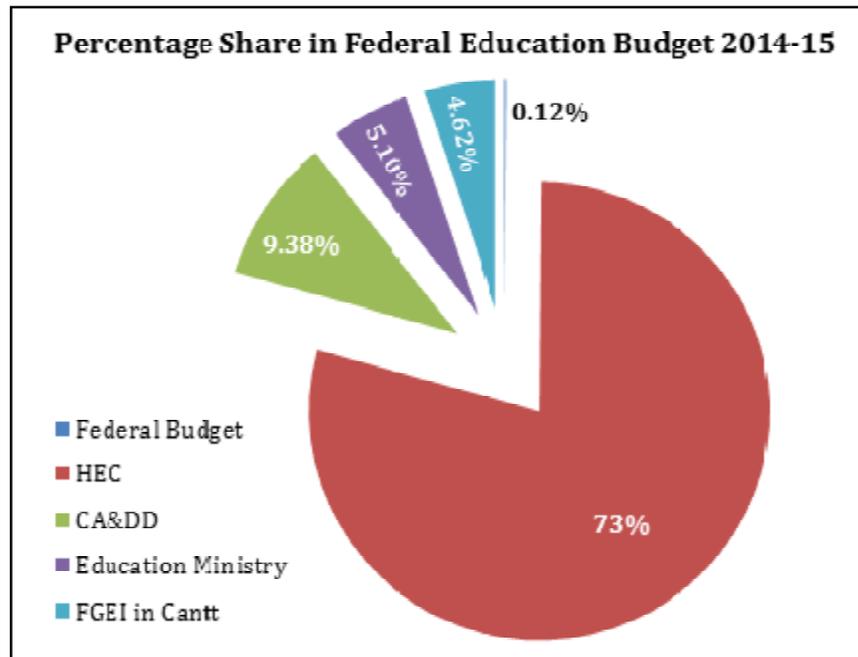
### **Government policies, priorities, and practice**

After the 18<sup>th</sup> amendment to the constitution, education is a provincial subject, and free education for all children between five and 16 now is a constitutional duty. Like the federal government, provincial governments too have declared education a priority and have frequently vouched to improve the abysmal indicators for education across all provinces. But these promises have not translated into policy yet.

### **Federal government**

The educational budget for the fiscal year 2014-15 has been put at Rs 63 billion, a little over 2% of the federal budget. 73% of the budget has been allocated for Higher Education Commission (HEC), 9.38% for the Capital Administration and Development Division (CADD), 5.1% for the Ministry of Education and Training, while 4.62 % has been apportioned for educational institutions working in cantonment areas.

Disappointingly, in real terms, the federal education budget shows a decrease of over Rs. 1 billion; after accounting for inflation, the education budget has been reduced by 11%, compared to the 2013-2014 federal budget. In 2013-2014, the federal government devised a “National Plan of Action for MDGS (Millennium Development Goals) Acceleration Framework” (MAF), which



commits the federal government to gradually increasing budgetary allocations for education from 2% of GDP to 4% by 2018 (which is still far below the 7% of GDP by 2015 target recommended in the National Education Policy, 2009). Going by the current trends, it seems unlikely that the government's own modest goals regarding increase in spending on education will be met in the coming years.

### ***Punjab***

In 2014-2015, the Punjab government allocated Rs 273 billion for education, which amounts to 26.1% of Punjab's total budget of Rs 1.044 trillion. This is the second highest provincial allocation to education after Khyber Pakhtunkhwa.

Out of the Rs 273 billion, Punjab earmarked around Rs 48 billion for development, which includes Rs 28.1 billion for school education, Rs 14 billion for higher education, Rs 2.4 billion for literacy and Rs 2.9 billion for sports and youth affairs. But the lion's share of the budget, Rs 224.69 billion, was earmarked for current expenditure, which includes recurring costs such as salaries.

### ***Sindh***

Sindh earmarked Rs 145 billion for education in 2014-2015, which is 21% of the total budget of Rs 686 billion. In 2013-14, the allocation was marginally lower at Rs 134 billion.

However, the development budget for education in Sindh was reduced to

Rs 10 billion, a dismal 7% of the education budget, compared to the previous year's Rs 16 billion.

The remaining budget includes Rs 15 billion for different elementary, primary and secondary education schemes and Rs 5 billion for universities and higher education.

### ***Khyber Pakhtunkhwa***

Khyber Pakhtunkhwa earmarked Rs 111 billion for education, which is 27.4% of its total Rs 404.8 billion budget, the highest of all provinces.

According to the KP government, Rs 14 billion of the budget was allocated for development, the same as in 2013-2014, while the other Rs 97 billion were earmarked for current expenditure.

The programmes highlighted in the new budget in KP include Rs 240 million for promoting girls education in Kohistan and Torghar; Rs 2 billion for additional rooms, toilets, building renovations, water and power connections with community collaboration; Rs 500 million for the CM Endowment Fund for deserving university students; Rs 2.5 billion for free academic books till intermediate level; and Rs 1.75 billion to raise the status of 100 madrasas to primary schools.

### ***Balochistan***

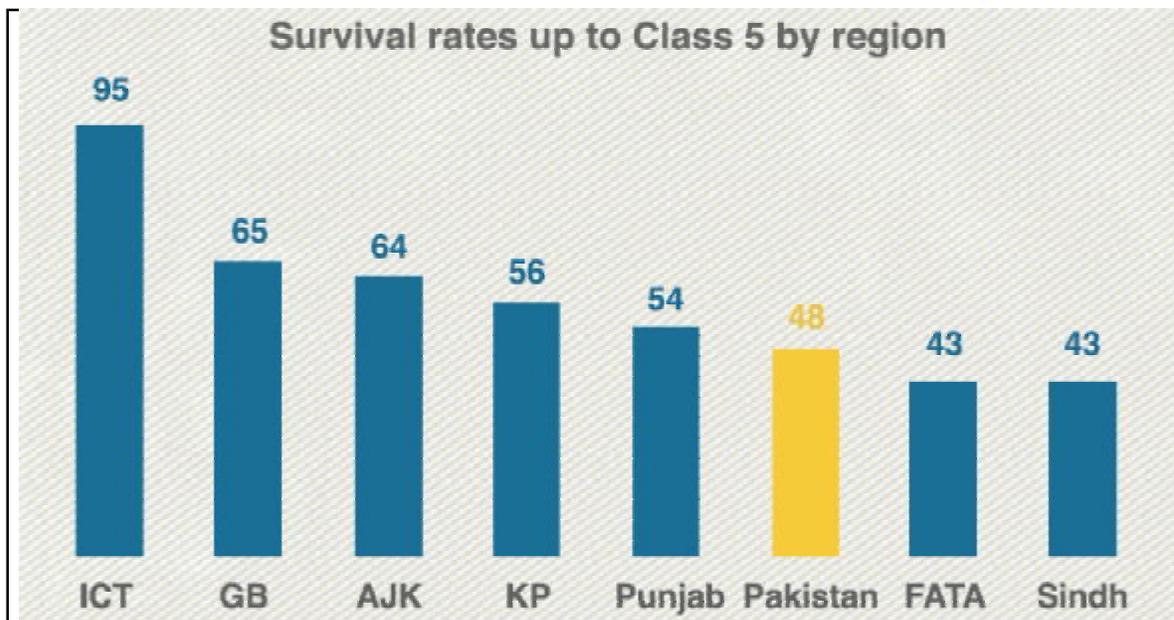
The Balochistan government raised its education budget by Rs 3 billion from 2013-2014, allocating Rs 28 billion for 2014-2015, which is 13% of Balochistan's total outlay of Rs 215 billion.

Rs 11 billion, 39% of the education budget, were earmarked for development, which includes establishment of two universities and 14 new colleges, and upgrading of 200 primary schools to middle schools.

## **Primary and secondary education**

Despite efforts to enforce the prohibition of corporal punishment in schools across the country, the practice continues unabated. In March 2014, the Ministry of Law, Justice and Human Rights announced the launch of a national campaign against corporal punishment, in collaboration with the South Asia Initiative to End Violence Against Children (SAIEVAC) and the South Asia Coordinating Group on Action against Violence against Children (SACG), and reaffirmed its commitment to the complete prohibition of the practice. A Prohibition of Corporal Punishment Bill 2014, which would prohibit the practice in all settings except the family home, was laid before the National Assembly in March 2014.

Enrollment rates and the conditions in schools in the country continued to be dismal. The Pakistan Education Atlas, 2013, produced jointly by the Academy of Educational Planning and Management (Ministry of Education) and the



Survival rates.

World Food Programme, released in March 2014, revealed that 32% children aged 5 to 9 were deprived of schools. The atlas also documented that 17% of the country’s primary schools were based in single rooms, and even three teachers per school on an average were not available. The report stated that 8% of schools did not even have buildings; 35% students went to school located in buildings without four-wall boundaries; 37% schools did not have toilet and sanitary facilities; 45% schools did not have electricity; and students in only 64% of primary schools in the country had access to drinking water.

A report by the International Crisis Group (ICG), entitled “Education Reform in Pakistan”, released in June 2014, expressed concern at teacher absenteeism in public schools and corrupt practices, including bribing education department employees to obtain jobs and then sharing salaries with them. The report highlighted that political links were also often a factor in appointments, postings and transfers, which resulted in poor quality control of teaching.

The state of primary and secondary schooling varied significantly across provinces. Punjab fared much better than the other provinces, with more than 80% children enrolled in schools, and according to a UNESCO report, children in Punjab exhibited better mathematical skills in comparison to children in Sindh, Balochistan and Khyber Pakhtunkhwa. Of most concern remained the situation of schooling in Balochistan and KP.

***Balochistan***

Child education in Balochistan, like other human development indicators, lags far behind other provinces.

According to Alif Ailaan, the dropout rate at primary schools is very alarming in Balochistan. Around 865,337 children enroll at primary schools



A teacher and his students study under date palms in Jan Mohammad Brohi Goth where the only school building cannot be used as its structure is considered dangerous.

and the rate falls to 191,300 when they reach middle school. However, 57% of children leave school without completing their primary education.

Public schools in Balochistan are in an appalling condition. Out of a total 12,347 state-run schools in Balochistan, only 6% are high schools. At least 76% of school-going children are enrolled at state-run schools, while 19% are studying at private schools and 5% are enrolled at religious seminaries.

Out of these, 216 schools are not functional and the quality of education generally is much poorer than in other provinces. Not a single district of Balochistan has topped any ranking in Pakistan when it comes to education. More than 14% of teachers do not teach at all but still draw salaries, while 37% schools are housed in single rooms. Of more than 10,000 schools in Balochistan, only 1,662 schools—less than 17%—are provided with electricity, while only 2,000 schools in the province have toilets.

Balochistan Chief Minister Dr Abdul Malik said the government did not have enough resources to overcome the challenges in the education sector. He said his government needed Rs63 billion to increase enrolment in schools. According PkMAP Senator Abdul Rauf the federal government should accept responsibility for the 65 years of neglect because of which education was in a dismal state in the province, instead of placing sole responsibility on the provincial government after the 18<sup>th</sup> amendment.

### ***Khyber Pakhtunkhwa***

More than 2.5 million children are still out of school across the province of KP.

The KP District Education Management Information System (EMIS) 2013-14 report states that the total population of boys between the ages of 5 and 16

is close to 3.7 million. However, around 736,000 of them are out of schools in the 25 districts of the province. The situation is far worse for the over 3.4 million girls of the province as around half of them, more than 1.7 million, are not receiving an education.

Low student enrollment is not the only problem facing education in the province. Of the over 78,000 sanctioned posts for teachers at the primary level, more than 6,800 positions, almost 10%, are vacant. On the intermediate level, 7,409 of the 21,494 sanctioned posts for teachers, almost 33%, are unoccupied. For secondary education, 6,315 of the 30,844 posts sanctioned by the government are vacant.

According to the Alif Ailaan's Pakistan District Education Ranking 2014 report, 14% of the total teachers are absent from school on any given day in the province.

### **Higher education**

Higher education in 2014 saw two significant highlights: the Higher Education Commission's (HEC) attempts at stifling debate and discourse in the country's universities by prohibiting any activities that challenged the "ideology and principles of Pakistan, and/or perspective of the government of Pakistan"; and Pakistan Medical and Dental Council's (PMDC) attempt to abolish its merit-based admission policy for medical colleges in favour of 50% reserved seats for boys and girls.

At a model United Nations event at the International Islamic University Islamabad, the presentation of a mock Israeli cultural stall resulted in a violent protest from the Islami Jamiat-i-Talaba, Jamaat-i-Islami's student wing, disrupting the event and causing participants to flee the campus.

The stall was set up as part of cultural activities designed to represent the States participating in the conference, modeled around sessions of the United Nations. It was a display of the students' exercising their right to "promote understanding, tolerance and friendship among all nations, racial or religious groups", as provided by the Universal Declaration of Human Rights.

However, it resulted in a Higher Education Commission issuing a notification, warning all universities and colleges against "...any activity that in any manner challenge[s] the ideology and principles of Pakistan, and/or perspective of the government of Pakistan."

Implementation of the notification, which would include prohibiting students from questioning the government's policies, would have a disastrous impact on the exercise of the right to education in Pakistan.

Educationists, activists and prominent academics raised their voice against the HEC's notification, arguing that it amounted to an unlawful interference

with freedom of expression on the campus.

On October 30, two days after the HEC's notification, the Prime Minister's Office called on the HEC to amend school, college and university curriculum to "promote the appreciation of the vital necessity of constitutional democracy... deepen the understanding of the constitutional democratic process and pluralism", aims that cannot be met if students blindly follow the "perspective of the government of Pakistan", as desired by HEC.

In September, Pakistan Medical Dental Council (PMDC) announced the abolition of merit-based admissions in favor of implementing a 50-50 quota for girls and boys seeking admission to the country's medical and dental colleges. The PMDC's President, Dr Masood Hameed argued that out of the 14,000 medical students graduating in Pakistan every year, 70% were women, but only 50% went on to practise medicine. Given that the government spent Rs2.4 million on each medical student admitted on a general merit seat, half the girls admitted on merit seats not practising was a huge loss to the country's investment.

The PMDC's claim that women are less likely to practise medicine than men after graduating is supported by record. However, instead of attempting to change the larger issues of patriarchy and sexism that plague the personal and professional lives of women and are a cause of a significant proportion of women with medical degrees not practising medicine, depriving young girls of getting a medical education appears to be a dangerous option.

The Lahore High Court held the quota unconstitutional and quashed the quota policy for its discriminatory treatment of men and women. However, the PMDC's express intention to challenge the ruling in the Supreme Court shows that equal educational opportunities for women in Pakistan remain a distant dream.

The unequal opportunities for girls and women in the country were illustrated in the World Economic Forum 2014 gender parity report, in which Pakistan ranked 103 out of 142 countries in tertiary education for women.

Pakistan's performance in higher and tertiary education enrollment also saw a decline in the World Economic Forum's Global Competitiveness Report, in which Pakistan went down to 129<sup>th</sup> place out of 144, as opposed to 121<sup>st</sup> place out of 148 countries in 2013.

The Higher Education Commission remained engulfed in various other controversies. Following the Islamabad High Court's order to the government to appoint a regular HEC chairperson, Prime Minister Nawaz Sharif appointed Dr Mukhtar Ahmed to the post. The appointment, however, was been challenged in the Islamabad High Court. The petitioner claimed that since the appointment was made without conducting interviews, it negated the competitive process

of selection, suitability and fitness.

Another issue plaguing higher education was that of sexual harassment. Multiple cases of sexual harassment of female students were reported, even in illustrious private universities. However, reporting harassment and ensuring accountability for perpetrators was not an easy task.

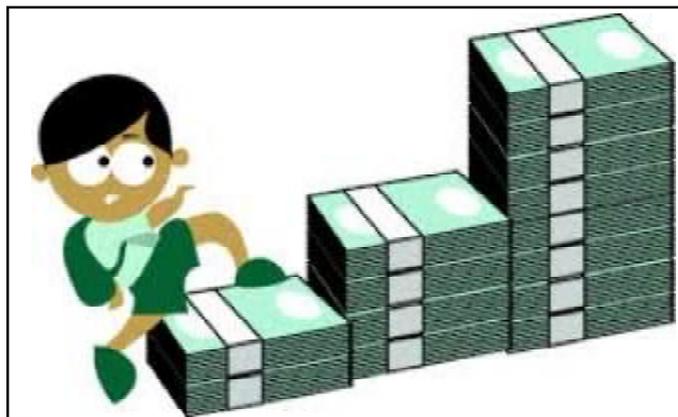
In June 2014, a female student complained that a teacher of Quaid-i-Azam University had sexually harassed her. The accused teacher was the head of the department and the student expressed concern that no staff member or student would dare to testify against him as long as he remained in the position of power. The university, however, held an internal inquiry whilst the accused maintained his position, and found that the allegations were unsubstantiated.

The university proceeded on the complaint under its own Efficiency and Discipline (E&D) Rules, 1973, as opposed to the recently passed Protection against Harassment of Women at the Workplace Act, 2010. The university holds the position that the Act does not apply to student-teacher relationships, a clear misreading of the law. The promoters of the enactment maintain that it does apply to students and teachers both.

Some parliamentarians, in particular Senator Farhatullah Babar, have attempted to amend the law to explicitly bring colleges and universities under its purview. However, the amendment has still not been adopted.

### **Private schools**

According to a World Bank policy paper entitled “Private School Participation in Pakistan”, released in May, about one-fifth of children go to private school in Pakistan, which translates into roughly one-third of all students given the sizeable share of the country’s children that are out of school. The policy paper also found, as expected, that private school students tended to come from urban, wealthier, and more educated households than government school students. Further, private schooling is highly concentrated in Pakistan, with over 50 percent of private school students situated in ten out of the country’s 113 districts. These 10



Private schools continued to charge high fees.

districts, most of them situated in the northern Punjab, tend to be more urban and wealthier.

Aware of their monopoly over education for the affording classes, and largely free from government regulation, private schools continued to increase fees at whim all over the country. That private schools were more about profit-making as opposed to realizing the right of education for Pakistan's children was illustrated by the concerted efforts of private schools to resist a provision of the Punjab Free and Compulsory Education Ordinance 2014, which made it binding on private schools to admit 10% students from Grade 1 to Grade 10 from disadvantaged or poor families and offer them free education.

Representatives of private schools in a meeting of Punjab Assembly's Standing Committee on Education opposed this provision arguing it might lead to "psychological problems" among students admitted through this policy.

Similarly, the Khyber Pakhtunkhwa government lost a legal battle over fee concession to students studying in private institutions after the Supreme Court overturned a February 1, 2011 judgment of the Peshawar High Court over the lawfulness of Article 106(ii) of the Education Code of NWFP, 1935, which says when two or more siblings attend the same school or different schools in the province, only the brother or sister in the highest class of a school will pay full fee whereas the other brother or sister will pay one half.

The Peshawar High Court in its 2011 judgment had expressed concern that education had become an industry and an enterprise. The court said that if humanistic and philanthropic considerations were divorced from the operation of private schools, the whole purpose of education would be defeated.

Private schools, however, challenged the judgment in the Supreme Court, which upheld their appeal on the ground the code had no legal force, and its operation would be manifestly unfair to private schools forced to cut school fees by half for some students.

The widely held perception that private schools were more progressive and tolerant than government schools also witnessed a reality check when All Pakistan Private Schools Federation, which claims to represent 150,000 schools in the country, organized "I am not Malala Day", condemning the Nobel Peace Prize winner for allegedly promoting an ideology that was against her country and religion.

They argued that Malala's description of Salman Rushdie's Satanic Verses in her memoir "I am Malala" supported Rushdie, making it offensive and against the ideology of Pakistan.

In the passage in question, Malala quotes her father as saying the book was "offensive to Islam", but that Muslims should be able to read the book and come up with their own response.

Private schools, similar to their public counterparts, were guilty of corrupt



Students light earthen lamps for the victims of the attack by Taliban gunmen on an army-run school in Peshawar.

practices, albeit of a different kind. According to officials in the Rawalpindi excise and taxation office, for example, over 700 private schools across the district had not paid their taxes for the last 10 years despite receiving several notices from the authorities. A Land Revenue official reported that out of 1,000 private educational institutions in the district, only 300 schools paid their taxes.

The prevalence of corporal punishment was also reported in private schools. In Faisalabad, a teacher beat a six-year old for “disrupting the class”, breaking his arm. Various other incidents of violence were reported from across Punjab.

In other parts of Pakistan, particularly in Balochistan, private schools became a major victim of extremism when in May 2014, an Islamist extremist group sent pamphlets to private schools in Turbat and Panjgur asking them to stop co-education and teaching in English language. The threats and pursuant violence caused private schools in the two districts to shut down for many months. The school closure, coupled with a fear of violence, was a great blow to an already dismal state of education in the province.

### **Madrasa education**

The attack on an army public school in Peshawar, killing over a 150 people, once again brought madrasa reform and scrutiny into the limelight. Prime Minister Sharif’s 20-point counter-terrorism agenda after the attack included prompt regularization of madrasas. Commentators and legislators all demanded that the government ban foreign funding to the madrasas involved in any type of militant training.

According to Jinnah Institute, more than 25,000 seminaries are registered

across Pakistan, accounting for about 200,000 full-time students. The number is as high as 1.5 million students if those enrolled part-time are included.

The federal government's National Internal Security Policy (NISP), published in February 2014, identified madrasas as being potential security threats because of their ability to "spread extremism". The policy document refers to "troublesome aspects of these madrasas, which impinge on national internal security, include financing from unidentified sources; publication and distribution of hate material". The policy specifies that "not all madrasas are a problem", but suggests that some have "taken a dangerous turn in cultivating non-tolerant and violent religious attitudes", spreading "radicalization literature" and preaching "complete rejection of other beliefs", while engaging in "sectarian indoctrination". The report also says that "a large number of terrorists either are, or have been students of madrasas where they were brainwashed to take up arms against the state". Finally, it calls for an overhaul of the madrasa education system, integrating it with the national educational system by "supporting their administration, financial audit and curriculum accreditation".

The National Assembly too supported the government's plans to reform madrasas by adopting a resolution aimed at improving and regulating studies at religious seminaries. The resolution, moved by PPP lawmaker Nafisa Shah, called on the government to "take steps to improve and regulate madrasa education".

The government's move to reform the country's madrasa system was vehemently opposed by religious parties in the country. Jamaat-e-Islami called the National Internal Security Policy a ploy of the "secular lobby"; Jamiat-e-Ulema-e-Islam-Fazl, the PML-N's coalition partner, warned the government against interfering in administrative, financial and curriculum-related matters of seminaries; and Secretary General of Wafaq-ul-Madaris Al-Arabia, Maulana Hanif Jalandhari, announced organizing rallies across the country to protect what he called the independence of the madrasas.

The Jamia Hafsa Madrasa in Islamabad renamed its library after Osama Bin Laden as a tribute to the man they considered a "hero of Islam" and a "martyr". The chief cleric of the madrasa is Maulana Abdul Aziz, who was acquitted of all charges related to the 2007 siege of Lal Masjid in September 2013.

Conditions at many madrasas remained bleak and corporal punishment was a common practice. There were reports from Daska, Kahna, Vehari, Gujranwala, Faisalabad, and Lahore, amongst others, in Punjab about teachers assaulting and at times causing severe injuries to their students. In March, the police took a 15-year-old boy in protective custody after he escaped from a madrasa in Lahore's Amar Sadhu village. The boy reported that he was kept in chains for six days at the madrasa. In July, 115 people, including children,

were recovered from a madrasa in Haripur, tied in chains.

There were also reports, mostly from FATA, that militants forced families to send their children to madrasas. Some demanded large sums of money from parents who refused, while others declared western system of education a sin.

The police claimed to have arrested 48 foreign students from registered and unregistered seminaries during a search operation in various cities and towns of Punjab. The operation was planned after “suspicious activities” were noted at a few seminaries, after which the police raided more than 10 madrasas in Lahore, Faisalabad, Chakwal and Dera Ghazi Khan.

### **Curriculum reform**

The right to education includes promoting understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups. In Pakistan, however, 2014 once again saw not just millions of children out of school, but also that the so-called “educated class” became more intolerant and bigoted. Educationists argue that an ideologically-driven education is a main reason behind the attitude.

In General Zia-ul-Haq’s regime, orthodoxy was actively infused in the national curriculum. Historical facts were distorted and the teaching of social sciences was aimed at fostering religious intolerance and xenophobia. Violent jihad and religious martyrdom were idolized, resistance to Indian rule in Kashmir was portrayed as a religious duty, and children were taught that all Hindus were enemies of Pakistan and Muslims.

Since the 1990s, successive governments have backtracked on their promises to carry out a comprehensive review of the curriculum for reform. This changed somewhat towards the end of General Musharraf’s rule, when two national committees made some efforts towards reform, first through the National Curriculum, 2006, and then the National Education Policy, 2009. History was expanded to include the pre-Islamic past and the struggles of both major Indian parties, the All India Muslim League and Indian National Congress, against colonial rule and towards independence. Yet, despite these improvements, the revised national curriculum still prescribes teaching of Islamic ideology and rituals in subjects that are mandatory regardless of a student’s religion; the Pakistani nation is still defined almost exclusively in terms of Muslim identity; and textbooks of history are replete with inaccuracies and bias.

Some efforts at reform have been undermined by political developments, such as the JJ’s alliance with PTI in the KP government following the 2013 elections. The JJ has objected to revising the provincial primary and secondary school syllabus for Islamic studies, a process initiated by the ANP government

after the 18<sup>th</sup> amendment was passed. In particular, the syllabus for Islamic studies for Grades 9 and 10 highlighted the importance of jihad. Educationists suggested that verses on jihad be taught to intermediate students because the students in Grade 9 and 10 were too young to understand their real meaning. Because of JI's resistance to this change, it remains to be seen whether the curriculum reform will be implemented in the province.

In addition, to appease its coalition partner, the PTI government in KP also agreed to remove allegedly "objectionable material" from the textbooks of primary schools. The "objectionable materials" included printing of pictures of minor girls without a dupatta, Christmas cakes, Cross emblem on an ambulance instead of Crescent, and the use of good morning instead of Assalamu Alaikum in some instances. According to educationists, implementation of these changes would be a big blow to the movement in KP to promote peace, coexistence and tolerance.

In Punjab, the provincial government passed The Punjab Curriculum and Textbook Ordinance, 2014, in September to settle the issue of the overlap between the mandates of the Punjab Textbook Board and the Punjab Curriculum Authority. The Ordinance merged their functions, and constituted a new Punjab Curriculum and Textbook Board.

Recognizing the importance of curriculum reform to promote tolerance and respect for religious minorities, hundreds of students from Azad Jammu and Kashmir, Gilgit-Baltistan, Federally Administered Tribal Areas (FATA) and other parts of the country passed a unanimous resolution in Lahore on September 10, urging the federal and provincial governments to recognize the contribution made by minorities and celebrate them as national heroes. The Bargad, a non-government organisation for youth development, in collaboration with the Punjab government, United Nations Population Fund (UNFPA), Umeed Jawan and other NGOs arranged the event.

In another development, the Lahore High Court on August 29 issued notices to the federal and Punjab governments to include the 1973 constitution in Urdu in the syllabus for students. The petitioner argued, and the court agreed, that all citizens of Pakistan must be introduced to fundamental rights, principles of policy and democracy at a young age.

In January 2014, the Pakistan People's Party co-chairperson Bilawal Bhutto-Zardari criticized the teaching of distorted history, Pakistan Studies and Islamic Studies in the country, and committed the government in Sindh province his party ruled, to introducing more secular and balanced textbooks in the curriculum. Following on from there, in July the spokesperson of the Senior Minister for Education and Literacy stated that the Advisory Committee on Curriculum and Textbooks Reforms would review the curriculum to identify gaps and scope for improvement. He said the committee would exclude any



Parents, students and residents of Panjgur protest against threats to schools.

material from the curriculum that promoted discrimination on the basis of gender, ethnicity or religion.

At the federal level, a major controversy erupted when on October 30, Prime Minister Nawaz Sharif directed the Higher Education Commission to revise the curriculum of Pakistan Studies, English and Urdu of all primary, middle and secondary schools as well as all colleges and universities, after consultation with and approval of the provincial governments.

The revisions must include chapters aimed at promoting appreciation of the vital necessity of constitutional democracy for Pakistan's progress and identity; deepening the understanding of the merits of the constitutional democratic process and pluralism in national and international context; strengthening the knowledge base of students to counter the common misunderstandings surrounding constitutional democracy; and enhancing critical appreciation of modes of accountability within the constitutional process like judicial oversight, media assessment, freedom of speech, right to information and elections.

To achieve the objectives, the PM directed the Higher Education Commission to coordinate with academics, universities and textbook publishers to develop within two months grade-appropriate material, including fables, stories, essays, speeches, teaching guides, teacher training material, extra-curricular activities, examinations and other relevant interventions, for all classes from the primary school to the university level, for public and private institutions, from the next academic year.

While analysts, educationists and political parties commended the emphasis on curriculum reform to promote diversity, tolerance and the rule of law, they expressed reservations as to how the PM could direct the HEC, a federal

institution, with designing the curriculum for primary and secondary schools, which after the 18<sup>th</sup> amendment was a provincial subject.

The notification came at a time when provincial governments were holding negotiations with the Centre over the constitution of a National Curriculum Council to bring uniformity in the education system after the 18<sup>th</sup> amendment. While the federal government preferred a council with more powers, the KP and Sindh governments pushed for an advisory council, which could only make non-binding recommendations to the provinces.

At a meeting of the Inter-Provincial Education Ministers Conference (IPEMC) in October, all provinces, except for Sindh, approved the formation of the National Curriculum Council, with at least one and a maximum of three members from the federal territory, each province, Gilgit-Baltistan, AJK and Federally Administered Tribal Areas. However, the terms of references and working procedure of the Council were to be decided in an IPEMC meeting scheduled for January 2015.

### **Violence, unsafe conditions and the pursuit of education**

A major challenge to education in Pakistan remains the prevalent insecurity, violence and attacks by various armed groups in different parts of the country. A survey of conflicts in 70 countries between 2009 and 2013, published by the US-based Global Coalition to Protect Education from Attack revealed that violent assaults on educational establishments were far more widespread than previously reported, and a total of 9,600 schools were damaged or destroyed by attacks in a period of four years. According to the survey, Pakistan was the worst-affected country, where more than 800 schools were deliberately attacked between 2009 and 2012 alone, and many were destroyed through explosions.

The year started off on a violent note for education in the country. On January 6, 2014, when a suicide bomber blew himself up outside a government school in the Shia-dominated Ibrahimzai area of Hangu district after a 14-year-old boy, Aitzaz Hasan, spotted him attempting to enter the school and tried to stop him. Killed on the spot, Aitzaz is remembered as the “hero of Hangu”, and has been awarded many awards, including the Sitara-e-Shujaat, posthumously. Lashkar-e-Jhangvi, a militant organization, claimed responsibility for this attack.

On January 15, at least 23 students on their way home from a quiz competition were killed in a school van crash. The incident highlighted the unsafe conditions of travel for students. Three teachers and the van driver also were killed when the van and a truck collided near Nawabshah, about 170 miles northeast of Karachi. The youths attended the Bright Future Public School in the town of Daulatpur.

The year ended with one of the most indiscriminate and brutal attacks on

an educational institution in recent history, not just in Pakistan but world-over. On December 16, the Tehreek-i-Taliban Pakistan attacked an army public school in Peshawar, killing 150 people, including at least 136 children. The TTP said the attack was in response to the military operation, Zarb-e-Azb, in North Waziristan.

Many other attacks on schools and teachers were reported in north-western Pakistan throughout the year. In February, unidentified motorcyclists shot dead three schoolteachers who were on their way home following school duty, again in the Hangu district. In August, a blast in Bajaur Agency killed six people, including three female teachers and two school children. And in October, unidentified attackers killed a public school teacher and injured two children in a grenade attack at Askari Public School in the Shabqadar area of Peshawar. The school had previously received letters threatening attacks if students were not directed to wear shalwar kameez instead of “western” attire.

Violent attacks on educational institutions were also one of the biggest obstacles in the pursuit of education in Balochistan.

In May 2014, masked men entered an English learning centre in Panjgur and threatened the teachers and students to stop teaching English as it was forbidden under Sharia law. A militant organization Tanzeem-ul-Islami-ul-Furqan claimed responsibility for the threats. Due to similar acts of threats and intimidation, all private educational institutions and English learning centres were closed in Panjgur for more than three months. When the institutions finally reopened in August, teachers reported that attendance was less than 40%.

To make matters worse, in September 2014, armed men set fire to a private school in the Dasht area of Turbat, a western district of Balochistan. A group calling itself “al-Jihad” claimed responsibility for the attack. The group also distributed pamphlets with warnings that private schools should “stop imparting western education, particularly in English” to children in the school, and claimed the attack was part of a ‘holy war’ against western-style education.

Many students were forced to migrate from Panjgur and Turbat to Quetta or Karachi after the escalation in attacks on schools and colleges in the two districts.

Sporadic incidents of violence were also reported in Karachi. In April 2014, unidentified militants killed three students of a madrasa in Gulshan-e-Iqbal Town in Karachi. A few days later, at least three madrasa students were shot dead in the North Nazimabad town of Karachi.

Another facet of violence was the presence and operation of militant student groups in universities. There were many reports of students, mostly affiliated with the IJT, harassing and threatening teachers and other students. In February



Pakistan ranks eleventh-worst in terms of equal access to education.

2014, for example, members of Islami Jamiat Talaba (IJT) and Pakhtun Students Federation (PSF) exchanged firing at Peshawar University over Valentine's Day.

According to reports, IJT activists stopped students from celebrating Valentine's Day and insisted that they observed "Haya Day" instead, after which IJT and PSF activists opened fire on each other, injuring at least five students.

Again in September 2014, many students were injured when IJT clashed with the administration of Punjab University in Lahore. The administration tried to remove IJT's stands in front of one of the university's auditoriums, leading to a fight. A few days later, PU Hall Council Chairman Professor Dr Muhammad Akhtar's house was attacked, allegedly by the IJT in reaction to the administration's refusal to allow IJT to set up admission stalls.

### **Gender discrimination**

"I'm thankful to my father for not clipping my wings — for letting me to fly and achieve my goals, for showing to the world that a girl is not supposed to be a slave. A girl has the power to go forward in her life. And she's not only a mother, she's not only a sister, she's not only a wife. But a girl should have an identity. She should be recognized and she has equal rights with a boy."

These were the words of Malala Yousafzai as she accepted the Nobel Peace Prize at the age of only 17. Her speech highlights the impediments that exist between girls and education in the country, and shows that the fight for equal educational opportunities for girls in the country will be slow and long.

Global reports and indexes confirm that while education for boys and girls remains in disarray in Pakistan, girls suffer more from this dismal state of

affairs than their male counterparts. The Global Gender Gap Report 2014, published by the World Economic Forum, assessed 142 countries on how well resources and opportunities were divided among male and female populations. Pakistan was placed at the 142<sup>nd</sup> position, followed only by Yemen.

According to the index, Pakistan ranks second-worst in economic participation and opportunity, and eleventh-worst in terms of equal access to education.

According to the Pakistan Population Council, a research and capacity-building group, poverty is an obvious adverse factor for girls' schooling. When large families can only afford school for some of their children, daughters often lose out to sons. Other factors that hindered girls' education included difficulty in access and long distances to school (with dangers of sexual violence); cultural constraints; early marriage and/or pregnancy; and lack of water and sanitation in schools.

Education for females has also been a target for militants operating in the country. More than half of the schools destroyed by the Taliban in Swat, for example, were meant for girls.

### ***Recommendations***

1. *The right to education enshrined in the constitution should be expanded to reflect Pakistan's international human rights obligations, including the ideal that education should aim at promoting understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups. A healthy debate on curriculum reform should be generated and all historical and other errors and biases in the textbooks removed. Human rights should be included in the curriculum starting from primary school, as promised by Pakistan in its Universal Periodic Review, 2012.*

2. *The budgetary allocation for education must be increased to at least 4% of the country's GDP to reflect the government's claim that education is a cornerstone for development, peace and harmony. The abysmal conditions of schools must immediately be corrected and minimum standards of comfort and safety enforced in all schools.*

3. *A stringent, across-the-board law to prohibit corporal punishment in schools and madrasas must be enacted and care must be taken to ensure that the law is also implemented.*

4. *The Protection against Harassment of Women at the Workplace Act, 2010, should be elaborated to expressly cover harassment of students in educational institutions. Efforts must be made to ensure that girls are provided with a safe and comfortable environment to study. Training on how to be gender sensitive should be provided to all teachers and a review of the*

*curriculum carried out to ensure it is gender sensitive. The government should also ensure that public schools, especially schools for girls, are situated close to communities, especially in less developed rural areas, to encourage girls to attend school without fear for their safety.*

*5. The government should take measures to prevent the occurrence of attacks and threats against educational institutions, including those which undermine women and girls' fundamental right to an education, and to ensure that perpetrators of such acts of violence are promptly collared, prosecuted and punished. Educational institutions subjected to violence should be promptly repaired and rebuilt. Students affected by violence should be reintegrated into other schools and universities as soon as possible. Violence on campuses must not be tolerated and strict action must be taken against all perpetrators. Besides, elected students' unions must be encouraged and all barriers on legitimate student politics should be removed.*

# 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**

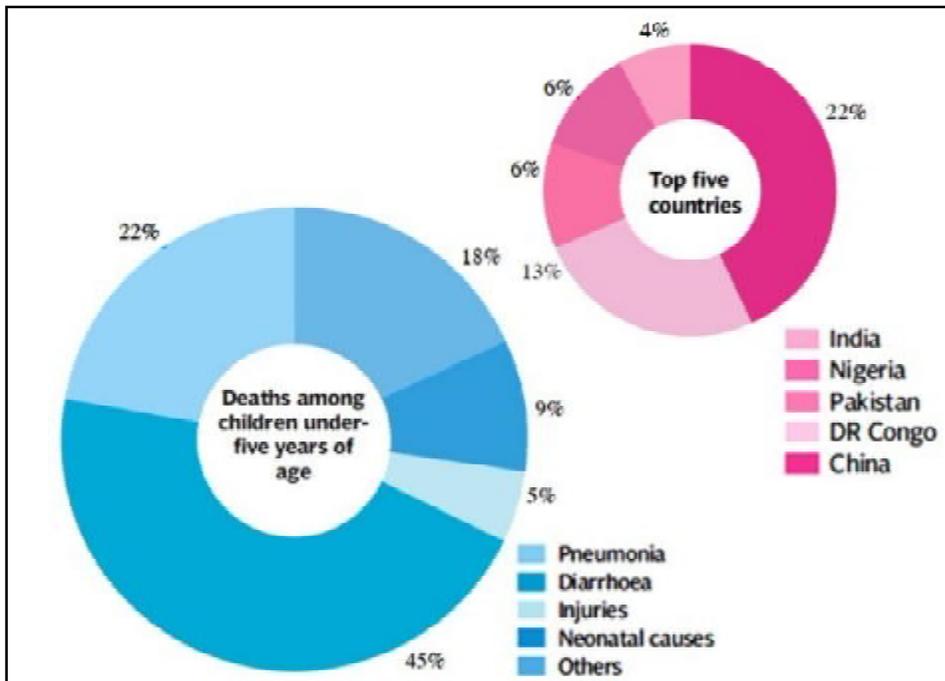
Article 38(a) and (d)

*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)

Access to quality healthcare is a constitutional right of the citizens of Pakistan. Unfortunately, successive governments have failed to ensure its provision. Though government hospitals, basic and primary health units and government-run dispensaries exist all over the country, they often lack the required staff, equipment and facilities. Also, the government hardly focuses on the preventive side which in turn increases the burden on the curative services it offers. Many people approach the doctors once they are diagnosed with a disease in its advanced stage. They remain unaware of the diseases as they have limited or no access to public sector diagnostic services. Even



Pakistan tough place for children to stay alive.

otherwise, diagnostic facilities are often missing at government-run health facilities.

Due to the inability of the state to fulfil the obligation, people are left helpless and dependent on health services offered by the heavily-charging private sector most of them cannot afford.

Healthcare in Pakistan is administered mainly in the private sector which accounts for 70% to 80% of all outpatient visits. The overall health status of its citizens is far from satisfactory. Around 19% of the population and 30% of children under the age of five are malnourished.

According to The Economic Survey of Pakistan 2013-2014, some specific gaps have continued to persist largely on account of demographic, epidemiological and socio-economic factors, leaving large segments of population with inadequate health care access. "Healthcare facilities in some parts of the country are found to be inadequate and also mostly ill equipped and the coverage also varies across the provinces. The shortage of trained health workers and the rising population pressure on public health institutions has allowed the private sector to bridge the demand/supply gaps," the survey says.

The health sector under-development is manifested in Pakistan's poor health indicators. Life expectancy at birth is 59 years while the average for other comparable countries is 61 years. The infant mortality rate is 95 per thousand as compared to 60 in other countries. Expenditure on health as a percentage of GNP also remains low.

WHO sums up the government health services situation saying that though an extensive health care infrastructure is in place, it has not been translated

into optimal health care delivery because of poor motivation of the health workforce due to lack of good career structures and work environments, maldistribution of resources between urban and rural areas, and the lack of a national human resource for health policy. It says Pakistan spends only 0.5% of its gross domestic product (GDP) on health, which is very low. This leads to an inability of the government to provide the required medicine and laboratory support to healthcare delivery resulting in an out-of-pocket expenditure on health of around 80%. The health information system does not produce the quality data required for planning.

### **Health budget (All provinces)**

This year's federal budget has allocated Rs 26.8 billion for running several national health programmes such as hepatitis, malaria and tuberculosis control.

Health is a provincial subject. Punjab kept Rs 73.2 billion or 5.4 per cent of its budget and KP just over Rs29 billion or 7.9 per cent of its budget, for health. Sindh was to spend Rs 43 billion, 20 per cent more than the last year. The amount constituted 7.3 per cent of its budget. Balochistan pledged Rs 14.14 billion to health, an increase of 26pc over the previous year's budget. With 9.9 per cent, the province also topped in the percentage of its total budget allocated for health.

### **Maternal health and infant mortality**

Despite being priority areas under the health initiatives taken by the governments, poor maternal health and high infant mortality continue to haunt the country. A recent report released by the United Nations Population Fund (UNFPA) states that an estimated 14,000 women die annually in Pakistan due to complications in childbirth. The report adds that the country's maternal and infant mortality rates are the highest in South Asia.

Pakistan has also been ranked 26th on the list of countries with the highest infant mortality rates across the globe in a report titled "The State of The World's Children 2014" released by The United Nations Children's Fund (Unicef).

A survey and a study shared by Save the Children, UK, in 2014 reveal some stark realities that call for immediate action and planning by the authorities. The survey titled "Ending Newborn Deaths" states that Pakistan records the highest number of stillbirths globally making it the most dangerous place to be a mother or a child. The research study "State of the World's Mothers: saving mothers and children in humanitarian crises" ranks Pakistan 147 out of 178 countries (covered under it) in terms of child and maternal well-being due to poor healthcare services, poverty, malnutrition and natural calamities.

Due to malnutrition, deliveries carried out by inexperienced midwives,

unsafe abortions, child marriages, and lack of access to quality health services, to quote Pakistan's Population Council, unsafe abortions account for 13 percent of maternal deaths in the country and 34 percent of pregnant women suffer from malnutrition, including deficiencies in vitamin A, zinc, and iodine.

High maternal mortality ratio also comes from marriage of young girls unequipped to handle pregnancy and childbirth. The Sindh Assembly has passed Sindh Child Marriage Restraint Act, 2013 and raised the minimum age of both the intending bride and bridegroom to 18 years. The Punjab Assembly has passed a resolution to put an end to under-age marriages but it was yet to legislate on upgrading the laws to this effect by the yearend.

In Pakistan, under-5 mortality rate is 89 per 1000 live births and two third of these occur during the neonatal period (55 per 1000 live births) while 74 per cent of total neonatal deaths take place in the first week of life. Pakistan Demographic and Health Survey (PDHS) 2014 shows that the country has the highest bottle-feeding rates and the lowest exclusive breastfeeding rates in South Asia.

## **Malnutrition**

Pakistan continues to suffer from acute food insecurity and malnutrition, particularly in Sindh where close to a thousand people including newborns and infants died in drought-hit Tharparkar during the year due to these reasons. According to a Save the Children report, about 800,000 children die annually in Pakistan, 35% of them, i.e. 280,000, due to malnutrition.

The United Nations' Food and Agriculture Organisation (UNFAO) has said that 40% of the country's children are malnourished and underweight due to lack of access to adequate food. It has also expressed concern that despite Pakistan being one of the major food producing countries in the world, half of its population is food insecure.

Besides, Pakistan is among the countries that suffer from two of the commonest forms of malnutrition: under five stunting and anaemia among women during the child bearing years. Malnutrition in Pakistan also contributes to high morbidity among pregnant and lactating women.

An SDPI report titled "State of Food Security in Pakistan and Policy Options" states that apart from the Punjab, province-wise situation is alarming. The Punjab has 21 food surplus and only 9 deficient districts. Balochistan, FATA and GB have the largest number of food deficient districts. Balochistan has 22 districts, which are extremely food deficient and three with less deficiency. In GB, the number is 6.

The report adds that distribution of districts on availability scale shows a more balancing picture in Sindh. Here seven districts fall in the categories of



Around 19% of the population and 30% of children under the age of five are malnourished.

extremely to very deficit while 9 districts fall in sufficient to surplus categories.

The reasons for this situation are poverty, poor governance, inequitable distribution, climate change, insufficient emphasis on agricultural growth, urban development, growing population, inflation, internal displacement due to natural disasters such as drought and floods.

The federal government established National Food Security Commission (NFSC) in 2014 which is a step forward towards development of a national policy for the long-term sustainability of food security and agriculture development. The commission is headed by the prime minister of Pakistan. However, there was no development regarding the Infant Feeding Board which was formed by the federal government in 2013 to implement breastfeeding law. The board failed to meet even for once in 2014. Pakistan has the highest bottle-feeding rates and the lowest exclusive breastfeeding rates in South Asia.

Another step in this regard is the formulation of “revised national guidelines” on community-based management of acute malnutrition (CMAM) by the federal government to help improve the health of children and women. The Ministry of National Health Services, Regulations, and Coordination (NHSRC) has shared these guidelines prepared during 2014 with the provinces.

### **Drug price mechanism**

Pricing of medicines in Pakistan is contentious and has historically been a subject of the federal government. Even after the devolution of health as provincial subject, a Drug Regulatory Authority of Pakistan (DRAP) has been established to look after registration and pricing of drugs. DRAP failed to firm



Prices of some drugs were comparatively high in the market.

up a drug pricing policy in 2014.

Saira Afzal Tarar, Minister of State for Health Services, Regulations and Coordination, has promised a drug pricing policy by the end of 2016. According to her the pricing mechanism will be linked with Consumer Price Index inflation; the prices will increase or decrease automatically with changes in CPI. Some manufacturing companies had got stay orders from a court in 2013 and so, prices of some drugs were comparatively high in the market.

Otherwise, the industry claims that pharmaceutical companies have not been allowed an across-the-board increase in prices of their products. Increase, if allowed, was only in hardship cases where certain manufactures had contacted the authorities and contested that they could not manufacture certain medicines due to their financial non-viability.

Multinationals and local pharmaceutical companies are demanding a hike in drug prices. They say that 61% of the top 28 selling brands are cheaper in Pakistan than in India and Bangladesh. They also contend the government has denied companies an increase in prices on 318 molecules that form the components of hundreds of drugs and is forcing them to reduce prices of some drugs by as much as 30%.

Pharmaceutical companies are demanding a price mechanism recommended by the World Health Organization (WHO). Called “reference price mechanism,” this formula links the prices of drugs to the average price of similar medicines in the neighbouring countries. At the moment, price determination is done on the basis of the cost-plus system. Under this system, DRAP has to get involved with each manufacturer and work out the prices of their products on the basis of the manufacturing cost of individual units.

### **Unsafe blood transfusion**

The world was taken by storm when the news about some thalasseemics being found HIV-positive was carried by the national media. The news was

based on a statement made by the Thalassemia Federation of Pakistan, a consortium of organisations working with thalassemia patients. It said the children were injected tainted blood donated by donors who were HIV positive. Besides, it saw a very high incidence of hepatitis B and C in transfusion-dependent thalassaemics in the country with up to 80% of patients being hepatitis B or C positive.

Though the Health Department termed it a sweeping statement as the affected children had not been defined, the inquiries into the incident revealed many flaws in the blood transfusion mechanism.

In another incident, a Pakistan Institute of Medical Sciences (Pims) doctor said that out of the 1,250 patients registered with the hospital's thalassaemia centre, one had tested positive for HIV. The affected girl lived in Rawalpindi. She tested positive for HIV after receiving infected blood from a blood bank in Rawalpindi.

Blood transfusion services in Pakistan are neither organised nor consistently regulated. Blood and blood products are only produced and stored by isolated blood banks, operated by both state and private providers. The blood banks are subject to unsystematic state quality controls and they do not always meet the standards for patient care. The level of training among staff entrusted with blood transfusion also varies considerably among the various transfusion services.

As the concept of blood safety implies collecting blood from healthy voluntary donors, ensuring proper storage of blood, screening donor blood to ensure that it is safe from transmissible infections, preparing blood components and avoiding irrational clinical use. To achieve this end, the Government of Pakistan planned launching a nationally organized and coordinated blood transfusion service to meet the nation's routine and emergency requirements of blood. Development of a National Policy and Strategic Framework 2014-20 for Blood Transfusion Services (BTS) with the support of GIZ is a step in this direction taken by the Ministry of National Health Services, Regulation and Coordination.

According to Safe Blood Transfusion Programme (SBTP), Pakistan faces an acute shortage of blood for transfusions. Out of the total blood collected annually through donations, 30 per cent is given to thalassaemia patients. This increases their vulnerability to diseases contracted through blood transfusions. The risks are high as a number of blood banks across the country are selling blood for transfusions without proper screening.

## **Reproductive health**

The right to reproductive health implies that people are able to have a satisfying and safe sex life and that they have the capacity to reproduce and



Thalassaemia patients are at HIV risk due to unsafe blood transfusion.

the freedom to decide if, when and how often to do so. Pakistan has a National Reproductive Health Package which offers family planning for women and men, maternal healthcare, infant health care, treatment of infertility and management of reproductive health related problems faced by adults.

Though several efforts are underway to ensure Sexual and Reproductive Health Rights (SRHR) to masses, the results are not that satisfactory, thanks to lack of education, religious and political conservatism, lack of decision power with women, people's vulnerabilities to migration, natural disasters, conflict, and displacement.

Despite constituting half the country's population, women in Pakistan still struggle to have access to good health and education services. Half the women in Pakistan get married before the age of 18. Deaths from pregnancy-related complications stand at 276 per 100,000 live births and early marriages are a major reason for this mortality. The Contraceptive Prevalence Rate (CPR) has been stagnant for many years and hovering around 35 per cent.

Abortion is legal only if carried out for the medical treatment of a pregnant woman in the early stages of pregnancy. Previously, the Pakistan Penal Code allowed for abortion only if it was required to save the life of the pregnant woman. The amended section 338 of the Penal Code states: "Whoever causes a woman with child whose organs have not been formed, to miscarry, if such miscarriage is not caused in good faith for the purpose of saving the life of the woman, or providing necessary treatment to her, is said to cause Isqat-I-Haml (abortion)."

The National Commission on Status of Women (NCSW) has redrafted the Reproductive Healthcare and Rights Bill, 2014, which has been referred to the Ministry of National Health Services, Regulation and Coordination for

introducing it in the parliament for approval. It is hoped that once approved this law will go a long way in ensuring SRHR of the citizens.

There has been a significant increase in the allocations under the public sector development programme for population welfare. The government aims to take CPR from the current 35 per cent to 55 per cent in 2020. There are 4,500 outlets providing family planning services alongside 14,000 healthcare centres across the country, a number insufficient to cater to the needs of the growing population.

### **Mental health**

The cases of psychological or behavioural disorders have gone up sharply in South Asia and especially in Pakistan owing to socioeconomic changes in the past few years. Besides, the deteriorating law and order situation and incidents of terrorism have infused a sense of fear and insecurity among the masses. This has badly affected their mental health.

More than 15 percent of the country's population is estimated to be suffering from mild to moderate psychiatric illnesses and most of these patients are women. The shortage of mental health professionals makes things worse. Pakistan has only one psychiatrist for every 10,000 people suffering from any of the mental disorders, while one child psychiatrist for four million children. According to Pakistan Association for Mental Health (PAMH) there are only 750 trained psychiatrists in Pakistan and 3,000 hospital beds, while the number of patients is increasing by the day.

Unfortunately, in Pakistan, most mental disorders remain undetected and people who suffer from these are referred to quacks, shrines, holymen, self-acclaimed spiritual healers and practitioners of black magic. The abnormal behaviour of mentally ill people is believed to be caused by the influence of evil spirits on them.

Pakistan lacks a proper legal framework to cover mental health patients. The Sindh government made a major advancement in mental health legislation. The provincial assembly passed the Sindh Mental Health Act 2013, replacing the Lunacy Act 1912, in September 2013. However, the Sindh law department is yet to announce the rules and regulations required to implement this law. The other three provinces have not come up with similar acts so far.

According to Sindh Mental Health Act 2013, "Any person who carries out any form of inhumane treatment, on a mentally disordered person which includes: trepanning, branding, scalding, beating, exorcising, chaining to a tree etc of any such person or subjecting a child to the cultural practice of rendering him mentally retarded, by inducing microcephaly, or subjecting any



The cases of behavioural disorders have gone up sharply in Pakistan.

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such person to physical, emotional or sexual abuse, shall be guilty of an offence, punishable with rigorous imprisonment which may extend to five years or with fine extending up to rupees fifty thousand or with both.”

Following the terrorist attack on Army Public School (APS), Peshawar, the government has decided to establish psycho-trauma centres for victims of natural disasters, accidents, and terrorist attacks. The National Psycho-Social Advisory Council, headed by the prime minister took this decision.

### **Occupational safety and health (OSH)**

The industrial and agricultural workforce in Pakistan is highly vulnerable to diseases of all sorts. Workers are not protected against the health hazards they confront due to the nature of their work and the processes involved. The burden of healthcare provided to these workers can be reduced by making the employers comply with the health and safety regulations. Proper labour inspections by the provincial labour departments can serve but unfortunately these are mostly conducted just to fulfil the formalities. Tuberculosis, silicosis, joint and back pain, injuries, burns, vision loss are some of the health hazards workers face in the country.

Pakistan has ratified 36 ILO Conventions out of the total 189. Of these 189 ILO Conventions, 20 relate to OSH. Of the 36 ILO Conventions ratified by Pakistan, only 1 (C-45) relates to OSH – though not directly. Unfortunately for the workers, Pakistan has not yet ratified major OSH Conventions (C-155, C-161, and C-187).

In 2012, after the factory fire of Baldia Town, Karachi, ILO supported the



Tuberculosis, silicosis, joint and back pain, injuries, burns, vision loss are some of the health hazards workers face in the country.

government, the employers and the workers to develop a Joint Action Plan on Workplace Safety & Health. Signed up in October 2013, the plan has 23 action points categorized under three main areas, i.e. (a) Occupational Safety & Health; (b) Labour Inspection and (c) Social Protection/Work injury compensation.

Work on 12 (out of 23) action points has started in Sindh. A tripartite provincial steering committee on OSH has been established. First provincial OSH policy has also been drafted and sent for cabinet's approval. A standalone provincial OSH law has been drafted and is being vetted by the government, workers and employers. A process for revival of defunct 'Sindh OSH Centre' has started. A national 'Labour Inspection and OSH Profile' is being developed.

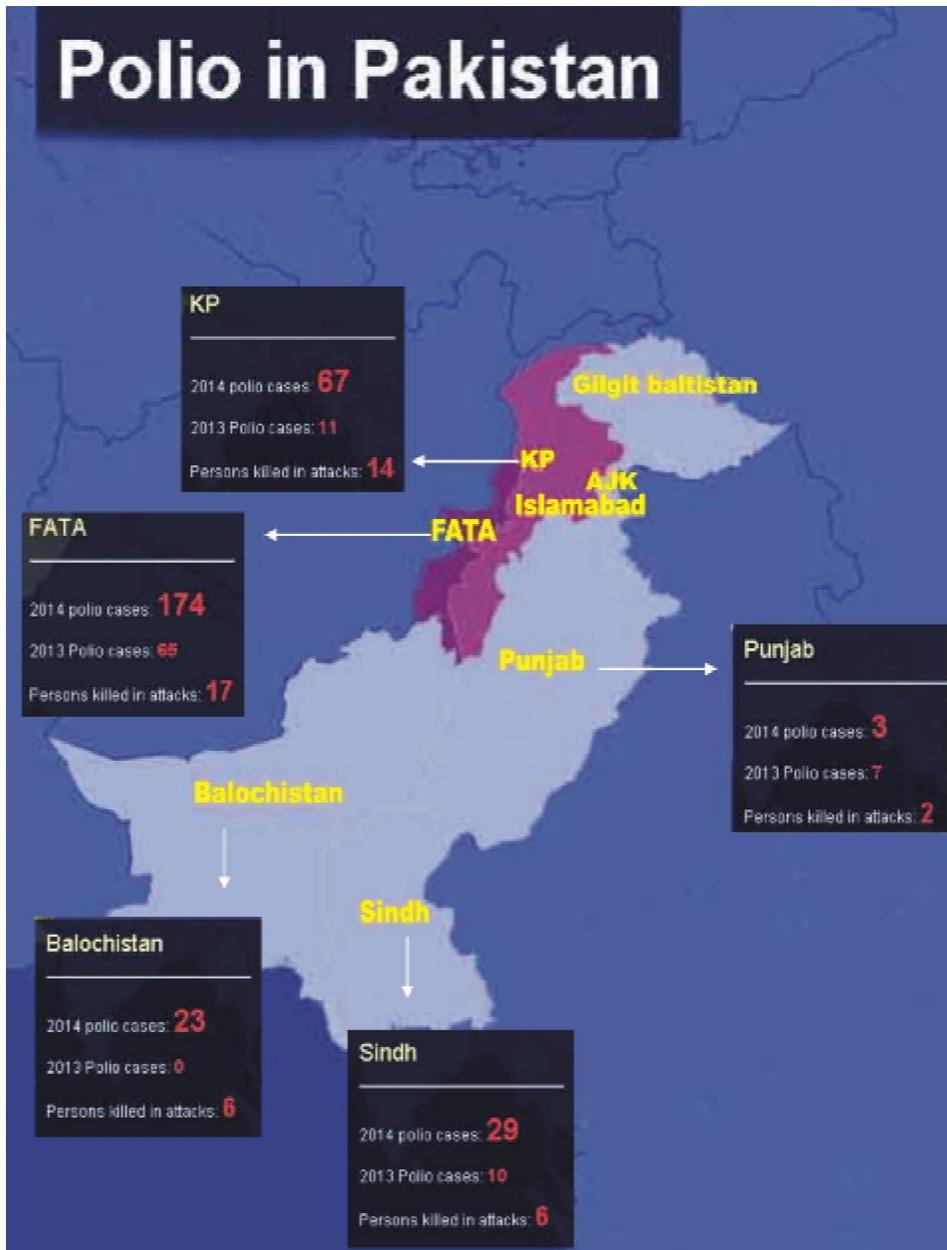
Through the federal ministry for overseas Pakistanis and human resource development, other provinces are being encouraged to adopt similar systematic and mutually accepted provincial plans.

## **Polio**

With 306 cases, the year 2014 has been described as one of the worst years in the history of polio eradication in Pakistan. Of these 306 cases, 179 were detected in Fata, 68 in KP, 25 in Balochistan, 4 in Punjab and 30 in Sindh. The cases in Pakistan accounted for 86% of the 356 detected worldwide.

According to a statement released by the Emergency Operation Centre (EOC) established at the Centre, more than 90% cases were detected in areas inaccessible for polio vaccination due to poor law and order situation and the ban imposed by militants. Though 17 national, sub-national and short interval

# Polio in Pakistan



## Polio cases in provinces

PROVINCE	2009	2010	2011	2012	2013	2014	2015
PUNJAB	17	7	9	2	7	4	0
SINDH	12	27	33	4	10	30	1
KPK	29	24	23	27	11	68	4
FATA	20	74	59	20	65	179	2
BALUCHISTAN	11	12	73	4	0	25	0
GILGIT-BALTISTAN	0	0	1	1	0	0	0
TOTAL	89	144	198	58	93	306	7

campaigns were conducted during 2014 targetting over 34.6 million children below five years of age, the international community is asking the country to take concrete measures to tackle this menace.

### **Travel restrictions**

After issuing repeated warnings and keeping in view the dismal performance of the country in eliminating polio, the World Health Organisation (WHO) recommended strict travel restrictions for Pakistan on May 5, 2014. Under these restrictions that became effective on June 1, 2014, it was made mandatory for people of all ages to receive polio drops and produce certificates confirming this before travelling out of the country. This meant that the outbound travelers would receive polio drops and get certification issued by the health department.

The certificates issued for this pass are valid for a year and supposed to be shown at the points of departure-airports, international borders, seaports etc. Emergency polio vaccine booths have also been set up at such locations to facilitate passengers who fail to produce certificates at the time of departure.

Of late, some countries have decided to ask Pakistani visa applicants to provide polio vaccine certificates at the time of applying for their visas. India is one such example.

### **Killings of polio workers**

The violent attacks on polio workers and their killings have had an adverse impact on polio vaccine campaigns in Pakistan. Over the years, armed groups have attacked polio workers with impunity. The polio workers have been charged with spying for CIA and working as agents of anti-Islam forces.

Though most such incidents occur in Fata, KP and Karachi, this year polio workers were killed in Balochistan and Punjab as well. Figures shared by authorities reveal that 45 members of polio teams-vaccinators and their facilitators were killed during 2014. The deadliest attack of the year took place on March 1, 2014 when 11 members of a polio vaccination team died in a roadside bomb blast in Khyber agency.

The militants also killed many security personnel deputed to guard polio workers throughout the country evidencing the failure of the state to provide security to its citizens and protect them from a crippling disease.

### **Malaria**

Malaria, the second most prevalent and devastating communicable disease in the country, has been a major cause of morbidity in Pakistan. More than 90 percent of disease burden in the country is shared by 56 highly endemic districts,

mostly located in Balochistan (17 out of 29 districts), FATA (7 agencies), Sindh (12 districts) and Khyber Pakhtunkhwa (12 districts).

## **HIV/AIDS**

The prevalence of HIV/ AIDS is considered to be less than one percent. The AIDS Control Programme focuses on Behaviour Change Communication (BCC), services to high risk population groups, treatment of Sexually Transmitted Infections (STIs), supply of safe blood and capacity building of various stakeholders. There will be an emphasis on increasing screening facilities across the country.

According to the National AIDS Control Programme 86,000 HIV-positive patients are registered with the government. The HIV positive cases are reported to the AIDS Control Programmes at federal and provincial levels. The programme is technically supported by the UN agencies and Global Fund against AIDS, TB and Malaria.

## **Hepatitis C**

Approximately 1.5 million people die of viral hepatitis every year worldwide. An estimated 18 million people are infected with the hepatitis B and C virus in Pakistan and the number is continuously increasing. According to the Aga Khan University Hospital (AKUH) there are around 250,000 new hepatitis infections annually. The majority of untreated and relapse cases are at risk for progressing to liver cancer. As a result, liver cancer is now the fastest-growing cancer in Pakistan.

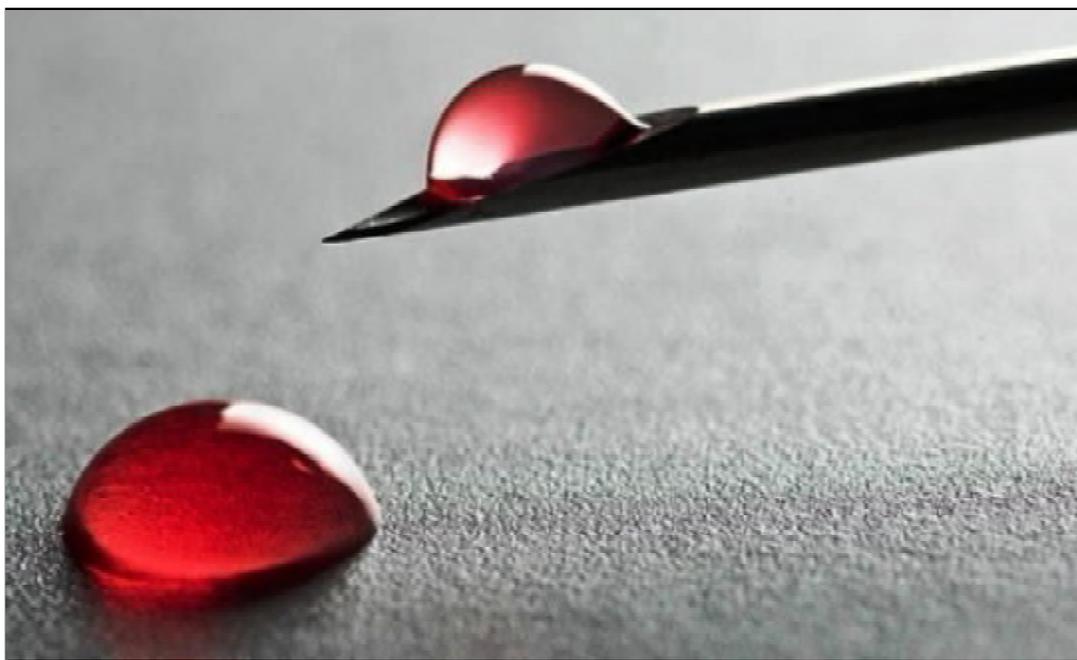
The Prime Minister's Programme for Prevention and Control of Hepatitis in Pakistan aims at 50 per cent reduction in new cases of hepatitis B and C by 2015 through advocacy and behaviour change communication, hepatitis B vaccination of high risk groups, establishment of screening, diagnosis and treatment facilities in 150 teaching and DHQ hospitals, Safe Blood Transfusion and prevention of hepatitis A and E.

Safe Blood Transfusion project, with the technical cooperation team GIZ and Kfw, is being implemented in all four provinces aiming at bringing down the incidence of hepatitis in the country.

## **Dengue**

Dengue has become a major public health concern in Pakistan for the last few years. The disease is transmitted through a bite of a mosquito but not from a person to person. The epidemic occurs every year and its range has extended to several cities in Pakistan.

According to Sindh health minister the number of dengue deaths in the



There are around 250,000 new hepatitis infections annually.

province in 2014 was 12 — 11 in Karachi and one in Hyderabad. However, a representative of Dengue Prevention and Control Programme, Sindh, said 15 people died from dengue fever in 2014, all in Karachi. He said 1,286 dengue fever cases were reported at various public and private hospitals of Sindh. Except for 36 cases reported from the rest of Sindh, all the cases were reported from Karachi. In 2013, 5,750 dengue viral fever cases were reported across the province, with 5,058 detected in Karachi. Thirty-two people died in 2013 in Sindh.

A marked decrease was recorded in the number of dengue patients across Punjab. Rawalpindi was the most-affected city in Punjab. In 2014, 1,460 patients were tested positive for dengue fever there. One woman died there of dengue. The Punjab advisor on health said that due to the government effort dengue could not become a virus and so, only 94 dengue cases were reported in Lahore during the year. Thirty two people were diagnosed with dengue in Sheikhpura.

Swat district in Khyber Pakhtunkhwa witnessed a 96% reduction in dengue cases this year as compared to 2013. According to the Swat district health department, a total of 306 dengue cases were recorded this year with no casualties, a sharp decline from the more than 9,000 people infected in 2013 with more than 30 dead. According to the KP Health Department's data, over 11,600 people were affected by dengue fever in K-P in 2013.

Stagnant water in affected areas may cause severe health issues and spread of dengue is one of these. The focus of the governments, therefore, is on creating awareness among the masses about cleanliness, hygiene and the need to destroy breeding grounds of mosquitoes.

One reason for the failure of the government to fight this disease out is the



Dengue has become a major public health concern in Pakistan.

use of substandard chemicals for anti-dengue spray. In many cases fumigation is not carried out at all.

### **TB control programme**

Pakistan ranks fifth (after India, China, South Africa and Indonesia) amongst 22 high burden countries in terms of Tuberculosis (TB) prevalence. The annual number of new cases is 420000 (0.4 million) with a rate 348/100000 population. An international survey has shown that Pakistan has reduced the number TB patients over the years. The prevalence of TB disease in 1990 was 566 per 100,000 but it stands at 348 in 2014.

There is a persistent shortage of anti-TB vaccine in the country but the authorities are not taking the issue seriously. The Pakistan Medical Association (PMA) took up the issue in 2014 and complained that millions of infants were denied vital immunization due to the shortage of this vaccine.

### **Organ transplant**

A few years ago Pakistan was a leading hub of illegal human organ trade organ. Recently declining rates of living donor transplantation were observed here after the country passed a law on Transplantation of Human Organs and Tissues and declared organ sale a crime.

Organs that can be donated include kidneys, heart, liver, lungs, pancreas and intestine. Some tissues that may also be donated include corneas, skin, bone and bone marrow among others. The Human Organ Transplantation Authority (Hota) is also working to prevent illegal organ trade in the country.

Though there is a drop in the number of organ transplants carried out

illegally, the authorities are yet to end this practice. The needy patients have to look for people willing to sell their kidneys etc in the absence of enough voluntary donors. To overcome this problem, awareness campaigns are being held all over the country to apprise people of the importance of donating organs after death and making announcement to this effect during their lifetime. As per health department estimates, around 50,000 people die each year because of kidney failure, 10,000 because of liver failure and more than 6,000 due to heart failure in the country.

The Sindh Institute of Urology and Transplantation (SIUT) in Karachi and Al-Shifa Trust Hospital in Islamabad are carrying out transplants successfully. SIUT has over the years served all patients alike, free of cost, and with the highest standards of professionalism.

In Punjab there is a transplant centre at Sheikh Zayed Hospital Punjab, Lahore that has carried out a limited number of liver transplants with the help of Indian surgeons. However, the Punjab government is pursuing a project to set up a Pakistan Kidney and Liver Transplant Institute and Research Centre. This 750-bed institute will be constructed on 50 acres of land at Burki Road, Lahore.

The enforcement of the law on organ transplant is a challenge and law enforcers have carried out severed crackdowns and arrested organ traffickers. For example, in November 2014, two people allegedly involved in illegal organ trafficking were apprehended at the Karachi airport by the personnel of the Federal Investigation Agency (FIA). They were trying to board a flight to Mauritius. The suspects included a carrier and his subject who had agreed to sell his kidney for Rs 500,000. In the same month, a judicial magistrate in Lahore remanded three suspects in police custody for allegedly stealing a woman's kidney. The woman complained that she had been taken to a hospital



The prevalence of TB disease declined from 566 per 100,000 in 1990 to 348 in 2014.

in Sahiwal and deprived of one of her kidneys without her consent.

## **Measles**

Measles is a contagious and sometimes deadly viral disease which can spread very swiftly among unvaccinated children. There has been a resurgence of the disease in some countries including Pakistan and the US.

Outbreaks of measles started in December 2012 hitting the under-developed areas of the Sindh province. Later on, they also became apparent in other parts of the country, mainly Punjab. In 2012, the number of suspected cases was 12,354, out of which 2,975 were confirmed. In 2013, the number of suspected cases nearly tripled. Out of 33,314 cases, 8,616 were tested positive. From 2012 to 2013, 600 children died of measles in the country.

In 2014, the number came down mainly due to the immunization drives carried out throughout the country. The advisor to the Punjab chief minister said that only 89 cases of measles were reported in 2014 in the Punjab due to a Rs 1.5 billion anti-measles campaign launched by the government in 2013. He said none of these cases had been fatal. He announced Rs 2.7 billion would be spent on a similar campaign in 2015.

There is no specific treatment for measles and most people recover within a few weeks. However, the poor and malnourished children and people with reduced immunity can face serious complications due to measles. This disease can cause blindness, encephalitis, severe diarrhea, ear infection and pneumonia.

Pakistan is implementing a nationwide Measles Supplementary Immunization Activity. Approximately 63 million children aged 6 months to below 10 years are to be vaccinated with one dose of measles vaccine through this vaccination campaign. All children within the target age range will be vaccinated irrespective of their previous vaccination status and illness. The federal and provincial EPI programs are to implement these campaigns.

## **Disability**

The WHO says that persons with disabilities (PWD) comprise around 15% of the total population of Pakistan. The Pakistani authorities come up with a lower figure. The exact figures cannot be confirmed as families normally hide such details due to the social stigma attached with disability.

Unfortunately, successive governments have not taken initiatives to rehabilitate PWDs. Pakistan ratified the UN Convention on Rights of Persons with Disabilities in 2011 but has not come up with an action plan. Besides, the government is yet to conduct an authentic and credible census to determine the exact population of PWDs. The draft of Pakistan Disability Act 2015, developed in consultation with WHO, is under consideration of the governments



A beggar with disability on his way to his post.

and there is no indication that it will be passed sometime soon.

Legislation on PWDs is the need of the day. It is not easy to extend them the favours they deserve, in the absence of a legal framework. PWDs face several difficulties such as inaccessibility to private and government buildings, discriminatory attitude of the society towards them, lack of jobs despite a quota reserved for them, improper public transport, their non-inclusion in government schemes of public welfare, unavailability of affordable equipment such as wheelchairs, artificial limbs, hearing aids and so on.

### ***Recommendations***

1. *All the provinces must increase their budgetary allocations for health to meet the needs. They should focus more on prevention than on cure and educate people on how to adopt a healthy lifestyle. The state must ensure that its citizens have access to safe drinking water, pollution-free air and non-adulterated food. Diagnostic services should also be made available to people so that they know the diseases they are suffering from well in time.*

2. *The provinces must streamline their basic healthcare system and provide basic health facilities to people close to their homes. The abandoned primary health units and basic health units must be revived and provided with proper staff and equipment. The government must come up with policies to ensure that doctors and paramedical staff have no qualms working in remote and backward areas of the country. The missing facilities at government hospitals should be provided on a priority.*

3. *An effective drug regulatory mechanism should be put in place to check irregularities and malpractices in the health sector. The Drug Regulatory Authority (DRA) and Pakistan Medical and Dental Council (PMDC) must act strongly against sellers of fake, unregistered and smuggled drugs. A clean-*

*up operation against quacks is also the need of the time.*

*4. Steps should be taken to make Pakistan polio free not only by providing security to vaccination teams but also by gaining the trust of the masses. Other vaccine-preventable diseases such as measles should also be eradicated through effective routine immunisation and, wherever necessary, special periodic campaigns.*

# 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)

Several issues impacted housing in Pakistan in 2014. A military offensive, Operation Zarb-e-Azb, against Taliban and foreign militants in North Waziristan, which began in June and continued into 2015, displaced more than a million people. The internally displaced people or the IDPs, whom the government called temporarily displaced people or the TDPs, were partially accommodated in the camp sites in the nearby border towns, such as Bannu, in Khyber Pakhtunkhwa province, but many of them largely avoided government-



Conflict and floods rendered a large number of people without shelter and livelihood.

established camps and settled with their relatives. Floods in Punjab rendered a large number of people without shelter and livelihood during August and September. Some other issues that became acute during the year were fire threats, building collapses, land grabbing, an unbridled rise in real estate development ventures and illegal construction in peri-urban locations, inadequate responses to the problems of *katchi abadi* [squatter settlement] dwellers, illegal occupation of graveyards and limited opportunities to housing finance. Housing options for various cross sections of the urban (and even rural) society were very limited and this showed up in the creation of slums, squatter settlements and peri-urban hutments across the country. Demand for housing repairs, replacement and redevelopment remained quite visible in urban areas across the country.

### **Legal and institutional context**

Constitutionally, housing – including its planning, development and regulation — is a provincial subject. The institutional context of local government and corresponding agencies on housing is in a state of flux. In Sindh, a new local government law has replaced the legal edifice of military ruler General Pervez Musharraf’s devolution plan. But some key institutions such as Karachi Development Authority – devolved in 2001 to the erstwhile City District Government Karachi (CDGK) – have not been revived. In Punjab, the provincial government has resurrected the commissionerate system. But the development bodies such as Lahore Development Authority are also functioning, with overlapping jurisdictions and responsibilities. The provincial

administrations of Khyber Pakhtunkhwa and Balochistan have resorted to a hybrid form of local administration. Except Balochistan, no province held local government elections and administrators appointed by the provincial governments managed municipalities and development authorities, despite a consensus that capable and democratically elected local governments can respond to housing issues better.

## Social

Pakistan is urbanizing fast. The urban population, recorded as 43 million (or 32 percent of the total population) in the 1998 census, is conservatively projected to be more than 65 million now (*See the table below*). By the year 2030, about 49.8 percent of the people are likely to be living in cities – 17 cities having one million people or more apiece — or other urban settlements. Since there has been no census since 1998, no accurate figures are available for estimations and planning. And as most of the urban populace is believed to be from the lower- and lower-middle income strata, access to housing shall remain a crucial issue.

The changing sociological dynamics in the urban areas are contributing to an increase in housing needs. The joint family structure in cities is breaking down and nuclear families are spreading fast. The demand for housing, especially apartments in large cities such as Karachi and single-unit villas in various other urban locations, last seen rising in the 1998 census, continued to go up in 2014. Socially unviable housing choices, like cramming in the existing dwellings, remained the only option. People with no shelter used streets as their makeshift dwellings and often faced deadly accidents. On October 11, members of a homeless family were asleep in their makeshift tent in front of a school on MA Jinnah Road, Karachi when a speeding car ran them over. Two

Indicators	Pakistan	Khyber Pakhtunkhwa (including FATA)	Punjab	Sindh	Balochistan	Islamabad
Population as per 1998 census	132,352,000	20,920,000	73,621,000	30,440,000	6,566,000	805,000
Urban Population (as per 1998 Census)	43,038,111	3,079,165	23,021,287	14,839,500	1,569,274	528,885
Population (Projections prepared by Bureau of Statistics, GoP in 2014)	202,386,661	32,179,755	111,704,255	47,351,414	9,701,548	1,809,314
Urban population (projections prepared for 2014)	65,775,665	4,800,485	34,963,432	23,107,490	2,318,671	1,188,720

Source: Estimates based on the data available with Population Census Organization and growth rates provided in studies based on 1998 census.

siblings, Fareed and Sajna, succumbed to their injuries.

### **Backlog, need and demand**

An important contributor to the swelling housing demand is the expanding housing backlog. At the yearend, according to some studies, the backlog stood at nine million housing units, in which the urban portion was 3 to 3.5 million units — almost all in low-income households.

The supply and demand situation in the housing market is highly skewed, indicating there is huge “cash on the table”. According to some estimates 68% of Pakistan’s population has only 1% of total housing stocks, whereas 56% of housing stock is meant for 12% of the upper income segments. There appears to be an untapped market and unmet demand for housing units in the urban areas particularly for the low- and lower-middle income segments.

According to the Planning Commission of Pakistan about 300,000 housing units are built annually, mainly in urban areas. The number falls quite short of the demand, and so, gives rise to the backlog in the large urban agglomerations already bulging due to migrations for better healthcare, educational, employment and business opportunities, and safety and security. *Katchi abadis* and shanty towns then serve the excluded.

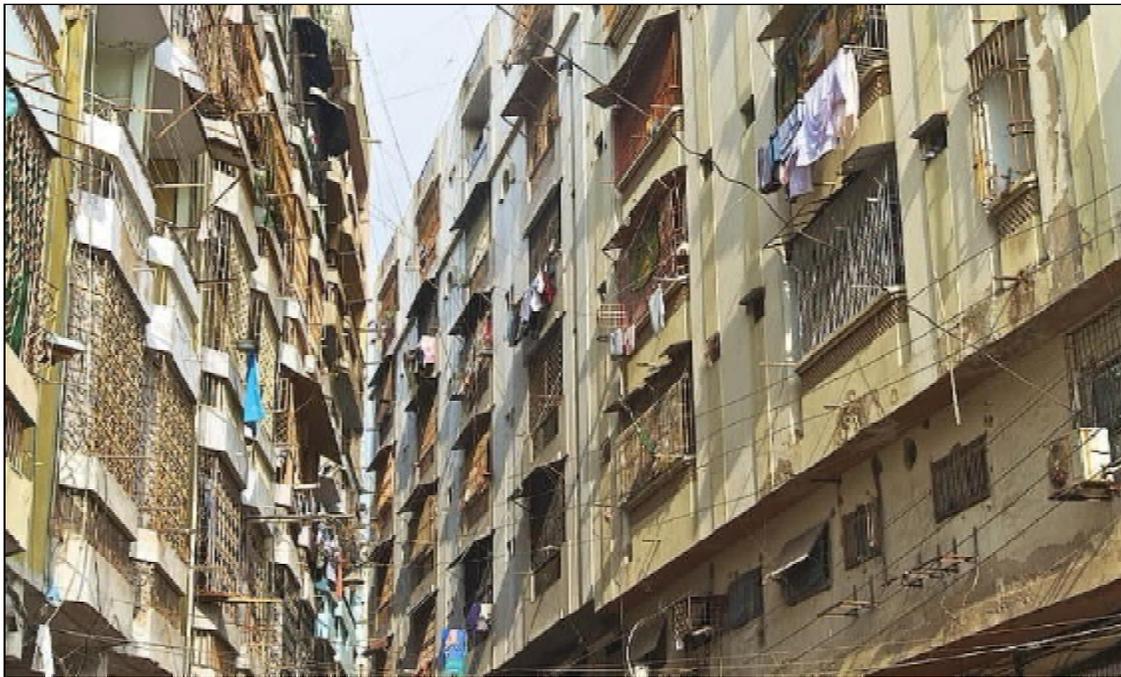
The operation *Zarb-e-Azb* and inter-clan feuds compelled a sizable people from Khyber Pakhtunkhwa and FATA to relocate to Karachi and other cities. Many clans and families of non-Baloch origins were forced to leave settlements in Balochistan during 2014 for Karachi or other towns.

In the city cores of Karachi, Lahore and Peshawar old heritage residences were in need of restoration. Informally built multi-storeyed structures continued to pose danger for their inhabitants in the face of seismic shocks and rains.

### **Housing and land related issues**

Housing is directly impacted by the status of land availability and management in urban areas. Several factors affect the land supply and availability for housing in the urban areas. Urban land has become a commodity attracting huge investments. Therefore, its prices rise to such high limits that its availability for housing, become impossible especially for low- and middle-income clientele. The large metropolitan centres face encroachment of public land, which limits chances of its availability for housing. Political interests define and determine land supply and distribution, while social and development-related demands such as housing become a low priority.

The allocations of land to Defence Housing Authority at less than the market price in Karachi, creation of DHA city in the peri-urban location, unapproved land subdivisions and development of housing schemes by realtors



A large chunk of population in urban areas is forced to reside in ill-planned areas.

in Lahore and Islamabad are cases in point. Bahria Town also announced a large housing estate on the outskirts of Karachi triggering brisk sales and transactions in 2014. Vast chunks of land under already announced schemes remained unused despite planning and development.

### **Housing as real estate**

Housing development for middle and upper income groups is also a means of real estate investment. Several sub sectors and combination of services like design and construction, brokerage, marketing, financial services and the assistance to realtors to liaise with public agencies are linked to the real estate sector. The real estate sector is managed by a range of stakeholders comprising builders, developers, regulatory agencies, development authorities, estate agencies, customers and government functionaries. Media advertisements flashed the announcement of new schemes all across the country. However, urban and rural poor had no access to such schemes due to ultra-high price tags.

### **Provisions for low-income segments**

Housing for the urban poor is a vital area of intervention for policymakers and planning and development agencies in cities and towns. Poverty indicators show that a sizable population in the country, including the one in urban areas, has to be extended with the option of decent living and social progress. According to the Karachi Strategic Development Plan 2020 (KSDP 2020), urban poor households, whose members mostly reside in informal settlements



Many poor people live in mud-brick homes that have to be restored yearly.

of various kinds, were estimated at 941,968 in the year 2010. The process is ongoing. More than 100,000 new households in this category are added yearly, which require a corresponding number of housing units and allied facilities. Since Karachi is among the fastest growing metropolises, the estimates for the absolute need for urban poor are quite high.

With provisions for low-income segments, the Housing Policy looks good on paper. However, the policy failed to serve the purpose precisely because, according to experts, the “procedures adopted for their implementation are incompatible with the sociology and economics of lower income groups.”

The government has already announced its plans to provide and finance 500,000 houses for the low-income segments. In the 2014-15 budget, the government allocated Rs 6 billion to be spent on low income houses through a newly formed company, Apna Ghar Limited. There was no evidence yet of any tangible progress by this company. There were corresponding schemes of the provincial governments – with housing being a provincial subject – and Punjab’s Ashyana scheme seemed doing well. In addition, the government also earmarked Rs 20 billion in the budget as guarantee for housing loans to be issued for low-income segments. However, the policy environment was marked by horizontal expansion, rigid zoning laws, restrictions on building heights and high mortgage costs.

The emergence of *katchi abadis* in Islamabad shows that better controlled and managed cities have not been able to extend affordable options for urban poor. As per Capital Development Authority records, more than 15 *katchi abadis* have emerged at different locations in Islamabad comprising a varying

number of households and profiles. Once created, *katchi abadis* pose the tough question of regularisation or eviction for the city administrators. The urban poor communities pay development charges to informal developers. As OPP Progress Reports show, in locations such as Zubo Goth in Karachi, the households not only paid for the price of the land to the government – but also gratified financially the staff of law enforcement agencies for seeking protection and security of housing rights.

The middle and upper income groups invest in housing in the large cities, constituting a substantial cross-section of demand. Information gathered from the records of Association of Builders and Developers showed a net demand of 400,000 housing units in Karachi region alone constituted by the middle and upper income groups. Due to the poor law and order situation, cumbersome regulatory mechanisms and shortcomings in legal and administrative procedures for the transfer and registration of properties, much of this demand is suppressed. Another factor connected with demand is the unapproved densification of low-density neighbourhoods in the city such as North Nazimabad, PECHS, Federal B Area, Societies Area and Clifton where single-storeyed bungalows are demolished and replaced by multi-storeyed apartments and other similar formats of housing. Many schemes are still unoccupied or partially used in Karachi, thanks to speculation and poor law and order. In Lahore and Faisalabad, the members of northern region of ABAD say, sprawling housing options are in sizable demand. However, regulatory restrictions and limited availability of land pose a significant problem. Housing demand for Islamabad is also rising, given the political and administrative significance of the city. An indication is the continuous announcement of new schemes in the adjoining areas of the capital territory. To attract the overseas Pakistani investors, many marketing companies also opened offices and outlets in the Middle East, Europe and North America for the diaspora.

Wrong political decisions, obsolete and often retrogressive legal structure, weak administrative controls, incomplete and error-laden land records system and a cumbersome financial system adversely impact real estate in urban housing.

The National Accountability Bureau cracked down on fake housing schemes such as the Capital Builders Housing Scheme and the New Islamabad Garden housing scheme. Launched in 2005 in Islamabad, one of the housing schemes booked 3,000 plots against a tract of land measuring 305 kanals earning more than Rs 8 billion. Later, it purchased different tracts of land measuring more than 1,800 kanals in Rawalpindi and Islamabad through the money collected from the general public. NAB recovered more than Rs 1 billion from the accused to be distributed to the people affected by the scam



Not more than two percent of the finances are arranged through formal housing finance institutions.

by cheques. The payment to the affected was divided into two phases. In the first phase, 30 victims were refunded their investment by pay orders.

NAB, Khyber-Pakhtunkhwa took up a case of a Provincial Housing Authority Land Acquisition Collector and his supposed frontman for allegedly embezzling more than Rs18 million while purchasing land for a housing scheme in Surizai, Peshawar, in July.

The NAB Chairman sought a report from Punjab regional office regarding an alleged Rs 500 million fraud in the Formanites Housing Scheme. The housing scheme had allegedly cheated the public by selling non-existing plots. Lahore Development Authority (LDA) had approved 1,200 kanals of land for Phase-I of the scheme but the scheme sponsors sold thousands of kanals of land they did not own.

### **Housing finance and transactions**

Housing finance, an important sub-sector, facilitates a vast clientele. It is affected by high risks in transactions, poor governance and a routine breakdown of law and order. Studies indicate that not more than two percent of the finances are arranged through formal housing finance institutions. About 10 percent lending is facilitated through informal sources while the remaining is steered through personal savings and other related means.

The financial institutions including House Building Finance Company, nationalized commercial banks and private banks consider housing finance a very high risk lending, courtesy scams and events leading to protracted litigation with the so- called bad clientele. Ambiguities in the administrative and legal framework decelerate the normal pace of registration, transfer, sale and mutation

procedures. In many parts of the country including large cities, land records are inaccurate and become a source of corruption and malpractice. The transactions of properties are often done informally, even for the legally held properties. In many cases, the property markets become a favourite avenue for utilizing the black money or wealth accumulated through illegal/undocumented sources. Thus the sales and purchase of *Benami* (unnamed) transactions through a simple power-of-attorney document are rising fast. Such transactions are mostly not reported to the land management agency or registration department.

Huge stretches of state land exist in the peri-urban rim of Karachi while ample private land exists on the peripheries of Lahore, Peshawar and Islamabad. More than four months are needed to complete the transaction of state land while more than two months are required to complete the transaction of a private property. At the slightest of procedural lacunae, the transaction gets delayed by weeks and months.

Land transactions often cause long standing disputes which drag on for months and years in courts. In many cases, even after obtaining favourable verdicts from courts, litigants do not benefit due to the unlawful influences at work in Karachi and cities in southern Sindh. Informal mechanisms of dispute resolution through the intervention of political activists or influential persons occasionally help but such attempts do not make the titles of properties bankable or worthy of mortgage. Similarly while the foreclosure laws and other legal structures allow the re-possession of properties to be stuck under default or other forms of non-payments, the same properties fetch very low prices and show remote possibility of becoming worthy of consideration for lenders.

In May, during a Punjab Assembly session Deputy Speaker Sardar Shair Ali Gorchani was accused of using local police to encroach upon Auqaf land in D G Khan.

Salim Alimuddin, who works as Director of Orangi Pilot Project – Research and Training Institute, was injured in a bomb attack on his car on January 29. Perween Rahman and Abdul Waheed Khan of OPP were killed in similar attempts in 2013.

Mohammad Ishaq, Deputy Director of Land in Karachi Metropolitan Corporation, was killed on February 02 while trying to remove illegally-built structures on the 50-foot-wide green belt in Shahrah-e-Usman, New Karachi after land grabbers opened fire at the anti-encroachment team.

Despite the huge demand for housing, the overall contribution of housing finance is very low – less than one percent of the GDP. In the formal sector, the HBFC is the key player which has evolved into a corporate outfit after struggling to function as a government-sponsored autonomous corporation



A labourer places a cement brick alongside an iron framework of a house that is being constructed in Malaar, Awaran. More than one year after the earthquake, reconstruction is still under way in the town.

for more than half a century. The HBFC has perhaps the most spread out network of branches in more than 80 cities in the country. However, in terms of total disbursement, it has less than a quarter of share in total housing finance.

Gross outstanding housing finance of all banks and development finance institutions (DFIs) registered a growth for the third consecutive quarter, according to the latest housing data released by the State Bank of Pakistan (SBP).

It amounted to Rs 52.9 billion at the end of September 2014, which is up by Rs 268.2 million or 0.51% on a quarter-on-quarter basis.

“Housing finance has started picking up after 2008. It is expected that the SBP’s stance of reducing policy rate will further help in enhancing affordability and demand for housing finance in Pakistan,” the SBP wrote in its brief commentary on the housing data.

House Building Finance Company (HBFC), which is the only housing bank operating in Pakistan, is the largest market player in terms of gross outstanding portfolio with a share of 24%.

Other than HBFC and Islamic banks, gross outstanding of the banking sector decreased on a quarter-on-quarter basis. Gross outstanding housing finance of Islamic banks showed an increase of 3.78% from the preceding quarter to reach Rs 14.28 billion.

The increase in HBFC’s gross outstanding housing finance was 0.7% over the same period.

Data shows a large portion of HBFC’s portfolio consists of small-sized

loans of up to Rs1 million as opposed to other institutions whose portfolios seem tilted towards bigger loans of Rs 5 million and above.

The Association of Builders and Developers of Pakistan (ABAD) said the stock of housing finance as a percentage of the size of economy is ‘embarrassingly low’.

“Instead of Rs 52.9 billion, housing finance should be at least Rs 500 billion in Pakistan. Its share in other economies of the region is 5% or above. Banks must allocate at least 5% of their total annual disbursements to the housing sector,” ABAD said.

The mortgage-to-GDP ratio was 0.45% at the end of the third quarter of 2014.

Referring to the moratorium on new gas connections to high-rise residential buildings, ABAD said investors were holding back hundreds of billions of investment because of bad policies.

Non-performing loans of the housing sector went up 1.75% during the quarter to reach Rs15.93 billion. At the end of the July-September quarter, HBFC’s share in total sector-wide NPLs was 40%, SBP data shows.

The stakeholders argue that multiple risks impact the performance of the housing finance sector. Investment market in the country is in its very rudimentary stages. Various scams and similar avenues of investment affect the flow of investment. Lack of transparency in property markets is a key constraint. Poorly conducted valuations and inadequate documentation hamper the proper realization of the potential in this area. There are complicated and cumbersome procedures of foreclosures. As many as 47 procedures have to be fulfilled in this respect.

These costs do not include the various informal payments that are made to functionaries. For entrepreneurs and investors in housing and construction sector, the same risks and predicaments exist. Despite the ample potential of business and social need of housing, the highly challenging business environment usually prevents international investors, local businessmen and even ordinary people to

### **Hindu temple facing demolition**

A historic Hindu temple in Rawalpindi was set to face demolition, outraging the minority community in the country. The plan to demolish the Maharishi Valmiki Swami Ji Temple, popularly known as Balaknash Temple, along with a Hindu graveyard and 53 single-room houses was stayed for now, following a petition filed against the order.



The emergence of *katchi abadis* shows that better controlled and managed cities have not been able to extend affordable options for the urban poor.

save and invest in housing enterprises.

### **Katchi abadis**

A *katchi abadi* (squatter settlement) is defined as an informal residential area developed on land owned by public agencies or departments. When the phenomenon of squatting became organized and spread to a sizable proportion of urban residential locations in Karachi and other large cities of Sindh, the Sindh *Katchi abadis* Authority Act was enacted in 1987 and an authority was founded to manage *katchi abadis* affairs. Implementing government policies on regularization, developing and improving *katchi abadis*, preparing guidelines for implementation of policies, identification of new *katchi abadis* and their monitoring, conducting socio-economic and cadastral surveys, preparing development schemes and extending leases after fulfillment of conditions are some key tasks undertaken by SKAA. As per standing criteria, *katchi abadis* established before 30 June 1997 are eligible to be regularized. But the progress on regularization has been slow in Karachi. The urban poor groups, many of whom have been residing for several years, do not enjoy the security of tenure that could encourage them to improve the conditions of their housing units. With an estimated 9 million *katchi abadis* dwellers, the city requires a speedy and efficient process of resolving *katchi abadis* issues.

The Punjab also approved a similar statute namely Punjab *Katchi Abadis* Act of 1992. *Abadis* formed on the state land until 31 December 2011 were to be considered for regularization. A survey on 154 *katchi abadis* of various sizes was conducted by Lahore Development Authority in 2010 to examine the status of regularization. Islamabad, once claimed a squatter-free city, now faces several issues related to squatter settlements. According to an Islamabad Police survey there are at least 24 *katchi abadis* in urban and rural areas of the

city, with 13,521 families consisting of 84,591 individuals living in them. The police said that during the last five years, it traced 674 cases to residents of these areas. Most of the crimes were related to the sale and purchase of drugs and liquor.

Out of the 24 slums, the CDA only recognises 10. Slum-dwellers took out protests against the Capital Development Authority's (CDA) announcement to demolish 12 *katchi abadis* in and around Islamabad. The operation was temporarily halted.

The Khyber Pakhtunkhwa *Katchi Abadis* Act of 1996 has similar provisions for the city of Peshawar and elsewhere. The *katchi abadis* are scattered all along the city and peripheries. Many settlements also exist on railway lands. While top government officials have announced the regularization of all *abadis* on railways lands, the local functionaries often doubt implementation due to administrative and legal reasons.

### **Regulatory matters**

Sindh Building Control Authority (SBCA) is a key regulatory body. However, the same body is also responsible for planning. It is a bizarre arrangement that lacks checks and balances.

In Lahore and other cities of Punjab, an adequate statutory cover has been in place for the past three decades. The Punjab Land Use (Classification, Reclassification and Redevelopment) Rules of 2008, promulgated under Punjab Local Government Ordinance 2001, provide a framework for classification of residential areas and empower the LDA to undertake surveys and prepare schemes for upgradation and re-development according to technical and administrative prescriptions. A core issue faced by the urban neighbourhoods in Lahore is low-density low-rise development towards the south.

Though the matter was adequately addressed in the Lahore Master Plan 2005-2021, no schemes were prepared for re-development and enhancement of densification. The Punjab Private Housing and Land Sub Division Rules 2010 lay down the regulatory framework for development and sale of residential and other properties. However, many unapproved and unregulated schemes are frequently developed, often by politically influential developers in violation of legal and administrative provisions. In Islamabad, the CDA exercises strict control on the land development and housing construction process but expanding peri-urban developments often flout the planning controls of the authority. Peshawar also faces similar administrative and statutory issues due to the absence of a technically sound and administratively valid master plan.

### **Rental housing**

Access to housing in Pakistan is largely through ownership. As much as



Rising rent.

67.6 percent of the total existing housing stock was owner occupied as per 1998 census. A small percentage of households reside as tenants. Rental housing has been found as an under developed option in the urban contexts in Pakistan. Though housing choices are becoming exceedingly expensive for lower and middle income groups, the possibilities of extending rental housing could not be explored.

Rent control laws in Pakistan generally favour the tenants. Sindh Rent Control Ordinance 1979 and Punjab Rent Restriction Ordinance 1959 have many identical provisions. For instance, the law provides for an increase of rent after three years. Given the high inflation rate, this escalation remains low and adversely impacts the returns to the owner. Most of the tax increments have to be shouldered by the owner. The law allows for passing not more than half of the tax increment burden on to the tenant. Evictions are only possible in the case of nonpayment.

Rental housing accounts for 20 percent of the urban stock in Punjab and 27 percent in urban Sindh. In Islamabad, with better provisions, the rental housing market is 40 percent of the total. The owners also argue that the tenants damage the property beyond the normal status of repairs. Also the fear of losing control of property due to unauthorized and extended stay restrains any increase in rental housing.

The Sindh Rental Premises Ordinance, 1979 is tilted against the property owner. For instance, the law insists on the charge of “a fair rent” which is to be mutually agreed or determined as a baseline by the Controller of Rent. For repairs and maintenance, the law puts the burden on the owner. If the tenant has damaged the property, there is hardly any possibility to legally recover the charges from him or her. The tenants cannot be easily evicted from the accommodation through legal course of action even when the cause for



A fire in Lahore's congested Anarkali Bazaar led to the loss of at least 13 lives.

demanding vacation is genuine. It discourages people to rent out premises, even in dire needs. If the tenancy agreement is executed in the name of a widow or person from a disadvantaged category, the possibility of acquiring possession becomes doubly difficult for the owner. Whenever the tenant wishes to prolong the tenure of his tenancy, he or she conveniently resorts to litigation. These type of cases can stretch to anywhere between five to ten years or even more.

Directly and indirectly involved with this contractual arrangement are estate agents who try to finalise the deal as quickly as possible to obtain commissions from tenant and owner. In doing so, they seldom check the documents, background and details of tenants or the status of the property. Since many of the tenants or owners have little or no background of such documents and their legal importance, they suffer in the eventuality of a dispute.

## **Fires**

Fires in inhabited areas in the country remained a major hazard. While accidental fires broke out in different types of locations including commercial and industrial areas, the blazes in residential areas caused enormous agony to ordinary people. A woman was killed in Rahimyar Khan when fire broke out as a result of a terrorist attack on 10 February 2014. The terrorists targeted gas pipelines in Yousufabad area and Basti Afzal Hamid Khumbara. Many people were injured when gas cylinders filling LPG in a dense locality exploded on 07 May 2014 in Faisalabad. Two ghastly calamities hit the country during the last days of December. Fire in timber market in Karachi caused loss of millions of rupees, besides the agony to hundreds of affected households and businesses. Several apartment buildings situated in the close vicinity were adversely impacted, some of them possibly rendered unsafe for human habitation. A fire

broke out in Lahore's congested Anarkali Bazaar rapidly engulfing the Alkareem Market Plaza, leading to the loss of at least 13 lives and considerable damage to merchandise and infrastructure. This occurred just a day after Karachi's Timber Market area was similarly burnt to ashes. Reportedly, there was just a single entry-exit door at the multistorey Alkareem Market Plaza which housed dozens of shops. That most of the deaths occurred as a result of suffocation tells its own tragic tale.

### ***Recommendations***

1. *A land and housing appraisal in the districts is needed to act as the baseline inventory of housing situation. Development of a Housing Resource Centre in each district is also necessary. The piloting of this approach can be done in Karachi, Lahore and Rawalpindi / Islamabad.*

2. *Initiation of Housing Price Index (HPI) and Housing Access Index (HAI) through the assistance of Pakistan Bureau of Statistics is required.*

3. *HBFC needs to be overhauled to make it a potent and creative organization. It may be encouraged to venture into new avenues such as community mortgage programmes, housing credit assistance to public and corporate organization employees, support to bankable housing projects in the private sector and options of drawing funds from the public through permissible financial channels.*

4. *Many options for extending support to less privileged groups can be evolved. Relaxation of Floor Area Ratio (FAR) for house building projects that aim to target urban poor, initiation of Transferable Development Rights (TDR), revision of urban housing density standards in existing neighbourhoods, initiation of urban re-development on the pattern of mixed land use and revitalization of already launched low income schemes are some possibilities.*

5. *There is a need to take stock of the research work done on construction of different forms and scales of housing, and examine its suitability and relevance to housing demands in various contexts of the country.*

6. *Coordination among civic agencies such as the fire department and rescue squads needs urgent improvement; tight alleyways and multifarious encroachments across the country pose a formidable challenge of access to firefighting and rescue teams; and most importantly, the need for public buildings to be constructed to at least some modicum of safety standards, with much stricter regulation.*

# 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

Concern for the environment started gaining traction in the 70s when the effects of rapid and rampant ‘development’ on the ecosystem manifested themselves significantly and the muted voices warning about the finite nature of resources grew louder.

The UN Environment Conference in Stockholm in 1972 saw the mainstreaming of discourse on a clean and sustainable environment as a human right. The Stockholm Declaration sought to lay down certain principles to “inspire and guide the peoples of the world in the preservation and enhancement of the human environment.”

Its first principle focused on the environment not just as a shared resource for the present but for its preservation for the future generations.

In Pakistan, while the constitution does not recognise environmental rights

to be part of the fundamental human rights, the Bhurban Declaration adopted by the Conference on Environmental Justice in 2012, set out a common Vision on Environment for the South Asian Judiciaries. Important among other collaborative and capacity/knowledge building measures recommended in the Declaration, was the one “that the right to clean and healthy environment be incorporated as a Fundamental Right in the Constitution.”

The Fundamental Rights granted by the Constitution of the Islamic Republic of Pakistan, 1973 do not specifically mention water, energy, electricity or water. However, the superior courts have extended the meaning of the fundamental right to life to include a right to access to clean drinking water (West Pakistan Salt Mines Labour Union (CBA) Khewra, Jhelum vs. The Director, Industries and Mineral Development, Punjab, Lahore, 1994 SCMR 2061), a right to electricity (Pakistan Flour Mills Association vs. WAPDA, WP 26524 of 2011 decided by the Lahore High Court on 28 January 2013) and a right to a clean and healthy environment (Shehla Zia vs. WAPDA, 1994 Supreme Court 693) as interpreted in the light of Article 9 (right to life), and Article 14 (human dignity).

Pakistan is also a signatory to 15 Multi-Lateral Environmental Agreements which makes it mandatory for the State to ensure the implementation of the agreements that have been endorsed. These are:

1. Convention on Biological Diversity (CBD)
2. Cartagena Protocol on Bio-safety
3. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
4. Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar Convention)
5. Convention on the Conservation of Migratory Species (CMS)
6. United Nations Framework Convention on Climate Change (UNFCCC)
7. Kyoto Protocol to UNFCCC
8. Vienna Convention for the Protection of the Ozone Layer
9. Montreal Protocol on Substances that deplete the Ozone Layer
10. United Nations Convention to Combat Desertification (UNCCD)
11. Rotterdam Convention on prior Informed Consent (PIC) for certain Hazardous Chemicals and Pesticides in International Trade
12. Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal
13. Stockholm Convention on Persistent Organic pollutants (POPs)

14. United Nations Convention on the Law of the Sea (UNCLOS)
15. Convention Concerning the Protection of the World Cultural and Natural Heritage

The situation oscillated on two ends of the scale with the government. It cannot claim ignorance of the indicators cited above, as all the reports were either prepared in collaboration with the government or for the government. However, the gap in governance belies the impression of knowledge, or concern about the threats from a degraded environment.

In an interconnected world where forums are being set up to resolve cross-cutting global, regional and trans-boundary issues, the subject of environment was devolved to provinces after the 18<sup>th</sup> Amendment.

At the federal level, the Ministry of Environment went through a name change and became the Ministry of Climate Change, then Ministry of Disaster Management, which was then a Climate Change Division within the Planning Commission. However, the law clearly states that “laws relating to the environment enacted by the federal government before the 18<sup>th</sup> Amendment will remain in force in the provinces till such time as it is amended or repealed by the competent provincial assembly.”

Each provincial assembly was now to make its own law, and on 20<sup>th</sup> March 2014, Sindh, the last province not to have done so, passed the Environment Protection Bill. The other provinces already had their Green Benches in place, as a follow-up to the Bhurban Declaration.

Progress on legislation has been slow because the importance of environmental issues has not yet seeped into the political system. The political parties that had taken part in the 2013 elections, gave very low priority to environment in the manifestos, and some did not mention it at all. (*See page 320*)

Party Position Chart							
Political Parties Position on Key Issues – Elections 2013							
Issues	ANP	JUI(F)	MQM	PML	PML-N	PPP	PTI
Environment Issues	n	ú	nn	nnn	n	n	nn
No Stance	ú		General n	Detailed nn	Extensive nnn		

### Forest cover

Pakistan Tehreek-e-Insaf formed a coalition government in Khyber Pakhtunkhwa. This allowed it to put into action the Green Growth Initiative, developed by party member and former minister of state for the environment, Malik Amin Aslam, who is also the Global Vice Chair of IUCN.

He has listed the key environmental challenges of Pakistan, i.e. energy,

<b>Environmental Issues</b>	
<p>Environmental issues figure prominently in the overall governance framework. Environment not only affects productivity, availability of natural resources, but also has an effect on health expenditures, reduced labour productivity, and other areas. Following table outlines the environment-related policies and programmes of various political parties:</p>	
Party	<i>Proposed programme</i>
ANP	<ul style="list-style-type: none"> <li>a Special importance to be accorded to protection of environment in the country</li> <li>b Ensure improved access to clean air, drinking water, waste management, sanitation and open spaces.</li> </ul>
MMA	<ul style="list-style-type: none"> <li>a <i>No specific reference made in the manifesto.</i></li> </ul>
MQM	<ul style="list-style-type: none"> <li>a Improvement of environment by making efficient use of natural resources and energy, respecting the natural world and wild life, utilizing the open spaces, eco-friendly designs and construction methods, recycling waste, plantation on a large scale and creating parks in each locality</li> <li>b Extensive forestation to be undertaken in a most aggressive way</li> <li>c Ensure industrial effluent and untreated sewage are not dumped in to the sea</li> <li>d Environment friendly urban development will be regulated</li> <li>e To combat industrial waste initially the government will facilitate installation of Combined effluent Treatment plants.</li> </ul>
PML	<ul style="list-style-type: none"> <li>a Set up a National Environment, Climate change and Water Resources Authority</li> <li>b Compliance with all EPA requirements will be ensured</li> <li>c Establish green spaces through public parks</li> <li>d Design national guidelines and modules for the development of towns and cities. Activate the environment protection act 1997</li> <li>f Eliminate the timber mafia</li> <li>g Ban the import of hazardous chemical wastes</li> <li>h Deny exploitation of off shore resources</li> <li>i Waste disposal measures to be put in place</li> </ul>
PML-N	<ul style="list-style-type: none"> <li>a Encourage ecologically sound development policies to preserve and develop the country's natural and forest resources to counteract the impact of global warming</li> </ul>
PPPP	<ul style="list-style-type: none"> <li>a Develop national parks, sanctuaries and reserves and promote ecotourism</li> <li>b Deforestation to be curbed</li> <li>c Curb the trafficking of endangered species</li> <li>d Use the green economy frame work</li> <li>e Strengthen the federal and provincial Institutions engaged in sustainable development activities.</li> </ul>
PTI	<ul style="list-style-type: none"> <li>a Clean air and potable water to all will be the primary focus</li> <li>b The Environmental Impact assessment (EIA) requirements will be enforced for all development projects</li> <li>c Industrial pollution to be tackled through CETPs/clean production promotion EIAS</li> <li>d Rapid deforestation will be halted</li> <li>e Green jobs will be created through environment friendly alternative economic activities</li> <li>f Mass transit system in the most affordable and green manner will be introduced</li> <li>g Policy of Value Nature to Preserve Nature will be followed</li> <li>h Climate change will be addressed</li> <li>i Disaster management will be treated with urgency.</li> </ul>
<div style="border: 1px solid black; padding: 2px; display: inline-block;">-- Source: PILDAT</div>	

water, forestry, transport, air pollution, waste generation, agriculture, biodiversity protection, ecosystem valuation as well as overall environmental governance.

This initiative envisages gathering stakeholders to plant a billion trees in the province. This move to increase the woefully small tree cover is designed not only to prevent environmental degradation, and soil runoff during torrential rain, but also to earn them carbon credits by sequestering carbon as a mitigation measure.

Pointing out to the scarcity of water, skeptics have voiced concern as to the volume of water resources needed to nurture so large a number of trees. But there is no denying the need for an aggressive tree plantation to increase the woefully inadequate forest cover of Pakistan (4.8% against the global recommended 25%), which has the highest rate of deforestation in Asia. This has already resulted in disasters related to rain and flood as the soil cover is denuded and the water runoff has no barrier to check its flow. Other than the right of the local communities to use forest and forest products, the timber mafia, either in collusion with the local officials, or due to a weak governance system has been denuding the stock.

Citizen activism was able to halt the trend last year after getting courts to intervene and overturn the decision of the outgoing prime minister, Raja Pervez Ashraf, regarding timber movement in Gilgit-Baltistan, under the pretext of which new stock was cut down.

The KP government initiative for increasing the forest cover and monitoring the stock, should serve as a model for the other provinces to take advantage of the international mechanisms like REDD+ (Reducing Emissions from Deforestation and Forest Degradation) which “is an effort to create a financial value for the carbon stored in forests, offering incentives for developing countries to reduce emissions from forested lands and invest in low-carbon paths to sustainable development.”

It may work in a manner similar to the Trophy Hunting programme initiated by Pakistan for biodiversity conservation in which the community has a financial stake in the efforts to save the threatened forests. Similarly, once the community realizes that there is financial benefit in saving, preserving, and increasing the forest reserves, the weakness of the governance structures can be overcome.

Besides this one ambitious move, the situation in other provinces is reflective of the vision, or lack thereof, of parties ruling them; it corresponds to the glaring omissions that can be seen in the election manifestos.

This then, is the situation in a country that has been ranked among the top ten in the Global Climate Risk Index, for three years running; one with the lowest tree covers and highest rate of deforestation in Asia; a country that has been moving down the scale from being a water stressed to being water



Pakistan has woefully inadequate forest cover.

scarce; has the worst incidence of urban air pollution in the world; is the most urbanized country in South Asia, with its attendant problems of resource constraint, slum dwelling and socio-economic impact of migration; with around 6% of the GDP going in as health costs of environmental degradation.

### **Water resources**

These measures were taking place alongside Pakistan's adopting, among others, Indicator 7 of the Millennium Development Goals which commits to 'ensuring environmental sustainability.' The UNDP report tracking Pakistan's progress in meeting these goals has this to say about the Indicator 7:

"With regards to MDG 7, Pakistan has achieved the target of access to improved water resources when three sources of improved water are taken into account: tap water, hand pumps and electric motor propelled water. Pakistan has also surpassed its target of converting 0.920 million of vehicles on Compressed Natural Gas (CNG) with more than 2.8 million vehicles reported to be running on CNG in 2008. Pakistan is on track to meet the target for land protection for the conservation of wildlife as a percentage of total land area, an indicator for MDG 7.

"Similarly in the area of ensuring environmental sustainability, MDG 7, while Pakistan has made significant progress in some indicators allowing the achievement of 2015 targets to be likely, there is a lag in equity based indicators of forest cover, sulphur content in high speed diesel, proportion of population with access to sanitation and energy efficiency. Attitudes and a lack of awareness about environmental issues as well as gross violation of government regulations pose serious challenges in overcoming this lag."

Despite falling short in areas which impact the largest number of Pakistanis

the commitment to work towards their materialization was evident in accepting the Sustainable Development Goals outlined in the Rio+20 summit. These goals have been described as building on the foundation laid by the MDGs, and seeking to complete the unfinished business of the MDGs, and to respond to new challenges.” These goals have a far more interconnected agenda and environment can be seen as a crosscutting theme, which can tie in with the Vision 2025 espoused by the Planning Commission.

This also falls in line with the definition of environment given by the Pakistan Environment Protection Act (PEPA 1997), that is:

“environment” means:

- (a) air, water and land;
- (b) all layers of the atmosphere;
- (c) all organic and inorganic matter and living organisms;
- (d) the ecosystem and ecological relationships;
- (e) buildings, structure, roads, facilities and works;
- (f) all social and economic conditions affecting community life; and
- (g) the inter-relationship between any of the factors specified in sub-clauses (a) to (f)

According to the “Environment and Climate Change Outlook of Pakistan” prepared by the Climate Change Division of the Planning Commission and UNEP (United Nations Environment Programme), there has been a growing realization, post-2000, to pay attention to the environmental problems beyond the economic development paradigm. The social sector linkages plus a more holistic ecosystem-based approach is now reflected in the number of sector-specific policies drafted. This change in priorities flowed from the adoption of the National Conservation Strategy in 1992.

These include:

- ◆ Biodiversity Action Plan of Pakistan 2000
- ◆ National Action Programme to Combat Desertification in Pakistan 2002
- ◆ Poverty Reduction Strategy Paper 2003
- ◆ National Energy Conservation Policy 2006
- ◆ National Sanitation Policy 2006
- ◆ Pakistan Wetland Programme 2007
- ◆ Energy Security Action Plan 2005
- ◆ National Drinking Water Policy 2009
- ◆ National Water Policy 2005
- ◆ National Rangeland Policy

- ◆ National Wetland Policy
- ◆ National Forest Policy
- ◆ National Climate Change Policy

These in effect cover all actions and interactions, which if not conducted sustainably would impact human rights.

Water impacts all life, human, plant and animal. So, it needs to be looked at the regional, trans-boundary, provincial levels from the angle of availability and equitable distribution, with the underlying principle of securing the rights of the lower riparians.

Pakistan already has the Indus Water Treaty with its own dispute resolution mechanism that governs the volume and distribution of water from the Hindukush-Himalayan mountains between India and Pakistan. The treaty has withstood the test of time despite two major wars and several armed conflicts like Kargil.

Growing population and its demand for water, especially for agriculture, has given rise to contentions about the interpretation of the treaty. International arbitration has so far ruled in favour of India by factoring in the element of climate change which was not known at the time of drafting the treaty.

This lesser amount of water received into Pakistan from the eastern rivers because of the reservoirs being built by India has been touted as ‘water wars’ and many have tried to claim political mileage out of the divergent stands of the two countries on this. The decibels increased when in 2014 more water than was expected entered Chenab and flooded vast tracts, and this was also seen as a sign of provocation.

Agencies like World Bank have recommended “Work[ing] with neighbouring countries through international agencies such as UNDP/Global Environmental Facility (GEF) to prevent chemical and biological pollution by effectively managing industrial, domestic and agricultural effluent disposal.”

Seen in the context of degradation of the river Ravi, and the contamination from the Hadyara Drain of India flowing into the Ravi, trans-boundary dialogue with third party oversight becomes imperative. The lives of all the people associated with the river Ravi, be they farmers, fisherfolk or boat owners who used them for transport and recreation are inexorably linked to the health of this river.

The hyperbole associated with this complex subject of water sharing needs to be tackled as the divergent views have created tensions between the two neighbours, as well as within Pakistan, between the provinces. Despite the Water Apportionment Award of 1991, there are always allegations of less than

the allocated release by the lower riparians.

Of the 48.76 MAF (Million Acre Feet) of water apportioned for Sindh, the International Panel of Experts recommended:

An escapage at Kotri Barrage of 5000 cubic feet per second (cusecs) throughout the year has been recommended as the amount needed as e-flows or water for the environment that is needed to be allowed to flow to the sea to recharge the delta. It recommended that a total volume of 25 MAF in any five-year period, or 5 MAF annually, be released below Kotri as flood flows (Kharif period).

WWF Pakistan and WWF UK report on the Indus River Basin security, while focusing on Integrated River Basin Management, recommends the involvement of farmers in decision making about water use, especially at farm level. Right now, they do not have access to the benefits of technology like timely meteorological, cropping and input information. Access to modern technological tools, like computers, cell phones and other tools of ICT must come with safeguards about the disposal of e-waste, for which no legislative framework exists. While Pakistan's rural areas may be late starters in their use, the tools are widely used in urban areas. The rate at which the tools become obsolete is very high. As there are hazards attached to the many of their components, guidelines need to be adhered to in their disposal, in line with the Basel Convention.

Conventions, laws and regulations are the basis on which a system can be made to function. Even on water, research reports call for 'a comprehensive set of water laws that define water rights, uses, value, conservation and principles of pricing, subsidies, licences and polluter penalties.'

Reservoirs and water storage facilities to ensure availability of this volume have still not been built, taking water security to dangerous levels. Any such plans however, must take into account the rights of the communities inhabiting the lands where the building of storages, dams and reservoirs are planned. Attention must also be paid to the cultural heritage that stands to be compromised, especially in the upper reaches, like Gilgit-Baltistan, for instance in the case of Diamer-Bhasha Dam, where the Gandhara petroglyphs are likely to be obliterated.

One effect of reduced flows downstream Kotri barrage cited in an IUCN-Pakistan report is the worst cases of environmental degradation in Sindh. The report says, "*It is believed that sea intrusion is the main cause of destruction of several thousand hectares of land in the coastal districts of Thatta and Badin, rendering prime agricultural land barren, contaminating aquifers and causing degradation of coastal deltaic and riverine ecosystems. The degradation*

*of land and water resources has severely affected fishing and agriculture – the two principal vocations of the local populations – resulting in loss of livelihoods, migration to the hinterland and rise in poverty levels.”* These few points in themselves encapsulate all the human rights compromises the people of the coastal belt have to bear.

Equitable availability of water for agriculture, industry, urban use and environmental flows is still a contentious matter, especially in view of the spectre of glacial retreat as a result of climate change. To promote water conservation, experts recommend that besides building storages like dams and reservoirs, water subsidies must be abolished and water must no longer be made available as a free resource (aquifer management).

The subsidies on power usage for water extraction have wreaked havoc in places like Balochistan, and have depleted ground water reservoirs. While taxation in a climate where focus needs to be on poverty alleviation is a step to be considered carefully, successful pilot schemes have been run by environmental organizations like IUCN Pakistan whereby water metering directly resulted in water conservation. The polluter pays concept also served to save the resource from contamination.

One of the missed MDGs was the availability of clean drinking water for all. Water quality has a direct bearing on health, as water borne diseases are the first to take their toll on the segments of the population that have no access to clean drinking water.

Laxity in adherence to and monitoring of NEQS (National Environment Quality Standards) has resulted in municipal, industrial and chemical pollutants, plus agricultural runoff contaminating water courses.

Open defecation and lack of water treatment facilities has caused the quality of water to be compromised as well as the health of the marine life in the coastal belt and fresh water sources. This has contaminated an important link in the food chain, and affected the health and livelihood of the communities associated with the trade.

## **Waste management**

Also related to health and environment are solid waste management and safe disposal of hazardous industrial/chemical, hospital and what is known as ‘e-waste.’ Despite years of on again off again negotiations with the Chinese and then the Turks, we are still without a proper solid waste plan, or carefully sited landfills. Industrial waste with harmful chemicals and heavy metals falls untreated into the water bodies.

In the case of Manchar Lake in District Dadu, the toxicity had increased



Industrial waste with harmful chemicals and heavy metals falls untreated into the water bodies.

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to such a level that an entire community of ‘boat people’ was displaced, as their source of food and livelihood had been snatched from them.

Food and energy security also rest on water.

Depletion of water resources is going to severely affect food security, which is already a cause for concern because of the high population growth rate that outstrips all development indices.

However, experts agree that the country has the land and the capacity to feed its population if rational land use is practised. The agrarian base requires attention in a variety of ways. A key factor in increasing land under tillage would be to grant land rights to landless farmers, and make them stakeholders.

Measures like granting them lease have hardly been more than an eyewash as those given the lease were never really able to own the land. They were not able to meet the nutrition needs of even their own households.

### **Climate change**

Food security stands to be compromised due to climate change caused by the shifting pattern of monsoons. For the third year running a pre-monsoon spell of heavy rain and hail in March has damaged crops.

The farming community is vulnerable to these changes and there are not enough safety nets to bolster them and help them ensure food security. The knowledge and research of developments in this field need to reach the farming community. For the third year running farmers are bearing losses from severe



Pakistan struggles with increasingly unpredictable weather patterns linked to climate change.

‘pre-monsoon’ rain and hailstorms that have damaged crop ready for harvesting, and livestock.

Climate change experts cite this shifting pattern of monsoons as the reason to bring urgency to adaptation measures in the country’s agricultural sector. A recent study in econometrics, conducted by LUMS/WWF/LEAD under IDRC funding, clearly showed that the farmers using adaptive techniques including crop rotation and substitution had a 40% greater yield.

A political revival of the peasants’ movement, still in its nascent stage, may auger well for ensuring the rights of the marginalized tillers and growers. Professional farmers’ associations, now being formed at district and even some union council level, need to be strengthened to ensure safeguards for the farming community. The coming together of the farming community provides the government a negotiating partner when fixing prices and subsidies. The last two years have also seen growing activism on the part of farmer communities in trying to get the best deal for themselves.

Here again, complete decentralisation, right down to the union council level is seen as a solution to the problem, by agro-economists like Dr Pervaiz Amir, who says that Pakistan’s nine different agro-ecologies have different problems so their solutions also need to be developed at the micro level to be able to protect their rights and ensure food security for all.

Farmers have to be a part of the participatory approach in the development of solutions, and greater emphasis needs to be put on mainstreaming gender in dialogue and implementation. The agricultural sector has a very large number



Members of the Islamabad civil society protesting against the tunnel project.

of women workers, but they are mostly voiceless farm hands with no say in decisions about choice of crops or prices. They are also not paid wages equal to their male colleagues, and there are no safeguards available to them against health hazards caused by the chemicals used in farming.

This is also true of the fisheries sector where women make up a large part of the labour force. The fisherfolk, along the coasts as well as by rivers and canals, remain marginalized and suffer from livelihood compromises due to the environmental degradation of their habitat, resulting in loss of catch. Here too laxity in regulation of illegal nets, poor implementation of laws that allow for illegal interprovincial trawling as well as sweeping of the marine stock by international trawlers just off the Exclusive Economic Zone, and many times inside it directly impact the economies of the fishing communities.

Many fishing villages have experienced large scale migration of the able bodied youth in search of livelihood options. This has not only disturbed the social fabric of the communities but has also contributed to the strain on the nearby urban areas which act as magnets and draw them towards the cities, whose infrastructure and municipal facilities are unable to keep pace with this population shift.

### **Food and water security and energy shortfall**

Tied to the issues of environmental rights is the case of access to energy which impacts food and water security. The energy supply and demand gap has become a politically explosive issue. The election promises regarding the resolution of the power crisis helped the present ruling party to come into

power, but that resolution still seems to be out of reach.

Energy shortfall, whether due to generation or transmission, has impacted all sectors, including agriculture and industry. Not only has production suffered setbacks, but its trickledown effect has resulted in increasing unemployment, and poverty. Besides overhauling the power infrastructure which is rife with technical as well as operational inefficiencies, a frenetic search has been mounted for other options.

Other than the on again off again discussion on the IPI (Iran Pakistan India) or now just the IP Pipeline and the external support for the TAPI (Turkmenistan Afghanistan Pakistan India) Pipeline, attention is being focused on the Thar coal deposits which are being touted as the panacea for all energy related ills of the country.

Environmental experts as well as civil rights activists have been sounding a note of caution on two scores; one, the 'quality' of the coal, with its sulphur content, as being environmentally unfriendly, and two, rights of the local communities to the benefits from local resources.

On the first score, coal, especially Thar coal, fares very poorly due to its mineral composition. This source of 'dirty' energy will do no favours to Pakistan's standing on the air quality index. According to a World Bank report, the harm from Pakistan's urban air pollution is among the highest in South Asia, exceeding several high-profile causes of mortality and morbidity in Pakistan.

This is more in the urban areas due to the mix of the diesel exhaust fumes from vehicles and the particulate matter in the air in tandem with the problem of a low tree cover that can act as carbon sinks. However, the prospect of extractive, strip mining, for a finite, fossil fuel reserve considered to be of low energy output which is not good value for money means that the non-urban areas will also experience a serious loss in air quality.

Extractive industry has proved to be quite damaging to the environment. Another point to watch out for is the extensive use of water in extraction, as is true in the case of the other 'silver bullet' being cited for the energy crisis; shale gas. Both of them require huge quantities of water, which, in a water-stressed country like Pakistan, has to be carefully considered.

There has been little or no stakeholder engagement in the discourse on exploitation of this fossil fuel. Thar is one of the poorest regions of the country. There is very little by way of land ownership. The population is scattered over a vast area and one of the biggest problems it faces is the availability of potable water. Their reliance is totally on underground water. Coal extraction through the use of this resource will severely compromise their rights to this natural

resource. The people of Thar stand to lose the right over their ancestral land and its resources.

### **Indigenous people**

Similar to their plight is the case of the 'indigenous people' who have not been defined as such by the constitution, and no laws exist to safeguard their rights. Many of the traditional fishing and pastoral communities fall within the definition given by the UN, which has urged countries to draw up their national definitions and frame laws to protect them. However, Pakistan still lacks any progress on this count, and that is how their rights on the land they traverse or live on, and its resources are usurped without their having any recourse to justice.

We not only see rights of communities in Thar compromised, but all along the coast fishing communities are seeing their land taken over, and traditional livelihood resources being put out of their grasp in the name of development schemes. For instance, Pakistan has a coastline extending from Sir Creek bordering India to covering 243,000 hectares (ha) along Sindh's coast and 7,400 ha along the Balochistan coast.

### **Mangroves**

According to *Mangroves for the Future*, the economic importance of mangroves to Pakistan largely comes from the fishery resource they harbour. An estimated 80% of the fish caught in coastal waters spend at least part of their life cycle as fry in the mangrove creeks, or depend on the food web within the mangrove ecosystem. Shrimp fishery is the major fish export of mangroves, accounting for 68% of the \$100 million of the foreign exchange the country earns from fisheries exports.

Despite forestry laws that forbid cutting, and Pakistan twice having entered its name in the Guinness Book of World Records as the country planting most mangrove saplings in a day, the depletion and degradation of the coastal habitat continues. The depletion in the marine stock has a direct bearing on the economic well-being of the communities whose livelihood depends on fishing. Pakistan Fisher Folk Forum puts the estimate of persons associated with fisheries as 4 million, 2 million of them with marine fisheries while the rest with inland fisheries.

### **Development projects**

Large development projects, and housing developments have been squeezing their space, and they have been excluded from any of the benefits of these developments. Besides this, the industries sited along the coast discharge their effluent in the sea without any treatment. So, the creeks and



Felling of trees along the Lahore Canal.

channels that once thrived with marine life now have very little of it. Samples taken by members of environmental organizations for testing have shown that there are traces of heavy metal in the fish and other marine life. This continues despite the clear guidelines of NEQS which require the installation of effluent treatment plants by the industries.

Industrial effluents and municipal waste of the city the size of Karachi are being thrown directly into the sea, severely compromising the health of the sea and not much action is seen on part of the provincial EPAs against the polluters. If and when any fines are levied, they are so nominal that they hardly make a dent in any profitability, and that is why the practice of environmental degradation continues.

### **Environment activism**

Rights-based activism on environmental issues has been the highlight of 2014. With greater awareness at the level of judiciary and citizenry, we have seen a clear progress. Taking a cue from the Shehla Zia case that upheld a clean and healthy environment as a right to life, wherever the government has not been proactive, citizens have come together as groups and highlighted rights abuses.

In the case of the Margalla Hills Tunnel case in Islamabad, for example, which impinged on the laws about Protected Areas and National Parks, or the Lahore Canal Road Widening case in which massive tree cutting was to be undertaken, citizens took legal recourse after activism had highlighted the issue.

In the Margalla Hills Tunnel case, the project was shelved, but in the Lahore canal case, there has been back and forth with the Punjab government

getting its way, partially, and the citizens taking the case to the Supreme Court.

In the case of violation of biodiversity protection laws, where the government departments were seen to be dragging their feet, the citizens stepped in, like in the case of the hunting of the threatened Houbara Bustard through illegal grant of licenses by the Foreign Office, which is not the competent authority.

The Balochistan High Court immediately put a ban on its hunting, and the violators were prosecuted. In Khyber Pakhtunkhwa too officials of the Wildlife Department were suspended after their collusion in hunting of rare birds was uncovered through the social media by citizens.

Another positive development was when 200 blackpond turtles were brought back to Pakistan from China through the efforts of Sindh Wildlife Department and WWF-Pakistan. They had been smuggled to China despite Pakistan being a signatory to CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) since 1976.

Perhaps the most promising development on the environmental rights of the citizens of Pakistan was the decision by the Sindh High Court to admit a petition against the location of two new nuclear power plants on the Karachi coast, alongside the existing but now dysfunctional KANNUP.

The basic argument of the citizens was that any such project required an EIA, Environmental Impact Assessment, in which the pros and cons of the project are discussed threadbare, and citizens' fears and reservations are heard and addressed. This process was bypassed in the name of 'project of national importance', but this was deemed to be in violation of the regulations.

This is the first time ever that a petition of this nature has even been admitted for hearing and orders given to conduct a public hearing in accordance with the rules of EIA. The question of projects proceeding without completing the formalities of EIA is also being raised about the Bahria Town flyover in Clifton Karachi, and the Islamabad Metro.

### ***Recommendations***

- 1. Adherence to existing laws and regulations in their true spirit will ensure safeguard of the environmental rights of humans and species that they co-exist with*
- 2. Concept of 'polluter pays' needs to be mainstreamed to not just mitigate the effects of any 'development' action that does not mainstream sustainability within it, but also to act as a deterrent for any future project design that does not keep environmental protection as its integral part.*
- 3. Capacity building of the cadre of lawyers and members of the judiciary*

*to take up environmental cases*

*4. Capacity building of the Government Line Departments so they are able to monitor and safeguard the environment.*

*5. Collaboration between citizens' bodies who take up environmental issues because they are ultimately human rights issues.*

# 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

Pakistan remained home to millions of displaced persons at the end of 2014. These included refugees – Afghan nationals, who had fled their country during various phases of armed conflict since 1979 — and internally displaced persons.

At the end of 2014, Pakistan was host to the largest number of refugees worldwide, nearly all from Afghanistan. These included around 1.5 million Afghans registered with the authorities and roughly a similar number of unregistered Afghan nationals, illegally staying in the country. A number of deadlines have been set for the complete repatriation of these refugees. The last deadline was given in June 2013 when registered refugees were allowed to remain in Pakistan until the end of December 2015. The situation in Afghanistan at the end of 2014, and the pace of repatriation during the year under review did not offer substantial basis to believe that this latest deadline for repatriation would be met either.

2014 was another year of multiple displacement crises in Pakistan and another year when the country chose not to incorporate into legislation or

otherwise benefit from Guiding Principles on Internal Displacement, the non-binding guidelines drafted by the United Nations in 1998. The bulk of millions of internally displaced Pakistanis during the year under review were uprooted amid military operations against militant extremists in FATA and in massive floods in September in Punjab, and Gilgit-Baltistan. Some displacement occurred in the Thar and Cholistan deserts, where severe drought forced tens of thousands of citizens to migrate.

The number of conflict displaced, from North Waziristan Agency in FATA in particular, appeared to surprise even the authorities and exposed widespread lack of preparation to support and protect the uprooted populations.

The population affected by the creation of Attabad lake in the Gilgit-Baltistan region remained displaced for the fifth year and cracks on mountain slopes raised fears of more villages being affected and their population uprooted. Some residents of Dera Bugti in Balochistan were able to finally return home, even though it took a court order and a rather long sit-in on a key national highway to draw attention towards their plight.

Although the uprooted population was the first to suffer as a result of displacement, they had little or no influence over the decisions that affected them. Even among this population, women and children were the most vulnerable, and had even less say or control over the decision-making process. Understanding the disaster from an identity and gender perspective remained missing and conflict displaced women were restricted from receiving relief goods on account of lack of identity documents or under a jirga pronouncement.

The long wait of hundreds of thousands of Pakistanis, who have been stranded in Bangladesh since 1971, to be brought back to their country continued without an end in sight. The only worthwhile attention paid to their continued plight in 2014 was the Supreme Court of Pakistan admitting for regular hearing a petition seeking their repatriation from Bangladesh.

### **Afghan refugees**

Pakistan is a signatory neither to the 1951 UN refugee convention nor the 1967 protocol to that convention. A tripartite agreement among Pakistan, Afghanistan and the UN refugee agency, the UNHCR, regulates the presence of registered Afghans in Pakistan and a programme for their voluntary repatriation.

In 2005-06, a one-off registration exercise for Afghans in Pakistan was conducted. All those who registered with Pakistan's National Database and Registration Authority (NADRA) received Proof of Registration (PoR) cards. The holders of these cards were facilitated by the UNHCR and protected against expulsion. Since then, no new registration has taken place except for children born to registered Afghans. After a federal cabinet's decision in 2013



At the end of 2014, Pakistan was host to the largest number of refugees worldwide, nearly all from Afghanistan.

the deadline for repatriation of registered Afghans was extended until the end of 2015.

With the exception of a few specific scenarios, NADRA, with support from UNHCR, concluded in December 2014 the PoR card renewal project for registered Afghan refugees, whose cards had expired at the end of 2012. The renewal exercise was expected to close by mid-February in 2015. The renewed PoR cards were valid until 31 December 2015, as was the Tripartite Agreement on the Voluntary Return of Afghan Refugees signed by the governments of Afghanistan and Pakistan and UNHCR, which emphasised the principle of voluntariness of return.

HRCP acknowledges UNHCR's support in providing the statistics on refugees and in facilitating understanding of the refugee issues in Pakistan. According to the year-end statistics, based on the data of renewed PoR cards, some 1.5 million registered Afghan refugees still remained in Pakistan. A similar number of unregistered Afghans were also believed to be in the country.

Until the end of the year, NADRA registered 30,913 new-born children to PoR cardholders and more than 8,454 Afghan children below the age of eighteen received birth certificates. Recently simplified procedures for the grant of birth certificates were expected to lead to an increase in the issuance of this important document.

A little over half a million registered Afghan refugees in Pakistan lived in 76 refugee camps, or refugee villages, as UNHCR called them, while the rest

<b>UNHCR-assisted repatriation from Pakistan to Afghanistan (2004-2014)</b>	
<b>Year</b>	<b>Repatriated individuals</b>
2004	383,598
2005	449,520
2006	133,015
2007	364,476
2008	282,496
2009	51,290
2010	109,383
2011	52,096
2012	83,423
2013	31,800
2014	12,991
<b>Total</b>	<b>1,954,088</b>

*Source: UNHCR*

lived outside those camps. Of the refugee villages, 65 were in Khyber Pakhtunkhwa, 10 in Balochistan and one in Punjab.

The unregistered Afghans did not enjoy any protected status in Pakistan and were dealt under the scope of the provisions of the 1946 Foreigners Act.

The UNHCR-facilitated voluntary repatriation programme, which only assisted registered Afghan refugees holding valid PoR cards, continued throughout 2014. During the year under review, 12,991 registered Afghan refugees (2,684 families) went back home under the voluntary repatriation programme. This was

the lowest number of UNHCR-assisted annual returns in the past 11 years. The previous lowest figure was recorded in 2013 when 31,800 Afghans had returned under the repatriation programme.

From the Khyber Pakhtunkhwa province, which hosted close to one million registered refugees, only 5,320 Afghans (1,096 families) left for their country in 2014. This was a figure lower even than 16,250 refugees who went back in 2013, already the lowest number in the last few years.

The low numbers reflected the refugees' assessment that the condition on the ground in Afghanistan had not improved, especially in the east and south of the country, for them to return home. Besides poverty, natural disasters, lack of security and political instability in Afghanistan swayed their decision.

There were no reports of Pakistan forcibly sending any registered refugee to Afghanistan during the year under review.

UNHCR's mandate did not cover unregistered Afghans. However, individuals who claimed to be at risk of human rights violations or other serious harm in case of return to Afghanistan could apply for refugee status with UNHCR. During 2014, UNHCR received 5,702 applications from Afghan asylum-seekers. The government of Pakistan had agreed to issue PoR cards to those Afghans that UNHCR recognizes as refugees during its refugee status determination (RSD) procedures. This decision was to be implemented in 2015. UNHCR Pakistan was also assisting some 666 non-Afghan asylum-

<b>UNHCR-assisted repatriation of Afghan refugees in 2014</b>		
<b>Province/region</b>	<b>Families</b>	<b>Individuals</b>
Khyber Pakhtunkhwa	1,096	5,320
Balochistan	1,088	5,359
Sindh	256	1,141
Punjab	225	1,076
Islamabad	19	95
<b>Total</b>	<b>2,684</b>	<b>12,991</b>
<i>Source: UNHCR</i>		

seekers and refugees, mostly from Somalia, Iran and Iraq.

The presence of the large number of Afghan refugees residing in Pakistan fuelled discussions on its impact on the country's resources and law and order. A brutal attack on a school in Peshawar by the Taliban in particular brought the focus firmly on early repatriation of Afghans from Pakistan.

### **The usual suspects**

The December 16 Army Public School attack in Peshawar, the capital of the Khyber Pakhtunkhwa province, negatively impacted the asylum space in Pakistan and soured the general sentiment even against registered Afghan refugees.

In the last two weeks of December, the Khyber Pakhtunkhwa government asked the federal government to expedite the return of Afghan refugees and, in the meanwhile, impose curbs on their movement, and house them outside the province.

In the week following the attack, the Khyber Pakhtunkhwa government said the terrorist attack had been planned in Afghanistan and added that Afghan refugees had a month to leave the province.

The Khyber Pakhtunkhwa chief minister called the "presence and unrestricted movement of Afghan refugees... a constant source of crime" and worsening law and order situation in the province. He said the main factor behind the province being affected the most in the war against terrorism were the Afghan refugees. He said that the provincial cabinet had unanimously agreed on sending Afghan refugees back because "they are not only a burden on our economy but have also caused increase in heinous crimes". He demanded the federal government change the timeframe for the repatriation of Afghan refugees, saying the provincial government could not wait for another year. He said until repatriation, the Afghans should be confined in camps outside Khyber Pakhtunkhwa.

Addressing a news conference alongside a UNHCR representative on

December 23, the minister for states and frontier regions (SAFRON) rejected the notion that Afghan refugees would be sent back to their country against their wishes after the Peshawar school attack. He said the registered Afghan refugees had never been found involved in terrorism-related incidents in the country and that they “will be sent back respectfully on a voluntary basis and according to the timeframe decided upon”.

A spokesman for the Khyber Pakhtunkhwa government later stated that the province was considering the establishment of around five camps in various cities of the province and limiting the registered refugees to these camps.

### **Curbs in Haripur**

In one of the first signs of action against Afghan nationals in Khyber Pakhtunkhwa, police in Haripur district were reported in the last week of December to have asked both registered refugees and unregistered Afghan nationals living in the city limits to relocate to designated camps and restrict their movement to the camps at night.

Police were reported to have made announcements over loudspeakers in various localities in Haripur, asking any Afghan refugees who had rented accommodation within the city limits to vacate the houses within three days and move to a camp located outside the city. They also asked owners of houses rented by Afghans to evict them within three days if they did not want criminal cases filed against them.

The Haripur district police chief said the restriction on the movement of Afghans had been placed around a year ago under Section 144 of the Code of Criminal Procedure and the police had merely renewed the previous order. He said a decision had been made to restrict the movement of Afghan refugees from 8.00 pm until 8.00 am and the order would apply to both registered and unregistered Afghans. The police officer said Section 144, which restricted the assembly of five or more persons at a place, would be applicable to PoR card holders also.

Afghan businessmen were reportedly permitted to visit the city after 8 am but had to leave the city area before 8 pm.

Afghan refugees gathered at a central location in the city to protest as the deadline ended. They said the three-day deadline was insufficient as hundreds of Afghan families had been living in rented houses for years. They said some families had established their businesses and relocating to camps without proper facilities would expose them to a variety of problems. They said their children were studying at different schools and were not accustomed to living in camp conditions. The protesters asked the administration to review its decision or at least extend the deadline to allow them to settle with their families in the

designated areas.

The provincial authorities later said that under the federal government policy, registered refugees could stay in the province, so the police would not arrest them.

It was not just the provincial government, but others, including speakers at a Qaumi Jirga in Peshawar later in December, which called, in the same breath, for action against terrorists and sending Afghan refugees back to Afghanistan without delay.

### **Internal displacement**

2014 was another year when the number of internally displaced persons was higher in the country than the number of Afghan refugees. Armed conflict and natural disaster were the main causes of displacement. Around two million citizens were displaced by two military operations in Khyber and North Waziristan agencies of FATA even as tens of thousands of IDPs languished in districts bordering the tribal areas following previous military operations against the Taliban. The figures did not include thousands of families that were not registered with the authorities and lived with host families or relatives.

Military operations against militant extremists in North Waziristan Agency in June and Khyber Agency in October accounted for almost all the conflict-induced displacement in 2014. Hundreds of thousands of citizens displaced from FATA amid military operations against the militants in previous years also remained displaced.

Women among the displaced population were reported to have faced a lot of problems in accessing relief and not much appeared to have been done to address those problems.

### **On their own**

The exodus from North Waziristan Agency of citizens fearing a military operation had started much before the actual operation started in June. Families leaving the area to seek sanctuaries elsewhere had started surfacing as early as January 2014. Close to the launch of the June 15 military operation, the affected population had to face a lot of difficulties on account of closure of roads, suspension of electricity and lack of means of transport. Thousands of people were reported to have walked tens of kilometres because they could not afford the inflated transport cost.

The displacement from North Waziristan exposed lack of preparation and even elementary things such as the precise number of the affected population, exposing the uprooted citizens to much more suffering than they should have suffered on account of leaving their homes.

According to the last population census, in 1998, the population of the

entire FATA region, of which North Waziristan Agency was a part, was 3.1 million. The figure was understood to not count a large number of women as tribesmen were generally reluctant to provide information about women family members. North Waziristan's population was over 360,000, according to the 1998 census. The population at the time of the operation was assumed to be half a million.

However, the scale of the exodus far exceeded the assumed numbers. Nearly 400,000 displaced individuals from North Waziristan registered with the authorities within a week of the operation starting and the number exceeded one million in the first month. Towards the end of June, the defence minister had said that the government expected the number of displaced persons from North Waziristan to be around 700,000. In November, another minister said the number was around two million, including 1.5 million registered and half a million unregistered individuals.

The exodus from North Waziristan added a fresh layer of displacement on top of the crises from Bajaur, Kurram and South Waziristan where the affected population was yet to be repatriated because peace could not be restored to their areas.

In October, the security forces launched an operation against an outlawed militant group in Khyber Agency. In the first three weeks of the operation, the number of displaced persons (34,054 families) from both Tirah and Bara had reached 245,482. By mid-December, 597,386 displaced individuals from Khyber Agency had been registered.

The Fata Disaster Management Authority staff said with most of the new displaced families already registered with them since 2009 and 2010, they were providing one time cooked food and free transport to the new families. Thousands of families who shifted to Jalojai camp near Nowshera district of Khyber Pakhtunkhwa complained of little or no assistance from the authorities. Some spoke of living under the sky with very little food and medical care available to them. The camp had already been housing 5,000 Bara families for the last five years. Many families that could not afford to rent a house said that they had come to Jalojai for temporary shelter.

### **Not welcome**

Just as the conflict-affected North Waziristan displaced started leaving their homes ahead of an operation against the militants, reports emerged of some provincial authorities opposing entry of the displaced citizens from FATA. In June, the Khyber Pakhtunkhwa provincial assembly criticised what it saw as a ban on IDPs' entry into other provinces. A day earlier, the provincial

governor had expressed concern over Sindh and Balochistan ‘banning’ IDPs from North Waziristan.

In mid-June, the Sindh information minister stated that individuals coming from outside Sindh would be registered at the inter-provincial borders and allowed entry only after satisfying the authorities about the purpose of their visit and giving the name of the person they intended to visit. However, the leader of opposition in the National Assembly, who was from the ruling party in Sindh, stated in early July that no one could bar displaced persons from any part of the country. The Punjab government also rebutted an earlier impression of barring access to the internally displaced.

Starting in July, a number of Sindhi nationalist parties launched ‘Sindh Bachao’ (Save Sindh) movement against IDPs’ entry into Sindh. They also tried to block traffic between Punjab and Sindh for a couple of days. The protesters stopped traffic entering Sindh from Punjab through a major route for one whole day. The following day they staged sit-ins at Ghotki and Kandhkot bypasses. However, on that day the protesters only stopped buses and trucks carrying the IDPs, while allowing all other vehicles to pass through.

Some commentators suggested that the FATA displaced needed to feel that they were taking refuge within their own country and also called upon advocates of curbing IDPs’ movement that they were not coming out in droves because they wanted to live in camps in Peshawar, Karachi or Lahore.

### **No timeframe**

On November 20, the federal minister for state and frontier regions said that over 90 percent area of North Waziristan Agency had been cleared of terrorists in the military operation, but no timeframe could be given for the return of around two million internally displaced persons from the tribal agency. He said the government did not want to allow the terrorists an opportunity to use the population as human shields by sending the displaced home amid an ongoing battle.

Throughout the year, citizens displaced from other parts of FATA during security forces’ earlier operations against extremist militants demanded that they should be allowed to return to those parts of the tribal agencies that had been purged of the militants. However, only small numbers of displaced from some parts of FATA trickled back to their native areas during 2014.

### **Overshadowed**

The displaced persons from North Waziristan and those forced to flee the conflict in Bajaur, Mohmand, Khyber and Orakzai tribal agencies were very critical of a lack of attention to their needs by both the federal and provincial

government after August, when two separate but somewhat coordinated *dharnas* (sit-ins) converged on the federal capital. The displaced persons felt that the ruling and opposition politicians in both the federal and the Khyber Pakhtunkhwa government were busy in power wrangling rather than attending to their needs. They complained that the *dharnas* had occupied not only the attention of the government but also pushed IDP concerns out of the media focus and perhaps also official priorities.

### **War of words**

After the launch of the North Waziristan operation, tens of thousands of residents were reported to have fled across the border into Afghanistan. Responding to the Afghan authorities' statements that they would welcome the displaced from Pakistan, Pakistani authorities said that instead of tempting displaced families from North Waziristan, Kabul should focus its energies on honourable repatriation of the millions of Afghans living in Pakistan for several decades. The Ministry of States & Frontier Regions (SAFRON) in June rejected Kabul's claim that 100,000 persons from North Waziristan Agency (NWA) had migrated to Afghanistan. It said 33,000 residents of North Waziristan had crossed back into Pakistan after the armed forces launched the military offensive.

### **Protection concerns for the displaced**

Besides being forced to leave their homes, the internally displaced persons also faced threats and attacks from the militants in their camps and at locations established by the authorities for their registration. At times it seemed that the very threats which these people had fled from had followed them.

The deadliest attack against displaced persons occurred in Hangu on September 28, when eight persons, including three children, were killed and 12 others injured in a bomb explosion inside the Muhammad Khwaja Camp for internally displaced persons from Orakzai Agency of FATA. All the casualties were individuals displaced from Orakzai after a military operation was launched against the militants in 2008. Around 1,100 families from Orakzai had been staying in the camp, while many others had rented houses or were staying with relatives or in rented accommodation, mainly in Hangu and Kohat.

On June 10, militants had attacked the same camp with rockets and hand grenades, following earlier threats asking the affected population to leave the camp by June 11 or face the consequences. A large number of the displaced persons had left the camp following the June attack. However, some of the displaced persons were reported to have told the media at the time that they did not have any money for travel and if they had been condemned to dying at



Internally displaced Pakistanis.

the hands of the Taliban then they could not change that.

Five persons were killed and 10 wounded when a suicide bomber targeted a registration centre for internally displaced persons of Khyber Agency in Peshawar on May 11. The displaced persons planning to return to their homes in Tirah Valley and Bara in Khyber were being registered at the camp and given Rs25,000 in cash and ration for six months.

In June, families uprooted from North Waziristan were reported to have refused to stay in a camp set up by the government in the Bakkakhel area in the Frontier Region (FR) Bannu as the militants had threatened them through leaflets.

The affected families stated that security for their families was their priority and that was why they had left their villages. They called upon the government to open a relief camp for them in either Bannu or Lakki Marwat districts rather than in Bakkakhel where they had already been threatened by the militants.

### **Exodus averted**

A reportedly impending security forces operation in Bajaur Agency of FATA was said to have been called off in July, after the local Mamond tribes' jirga and the security forces agreed that the jirga would support the forces' efforts against the militants by denying them shelter and joining the forces in attacking the militants.

### **Vulnerabilities of displaced women**

In their flight, much as had been the case during their stay in their native area, women were the most vulnerable section of the displaced population.

They were not consulted on decisions that affected their lives the most and their special needs were neglected almost without exception.

Because of the local norms in FATA that restricted women's mobility, education and social interaction, the displaced women were said to lack confidence to access relief goods. The female literacy rate in the area was reported to be only 3 percent. A large number of women did not possess national identity cards, which made access to relief goods impossible. There were no separate registration points for women.

Even those who had identity cards found their path to relief blocked. Under a Jirga decision endorsed reportedly by some political parties as well, women residing in the camps for North Waziristan IDPs were barred from receiving the relief goods. This severely affected women who had no adult male family members, as well as female-headed households of widows or women whose husbands, brothers, or fathers were working abroad.

The young women in the camps were also reported to be facing sexual harassment, which was said to be forcing minor girls' families to marry them.

Civil society organisation highlighted the fact that the relief organisations' staff and the camps lacked basic facilities for women, partly because men organised and managed them and struggled to comprehend women's needs in displacement settings.

These factors made the suffering of displaced women much more acute than the situation of men.

### **Education and children**

In September, the Khyber Pakhtunkhwa government decided to enroll all displaced children from Waziristan in government schools. Some tented schools were also opened for the IDPs. However, one of the general complaints of the displaced persons was that the existing educational infrastructure simply did not have the capacity to cover the displaced population. Reports of children from displaced families standing at the back of the class or at the door because of lack of seating capacity also surfaced.

There were also accounts of children being unable to resume their education after their displacement, because they were expected to, or felt compelled to, support their families.

In a further challenge to education, in September when the schools were about to open after vacations, North Waziristan IDPs were yet to vacate 572 schools where they had been accommodated.

### **Displaced in Sialkot**

Around 40,000 people had to leave their homes in dozens of villages in Sialkot, after cross-border shelling by Indian forces. Many started living with



Around 40,000 people had to leave their homes in dozens of villages in Sialkot, after cross-border shelling by Indian forces

relatives in nearby villages. Hundreds of houses were damaged or destroyed in the shelling.

### **Finally heading home**

A convoy of 100 members of the Bugti tribe reached Dera Bugti district in Balochistan in early February after being displaced from their homes about nine years ago. They had tried to move to the district about two weeks earlier, but the security forces had not allowed them through. The displaced Bugtis had blocked a major inter-provincial highway in protest and had ended the protest eight days later. Later on they moved the Balochistan High Court which allowed them and thousands of other displaced individuals from the district to return to Dera Bugti after registering themselves with the authorities.

### **Challenges and opportunities**

The massive population movement overwhelmed the healthcare infrastructure in host communities. In Bannu district, the health department officials said that the district had never hosted such a large displaced population and that its health facilities were unable to cope. World Health Organisation was reported to be helping the authorities build capacity. The Khyber Pakhtunkhwa health department was sending doctors from teaching hospitals on rotational basis.

The exodus from Waziristan allowed an opportunity to administer oral polio vaccine to children, who had not been unimmunised for two years in North Waziristan. Recent massive movements of IDPs combined with

displacement by the floods had increased the risks of the polio virus spreading.

### Protesting for equal treatment

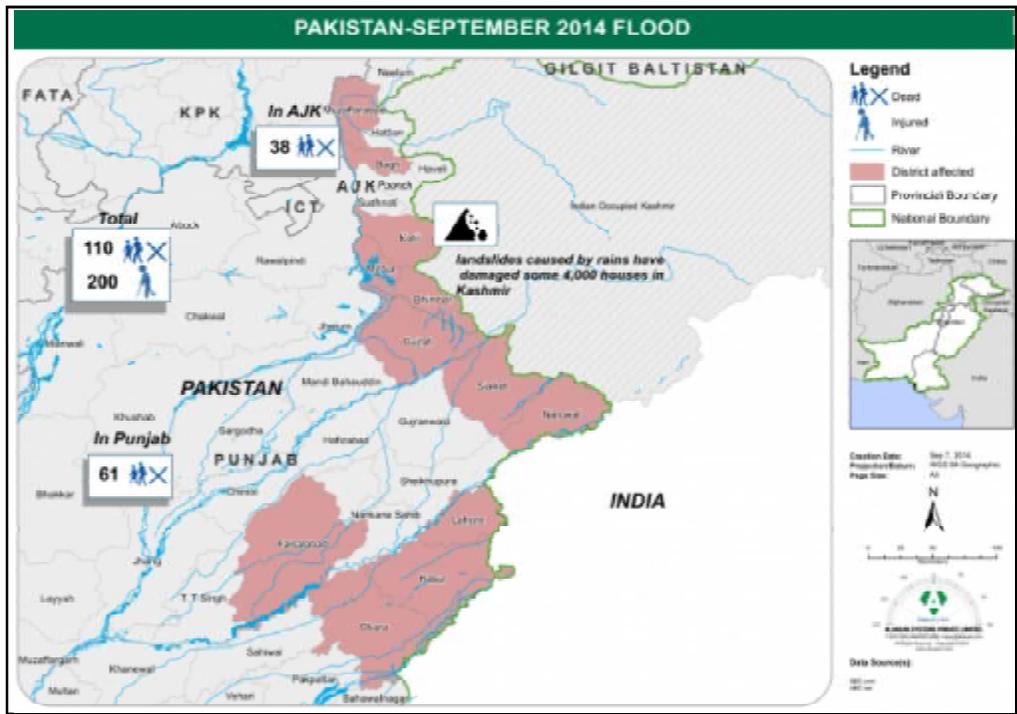
In August, the displaced in Jalozei Camp, Nowshera district, set up a protest camp outside the Peshawar Press Club that continued for over 50 days. Their main demand was that they should be given ration and compensation package equal to that being provided to the IDPs from North Waziristan.

They stressed that the government should not discriminate between the IDPs hailing from North Waziristan and those who were displaced earlier from other tribal agencies and were still staying in camps or in rented houses or with relatives.

### Natural disasters

In the first week of September, late and concentrated monsoon rains resulted in flash floods in Punjab, Gilgit-Baltistan and Azad Jammu and Kashmir (AJ&K), with more than 2.5 million people affected. Besides partial or total damage to thousands of homes, significant loss of livestock and crop damage at the height of the harvest period affected livelihoods.

The National Disaster Management Authority said that 23 districts in Punjab, five in Gilgit-Baltistan and 10 in Azad Jammu and Kashmir had borne



Flood losses in 2014.



Floods displaced thousands of people.

the brunt of the floods.

The Punjab government called the floods the worst to hit the province in five decades, destroying 3,450 villages and displacing over half a million people.

In early October, the federal government appealed to the international community for help to rehabilitate the people displaced by floods and the military operation in North Waziristan.

The 2014 floods represented the fourth year in a row that Pakistani citizens had been affected on a large scale by flooding, highlighting absence of effective prevention and control measures. While some reports acknowledged that floods were a recurring natural phenomenon, they hesitated to call the subsequent displacement a ‘natural’ disaster, because of poor planning and preparedness. Media reports showed evidence of the flood victims becoming desperate and raiding aid trucks.

### **Homeless in Hunza**

Thousands of people remained displaced in Hunza in Gilgit-Baltistan five years after a massive landslide which destroyed three villages—Attabad, Sarat and Ayinabad. Another three villages—Shishkat, Gulmit, Ghulkin—were submerged when the debris from the landslide blocked the flow of the Hunza River. The affected villages had a combined population of over 7,400 people. Around 3,000 continued to live in three temporary camps established for them since January 2010. The camps lacked basic facilities and the shelters built for the people grew too hot in the summer and too cold in winter. An early return for these people did not appear to be a priority with the authorities.

In October, it was reported that nearly 5,000 people could lose their homes and lives as land around Gulmat village on the slopes of the nearby Nagar Valley mountain had developed cracks and had started sliding towards the

Hunza River. Gulmat was not far from Fakar village—also in Nagar and also facing a similar situation. In mid-September, a large portion of Fakar had collapsed and landed in the river, blocking its flow temporarily.

The local residents' demand for an immediate survey by experts to avoid further disaster was yet to be heeded at the end of the year.

### **Marooned in the desert**

Thousands of residents of the Thar desert in Sindh and Cholistan desert in Punjab were forced to leave their homes amid drought-like conditions on account of prolonged absence of rain. The desert inhabitants had to relocate because of a shortage of drinking water and fodder for their cattle as rainwater ponds dried up. In Cholistan, disease among cattle was also said to have caused displacement in the last quarter of the year.

According to media reports in March, tens of thousands of Thar residents had migrated after Tharparkar witnessed a third consecutive year without rain. Wind-swept sand covered whatever little grass had survived. The cattle herders were reported to have migrated along with their stock to areas with



Thousands of residents of the Thar desert in Sindh and Cholistan desert in Punjab were forced to leave their homes amid drought-like conditions.

water and fodder, while many young men were reported to have moved to big cities like Karachi and Hyderabad to look for work as in the desert absence of rain generally meant absence of work.

### **Stranded in Bangladesh**

There was little hope in sight for an early end to the de facto statelessness of hundreds of thousands of Pakistanis stranded in Bangladesh since 1971. Also known as Biharis, an Urdu speaking community, they lived in refugee-like conditions and faced discrimination. They maintained that they were Pakistani nationals when Bangladesh emerged as a separate country and should be repatriated. However, Pakistan had declined citizenship and repatriation to them.

In the last few years, Bangladesh granted the right to vote to the Biharis who were minors at the time of the 1971 war or were born later. There was still no legal recognition for people who were adults in 1971. They lacked access to government jobs, schooling or even access to many basic facilities.

The only worthwhile attention paid to the continued plight of these stranded Pakistanis in 2014 was that the Supreme Court accepted for regular hearing a petition filed in 2009, seeking repatriation of the Pakistanis stranded in Bangladesh.

The petitioner said the Pakistan government had no right under the constitution and the law to withhold repatriation of its citizens. The petition also requested the court to order the government to look after the stranded Pakistanis living in camps and provide food and medicines till the time they were repatriated to Pakistan.

The matter was pending at the conclusion of the year 2014.

### **Recommendations**

*1. Pakistan, Afghanistan and the international community must speed up efforts to find lasting solutions to the prolonged displacement of the millions of Afghans. For as long as they are in Pakistan, effective steps must be taken to ensure respect for their rights.*

*2. Emergency response should only be seen as an initial part and not as a solution of problems associated with internal displacement. More thought needs to be given to the recovery and development stage in the displacement cycle.*

*3. Participation of displaced persons in the decision-making process must be ensured to mitigate their plight. They must have a say in how camps, registration and returns are managed. The challenge of forced displacement should be used as an opportunity to address social norms that discriminate*

*against women, in order to ensure that customs are not used as a fig leaf to deny women their rights.*

*4. Registration of internally displaced persons must be made simple and easy and treated as an entitlement rather than as a favour.*

*5. The disproportionate effect of displacement on women and children, including health, education and economic issues, must be taken into account and addressed. Assistance and healthcare should also include psychological counseling.*

*6. Immediate and meaningful action must be taken without further delay to end more than four decades of de facto statelessness of Pakistanis stranded in Bangladesh.*

## Appendices



## *Appendix - I*

# **HRCP activities**

The Human Rights Commission of Pakistan (HRCP) carried out a number of activities during 2014 to raise awareness among citizens about basic rights and fundamental freedoms, monitor the rights situation and engage in advocacy to seek protection of human rights in the country.

The various chapter and taskforce offices of HRCP across the country organised workshops, fact-finding missions, seminars, research and rallies on human rights issues. The HRCP Expert Group on Communities Vulnerable because of their Belief continued 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. Students were sensitised about human rights at schools, colleges and universities. Public meetings were held in districts across the country to engage communities on the issues of peace and tolerance.

The HRCP, in collaboration with the OMCT, held two consultations on the implementation of the UN Convention against Torture in Karachi and Islamabad. The consultations brought together foreign and local experts and stakeholders from almost all parts of the country. A workshop was arranged in Islamabad to assess federal and provincial laws on access to information and workshops on electoral reforms were held at the provincial level. Another workshop at Islamabad discussed ways to make the Election Commission truly independent and more efficient. The HRCP also arranged a number of trainings for human rights activists in all the provinces on promoting human



A consultation on the implementation of the CAT in Islamabad.

rights education and research to realise pluralist ideas.

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.

The HRCP conducted fact-finding missions to Balochistan, Karachi and Thar in 2014. The provincial chapters of the commission also conducted a number of fact-finding missions.

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.

The HRCP websites drew extensive comments on the Commission's stance and initiatives, and human rights issues in general. Hundreds of students, researchers, journalists and others interested in information about various aspects of human rights consulted the HRCP online archives that were refurbished during the year for better accessibility. A break-down of the organisation's main activities during the year follows.

### **Workshops/Seminars/Meetings**

**Jan 24, Karachi:** Brainstorming session on the state of human rights, attended by representatives of NGOs and an FIDH delegation

**Jan 25 & 26, Karachi:** FIDH & HRCP workshop: The state of religious minorities in Pakistan: challenges & response

**Jan 29, Islamabad:** Press conference for FIDH mission on the state of religious minorities in Pakistan attended by local, foreign media and civil society

**Jan 31, Karachi:** A presentation by Dilawar Khan Tanauly on the impact

of violation of labour rights on society

**Feb 14-16, Lahore:** Training of Trainers (TOT) from Punjab, KP and Gilgit-Baltistan on ‘promoting human rights education and research to realise pluralist ideas’.

**Feb 17, Karachi:** Presentation by Baseer Naved of AHRC on the ‘State of Human Rights in South Asia’

**Feb 18, Islamabad:** A Policy Dialogue to highlight the importance of ‘*Women’s Representation in the Local Government Election*’, in collaboration with Oxfam, Centre for Civic Education Pakistan, Khwendo Kor, SAP PK and SAFWCO, attended by representatives of major political parties, provincial governments, NCSW, CSOs and media

**Feb 20, Hyderabad:** Meeting on the cases of enforced disappearance in Sindh.

**Feb 21-23, Lahore:** Training of Trainers (TOT) from Sindh and Balochistan ‘on promoting human rights education and research to realise pluralist ideas’

**Feb 25, Karachi:** Arranged a meeting of civil society organizations working on minority rights with Mrs Razia Jaffar and Mrs Nayyar Salam of the Institute of Social Sciences (ISS).

**Feb 27, Karachi:** HRCP council members (Sindh) meeting

**Feb 28, Karachi:** Monthly meeting. Shamil Shams, from Deutsche Welle, Germany, was invited to talk on ‘Literature and Human Rights’.

**March 07, Karachi:** Celebrated Women’s Day at Arts Council.

**Peshawar:** Focal Group discussion with minorities’ representatives



FIDH -- HRCP workshop



Policy Dialogue: 'Women's Representation in the Local Government Election'

**March 14, Hyderabad:** A session on the 'rights of people in natural disasters with reference to Thar famine' and a candle vigil for the child victims of Thar drought.

**March 19, Hyderabad:** Dialogue in collaboration with the Association of Rural Development (ARD) on the rights of religious minorities in Thar.

**March 20, Hyderabad:** Civil society meeting on registration of a blasphemy case against three Hindu boys of village Neo Dhambalo, Badin.

**March 21, Hyderabad:** Meeting with Hyderabad DIG seeking protection for Hindus in the area after registration of the blasphemy case.

**March 21, Karachi:** HRCP members meeting

**March 22-23, Kandhkot, Sindh:** Training workshop on human rights education and research to realise pluralist ideals.

**March 25-26, Pano Aqil, Sindh:** Training workshop on human rights education and research to realise pluralist ideals.

**March 29-30, Mandi Bahauddin, Punjab:** Training workshop on human rights education and research to realise pluralist ideals.

**March 28, Karachi:** Rochi Ram's presentation: Pir Pagara Sibghatulla Shah Rashdi, a freedom fighter and his relevance to the modern times

**March 31, Turbat:** Seminar on International Women's Day

**April 4, Hyderabad:** Meeting on Sindh Assembly Act against Anti-Women Practices

**April 5, Hyderabad:** Attended a stakeholders meeting on education

**April 5-6, Toba Tek Singh, Punjab:** Training workshop on human rights education and research to realise pluralist ideals.

**April 12-13, Swat, KP:** Training workshop on human rights education and research to realise pluralist ideals.

**April 12-13, Kehror Pakka, Punjab:** Training workshop on human rights

education and research to realise pluralist ideals.

**April 19-20, Quetta, Balochistan:** Training workshop on human rights education and research to realise pluralist ideals.

**April 19-20, Gambat, Sindh:** Training workshop on human rights education and research to realise pluralist ideals.

**April 22-23, Bolan, Balochistan:** Training workshop on human rights education and research to realise pluralist ideals.

**April 22-23, Mehrabpur, Sindh:** Training workshop on human rights education and research to realise pluralist ideals.

**April 22, Rajanpur:** District meeting on the rights of children, women, labour and minorities

**April 23, Layyah:** District meeting on the rights of children, women, labour and minorities

**April 24, Islamabad:** Launch of annual report: “State of Human Rights in 2013”

**April 28, Quetta:** Focal group discussion on minorities’ rights

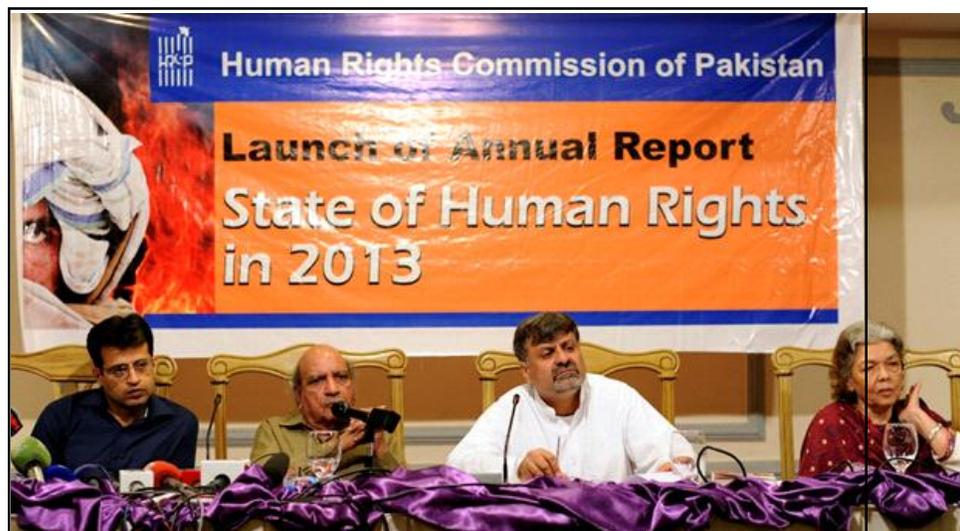
**April 28-29, Quetta:** Survey at University of Balochistan and BUITEMS

**April 30, Hyderabad:** A roundtable discussion on ‘privatisation and labour rights’ to mark the International Labour Day

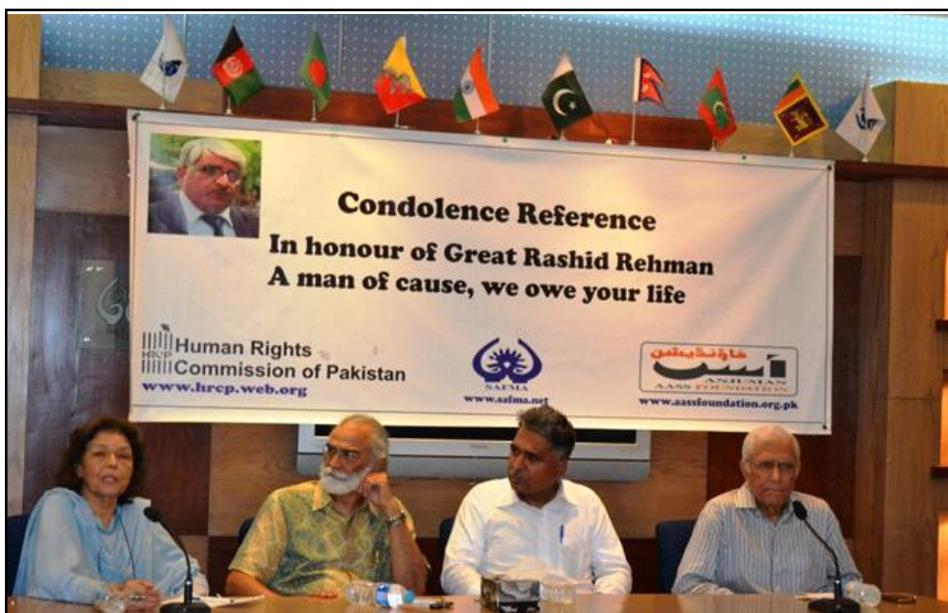
**April 30, Karachi:** Meeting to call for an increase in the EOBI pension

**May 3, Sahiwal:** District meeting on the rights of children, women, labour and minorities

**May 3, Khanewal:** Dialogue on enforced disappearances and torture at District Bar Khanewal



Launch of annual report: “State of Human Rights in 2013”.



Condolence reference for Rashid Rehman.

**May 3-4, Lalian, Punjab:** Training workshop on human rights education and research to realise pluralist ideals.

**May 6, Multan:** Dialogue on freedom of press, in collaboration with Multan Press Club

**May 8, Gilgit:** A meeting to pay tributes to Rashid Rehman, lawyer and HRCP regional coordinator, who was shot dead in Multan

**May 8, Hyderabad:** Condolence meeting for Rashid Rehman

**May 8, Islamabad:** Condolence meeting and vigil for Rashid Rehman

**May 9, Karachi:** Condolence meeting for Rashid Rehman and protest against his killing

**May 9, Quetta:** Condolence meeting for Rashid Rehman

**May 10-11, Kalam, KP:** Training workshop on human rights education and research to realise pluralist ideals.

**May 10-11, Kasur, Punjab:** Training workshop on human rights education and research to realise pluralist ideals.

**May 13-14, Bahawalnagar, Punjab:** Training workshop on human rights education and research to realise pluralist ideals.

**May 14-15, Bahrain, Khyber Pukhtunkhwa:** Training workshop on human rights education and research to realise pluralist ideals.

**May 17-18, Okara, Punjab:** Training workshop on human rights education and research to realise pluralist ideals.

**May 12, Hyderabad:** Meeting to discuss livestock department employees' demands

**May 17, Hyderabad:** A talk on 'citizens concerns on media rivalry', in collaboration with a net-radio (Voice of Sindh-London).

**May 20, Sukkar:** Workshop on forced conversion and marriages



Vigil for Rashid Rehman.

**May 21, Karachi:** A meeting to express solidarity with journalists working for the Geo-Jang group

**May 23, Hyderabad:** HRCP Hyderabad members' monthly meeting

**May 23, Hyderabad:** A meeting with labourers released from bondage

**May 24-25, Mailsi, Punjab:** Training workshop on human rights education and research to realise pluralist ideals.

**May 27, Karachi:** A seminar on the 'Challenges to Freedom of Expression', in collaboration with Karachi Press Club

**May 27, Hyderabad:** Meetings with office bearers of bar associations in Hyderabad to express concerns on targeted attacks on lawyers and human rights defenders

**May 28, Islamabad:** Reference for Rashid Rehman, in collaboration with SAFMA and AAS Foundation

**May 30, Karachi:** Talk by Prof Dr Sahar Ansari on 'Jadeed Daur maen Adab aur Sahafat kay rohjanat' [Literary and journalistic trends in the modern era].

**May 30-31, Tangi, KP:** Training workshop on human rights education and research to realise pluralist ideals.

**June 3, Hyderabad:** Meeting with Valmeki Hindu youths who complained against attempts to occupy their ancient graveyard at Tando Yousif Town, Hyderabad

**June 3, Karachi:** Comics workshop on 'Media's Role in Religious Harmony'.

**June 5, Quetta:** District Awareness Raising Programme at Dukki, District Loralai

**June 6, Quetta:** District Awareness Raising Programme at Ziarat

**June 7-8, Aliabad, Gilgit-Baltistan:** Training workshop on human rights



Press conference: "Building Consensus for a South Asia Human Rights Mechanism"

education and research to realise pluralist ideals.

**June 7-8, Samaro, Sindh:** Training workshop on human rights education and research to realise pluralist ideals.

**June 9-10, Tandobago:** Training workshop on human rights education and research to realise pluralist ideals.

**June 11, Islamabad:** Arranged a meeting for a South Asians for Human Rights (SAHR) and Asian Forum for Human Rights and Development (FORUM-ASIA) delegation with the Foreign Affairs Secretary and SAARC DG on the prospects of establishing a South Asia Human Rights Mechanism for the region and for broader regional cooperation on human rights.

**June 11-12, Nagar, Gilgit-Baltistan:** Training workshop on human rights education and research to realise pluralist ideals.

**June 12, Hyderabad:** A meeting to condemn murder attempt on a peasant Haji Sobho allegedly by a landlord of Sanjhor, Sanghar district.

**June 14-15, Daur, Nawabshah:** Training workshop on human rights education and research to realise pluralist ideals.

**June 11, Islamabad:** Arranged a meeting with the ambassadors and high commissioners of SAARC countries for a SAHR and FORUM ASIA delegation on the prospects for establishing a South Asia Human Rights Mechanism for the region and for broader regional cooperation on human rights.

**June 12, Islamabad:** Arranged a press conference for SAHR and Asian Forum for Human Rights and Development (FORUM-ASIA) delegation on "Building Consensus for a South Asia Human Rights Mechanism"

**June 11-12, Gilgit:** Training workshop on human rights education and research to realise pluralist ideals.

**June 13-14, Ghizer, GB:** Training workshop on human rights education and research to realise pluralist ideals.

**June 14-15, Daur, Sindh:** Training workshop on human rights education

and research to realise pluralist ideals.

**June 16-17, Gilgit:** Training workshop on human rights education and research to realise pluralist ideals.

**June 16-17, Diamer, GB:** Training workshop on human rights education and research to realise pluralist ideals.

**June 17, Quetta:** District Awareness Raising Programme in Quetta at Hasan Moosa Girls College

**June 20, Hyderabad:** Discussion on Sindh Budget for 2014-2015 fiscal year

**June 20, Hyderabad:** Meeting in Hala Town on Bhagri community's persecution

**June 24-25, Pishin:** Training workshop on human rights education and research to realise pluralist ideals.

**June 25, Hyderabad:** A meeting where elders of peasant families camped outside the press club briefed HRCPC on the reasons for their protest

**June 26, Karachi:** In collaboration with different NGOs, HRCPC arranged a seminar on 'International Day in Support of Victims of Torture'.

**June 26, Gilgit:** A meeting with representatives of civil society organizations to observe the International Day in Support of Victims of Torture

**June 26, Quetta:** Protest to mark the International Day In Support of Victims of Torture at Quetta Press Club

**June 26-27, Ziarat:** Training workshop on human rights education and research to realise pluralist ideals.

**June 26-27, Takht Bahai, KP:** Training workshop on human rights education and research to realise pluralist ideals.

**June 27, Gilgit:** A workshop on "the role of youth in sectarian harmony



Consultation on Laws on Sexual Harassment and their Implementation

and democratic development in Gilgit-Baltistan”

**June 27, Karachi:** Monthly presentation by Momin Khan Momin on ‘Conflict Resolution’

**June 28, Hyderabad:** A consultative dialogue titled ‘the impact of water supply and sanitation on citizen’s health’

**June 28, Islamabad:** A consultation on the laws on sexual harassment and their implementation in Pakistan

**July 4, Hyderabad:** Joint meeting of civil society organizations HRCP, PILER, PFF and SPARC in the context of peasants’ protest.

**July 4, Karachi:** A presentation on the Universal Declaration of Human Rights (UDHR) at ZABIST

**July 7, Hyderabad:** Javed Memon, a political activist, thrown blindfolded near Badin bus stop, Hyderabad told HRCP he was abducted on November 25, 2013 and tortured by unknown persons. According to him they questioned him about explosions in Sindh, weapons, and party funding.

**July 17, Karachi:** Workshop on ‘Local Government: Pitfalls & Prospects’ in the context of Sindh Local Government Act, 2013.

**July 18, Karachi:** Meeting of the HRCP Expert Group on Communities Vulnerable because of their Belief

**July 21, Karachi:** HRCP press conference on the findings of a fact-finding mission on Karachi situation.

**July 22, Hyderabad:** Alternative resolution of dispute between peasants and a landlord

**August 5, Karachi:** HRCP, PILER and PFF organized a meeting on Baldia factory fire.

**August 8, Islamabad:** Monthly meeting of Islamabad-Rawalpindi HRCP members and lawyers

**August 8-9, Meharr, Sindh:** Training workshop on human rights education and research to realise pluralist ideals

**August 9, Kasur:** District meeting on the rights of children, women, labour and minorities

**August 9-10, Layyah, Punjab:** Training workshop on human rights education and research to realise pluralist ideals

**August 10, Gujranwala:** District meeting on the rights of children, women, labour and minorities

**August 10-11, Sehwan Sharif:** Training workshop on human rights education and research to realise pluralist ideals

**August 11-12, Kot Addu:** Training workshop on human rights education and research to realise pluralist ideals

**August 12-13, Ratto Dero, Sindh:** Training workshop on human rights

education and research to realise pluralist ideals

**August 16-17, Rahim Yar Khan, Punjab:** Training workshop on human rights education and research to realise pluralist ideals

**August 19, Nankana Sahib:** District meeting on the rights of children, women, labour and minorities

**August 19-20, Ahmedpur Sharqia:** Training workshop on human rights education and research to realise pluralist ideals

**August 23, Sukkar:** Meeting on electoral reforms

**August 23-24, Abbottabad:** Training workshop on human rights education and research to realise pluralist ideals

**August 27-28, Mansehra:** Training workshop on human rights education and research to realise pluralist ideals

**August 29, Islamabad:** HRCP members' monthly meeting. Presentation by Shakil Chaudhry on Urdu-language newspapers

**August 30-31, Shangla, PK:** Training workshop on human rights education and research to realise pluralist ideals

**August 29, Karachi:** Discussion on "Democracy and Pakistan" by Ayub Qureshi, Information Secretary, Sindh National Party.

**August 29, Karachi:** Demonstration by JAC to express solidarity with democratic forces of the country

**August 29, Dalbandin:** District Awareness Programme at Dalbandin Press Club

**August 30, Vehari:** District meeting on the rights of children, women, labour and minorities



HRCP's consultation: Pakistan's Post-2015 Development agenda.

**August 30, Islamabad:** A consultation titled Pakistan's Post-2015 Development Agenda identified the challenges faced by Pakistan in meeting the Millennium Development Goals (MDGs) and prioritized key development goals for the next 15 years.

**September 4, Hyderabad:** Interaction with students of St. Bonaventure School, Phulleli, Hyderabad on human rights

**September 04, Quetta:** District Awareness Programme in Kharan at Inter Girls College, Kharan

**September 04, Quetta:** District Awareness Programme in Noshki at Elementary College, Noshki

**September 04-05, Gilgit:** Training workshop on "promoting human rights education and research to realise the pluralist ideals" for human rights activists

**September 06-07, Danyor:** Training workshop on "promoting human rights education and research to realise the pluralist ideals" for human rights activists

**September 06-07, Matiari:** Training workshop on "promoting human rights education and research to realise the pluralist ideals" for human rights activists

**September 9, Quetta:** Interactive meeting on electoral reforms

**September 9-10, Sanghar, Sindh:** Training workshop on "promoting human rights education and research to realise the pluralist ideals" for human rights activists

**September 9-10, Minimergh, Gilgit-Baltistan:** Training workshop on "promoting human rights education and research to realise the pluralist ideals"



Hyderabad: Interaction with students on human rights.

for human rights activists

**September 11-12, Jamshoro, Sindh:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**September 13-14, Tando Allahyar:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**September 13-14, Ghanche, Gilgit-Baltistan:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**September 16-17, Mithi, Tharparkar:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**September 16-17, Shigar, GB:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**September 12, Islamabad:** Lawyers and journalists meeting on IDPs in Bannu and street children

**September 13-14, Ghanche, Gilgit-Baltistan:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**September 14, Turbat:** Training workshop on the rights of children, women, minorities and labour

**September 16-17, Shigar, GB:** Training workshop on “promoting human



Youth Festival in Quetta.



Consultation on election reforms.

rights education and research to realise the pluralist ideals” for human rights activists

**September 19, Hyderabad:** Cecilia Borgia of META research, Netherlands, was briefed on the issues of fishermen communities of Sindh coastal areas.

**September 20, Hyderabad:** Forum on Understanding Scottish Referendum

**September 20, Shiekhpura:** District meeting on the rights of the child, women, labour and minorities

**September 20, Islamabad:** Consultation on election reforms, attended by representatives of political parties, civil society and media

**September 20-21, Uthal, Balochistan:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**September 21, Turbat:** Training workshop on rights of children, women, minorities and labour.

**September 23, Sargodha:** District meeting on the rights of the children, women, labour and minorities

**September 23-24, Bela Town, Balochistan:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**September 25, Naseerabad:** District Awareness Programme

**September 25, Islamabad:** Consultation on special laws and reforms in Fata

**September 26, Jhal Magsi:** District Awareness Programme

**September 27, Jaffarabad:** District Awareness Programme

**October 10, Islamabad:** Monthly meeting

**October 6, Hyderabad:** Meeting at HRCP Sindh chapter office, Karachi to review HRCP activities in Hyderabad

**October 8, Quetta:** Consultation on local bodies in Balochistan

**October 9, Quetta:** Interactive meeting on electoral reforms

**October 10, Gilgit:** A consultative meeting of civil society representatives in connection with the World Day against Death Penalty

**October 14, Hyderabad:** Preparatory meeting for Writers and Artists Convention in Hyderabad

**October 18, Gilgit:** A session to review the “Caught in a new great game?”, HRCP fact-finding mission’s report on GB

**October 18, Turbat:** A training workshop on the rights of children, women, minorities and labour

**October 18-19, Noorpur Thal, Punjab:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**October 21, Hyderabad:** Consultation on the rights of minorities, women, children and labourers in Hala Town, Matyari

**October 21-22, Shorkot, Punjab:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**October 24-25, Kabirwala, Punjab:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**October 22, Tando Muhammad Khan:** District meeting on the rights of minorities, women, children and labour



Consultation on special laws and reforms in FATA.

**October 24, Multan:** A lecture by Qazi Abid, head of Urdu Department, BZU, Multan on human rights

**October 25, Sialkot:** District meeting on the rights of the children, women, labour and minorities

**October 25, Quetta:** Balochistan Writers and Artists Convention

**October 28, Toba Tek Singh:** District meeting on the rights of children, women, labour and minorities

**October 31, Jamshoro:** District meeting on the rights of children, women, labour and minorities

**October 31, Hyderabad:** District meeting on the rights of children, women, labour and minorities

**October 27-28, Chitral, KP:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**November 1, Chinot:** District meeting on the rights of children, women, labour and minorities

**November 1-2, Shereen Gal, KP:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**November 1-2, Deepalpur, Punjab:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**November 4-5, Adenzai, KP:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**November 6-7, Karachi:** Consultation on ‘Convention Against Torture in Pakistan: towards implementation and accountability’ attended by journalists, lawyers, former judges, doctors and civil society representatives from Balochistan and Sindh

**November 8-9, Malakand, KP:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**November 09, Hyderabad:** Sindh Writers and Artists Convention, Hyderabad attended by Sindhi and Urdu language writers, poets, media persons and artists

**November 10-11, Islamabad:** Consultation on ‘Convention Against Torture in Pakistan: towards implementation and accountability’ attended by journalists, lawyers, former judges, doctors and civil society representatives from Islamabad, Punjab, Khyber Pakhtunkhwa and Gilgit-Baltistan.

**November 11, Sibi:** District Awareness Programme at Sibi at Government Girls Degree College

**November 12-13, Razzar, KP:** Training workshop on “promoting human



Sindh Writers and Artists Convention, Hyderabad.

rights education and research to realise the pluralist ideals” for human rights activists

**November 13, Karachi:** Discussion on electoral reforms

**November 14, Hyderabad:** A consultation on the illegal detention of the son of a civil society activist, Zebunnisa Mallah

**November 14-15, Dasht, Balochistan:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**November 14-15, Lachai, KP:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**November 15, Islamabad:** A workshop to assess the provincial laws on Access to Information

**November 15-16, Multan:** National Peasant Convention attended by peasants and workers from all the provinces of Pakistan

**November 16-17, Pasni, Balochistan:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**November 17, Quetta:** ‘Balochistan Youth Festival’

**November 21-22, Bolan:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**November 22-23, Machh:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**November 23-24, Muslim Bagh:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**November 26-27, Dera Allah Yar, Balochistan:** Training workshop on

“promoting human rights education and research to realise the pluralist ideals” for human rights activists

**November 28, Karachi:** Consultation on revival of trade union activities

**November 30, Lahore:** Youth Festival

**December 2-3, Zhob:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**December 3-5, Sanghar, Mirpurkhas, Thattha, Sujawal:** District meetings on the rights of children, women, labour and minorities

**December 5-6, Naseerabad, Balochistan:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**December 5-6, Dera Murad Jamali, Balochistan:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**December 7, Multan:** Writers Convention on “the role of writers in the promotion of tolerance”

**December 8-9, Khanozai, Balochistan:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**December 10, Quetta:** Peace Award for Courageous Seekers of Education at SBK Women’s University

**December 13-14, Mirpur, Azad Kashmir:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**December 13-14, Dheerkot, Azad Kashmir:** Training workshop on “promoting human rights education and research to realise the pluralist ideals” for human rights activists

**December 12-16, Shikarpur, Sukkur, Noushero Feroz, Ghotki and Khairpur:** District meetings on the rights of children, women, labour and minorities

**December 22, Multan:** District meeting on the rights of children, women, labour and minorities

**December 22, Bahawalpur:** District meeting on the rights of children, women, labour and minorities

**December 26-27:** Public hearing and meetings with civil society in Mithi

**December 29, Karachi:** Consultation on ‘Women’s wages and employment’

## **Fact-finding**

**January 11, Karachi:** To know the facts regarding a gang rape case of a

12-year-old girl in Karachi.

**January 20, Peshawar:** To probe accusations of poisoning of 29-year-old Husain Khan, held on murder charges in a judicial lockup in District Jail, Mardan

**January 21, Hyderabad:** To know the circumstances in which Mushtaq Ahmed Soomro, a political activist, was abducted from Employees Residential Colony of Sindh Agriculture University, Tando Jam

**January 22, Peshawar:** To know the facts about the targeted killing of a 60-year-old herbalist from the minority Sinkh community, Baghwan Singh, on his way home from his shop in Tangi Bazar, District Charsadda.

**January 22, Hyderabad:** To know the facts about the killing of a two-year-old boy and injuring of a seven-year-old girl among three persons during a police raid in Kunri town of Umerkot district. All the persons belonged to Kolhi community who were set free by an Umerkot court from a three-year bondage of a landlord.

**January 30, Hyderabad:** To probe complaints by a Hindu nomad clan 'Bhagris' settled in a coastal village near Jati town, Thatta district, of having been attacked by some men who accused them of kidnapping a Muslim girl from Thar for forced begging.

**March 5-6, Peshawar:** Baseline study of freedom of religion and belief in Agriculture University Peshawar in collaboration with the Institute of Social Sciences.

**April 29, Hyderabad:** Meetings with the family of Rano Meghwar, area shopkeepers, eyewitnesses and the police over his abduction

**May 15:** Visits to Singidi and So-Range coalmines

**May 22:** Visits to Machh-Aab-e-Gum coalmines

**June 7:** Visits to Dukki coalmines

**June 11:** Visit to Sharag, Harnai district coalmines

**July 17-20, Karachi:** Karachi fact-finding mission. Amid growing complaints of human rights violations, a fact-finding mission of the Human Rights Commission of Pakistan concluded that the Rangers-led Karachi operation launched in September last year had failed to achieve its targets. The mission, which assessed the law and order situation in Karachi after getting inputs from representatives of the media, civil society, political parties, minorities, government and law enforcement agencies as well as the families of victims, observed that the "objectives of the operation have not been met".

**February 17, Hyderabad:** To know the facts after bullet-riddled body of political activist Sahib Khan Ghoto was found in Ghotki. A JSMM activist, Ghoto had gone missing on February 14, 2014 in Sukkar.

**August 1, Gujranwala:** To know the facts of an incident of vigilante justice in Gujranwala. A woman and two of her young granddaughters died of

suffocation after a mob of roughly 1,000 people rampaged through an Ahmadi neighborhood set some houses on fire. The mob was alerted to a photograph an 18-year-old Ahmadi man had allegedly uploaded to Facebook of the Kaaba, which they considered blasphemous.

**August 8-10, Turbat:** To look into the claims of discovery of mass graves in Turbat

**September 24, Multan:** To find facts surrounding the death of four newborn babies due allegedly to the non-availability of oxygen at Children Hospital, Vehari.

**October 10-12, Quetta:** Fact-finding mission on Balochistan situation

**October 25, Multan:** To know facts of the killing for so-called honour of Abdul Ghafoor in Khanewal

**November 05, Kot Radha Kishen:** To know facts about the killing of a Christian couple accused of blasphemy at a brick kiln in Kot Radha Kishan, Kasur district. The HRCP team found no evidence of the alleged desecration of Holy Quran and the incident appeared to be rooted in a dispute over wages and outstanding payments.

**November 26, Hyderabad:** To know facts about an allegation of a police raid at Hoosri Camp of released bonded labourers without search warrant, and beating women and children and snatching their cash and jewelry. While villagers at the camp confirmed the occurrence, the police denied it.

**November 27, Hyderabad:** Gathered facts about student activist of Mehran University, Kamlesh Kumar who was abducted on November 26 from University Housing Society, Jamshoro

**December 3, Multan:** To know facts about the rape of a student by three persons in Kot Sultan, Layyah. Police registered a criminal case.

### **Demonstrations/rallies/protests/visits:**

**Jan 28, Karachi:** An HRCP team visited Shia Hazaras who were injured in a suicide attack on their bus in Balochistan and were shifted to Agha Khan Hospital, Karachi for treatment.

**Feb 9, Hyderabad:** A delegation enquired after a nationalist activist of Jeay Sindh Muttahida Mahaz, Muhammad Ali Nonari, who was found in a critical condition near Nooriabad 11 months after he had gone missing.

**January 10: Islamabad:** A candlelight vigil in memory of Shia Hazaras of Quetta killed in twin bombings in 2013

**January 24, Karachi:** HRCP, in collaboration with Poster for Tomorrow and Arts Council, arranged a poster exhibition, 'A Home for Everyone'

**February 2, Hyderabad:** Candle vigil in solidarity with Baloch missing persons and against mass graves discovered in Khuzdar, Balochistan.

**February 2, Karachi:** A delegation met Brig. Basit of Sindh Rangers to

discuss eviction of the residents of Old Slaughterhouse, Lyari, and their rehabilitation.

**February 14, Peshawar:** Visited Jallozai Camp to know the conditions IDPs were living in

**February 15, Turbat:** Visited the area to know about the situation for education.

**February 28, Islamabad:** HRCP members welcomed long marchers protesting for the recovery of missing persons

**March 8, Hyderabad:** Women's Day rally, attended by students of the Sindh University and peasant women from Hoosri Hari camp.

**March 17, Hyderabad:** HRCP and minority rights organizations arranged a demonstration to express concerns on damaging of a temple in Larkana incident.

**March 26, Hyderabad:** Visited the family of political activist Mushtaq Ali Soomro of Tando Jam. He was produced before an anti-terrorism court after two months of his forced disappearance. The court sent him to jail.

**March 28, Hyderabad:** Visited Hanuman Temple in Kali Mata Colony, Hyderabad, which was damaged in an attack. Also met Deputy Commissioner, Hyderabad to seek security for non-Muslims and their worship places.

**April 3, Hyderabad:** Demonstration and walk against the attack on the temple

**April 6, Hyderabad:** Welcomed participants of a march by Awami Jahmoori Party against ghost schools and for reforms in education policy.

**April 12, Hyderabad:** A sitting on the human rights situation and political assassinations in Balochistan and Sindh

**April, 30 Karachi:** Met Baloch students who were on a hunger strike at Karachi Press Club for the recovery of BSO president Zahid Baloch

**May, 01 Karachi:** May Day rally

**May 1, Hyderabad:** May Day rallies and a seminar at the Hyderabad Press Club

**May 5, Hyderabad:** Visited Naseem Nagar, Qasimabad for meeting the parents of a missing person Rohail Lughari

**May 9, Hyderabad:** Protest against Rashid Rehman's murder

**May 10, Sukkar:** Meeting and rally against Rashid Rehman's killing

**May 10, Gilgit:** Candlelight vigil in Rashid Rehman's memory, in collaboration with the civil society in Gilgit-Baltistan

**May 11, Turbat:** Demonstration to condemn Rashid Rehman's assassination

**June 23, Hyderabad:** Visited the members of Hindu community observing a sit-in hunger strike to protest occupation of Kali Mata Temple land.

**May 13, Hyderabad:** Visited police and regional human rights cell officials on bonded labour

**May 14, Hyderabad:** Taken hunger strike to express solidarity with Baloch missing persons.

**May 21, Hyderabad:** Demonstration against kidnapping of four bonded Haris.

**May 26, Quetta:** Protest against threats to girls education in Panjgur, Balochistan

**May 27, Karachi:** HRCP team met protesting Balochistan Student Organisation-Azad (BSO-A) activist, Lateef Johar, who was on hunger strike outside the Karachi Press Club for the last 37 days.

**June 1, Hyderabad:** 24-hour hunger strike in solidarity with Latif Johar on a hunger strike in Karachi for the safe recovery of Zahid Baloch.

**June 12, Hyderabad:** Candle-light vigil for Baloch nationalist leader Kair Bakhsh Marree

**June 20, Hyderabad:** Reference and candle vigil for Balochistan Assembly member Hendry Masih who was killed in Quetta

**June 22, Hyderabad:** Death anniversary of peasant leader Mai Bakhatwar.

**June 26, Hyderabad:** A walk on the International Day in Support of Victims of Torture

**June 26, Hyderabad:** Rally on the International Day in Support of Victims of Torture

**June 26, Turbat:** A meeting and rally on International Day of Solidarity with Torture Victims.



A rally on International Day of Solidarity with torture victims.



Rally on the International Day against Death Penalty.

**July 10, Hyderabad:** March against ill-treatment of agricultural workers

**July 17, Hyderabad:** Solidarity visit to survivors of police firing at Lalu Rank that killed an elderly woman and her son and severely injured others.

**August 9, Hyderabad:** Rally against Israeli war crimes

**August 10, Hyderabad:** Observed the International Day of the World's Indigenous Peoples by holding a discussion.

**August 14, Hyderabad:** HRCF team met the mother of Asif Panhwar, a student of Sindh University, who had gone missing from Nasim Nagar, Qasimabad, Hyderabad.

**August 15, Hyderabad:** Jeay Sindh Qaumi Mahaz - Arisar Group (JSQM-A) spokesperson Amir Azaad Panhwar visited the HRCF office and complained about harassment by intelligence agencies and police.

**October 10, Hyderabad:** Rally and a street theater performance to mark International Day against Death Penalty.

**October 10, Multan:** Rally on the International Day against Death Penalty. Participants signed a petition for the president of Pakistan for abolishing death penalty.

**October 16, Hyderabad:** Rally and a dialogue to mark International Food Day.

**October 21, Hyderabad:** HRCF team and a women's organization visited Eesa Colony in response to a complaint of domestic violence.

**November 06, Karachi:** Participated in a protest against a mob burning to death a Christian couple at a brick kiln in Kot Radha Kishan.

**November 27, Hyderabad:** Visited the family of missing activist Asif Panhwar whose bullet-riddled body was found from Larkana.

**November 29, Hyderabad:** Protest against disappearances and custodial deaths of political activists from Sindh.

**December 01, Hyderabad:** HRCP team visited the mortuary of Liaquat University Hospital, Hyderabad, where bullet-riddle bodies of political activists Sarwaich Pirzado and Wajid Langhah were brought. They were abducted on August 13 and Sept 11, 2014 from Karachi.

**December 8, Hyderabad:** A joint civil society protest against kidnapping and forced conversion of three girls Kajaol Bheel, Marvi Kolhi and Badal Kolhi.

**December 09, Hyderabad:** Rally against custodial deaths of political activists in Sindh and Balochistan

**December 10, Sukkar:** Rally in collaboration with local NGOs to mark International Day of Human Rights

**December 10, Hyderabad:** Rally in collaboration with District Bar Association, Jamshoro and local NGOs in Kotri city to mark International Day of Human Rights.

**December 14-15, Hyderabad:** Compiled details of missing persons killed in Sindh.

**December 10, Multan:** Participated in a rally on the International Day of Human Rights arranged by Justice and Peace Commission

**December 17, Hyderabad:** Candle Vigil for the victims of the Peshawar school attack

**December 18, Hyderabad:** Condolence reference for Sobho Gianchandani, a progressive intellectual of the subcontinent.

**December 25-27, Hyderabad:** Three-day visit to Mithi-Thar for public hearing and a consultation with civil society representatives



Rally against custodial deaths of political activists in Sindh and Balochistan.

## Jail visits

**March 13, Peshawar: Nowshera judicial lockup** visit to know the conditions of the inmates

**March 14, Peshawar: Swabi judicial lockup** visit to know the conditions of the prisoners

**March 18, Peshawar: District Jail, Dagger (Buner)** visit to know the conditions of the inmates

**March 21, Peshawar: District Jail, Kohat** visit to know the conditions of the inmates

**March 24, Peshawar: Sub Jail, Charsadda** visit to know the conditions of the inmates

## Complaint Cell

HRCP received 1,500 complaints during the year under review. The thematic breakdown of the complaints is as follows

### *Nature of Complaints:*

Excesses by police/administration: .....	500
Excesses: by non-state actors/influentials .....	506
Violation of women's rights /domestic violence .....	286
Miscellaneous: .....	368
Complaints from abroad: .....	40
<b>Total: .....</b>	<b>1,500</b>
Letters written to Authorities .....	600
Replies received: .....	188

## Website

The HRCP website ([www.hrcp-web.org](http://www.hrcp-web.org)) offers 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

- ◆ State of Human Rights in 2013 (English/Urdu)
- ◆ In the crosshairs Assault on places of worship. *Report of HRCP Expert Group on Communities Vulnerable because of their Belief*
- ◆ Jirga still favourite tribunal in Sindh. *An HRCP survey*
- ◆ Caught in a new great game? *Report of an HRCP fact-finding mission to Gilgit-Baltistan*
- ◆ Detained and disregarded. *A survey of prisons in Pakistan*

- ◆ In the crosshairs: assault on places of worship
- ◆ Report of HRCP Expert Group on Communities Vulnerable because of their Belief
- ◆ Belief and relief: access to justice for religious minorities
- ◆ Report of HRCP Expert Group on Communities Vulnerable because of their Belief
- ◆ Say No to Death Penalty -- *Mental disorder is never a crime*
- ◆ Religious minorities in Pakistan (Urdu)
- ◆ Children's Rights?
- ◆ Women: Torture and deprivation (English / Urdu)
- ◆ Labour: Equal opportunities of employment
- ◆ Say No to Death Penalty (Urdu / English)
- ◆ Say No to Torture
- ◆ Calendar 2015 – Tribute to five great human rights defenders
- ◆ Jeh-e-Haq: 12 monthly issues (Urdu / English)

### **HRCP Internship Programme 2014**

The HRCP Summer Internship programme 2014 commenced in June and ended in July, with each of the five interns working with HRCP from four to six weeks. The interns chose a research area 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 experts of various research subjects, had access to the organisational resources, and the opportunity to accompany staff members in meetings and conferences linked to their work.

The following interns successfully submitted reports concluding all the research they had conducted during the internship.

- ◆ Qasim Ali of University of Windsor, USA
- ◆ Nadja Wunsche, Hildesheim University, Germany
- ◆ Ali Faateh Khwaja, Bennington College, Vermont, USA, from Pakistan
- ◆ Noreen Shahid, Punjab University, Lahore, Pakistan
- ◆ Ali Noor, LUMS, Lahore, Pakistan

## *Appendix - II*

# **HRCP stands**

### **Freedom of belief**

**January 8:** HRCP strongly condemned the killing of six men at a shrine in Karachi reportedly by Taliban-linked militants and demanded meaningful steps to put an end to killing of citizens by the extremists. The Commission said: “The brutal killing of six young devotees in Karachi apparently for visiting a shrine is proof, if more proof was needed, that staying alive in Pakistan today is a privilege reserved for those who unthinkingly and without question comply with the whims of cold-blooded killers who have long tried to fool people into thinking that their actions have something to do with religion.”

HRCP said that a note left with the bodies, threatening that all those who visited shrines would meet a similar end, was no guarantee that anyone outside the shrines was safe from “the killers’ boundless thirst for blood”. The Commission said condemnation and sympathy from official quarters brought little comfort to the affected families or the multitudes of people who sought peace and an end to the senseless killings unleashed by the militants. It demanded the government formulate and publicise a firm strategy to save the people from such atrocities and take unambiguous steps to implement the same.

**January 28:** A two-day workshop organised jointly by HRCP and the International Federation for Human Rights (FIDH) concluded with demands for urgent measures to end violence, discrimination and marginalisation faced by citizens on account of their religious beliefs.

Members of religious minority groups and minority Muslim sects from

different parts of Pakistan participated in the workshop held in Karachi. The participants stated that the authorities—through their failure to adequately intervene despite Pakistan’s obligation under UN treaties stressing equality, dignity, rule of law and protection of human rights of all Pakistanis—rendered themselves responsible for serious violations of international human rights law, including the International Covenant on Civil and Political Rights. The absence of or inadequate and inappropriate intervention were highlighted in several sectors:

- ◆ The urgent need to ensure respect, protection and promotion of equality of human rights of all Pakistanis irrespective of their faith and religion was emphasised. The blatant impunity enjoyed by the perpetrators of violations on account of religious belief was noted, which unfortunately fuels the perpetration of further crimes. The absence of adequate protection to the judges and lawyers involved in the prosecution of these crimes was also highlighted.

- ◆ At the heart of the judicial challenges were the abuse of blasphemy law and its impact on society. Pakistan, as requested by UN human rights mechanisms, should repeal this law or at the very least immediately put in place safeguards to prevent abuse of this law victimizing citizens, often from minority religious communities. In addition, hate speech against minorities should be punished under the law.

- ◆ Discrimination in law and practice was also noted as a major cause for concern. Keeping a separate list for Ahmadi voters; lack of codified personal law for Hindus and Sikhs; lack of effective representation for religious minority groups; reservations of religious minorities ahead of the next census; and denial of control over administration of religious sites to the minorities were underlined as key concerns.

- ◆ The institutionalised discrimination was also highlighted as feeding hatred within society through the inappropriate representation of minorities in curricula and in school textbooks, which needed to be revised, in compliance with Pakistan’s international human rights obligations. Religious education, if it only addressed one religion, even if that was the religion of the majority, should be excluded from general curricula.

- ◆ Throughout the pattern of religious discrimination, women and girls were stated to suffer doubly, notably through the practice of forced conversion, and the multiplication of sexual violence. The need for the cases to be investigated, prosecuted, women and girls provided with appropriate shelters, redress, and reparation was emphasised.

- ◆ The pattern of systematic discrimination was laying foundations on which the political violence had grown throughout the country, at the hands of a minority of extremist elements. Such violence was also insufficiently addressed. There was a lack of action in response to militants demanding *jizya* (protection money) from Sikhs in FATA. The Taliban in Khyber Agency in particular had reportedly been giving written acknowledgements for the *jizya*

they received.

The violence, while initially targeting minorities, now threatened civil society and all progressive elements—including human rights defenders and conscious citizens who demanded respect for human rights—and those who defended them, notably the independent media. Beyond these were the fundamentals of the Pakistani nation, and its economic and social survival which were endangered. It was thus fundamental to respond to such violence by addressing its root causes, and ensuring promotion of equality of human rights of all Pakistanis irrespective of their faith and religion.

The Paris-based FIDH is the world's oldest human rights body, an NGO with a membership of 178 organizations operating in over 100 countries. The FIDH delegation to Pakistan included four eminent human rights activists: Shawan Jabarin (Palestine), Rosemarie Trajano (Philippines), Antoine Madelin (France) and Ihsan Ali Fauzie (Indonesia).

**March 21:** HRCP sought the intervention of the chief justice of Pakistan to protect an old Hindu temple in Karachi that was threatened by the construction of underpasses and flyovers at Clifton.

In a letter sent to the chief justice, the Commission noted that business interests in complicity with officials of the Karachi Metropolitan Corporation (KMC) had started construction of flyovers and underpasses around the Clifton seafront without any prior notice.

It stated that such a major venture “which would vandalize the very face of a historical part of the city, had not undergone the Environmental Impact Assessment (with public hearings) mandated by law”. HRCP highlighted its deep concern over the adverse impact this project could have on the more than 150 years old Sri Ratneswar Mahadev temple located within a few meters of one of the underpasses. Every year thousands of Hindu and Sikh devotees visited the temple located in a cavern. “Ground vibrations from excavation and from the eventual high-density traffic running so close to the temple could cause collapse of this irreplaceable place of worship,” HRCP said, requesting the chief justice to summon KMC officials to explain the matter and ensure that all necessary steps were taken to protect the temple.

**March 31:** HRCP expressed alarm over a number of disturbing developments, including an attack on Raza Rumi in Lahore, a spate of assaults at Hindu temples, the most recent one being in Hyderabad, and the death sentence for Sawan Masih in a blasphemy case.

It said: “HRCP believes that we are witnessing a new wave of intolerance and these instances stem from the same motivation. While the court's verdict against Sawan is another matter, the assault on the Christian-dominated Joseph Colony in Lahore in March 2013 and torching of over 100 houses in Sawan's neighbourhood following the charge of blasphemy is part of the same wave. It is a matter of concern that while Sawan has been sentenced to death a year after the incident, cases against those involved in the arson and looting are not

progressing.”

HRCP urged the government to be more than a spectator as this new phase of intolerance got under way.

HRCP said the targeted attack on Rumi sent a message to all journalists who dared to speak their mind; if well known journalists could be targeted so brazenly in the heart of Lahore, the challenges to the freedom of expression elsewhere in the country were not too difficult to imagine.

It stated: “We are very concerned at the spread of intolerance and temples being torched and attacked in areas where citizens of all faiths had long lived in harmony... Improved security and apprehension of the culprits involved in recent attacks would almost immediately have an impact in the short term. In the medium to long term, more effective and sustainable ways to weed out intolerance and deny sympathy and impunity for the perpetrators must be the goal.

“The problem is not confined to any one part of the country and the worrying trend can only be reversed if the federal and all provincial governments and civil society make urgent and sincere collective efforts.” It urged political and religious leaders to reconsider their past practice of calling for reform of the blasphemy law only following widely reported instances of the law being abused and not persisting with that demand. The government was also asked to facilitate the discourse highlighting the immediate need for reforming the blasphemy law.”

**July 28:** HRCP slammed the mob attack and killing of four members of the Ahmadi community in Gujranwala and burning of five houses after a blasphemy allegation. HRCP said: “As things stand in the country now, particularly in Punjab, a blasphemy charge, however unfounded, makes such cold-blooded killings somehow less repulsive. The people who were killed were not even indirectly accused of the blasphemy charge. Their only fault was that they were Ahmadi. Torching women and children in their house simply because of their faith represents brutalisation and barbarism stooping to new lows.

“The community, rights respecting citizens and civil society would and must demand accountability of the mob that cheered as the deceased and injured cried for help. ...There are many others who are so blinded by their hate and intolerance that they feel justified in cold-blooded murder, even of children, as was reported from Gujranwala. What agonises HRCP is that nothing concrete is being done to tackle neither of the two tendencies. That the mob was dancing for the TV camera after torching the houses of people who were not even accused of blasphemy proves that the whole episode had nothing to do with blasphemy but was aimed at further victimising an already persecuted community. It should not be too difficult to imagine the feelings of members of the targeted community in Gujranwala, or anywhere in Pakistan for that

matter.”

**November 5:** HRCF expressed grave concern over a mob beating to death a Christian couple at a brick kiln where they worked, in Kot Radha Kishen, over unfounded charges of desecration of a copy of the Holy Quran. Members of the mob later burned the couple’s bodies in the kiln.

In a statement based on the preliminary findings of an HRCF team sent to the area, the Commission said: “HRCF is shocked and saddened beyond words by the callous murder of the couple and their unborn child. An HRCF team that went to the site of the tragic killing did not come across any evidence of desecration of the Holy Quran....

“Word of alleged desecration was spread to nearby villages and announcements made through mosque loudspeakers, and a mob of hundreds headed towards the kiln. Four policemen at a nearby post visited the kiln and demanded the couple should be handed over otherwise they would be killed by the mob. However, the HRCF team learned that the kiln owners instructed their employees not to hand the couple over and the policemen were also beaten up.

“Shehzad and his pregnant wife Shama appeared to have been severely beaten up at the kiln and locked up in a room. Some witnesses said Shehzad had died in the beating. The mob later burned the bodies of Shehzad and Shama, who was reported to be alive at the time.”

HRCF said that it did not want to influence the investigation in any manner but must voice its outrage at the tragic killing and state that the chances of the couple getting any benefit of doubt diminished when they were accused of desecrating the Holy Quran. The religious belief of the victims also apparently did not work in their favour. HRCF hoped that that fact would not be lost on the authorities and would persuade them to reflect on their obligation to protect all citizens. The inability of the police to rescue the couple despite reaching the site was stark evidence of the state’s vanishing writ. HRCF called for the individuals at the kiln and in nearby villages who instigated violence against the victims, and those who prevented their rescue, to be prosecuted. It added that the exploitation of kiln workers was an essential part of the context of the tragic killing and this incident should lead to accelerated efforts to ensure that slavery-like practices that continue despite a promise in the constitution ceased without delay.

## **Law and order**

**January 9:** HRCF expressed serious concern over the lack of protection for citizens’ lives in Lyari, and other violence-hit parts of Karachi, and demanded that the outrage over the killing of four members of a family and rape of a fifth reportedly over the victims’ political affiliation must lead to a clear compunction as to how the port city has been carved up among criminal groups affiliated

with political parties.

In a statement, HRCP said: “Violence in Karachi has become so commonplace that reports of ever more gruesome excesses against the citizens are usually taken in the stride. However, the recent killing in Lyari of four members of a family and rape of a woman because of their links with a political party is disturbing on many levels. The victims had apparently been expelled from the area by the local gang leaders because of the family head’s political affiliation. In explaining progress in catching the perpetrators, the police officials have highlighted that the motives were political, that the victims had dared to return to their house and the attack was a ‘revenge’ for that, and that the police were not informed in advance of the victims’ returning to their house in Lyari. Those tasked with protecting the people in Karachi certainly did not come across such alarming facts last week. That is a deplorable attempt at trying to dodge responsibility for failure to do basic policing.

“Gang and turf wars in Karachi are not recent but stooping to such lows and raping a woman because of her father’s political affiliation certainly is! Quotes by Genghis Khan come to mind.

“Blame must be laid squarely at the doorstep of the political parties that have either actively supported or acquiesced in carving up the city along ethnic lines. HRCP hopes that they would actively support, or at least no longer create obstacles in ridding Karachi of their present or former criminal surrogates. HRCP believes that while failing to put an end to the bloodshed in Karachi, the government is defaulting on its obligation to protect people’s right to life and all other rights that follow. It must show that it is at least trying to keep up in its efforts to improve the state of affairs as the city plunges into ever deeper turmoil.”

**January 27:** HRCP voiced its serious concern over the discovery of 15 badly decomposed dead bodies in Khuzdar district of Balochistan on Saturday and called upon the federal and Balochistan provincial government to urgently establish the identity of the deceased and their killers.

In letters written to the federal interior minister and the Balochistan chief minister, HRCP demanded that a thorough probe must be immediately initiated and all efforts made to establish the facts in the case and bring the perpetrators to justice. If necessary, DNA tests should be conducted at the earliest to identify the deceased, it added. “Such an investigation is all the more vital in view of the spate of violence, targeted killings and enforced disappearance and dumping of dead bodies of missing persons in Balochistan in recent years. HRCP also calls upon the government to facilitate relatives of missing persons who are keen to learn if the deceased include their dear ones.”

HRCP also urged the federal and provincial governments to find a solution to the violence, lawlessness and killings in Balochistan and stressed that such a solution must respect due process and human rights and that emphasis

should be placed on finding political means to address the challenges.

**March 3:** HRCP slammed an attack on the district courts in Islamabad where the fatalities included a judge and several lawyers, and expressed serious concern that even the federal capital was not safe from such attacks.

In a statement released to the media, the Commission described the incident as “a serious security lapse which demonstrates that the security authorities have been unable to clear Islamabad of dangerous elements or preventing their entry into the city.”

HRCP called upon the government “to significantly improve the effort, intelligence and policing to prevent such attacks once for all, including by relying on the necessary use of force, wherever that is inevitable.”

**April 11:** HRCP called for the release of three labourers and two coastguard personnel believed to be in the custody of an insurgent group in Balochistan.

In a statement, the Commission said: “HRCP has come to learn that Baloch Liberation Front (BLF) has two coastguard personnel and three labourers in their custody. The Commission calls upon the group to release the men on humanitarian grounds. HRCP also calls upon the group and others groups active in the province to spare non-combatants and especially the poor labourers who are trying to eke out an existence amid the violence and lawlessness in Balochistan.

### **Enforced disappearance**

**April 29:** HRCP expressed serious alarm at the disappearance of Baloch Student Organisation-Azad (BSO-Azad) chairman Zahid Baloch who was picked up in Quetta last month and demanded his safe and immediate release.

In a statement, the Commission said: “HRCP is seriously concerned over the case of Zahid Baloch who was picked up in Quetta on March 18 by plainclothesmen believed to be from security agencies. Even more disturbing is his unacknowledged detention for over a month now.

“BSO-Azad has been holding a hunger-strike camp outside the Karachi Press Club for the last 10 days to press for Zahid’s release. HRCP is extremely worried about risks to Zahid’s life and wellbeing in custody and urges the authorities that his detention must be immediately acknowledged and his release ordered. HRCP also demands that he must not be mistreated or tortured in custody....HRCP also thinks it is of vital importance that those who indulge in disappearing people should be tried without delay, again with all due process rights. HRCP also wants to humbly suggest to anyone who wishes to strike at impunity for the perpetrators that it might be useful to record the testimony of several witnesses who were present when Zahid was picked up.”

**August 29:** On the eve of the International Day of the Disappeared (August 30), HRCP reiterated its demand that the government must adopt effective measures to rid to country of the curse of enforced disappearances, beginning

with immediate ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. In a statement issued here today the commission said:

“On the International Day of the Disappeared, that falls on Saturday, August 30, 2014, Human Rights Commission of Pakistan joins worldwide campaign by the various human rights organisations in calling for an end to disappearances and the culture of impunity that keeps the practice alive. While it is gratifying to note that the incidence of enforced disappearance has declined to some extent in Balochistan, increased number of cases continue to be reported from Khyber-Pakhtunkhwa and Sindh. What is particularly unacceptable is the fact that the victims are mostly persons known for political dissent or communitarian activism. Further, in a majority of cases the victim families blame the law-enforcing personnel for picking up their relatives and detaining them indefinitely. Obviously the redress mechanisms, and judicial forums, have not been able to expedite recovery of the disappeared people. Little progress has been made on the need to punish those responsible for enforced disappearances and for a comprehensive, nationwide programme to compensate the victims.

“HRCP calls upon the government to expedite all measures necessary for putting an end to enforced disappearances.”

**December 5:** HRCP expressed grave alarm at the rapid rise in enforced disappearances in Sindh, with the victims turning up dead. Those taken away are young men, mainly political activists, picked up from various parts of the province in the last few months. Mutilated dead bodies of many of the victims have been found. HRCP demanded immediate steps to put an end to the ghastly trend and to bring the killers to justice.

In a statement, the Commission said: “HRCP has noted with great alarm increasing reports of enforced disappearance of citizens, mainly activists of nationalist political parties, in Sindh and their tortured bodies being found weeks or months later.

“In several cases the involvement of security forces’ personnel has been established by witnesses while in some their role has been actively suspected. Those familiar with the authorities’ inclinations toward dealing with dissent across Pakistan over the last decade hardly need to be reminded why official involvement is suspected.

“Nowhere in the world have tactics like enforced disappearance ever yielded any positive result. It has only fuelled hatred and led to people and regions growing apart. The leader of the opposition in the National Assembly has already warned against the creation of “Balochistan-like situation in Sindh” and said that sending bullet-riddled dead bodies to the province would have adverse consequences.

“It is deplorable when any state starts abducting its citizens but with Pakistan already grappling with far too many challenges, only its worst enemies would wish to see continuation of enforced disappearances in any part of the

country.

“HRCP has long called for trying those responsible for enforced disappearances, precisely for the reason that the continuing impunity encourages others in authority to consider going down this brutal path. We reiterate yet again that without identifying and trying the perpetrators we would not be able to put this monstrosity behind us.

“HRCP welcomes the condemnation of enforced disappearances in Sindh by the leader of the opposition and hopes that the government would add its voice to the censure and put a quick end to the disturbing trend and would bring the perpetrators to justice.

“We also urge the government to ratify the International Convention for the Protection of All Persons from Enforced Disappearance without further delay and ensure its prompt implementation. Pakistan should also seek help from other countries, in this continent and beyond, who were once afflicted by this outrageous practice but have managed to turn their back on it.

“Civil society and the news media, especially the national media, must firmly train the spotlight on this disturbing trend and ensure that such extreme violations of human rights do not take place under the rubric of security or supposed national interest.”

### **Custodial torture**

November 11: At the conclusion of a mission to Pakistan, the World Organisation against Torture (OMCT) and its partner the Human Rights Commission of Pakistan (HRCP) called for the implementation of the UN Convention against Torture and the follow-up to the country’s announcement to submit its overdue initial report to the UN Committee against Torture.

Over the first two weeks of November, the OMCT and the HRCP held two consultations on the implementation of the UN Convention against Torture (CAT) in Karachi and Islamabad.

Representatives from civil society, trade unions, journalists, lawyers, government officials, members of provincial and national parliaments, and academics, who participated in the consultations, discussed the challenges the state was facing and formulated several recommendations in order to improve the implementation of the CAT.

The participants recommended an urgent amendment to the Pakistan Penal Code to introduce a provision on torture that fully complies with the CAT. They also recommended implementation of the right to rehabilitation resulting from Article 14 of the CAT.

They proposed training of police officers and equipping them with modern forensic means.

The participants recommended that the Pakistan Protection Act be applied in compliance with Pakistan’s obligations under the CAT and the UN Covenant

on Civil and Political Rights.

## **Right to Information**

**November 15:** Speakers at a workshop on the right to information (RTI) under the provincial laws organized by Human Rights Commission of Pakistan (HRCP) on Saturday called for improved RTI laws, particularly in Sindh and Balochistan, and demanded that blanket exclusions be eliminated and inflexible procedural demands not used to retard the spirit of the right to information.

Speakers from all four provinces and the federal capital attended the event and highlighted challenges in implementation as well as deficiencies in RTI laws. Information commissioners for Khyber Pakhtunkhwa and Punjab and officials from information departments in Sindh and Balochistan also joined the deliberations.

All provincial RTI laws were discussed at length and the shortcomings and exclusions in 2002 federal RTI law and the near mirror legislations in Balochistan and Sindh were highlighted. RTI laws in Khyber Pakhtunkhwa and Punjab were praised as among some of the best in the world.

The forum made the following recommendations to ensure that the RTI laws, known also as sunshine laws, contributed to transparency, accountability and responsive governance that facilitated citizens' right to participate in governance and decision-making:

1. The provinces, especially Sindh and Balochistan, should redraft/amend their RTI laws in order to benefit from the improvements in the information laws introduced in the other two provinces. A mechanism should also be developed to exchange best practices and benefit from each others' experience. It was imperative to repeal the prevailing outdated laws that focused on keeping information from the people.
2. Civil servants must be trained and reoriented to engage with the citizens with a view to facilitate information access rather than impeding it.
3. Intelligentsia, media, bar associations, politicians and the larger civil society should join hands to familiarise the people with the benefits that the RTI regime offered and organise/support them to use the laws. The RTI laws should be translated into regional languages and published for general public. Imaginative advocacy tools, including radio programmes and street theatre, should be considered to mobilise the people. The right to information should be made part of the higher education curriculum, particularly for law, mass communication, political science and sociology disciplines. Access to information through official websites of public departments should be promoted to discourage wastage of money and time.
4. Overly generous time limits for providing the information should be

curtailed and penalties introduced against officials acting in contravention of the spirit of the RTI laws.

5. The procedure to access information should be simplified with a view to facilitating information sharing as much as possible.
6. Management of record should be improved and information about public departments computerised and made available online.
7. The judiciary must also be brought under the purview of RTI laws.
8. The formulation of RTI laws should be made gender-sensitive/neutral.
9. The officers envisaged under the RTI laws should be designated forthwith and the rules under the laws framed. Information department press officers should serve as RTI officers wherever the latter were yet to be designated. The information officers should be trained and their capacity enhanced.
10. RTI laws should be extended to Provincially Administered Tribal Area (PATA) of Khyber Pakhtunkhwa without further delay.
11. Each government department should be required to produce a white paper every year on its performance regarding facilitating access to information to the citizens.

## **Health**

**May 7:** HRCP has strongly condemned the state of affairs that has led to the World Health Organisation (WHO) slapping travel restrictions on Pakistan to prevent the spread of the polio virus to other countries. It also expressed alarm at lack of concrete steps after the WHO announcement to change the strategy that had failed to tackle the spread of the disease.

In a statement, the Commission said: “HRCP is exceedingly disappointed that the government had not taken active steps to eradicate polio virus, which has resulted in the WHO curbs on Pakistanis travelling abroad. Even more disturbing are the stereotyped statements vowing reversal of the ban in three months time. The embarrassment and soul-searching that the WHO verdict should have evoked remain utterly absent. The blame for the anti-polio fight might not be confined to the present government alone but the astronomical spike in the number of reported cases in the first four months year of the year should have alerted Islamabad about the risks. The authorities failed to make any headway in areas causing spread of the virus in the country, struggled to handle the security for the vaccinators and did not strategise with the WHO on the way forward. These failures culminated in the country not even getting an advanced warning of the impending restrictions.

“In another country, the minister for national health services and the PM’s focal person for polio eradication would have felt compelled to resign, failing which they would almost certainly have been politely reminded to quit. Not so in Pakistan. Sacking both could be the first step in acknowledging Pakistan’s

abject failure in eradicating polio and making a fresh start.”

## **Freedom of expression**

**May 19:** HRCP has voiced concern over a malicious campaign seeking to close down a media channel and called for unity among media ranks and de-escalation of the situation to protect media freedom and reduce risks for journalists.

In a statement, the Commission said: “HRCP can no longer stay silent on the malicious campaign unleashed against Geo and the manner in which pressure is being brought to bear to close down the channel....

“HRCP must point out that the environment of fear that has been created is making the lives of journalists working for Geo extremely vulnerable. They are being intimidated and a large number of them have faced attacks. This trend is likely to escalate if the temperature is allowed to rise and it has the potential to spin out of control.

“Divisions among the media ranks do not augur well for the hard-won freedom that the media has. ...

“HRCP calls upon the government, civil society and media organisations to take all necessary steps to deescalate the situation, and put an end to this malicious campaign and intimidation of journalists so as to protect media freedom from taking any further blows.”

**September 05:** HRCP has condemned the threats to the life of prominent columnist Kamran Shafi and the recent incidents of violence on journalists, and urged the federal and provincial governments to give greater attention to media-persons’ security. In a statement, the commission said:

“HRCP seen some of the threatening letters prominent columnist Kamran Shafi has been receiving from an ex-serviceman and is convinced that this is a serious matter. The government must extend him due security. The fact that the person issuing threats to him is, or claims to be, an ex-serviceman reinforces the view that the virus of intolerance and violence has spread to sections of society that were earlier on supposed to be disciplined and responsible.

“Obviously, the threat to Kamran Shafi should be seen in the context of rapidly increasing vulnerability of media-persons. Only a few days ago a senior Quetta journalist, Irshad Mastoi, and two of his colleagues were gunned down in their office. Then the whole country was offered the spectacle of journalists being beaten up and their equipment smashed by police and demonstrators in Islamabad’s Red Zone. No doubt the media community is under attack not only from the state apparatus but also political and religious zealots. Special attention needs to be paid to the security needs of journalists in Balochistan, where more than 30 of them have been killed over the past five years. Likewise, threats to journalists in FATA have forced quite a few of them to give up their vocation and places of normal residence.

“Media freedom is a basic pre-requisite to the establishment of functional

democracy and the duty to protect it can be ignored by the state and non state actors both at the risk of imperiling the highest interests of the people.”

## **Education**

**Lahore, June 16:** Dismayed at the forced and continued closure of schools by militants in the Panjgur town of Balochistan, the Human Rights Commission of Pakistan (HRCP) sees this as the latest sign of extremism gnawing at the vitals of the country.

A statement issued by HRCP said that a previously unheard of militant group, Tanzeem-ul-Islam-al-Furqan, had distributed flyers in Panjgur at private schools against what it called western-style education on 25 April, 2014. Masked assailants then ransacked three schools, set a school van on fire and manhandled teachers and other staff to stop girls’ education, which they said was ‘haram (prohibited) in Islam’. These events intimidated most private schools — at least 35 private schools and 30 English language centres – and forced them to close their doors to about 25,000 students.

HRCP said: “The rise of extremism in Balochistan province is very alarming. ... Now extremists are able to dictate their terms in Panjgur. The threat appears set to spread elsewhere also.

“The drive for stopping girls from going to school is not new in Pakistan – the attack on Malala Yousafzai is just the most infamous example – but it now seems to be spreading to parts of the country that had previously been spared....

“The HRCP calls upon the government to confront the threat to schools in a manner that shows its resolve to provide security for both male and female students at all schools and firmly deal with the elements responsible for the schools’ closure.”

**October 31:** HRCP has stressed the need for greater commitment and urgent steps to ensure that universal and compulsory education as guaranteed in Article 25-A of the Constitution of Pakistan is available to every child.

The demand was made at a consultation HRCP organized in Lahore to discuss the state of universal education across Pakistan and highlight prospects and challenges to enroll every child. The participants highlighted that Pakistan had a very high rate of out-of-school children of primary school going age, particularly girls. They said the rate of literacy was dismal, with equally poor survival and enrollment rates in the country.

The discussion focused on provincial legislation and implementation of laws concerning universal education, ensuring gender parity and the role of madrassas in achieving universal education. The participants called for greater allocation to the education budget as well an increase in capacity to efficiently utilise that budget so that the aims of Sustainable Development Goals and the Accelerated Framework could be realized. The need for mass mobilisation

was stressed, with a view to bring together government, concerned citizens, NGOs and the media ensure that the right to education for every child of school-going age was ensured by enrolling them in schools.

## **Death penalty**

**September 11:** HRCP has expressed grave concern over reports that, despite an informal moratorium on executions, a murder convict is scheduled to be hanged in Adiala Jail, Rawalpindi, on September 18. HRCP has called upon the government to stay the hanging and announce a formal moratorium on executions.

In a statement, the Commission said: “HRCP has received with great alarm and dismay reports that Shoaib Sarwar, a death row prisoner currently detained in Haripur prison, is set to be hanged in Rawalpindi’s Adiala Jail on September 18.

“The convict was awarded death sentence on July 2, 1998 on the charge of murdering Awais Nawaz in Wah Cantt in 1996. The victim’s brother had moved the high court against the delay in implementing the sentence despite exhaustion of all appeals by the convict and rejection of his clemency plea by the president. The high court ordered the district and sessions judge to implement the execution of the sentence.

“The last execution of a civilian death row prisoner in the country had taken place in late 2008. Executions have since been suspended. HRCP wishes to remind the government that the reasons that have caused the stay of executions since 2008 have not changed. ...

“Against this backdrop, Sarwar’s planned execution on September 18 is a regressive step and raises concerns at several levels. The convict’s relatives have once again asked the president to overturn the sentence and are also trying to settle the issue through payment of blood money. HRCP calls upon the government to immediately halt this and any other executions that might be under consideration and make the informal suspension of executions formal without further delay. We also urge the president to favourably consider mercy petitions and convert capital punishment to life imprisonment.

“HRCP demands that the government take urgent measures towards abolition of capital punishment, including deletion of the death penalty from the statute book, at least for all but the most serious offences.

“HRCP also urges the government to sign the Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty.”

**October 10:** HRCP has welcomed the continuance of the moratorium on capital punishment by the government and has called for a thorough review of the death penalty regime.

In a statement made by the HRCP representatives at a demonstration held on Oct 10, 2014 with regard to the World Day against the Death Penalty at

Liberty Chowk, Lahore. HRCP said: “HRCP welcomes the government’s commitment that it would persist with the moratorium on death penalty. This brings some respite for thousands of death row inmates—especially those whose execution was imminent—and their families.

Although a good first step, the decision will have meaning only if we have a complete review of the death penalty regime in Pakistan. And the sooner the better, the HRCP said.

### **Workers’ rights**

**November 19:** The third Peasants’ National Convention, held by the Human Rights Commission of Pakistan (HRCP) at Multan, has reiterated the peasants’ and farm workers’ demand for land reform and expeditious recognition of the farming community’s rights.

The convention was unanimously of the view that land reform is vitally needed for the establishment of genuine democracy, development of egalitarian economy and elimination of uneven social relations. Meanwhile, it was necessary to transfer all lands still in state possession to landless tenants – women and men both – and give ownership rights to cultivators who have been working on military and seed farms for generations.

The 25-point charter of demands adopted at the convention says:

- ◆ All state lands must be distributed among landless peasants.
- ◆ Each landless family should be given 15 acres of cultivable land or equivalent thereof.
- ◆ Women among farm workers may be given land equal in size to the men’s share.
- ◆ The 1977 land reform law should be updated.
- ◆ All obstacles to land reform should be removed and the necessary legislation adopted expeditiously.
- ◆ A five-year plan for the uplift of the agriculture sector should be launched.
- ◆ The framework for peasants’ organization must be strengthened.
- ◆ Farm workers should be allowed the right to form trade unions, in accordance with the ILO Convention No II, and fair wages guaranteed to them.
- ◆ Agricultural workers should have the same rights as admissible to industrial labour.
- ◆ The children of agricultural workers should be guaranteed free education from primary to the highest level.
- ◆ Agricultural workers, including women and children, should be guaranteed an adequate medical cover.
- ◆ The rights of agriculture workers affected by flood, war or conflicts

along the borders should be fully protected.

- ◆ Small peasant proprietors' needs must be met.
- ◆ The floor prices of agricultural produce must be linked with inflation.
- ◆ Small owner-cultivators should be given insurance cover.
- ◆ Field-to-market road links and transport facilities should be guaranteed.
- ◆ The small cultivators whose lands have been swallowed up by rivers should be given alternative lands.
- ◆ When residential colonies are raised on agricultural land the tenants should be compensated along with the land-owners.
- ◆ A judicial commission may be set up to probe fraudulent allotments and the land thus resumed should be given to original cultivators.
- ◆ Land-grabbing by landlords in Sindh and Balochistan should be stopped and housing colonies should be built for the *Haris*.
- ◆ Balochistan's land record should be computerized.
- ◆ Canal water should be evenly distributed. Southern Punjab's grievance about discrimination in water supplies should be resolved.
- ◆ Where canal water is not available the water flowing down the hill torrents should be conserved in tanks/lakes under state initiative and planning.
- ◆ The ownership of lands held under military or seed farm schemes in Okara, Khanewal and elsewhere must be transferred in favour of cultivators who have been working these lands for generations.

### **Police excesses**

**December 4:** HRCP has strongly condemned the police violence on visually impaired protesters in Lahore and said that this action again exposed the savagery of the baton-wielding face of what passed for authority in the province.

In a statement, the Commission said: "HRCP is shocked and disgusted beyond words by the callous police beating of the visually impaired protesters as they tried to move towards the chief minister's secretariat on Wednesday.

"Surely, heavens would not have fallen if the protesters had managed to reach the chief minister's secretariat. In fact, perhaps the most appropriate thing would have been for the chief executive of the province, or whoever was exercising his authority, or a senior representative to come to the protesters and listen to their demands. ...

"Anyone seeking to teach Punjab Police about the undesirability of the use of force unless it become absolutely necessary has their work cut out. Whenever Punjab Police, already well known as a symbol of brutality and inhumanity, has been asked if it could sink any lower, it has accepted that as a challenge. The Punjab government should be ashamed and must not try and sweep this shameful incident under the carpet by ordering another one of

those famous inquiries that go nowhere or suspend a few policemen. Of course, the personnel who beat up the protesters and those who ordered the beating must be brought to justice. But the whole concept of policing and crowd control should be looked at from a pro-people perspective.

“Few people have yet given much thought to why the physically challenged protesters in Lahore believed that the only way for them to be heard was to congregate outside the chief minister’s secretariat. None of the many answers would bring much comfort to the ‘leaders’ across the country who have been gloating over their respective versions of good governance.”

### **Children**

**December 16:** HRCP has called the killing of more than 120 children in a Taliban attack on an army-run school in Peshawar a national tragedy which it said must open the eyes of anyone still harbouring any hope that Taliban and Pakistan could coexist.

In a statement, the Commission said: “HRCP is deeply saddened by the large number of children killed in the Taliban attack on Army Public School in Peshawar. This is a national tragedy of immense proportions, and an extremely sad day for Pakistan. Our heart goes out to the families of the children whose lives have been cut short by this abhorrent act of terrorism. ...

“HRCP reiterates its firm belief that Taliban and Pakistan cannot coexist and anyone still harbouring any notions to the contrary is naive beyond belief.

“It had already been established, much before Tuesday’s massacre of children in Peshawar, where the Taliban stood in terms of education or value of children’s lives. Their actions today have shown once again that Pakistan will not know peace until this madness is taken on in all its manifestations and defeated.

“This cold-blooded slaying of our children should drive home once for all what the fight against the extremist militants is all about. And if this too does not wake up all those who have been choosing their words carefully only with reference to the Taliban, who have buried their heads in the sand or who have refused to see the logic in launching operations against the barbaric bands responsible for killing tens of thousands of citizens then nothing else will.

“HRCP calls upon the federal and all provincial governments to pursue this battle with the unison the task demands and particularly make it an urgent priority to punish the puppet masters who ordered the children’s massacre. The Khyber Pakhtunkhwa government must also rethink its policy of hospitality towards militants and side, through both acts and deeds, with the citizens suffering from the militants’ brutality.

“The fight against Taliban is literally the fight for the lives of Pakistan’s children and to secure for them a future safe from the barbaric brutalities that the Taliban and their ilk stand for.”

**December 18:** A prompt and thorough probe into the children’s massacre

in Peshawar should name all actors who facilitated the terrorists, directly or indirectly, to kill the nation's future generation, the Human Rights Commission of Pakistan (HRCP) has said.

The Commission said in a statement: "HRCP urges the government that response to the horrific blood-letting in Peshawar must not be merely reactive or emotional but should be well thought out.

"This is no time to be playing to the gallery or diverting public opinion through sop. HRCP believes that tinkering with the informal moratorium on executions offers no solution to the challenge that Pakistan faces. The flaws in investigation and the overall criminal justice system need immediate attention to ensure certainty of just punishment and not merely quantum of it. It is also imperative that impunity is no longer be given to any individual or group that indulges in militancy or hate speech. This should include decisive action against the so-called banned extremist militant groups.

"HRCP demands that details of all aspects of the incident that culminated in the tragic targeting of children in Peshawar must be shared with the people. This is far too catastrophic a tragedy for the information to be made available only through the news media.

"The people demand and desperately hope that a prompt and thorough probe into this worst terrorist attack to befall the nation would name all actors who facilitated the terrorists, directly or indirectly, to kill the nation's future generation. It should also identify the reasons for the intelligence apparatus failure to forestall the massacre. ...

"It is vital to acknowledge that our mercilessly butchered children and their parents paid in no small part for the consistently flawed orientation of the state and for pandering to streaks of intolerance promoted in the name of belief. It is now critical that a complete shift takes place from the past.

"It should be clear for all to see that showing respect and concessions to terrorists and terrorism only encourages more terrorism... There is a consensus that the terrorism that afflicts Pakistan and Afghanistan has a regional dimension. If the two countries pull together to deny safe havens to Taliban and other terrorists they would stand a much better chance of exterminating this grave menace to humanity.

"The people have been forced to ask what kind of a state we are that a handful of people come and kill our future generations in this barbaric manner. There should be no doubt in anyone's mind that if we fail to act in an appropriate manner even in these grave circumstances it would be difficult to retain Pakistan's name among civilised nations."

### **Administration of justice**

**January 24:** HRCP has voiced alarm at the promulgation of Protection of Pakistan (Amendment) Ordinance 2014 and said the law violated

constitutionally guaranteed rights and legitimised illegalities.

In a statement, HRCP said: “There are far too many things in the PPO that rights respecting individuals would find difficult to stomach. The main concerns include giving the authorities the power to withhold information regarding the location of any detainee, or grounds for such detention; detention of a person in internment centre instead of ordinary jails; creating new classifications of suspects such as “enemy alien” or “combatant enemy”; extending the preventive detention period for any suspect; and legitimising illegal detention and enforced disappearance through giving retrospective effect to the law.

“HRCP doubts that when the apex court had declared prolonged and unannounced detention by security forces illegal and called for legislation, ordinances like these were what it had called for. Citing exceptional circumstances to justify derogation of rights and for delegation of exceptional powers to the law enforcers is particularly worrisome in the context of enforced disappearances in Pakistan. The ordinance will only compound the saga of enforced disappearance in Pakistan and strengthen impunity.

“HRCP hopes and expects that the glaring illegalities that the ordinance seeks to facilitate would not escape the notice of the judiciary.

“HRCP is of the opinion that while the new ordinance would certainly strip suspects of many rights, it would not contribute to making the country more secure or holding to account those responsible for widespread bloodletting in Pakistan.

“HRCP is convinced that there is no justification for promulgating an ordinance on such an important issue in the presence of parliament, which should have been allowed to consider the controversial law.”

**December 26:** HRCP expressed serious alarm over the decision to set up special courts to be headed by military officials to try terrorism cases.

In a statement, HRCP stated. “The Commission is dismayed that all political parties supported this unfortunate decision, although some had earlier expressed reservations. HRCP has a number of concerns over this move.

“Firstly, the decision undermines the judiciary and shows lack of confidence in an independent and strong judicial system in the country. It must be noted that the superior judiciary has, several times in the past, ruled that military courts are unconstitutional.

“Secondly, trying civilians in military courts has always been a controversial issue and again one that the superior judiciary has opposed. The system of ‘speedy justice’ has never proved to be fair and often not speedy.

“Thirdly, it is feared that political dissidents, particularly in Balochistan and Sindh, could become the targets of military courts.

“HRCP believes that the need instead is to reform and strengthen the system of investigation and prosecution. Reforms should include more scientific methods of investigation, rather than torture and coercion, as well as witness

protection programmes and better security for lawyers, judges and witnesses. The hasty decision is all the more questionable as the Supreme Court itself is attempting to expedite cases of terrorism.”

**October 20:** HRCP has expressed the hope that the Supreme Court will look at all aspects of the case of Asia Bibi, whose appeal against her conviction by a trial court on a blasphemy charge was turned down by the high court last week.

In a statement HRCP said: “The outcome of Asia Bibi’s appeal has upset a large number of people and all eyes are now on the Supreme Court. While the Commission is of the opinion that every effort should be made not to interfere with the judicial proceedings by making any comment, the fallout of the case cannot be ignored.

“Pakistan is in a difficult situation because the blasphemy law and the manner in which it is implemented have not been subjected to due scrutiny. While we continue to expect that the judiciary of Pakistan will not fail the hopes for justice of a poor woman, the essential task lies with the lawmakers and ulema. For if they do not realise the impact that this law is having on the thinking of the people and in fuelling intolerance in Pakistan we will face even greater difficulties.

“The Commission also hopes that when the Supreme Court considers the case, it would be spared the sort of intimidating crowds that had assembled in and around courtrooms during the trial and appellate stages.

“While HRCP remains confident that in dealing with the case the Supreme Court will look at all aspects of the matter and examine all aspects the case in accordance with the strictest standard of proof, it is acutely aware of the fact that the problem is not confined to Asia Bibi’s case and will not be addressed until the government and the people are able to sit down to consider the impact of the law without the fear that has prevented any discussion of this law ever since it was made.”

## **Democratic dispensation**

**February 10:** HRCP demanded a transparent inquiry into the abduction and murder of a Muttahida Qaumi Movement (MQM) worker in Karachi and called for probing complaints by the party of extra-judicial killing and illegal detention of its workers.

In a press statement, HRCP said: “The MQM has repeatedly complained about illegal arrests, detention and extra-judicial killings of its workers and supporters in Karachi because of their political affiliation. The party has accused law enforcement personnel of such excesses, particularly after the commencement of a targeted operation in Karachi since August last year.

“These are extremely serious charges and HRCP always hopes and expects that such charges anywhere in Pakistan would be investigated to the fullest

without the need for the authorities to be constantly implored to do so.

“HRCP is particularly concerned about the killing of Salman Nooruddin, said to be an MQM worker, who was picked up allegedly by law enforcement personnel on February 3. His nephew was also detained along with him but was later freed. Salman’s body was found dumped in Karachi’s Shah Latif Town the following day. The body reportedly showed severe torture marks, which was also noted in the post mortem report.

“HRCP calls upon the government and particularly the Sindh chief minister to ensure an early judicial probe into Salman’s killing and in all other cases where illegal detention, disappearance or extra-judicial killing of individuals has been alleged on account of political affiliation. ...”

**April 21:** HRCP noted with serious alarm that while the Muttahida Qaumi Movement (MQM) has continued to voice concerns about abduction, torture and extrajudicial killings of its workers, steps have not been taken to investigate the charges.

In a statement, the Commission said: “HRCP has learned that dead bodies of two MQM workers were found in Korangi late last week. Both men had been missing for over a month and their bodies showed torture marks.

“Everyone who calls Karachi their home, and indeed all citizens of Pakistan, have a stake in peace returning to Karachi. Towards that end, the launch of the operation to rid Karachi of widespread violence had been generally well received. HRCP demands that all attempts by police and other law enforcement agencies to restore peace in the city must strictly adhere to law and human rights.

“HRCP also calls upon the federal and provincial governments to immediately hold an inquiry with a view to investigate the MQM complaints to the satisfaction of the party and of the victims’ families.”

**August 5:** HRCP expressed alarm at an “exaggerated hassle over who should occupy the *gaddi*” leading to total neglect of the affairs of the state. It has called upon the government to focus on the real issues of the people and urged those seeking to pressurise the government through marching on Islamabad and other plans to realise the danger their actions have brought about for the country’s shaky democratic edifice.

In a statement, the Commission said: “As the drumbeat for the so-called Azadi march and other tactics aimed at mounting pressure on the government quickens, it is clear that none of the many parties to this spectacle is blameless. The government has made the mistake of not engaging with Imran Khan when he raised the question of rigging in four constituencies and instead of working out a political solution, they are seeking extra-political escape routes. The government has also made the mistake of treating Imran Khan and Tahirul Qadri as major threats when its real threat comes from a failure or lack of interest in appropriately addressing people’s grievances related to lawlessness, targeted killing, sectarian violence, killing of human rights defenders and unemployment. The ground that Imran Khan is invoking for marching on

Islamabad is not broadly acceptable and he has made the mistake of over-committing himself.

“Dr Qadri and Imran Khan are wrong in assuming that their tactics would not harm representative governance and the government is wrong in assuming that the people can be forced to fight for a non-functional democracy.

“There is a consensus that there was considerable mismanagement of the general elections but also that they were largely free of the official interference that had been witnessed in the past. In any case, complaints of malpractice have to be weighed against the respect democratic institutions must enjoy. ...

“The Commission feels very strongly about the exaggerated hassle over who should occupy the *gaddi* and over the affairs of the state being neglected week after week. The attention of the people and not just the rulers and their adversaries has been captivated by this drawn out spectacle - a huge loss of human resources and time.

“It is time that everyone returned to their posts and looked at the many pressing concerns of the citizenry, including internal displacement, armed conflict in the country, and the state of law and order and economy and tried to restore Pakistan’s plunging reputation in the world.”

**December 9:** HRCP expressed deep concern over violent clashes in Faisalabad and criticised the authorities for not doing enough to maintain law and order as well as failing to constructively engage the Pakistan Tehrik-e-Insaf through dialogue.

In a statement, the Commission said: “HRCP is saddened by the violence in Faisalabad that resulted in the death of a PTI activist and injuries to several others, including policemen.

“Under all circumstances, it is the obligation of the authorities to ensure that law and order is maintained and citizens’ lives and rights protected. It is lamentable that even though many indications had suggested that the protest on Monday could turn violent, not least because of provocative tirades from both the ruling party and the PTI, the authorities did not show the necessary resolve and imaginativeness to ensure law and order. Police passively looking on as individuals openly used firearms was just one indication of that.

“The violence and clashes between activists of PTI and the ruling PML-N in Faisalabad have not only complicated an already tense political situation but also introduced a more violent strain in the political wrangling.

“Because of media coverage of the sad events on Monday, the killer of the PTI activist has not remained anonymous. He must be arrested and tried without delay.

“Another matter of concern has been reports of PTI workers in Faisalabad forcibly trying to shut down markets, burning tyres on roads and intimidating media workers. Both sides need to be reminded about the need for restraint and taking responsibility for the actions of the crowds they mobilise.

“HRCP believes that engaging the PTI rather than hoping that its campaign

would fizzle out or its call would not find support among the masses should be the preferred course for the government. Both sides have an infinitely better chance of finding solutions to the impasse through dialogue rather than through the constant exchange of accusation and insults.

“Among the first points to ponder for both sides should be finding ways to abandon the provocative demeanour and leave behind the environment of hostility and confrontation.

Finally, the events in Faisalabad also highlighted the need for protection of media workers. The safety concerns of journalists covering these developments must be addressed and a public commitment to that effect by both sides would not go amiss.”

**June 3:** Expressing grave concern over the abduction and brutal murder of Jeay Sindh Mutahida Mahaz (JSMM) activist Muneer Cholyani, the Human Rights Commission of Pakistan (HRCP) said that the incident appeared to be the continuation of a disturbing trend in Sindh where individuals affiliated with nationalist groups and political parties were being targeted.

In a statement, the Commission said: “The targetting of activists of nationalist parties in Sindh is reaching alarming proportions. Even more disturbing is the fact that the killers have not been arrested in any of these cases. The JSMM has pointed the finger at state agents for Cholyani’s murder. It is imperative that the charge is thoroughly investigated to the satisfaction of the party and the relatives, something which has not been done hitherto in any such case in Sindh.

“In fact, Munir Cholyani’s nephew, Rooplo, was among three political activists assassinated in Sanghar in April 2011. Their bodies were then placed in their car and set on fire. The killers remain at large. An HRCP fact-finding a fortnight after the 2011 killing had expressed serious alarm at the lack of urgency shown in holding a credible and thorough probe into the matter. Nothing has been done in the three years since to dispel that concern.

“HRCP has little doubt that these killings are aimed at bringing Balochistan-like chaos to Sindh and the attempts must be resisted with full force. We are also certain that nothing will change without the government’s strong resolve to end the blatant killings. The Commission calls upon the federal and provincial governments and the judiciary to take note of the systematic targetting of political activists in Sindh and immediately institute a judicial inquiry to promptly identify and punish the killers to remove the aura of impunity. In view of past experience, HRCP also must insist that the findings of such a probe must not be kept from the people.”

### **Women’s rights**

**March 7:** HRCP has demanded that efforts for promoting gender equality must go beyond ceremonial steps and pending legislation and steps for economic independence of women must be expedited.

In a statement issued on the eve of International Women’s Day on March

8, HRCP said: “Girls and women continue to face many challenges across Pakistan. Their dismal human rights situation is aggravated by failure to implement some positive legislative changes as well as undue delay in adopting proposed changes to the law.

“While we believe it is important to commemorate International Women’s Day as an occasion to reflect on progress and challenges during the past year, doing that alone does not change the ground reality. Improvement in the condition of girls and women will not come about through cosmetic or ceremonial steps or the rhetoric around March 8 every year.

“Violence against women in the form of so-called honour crime shows no sign of abating. Incidents of acid attack and forced conversion are also a reminder of the challenges at hand. Women and girls in conflict areas of the country, such as FATA and Malakand, and those who are internally displaced need particular attention. At a time when peace talks with militant extremists are high on the government’s agenda, it is important to take into account women’s concerns and not sign away their rights in a compromise.

“This year’s theme for March 8, “equality for women is progress for all” is particularly relevant to the situation in Pakistan. Experience from around the world shows that countries with greater gender equality, empowerment of women and greater role for them in various spheres have better economic growth, greater levels of tolerance and economic and social development.

“At the minimum, pending legislation such as changes to the Child Marriage Restraint Act, among others, should be expedited. The long delay in adoption of Hindu marriage law and changes in the Christian divorce law add to women’s problems.

HRCP is of the considered opinion that the problems confronting girls and women would not go away until they gain equality, economic freedom, including their right to education, work and to inheritance. Laws alone cannot change the social attitudes that need to be changed to make gender equality a reality. Progress on that front remains far from encouraging. That must change forthwith.”

**March 12:** HRCP has strongly condemned the retrogressive move by the Council of Islamic Ideology to roll back the Muslim family laws and called upon the government to stand fast in defence of women’s rights. In a statement issued here today the commission said:

“At a time when the state is trying to deal with a grave threat from extremists posing as religious soldiers and the humanitarian challenges in Thar, Maulana Shirani, the controversial head of the Council of Islamic Ideology, has chosen to fire a broadside at the disadvantaged women of the country. And this right on the morrow of the world-wide celebration of the International Women’s Day. The edict aimed at giving parents/guardians a licence to give away little girls in marriage and freeing men of the need to secure the permission of their first wives before admitting second wives to their harems is nothing short of a vicious attack on women’s and girls’ fundamental rights. ... The people

have a right to know as to what has made the CII, which had claimed to have completed its scrutiny of all laws quite some time ago, discover flaws in the Muslim Family Laws Ordinance of 1961 at this particular moment.

“Quite obviously Maulana Shirani wishes to open a new front against women and to reinforce the militants’ siege of the state. In doing so he has furnished a good reason for a full-scale review of the CII’s functions, its powers, and the justification for its existence.

“The government must not yield to the CII manoeuvre.”

**March 14:** HRCP has expressed grave concern after the death of a rape victim who had set herself ablaze because a police report had helped the rapist get bail in the case.

In a statement, the Commission said: “HRCP is pained beyond words by the death of the 18-year old gang-rape victim in Muzaffargarh. Her sacrifice has exposed the ordeals that rape victims in the country face when they try to bring their tormentors to justice. It is common knowledge that only the courageous rape victims in Pakistan take the matter to the police or court. The girl had gone to Bet Mir Hazar police station in Muzaffargarh on Thursday to lodge protest with an investigation officer for helping the main accused get bail by favouring him in his report. ...

“The saddest part is that it took an 18-year old girl who lacked legal training two months to find out that the odds were stacked against her. Legal and criminal justice experts should be able to grasp that more quickly. Barring a sudden and miraculous change of heart somewhere, it is almost certain that the girl’s ordeal and painful death would have no positive impact in the context of sexual violence against women in Pakistan. The chief justice has taken a suo motu notice. If suo motu notices alone could lead to change, Pakistan would be a much reformed country now. HRCP hopes the government would at least belatedly realise its obligation to prosecute the rapist and immediately launch practical measures to ensure that no other rape victim has to set herself ablaze to get noticed.”

**May 28:** HRCP has expressed serious alarm and disgust over the murder of a young woman, who was killed by her family in a manner like stoning to death, close to the Lahore High Court for marrying without their consent.

In a statement, the Commission said: “HRCP is appalled by the manner of Farzana Parveen’s death just a few yards from the Lahore High Court on Tuesday. Her only crime was to marry of her own free will, a right that the law recognises for all adult citizens but one where the state has failed to prevent abuse and violence....

Parveen’s murder was no case of sudden provocation as several months had passed after her marriage. The family had obviously come prepared to commit murder. Parveen’s father had no remorse when he surrendered to the police and called the cold-blooded murder an “honour killing”. He stated that

he did not regret his actions.

Such brazen actions have been encouraged by the authorities' failure to fulfil their duty to protect citizens' lives. The sheer number of women falling victim to the so-called "honour killings" is enough to dispel all illusions about any interest in saving their lives. In 2013 alone, HRCP recorded the killing of nearly 900 women in "honour" crimes from media reports. These women were killed because the state did not confront this feudal practice supported by religiosity and bigotry.

HRCP calls upon the government to unreservedly condemn this shameful crime and make sure that Parveen's killers do not escape justice by glorifying their dastardly act in the name of honour. The government should also consider starting a public awareness campaign to combat the feudal mentality behind the crime and ensure that the killers get no premium for invoking misplaced notions of honour.

**December 29:** There was a pressing need for greater awareness of working women's rights, ensuring equal pay for equal work irrespective of gender and recognition of women's contribution to society and the national economy, a consultation organised by the Human Rights Commission of Pakistan (HRCP) in Karachi concluded.

Participants of the consultation on 'women's wages and employment' called upon the government to recognise home-based workers (HBW) and domestic workers as labour so that the cover of social security could be extended to them. The participants in the deliberations said that the informal sector contributed 35 percent to the national economy and employed millions of workers, especially women. It was thus a matter of grave concern that these workers could neither unionize nor demand minimum wage or claim any of the other entitlements available to workers under Pakistan's law and the country's international human rights commitments.

Khalida Ghous, a prominent human rights activist, presented a paper on employment trends, gender-based discrimination and exploitation and the wage gap between men and women engaged in identical or substantially similar work. Zehra Ali, senior office-bearer of a federation of domestic workers' organizations, focused on HBWs and domestic workers, stating that in arriving at a coherent policy for these workers a particular difficulty had been agreeing on a uniform minimum wage because of the diverse nature of their work, particularly since HBWs were skilled workers. Social worker Dr Sajjad Ahmed made a presentation about occupational hazards and other health concerns for working women and the various issues regarding maternity leave. An exhaustive presentation on labour laws by Farhat Parween, civil society activist, highlighted the importance of collective bargaining for women workers.

The participants included a large number of women workers, students, social activists, female doctors, civil society organisation representatives.

## **Human rights defenders**

**April 10:** HRCP has voiced serious concern and indignation over threats

extended to a senior lawyer representing a blasphemy accused inside a courtroom in the Multan Central Prison.

In a statement, the Commission said: “HRCP is extremely concerned about threats given to the lawyers of blasphemy accused Junaid Hafeez in open court. His lawyers Rashid Rehman and Allah Dad had appeared before a judge for a hearing on Wednesday April 9. The case is being heard in Multan Central Jail in view of security concerns.

“During arguments for acquittal of the accused, three persons addressed defence lawyer Rashid Rehman, Advocate, in the judge’s presence and said: ‘You will not come to court next time because you will not exist any more.’ Mr Rehman drew the judge’s attention to the threat but the judge is reported to have remained silent.

“The difficulty that the accused has had in finding and retaining a lawyer is well known. HRCP views that as a systematic denial of legal representation to the accused. HRCP believes that no one except bigots have an interest in the accused going unrepresented. If this charade continues for much longer HRCP will have no qualms in concluding that it has been decided that the accused would not be allowed legal representation and there is no need to bother with a trial anymore. HRCP demands that the three persons who threatened the lawyer in the case are proceeded against under the law without delay and effective measures are taken to ensure the defence lawyer’s security.”

**May 8:** The Human Rights Commission of Pakistan is deeply grieved at the killing of its Multan Task Force coordinator, Rashid Rehman, Advocate.

Rashid was a committed rights activist and lawyer and had been associated with HRCP for over twenty years.

It must be recalled that on 10 April, through a statement, the Commission had brought it to the attention of the authorities that Rashid was being openly threatened by prosecution lawyers in the Multan District Prison where he was representing a blasphemy accused. The hearing was being held in the prison due to security concerns. The judge, it was reported, did not take any notice of threats issued to Rashid in his presence. Three persons had addressed defence lawyer Rashid Rehman in the judge’s presence and said: ‘You will not come to court next time because you will not exist any more.’

It is regrettable that no attention was paid to HRCP’s or Rashid’s concerns and nothing was done to apprehend the three persons who had threatened Rashid. In its earlier statement, HRCP had demanded that the three persons who had threatened defence lawyer Rashid Rehman in the case be “proceeded against under the law without delay and effective measures are taken to ensure the defence lawyer’s security.”

HRCP demands that cases be immediately registered against those who had threatened Rashid and his killers be brought to justice. It would be a travesty of justice for the cause of human rights and for Rashid’s family if this

plea was also ignored and meaningful action was not taken.

Rashid had bravely decided to represent a blasphemy accused in a society where bigots believe that those accused do not have the right of defence. In his death, HRCF has lost a courageous and committed human rights defender. The forces of religious extremism, unchecked by the state, may have won a battle but not the war.

### **Police excesses**

**June 18:** HRCF has strongly condemned the police action at the Tahirul Qadri Secretariat, in which eight people were killed, and at least 90 injured.

In a statement, the Commission said: “HRCF condemns in the strongest words possible the unfortunate events on Tuesday in which eight people, including two women, were killed at the Tahirul Qadri Secretariat when the administration reportedly tried to remove some barriers from roads around the place.

“HRCF condoles with the bereaved families and finds it difficult to accept that the fatalities occurred in an exercise aimed at removing encroachments alone. The barriers had been there for a number of years and removing them on the eve of Tahirul Qadri’s arrival in Pakistan has led many to conclude that the move was politically motivated.

“This is not the first incident that lack of police training or their inclination for crowd control without violence has been badly exposed. It is not likely to be the last. In fact, Tuesday’s incident makes it abundantly clear that there are no bounds to police brutality in action against political rivals of the parties in power. ...

“An inquiry has been launched into the sanguinary incident. It must fix responsibility without fear or favour and, unlike the past practice, its findings must be made public.

“HRCF cannot emphasise enough that this most tragic event must not be politicised, and must not be used as an opportunity to engage in the politics of dead bodies. The media must also remain mindful of that.”

### **Fact-finding missions**

#### ***Good governance only way to restore order in Karachi***

**July 21:** The lawlessness in Karachi, the collapse of state institutions and the citizen’s unending travail are symptoms of a multiple-sided political crisis and no way out is possible until the two main political parties of Sindh establish functional cooperation and start respecting the people’s right to good governance, including efficient and responsible local government institutions.

Democracy is facing a stiff test in Karachi and public perception of political parties’ selfish pursuits, their lack of interest in ending disappearances, torture and death in custody, economic exploitation of the disadvantaged, and a

pervasive feeling of helplessness and hopelessness is alienating people from democracy and politics. Many are openly asking for a return to an authoritarian dispensation, ignoring the clear signals that such a relapse could be fatal for the highest interests of the state.

These are the main findings of the fact-finding mission carried out by the Human Rights Commission of Pakistan (HRCP) from July 17 to July 20 to assess the law and order situation in Karachi, particularly to gauge progress over the 10 months since Rangers were given security responsibilities. The mission also looked at the context which led to the Rangers being invited to operate in Karachi.

The mission was struck by civil society's indifference to the situation in Karachi. This could be due to the rulers' refusal to offer space for interaction with citizens. Nevertheless civil society's abdication of its role as a vigilant watchdog over public interest will only strengthen the forces of disorder, religiosity and exploitation

At the conclusion of the fact-finding, the HRCP mission wishes to make the following preliminary observations:

At the time of the start of the operation, the demand for effective across-the-board action to end lawlessness in Karachi was near unanimous and all political parties and various segments of society had called for the same. However, the people the fact-finding mission met were generally not impressed by the talk-to-action ratio.

The operation had been launched on an ad hoc basis without appropriate planning. The apparent idea at the time was that police could not prevail over the elements responsible for lawlessness and bloodshed in Karachi. Throughout the operation nothing has been done to enhance the capacity of the police.

There has been a complete failure to open channels to convey grievances to the relevant departments as a result of the fallout of the operation. Independent oversight of the operation was absent. A promised commission in that respect had not been constituted. A redress committee that has been set up had so little credibility that citizens who constantly submitted complaints to HRCP had not even bothered to contact it.

The mission received several dozen complaints from families whose men have allegedly been picked up by law-enforcement agencies and have since been missing. ... HRCP will refer all these cases to the relevant authorities. ... No civilised government can ignore the suffering of the people in distress for no fault of theirs. As for those who are suspected of any offence, they too must be dealt with in accordance with law.

Based on the perceptions of the people that the mission interacted with, it appeared that the objectives of the operation had not been met. Even the figures presented by the police demonstrated that with the exception of murders the reported crime had not registered much decrease. ... Some police officers tried to explain the increase as a sign of growing confidence among the people who they said were contacting police now while they previously would not

even come to them. Police maintained that there were few causes for concern in the law and order situation which some officers called the crime figures proportionate to the economy.

Police stated that they were not conducting any operation in Karachi, but merely engaging in proactive policing which was having an impact. They highlighted that police had not been given any special powers to overcome crime since the action began in September last year and all of the departmental safeguards were in place to prevent any violations.

The mission was informed that few criminals would dare commit a crime on thoroughfares unless they were certain that they would get away with it. Impunity and inaction fed crime and lawlessness. Many segments cited demands to end pre-paid cell phone SIMs to control threats and kidnapping for ransom not being heeded.

Members of parliament, police, and citizens alike seemed to have accepted lawlessness as an everyday fact of life. Shopkeepers and businessmen consider payment of extortion money just another business expense, counted it among their input costs and passed it on to the consumer. Citizens did not report street crime, which seemed to have been on the rise and which did not seem to worry either police or politicians. Those who could afford it had sent their children abroad mainly on account of the fear of kidnappings for ransom. Many businessmen have shifted their establishment to foreign lands because of the security situation.

In many meetings with citizens, including professionals, a common view that HRCP heard was that Karachi was suffering because fiefdoms flourished in the city in the name of democracy. They believe that the political stakeholders in Karachi only guarded their respective interests and got along only when these interests converged. The law and order problems of Karachi particularly, and Sindh in general, would not be addressed as long as the main political parties in the city only showed selective commitment to the cause. They said these political parties were yet to determine the pattern of their cooperation.

Absence of local government system was highlighted as another hurdle in meeting even the most basic needs of citizens. Effective, democratic governance and early introduction of effective, representative and democratic local government institutions was cited as vital in reducing the tensions that have been contributing to inaction and aggravation of the security situation in Karachi.

Lack of understanding among major political forces had made the administration dysfunctional, which had affected the satisfaction of people's basic needs, including security. The delivery system of the state even in the urban cosmopolitan area was so inefficient that the people felt compelled to meet their needs through informal means. The mission did not notice any role of political elements or discussion in the legislature that reflected concern over the seriousness of the law and order situation. There had been a complete lack

of political initiative to back any gains made in the wake of the supposed cleaning up of the criminal elements to turn communities into law-abiding ones. The citizens, particularly businessmen, expressed dissatisfaction with the interest of the authorities in addressing lawlessness and violence. Some segments of society were so utterly frustrated that they were convinced that only deployment of army in Karachi would make a difference. The concern that such desperation should evoke among the political dispensation was largely absent.

There was a consensus that providing employment to the people would boost efforts to restore peace and deny recruits to militant and other criminal elements.

There were reservations over the ownership of the security situation by both the provincial and federal governments. It was stated that the federal and provincial governments were not on the same page. Many citizens were convinced that the prime minister and the federal interior minister taking more interest in the situation and staying in Karachi for a few days, instead of flying in and out the same day, would make a difference.

The mission heard numerous alleged accounts regarding police, at least at the junior level, backing the criminals and much more frequently of police being aware about crime and criminals and failing to act. There was a sentiment that a police force that wanted to earn people's respect and confidence needed to investigate all such charges in a transparent manner and share the outcome with the citizens.

There appeared to be willingness among police officers to turn the department around. However, that appeared unlikely to achieve anything unless well-intentioned policemen were allowed to have a say. Lack of security of tenure, frequent transfers/posting, capacity issues, including lack of training and equipment, were also cited among hurdles in police performance. There was a feeling that police was a magnet for criticism from the political, administrative and judicial quarters alike, but their contribution, often at the risk of their lives, was not acknowledged. The police role in reclaiming the Karachi airport from terrorists in June was cited as an example. At least 125 policemen had been killed in targeted attacks and during performance of their duties since the launch of the September operation. Many of the people the mission met made serious allegations of excesses by the Rangers. HRCP will refer all such cases to appropriate authorities for speedy redress.

As a force, police were weighed down by the responsibility to guard important personalities; something that keep 8,500 policemen out of the total force of 26,800 away from regular policing duties. Even at full strength they lacked the numbers required to provide security and law and order to citizens. The police-to-citizen ratio was 1: 1525. The police were expected to take on well-armed terrorists even though they lacked appropriate training, bullet-proof

jackets and vehicles and chained armoured personnel carriers.

***HRCP calls for urgent steps to address challenges in Thar***

**December 27:** HRCP has called for immediate steps in consultation with the local population to address the many problems confronting Thar, including those leading to death of children and those brought forth by a drought in the area.

In a statement issued at the conclusion of an HRCP team's visit to Tharparkar, The Commission said: "HRCP is acutely aware of the limitations of analysing the intricacies of the situation in Thar in a short visit. However, HRCP is grateful to the women and men from various parts of Thar and to civil society activists and development experts who gave us the benefit of their experience.

"HRCP appreciates also the role of the media in attracting attention to infants' deaths in Thar. This has brought into focus not only the drought but also other, bigger problems in Thar.

"The problems of the people of Thar are very complex and the death of children in hospitals or at homes is only one aspect of that. The high mortality among children is a long standing chronic issue which has not occurred due to starvation but on account of a persistent failure to address a number of factors, including food insecurity and malnourishment, lack of safe water and of hygiene and absence of female education and family planning. These have been aggravated by poverty, child marriages, long distances restricting access to emergency maternity and newborn health services, ineffective primary healthcare structure and an environment of a general resignation to a cruel fate. The Thar residents also have to contend with the dearth of a middle class to argue their case and have largely had to depend on outsiders even to articulate basic demands.

"Drought is a natural and recurring phenomenon which has been really hurting Thar. This can be mitigated by advanced planning. The people think that the government has not helped them sufficiently and in a timely manner and that middle men have been made responsible for providing relief who have prioritised profit over obligation.

"One of the basic issues is that the economy and resources of Thar are no longer able to sustain the increased population. The supply of food has stagnated or dwindled as demand has spiked. Both agriculture farming and livestock breeding have become largely unsustainable. The pastoral economy has turned into a cash economy. But people have no cash. The exploration and exploitation of Thar's abundant natural resources has not created employment opportunities and whatever opportunities are available are only at long distances of 400 kilometres or more. The large number of unskilled labour needs immediate attention to engage them productively. A nexus between development and labour has not been developed. There is concern that aid dependency is setting in.

"Many of the problems that the Thar people face are no different from what is the experience of the people of Pakistan elsewhere: police is corrupt,

administration inefficient and political parties insensitive. Rural indebtedness is at a higher level and it is fuelled by a change in the style of living and demand for cell phones and motorcycles, which are also catalysts of progress.

“We have also noticed certain positive changes: a recent improvement in availability of health services, although more needs to be done. The positives include women being able to leave their homes for work, certain decline in caste distinction in several areas and communal harmony surviving despite provocation from extremists.

“Lastly, there is a need for permanent change-oriented combined development strategy addressing water, roads, health and female education; and social engineering needed in public-private partnership where the need for consultation and inclusive decision-making is clearly understood and adhered to.”

### **Statements by Executive Council**

#### ***Lack of remedial measures aggravating rights situation: HRCP***

**April 28:** The Human Rights Commission of Pakistan has expressed alarm at the aggravation in key human rights areas and absence of priority and resolve in dealing with the issues.

A statement issued at the conclusion of its Council and annual general meetings said: “The General body and the Executive Council of Human Rights Commission of Pakistan (HRCP) express serious concern that the human rights situation has not shown any improvements in the six months since we met in October last. More reasons for alarm have surfaced. The following issues need to be highlighted in particular:

1. The government seems directionless. Clear policies are lacking. There is an urgent need to defuse regional tensions and work towards building relations with neighbours. HRCP proposes the government extends the role of the Planning Commission to serve as a think tank for political-social issues facing the country so that clear policies and strategies are in place.
2. Counter-terrorism policies must protect citizens rather than targeting them. Legislative measures aimed at countering lawlessness and terrorism have raised concerns regarding due process rights for the accused. These concerns must be addressed and laws for tackling the challenges must not be arbitrary or in contravention of human rights.
3. HRCP regrets that its proposal to the Balochistan government to set up a provincial human rights commission has not been heeded. It was proposed that an independent human rights commissioner be appointed, in an honorary capacity, in Quetta and human rights officers in each district. Such a set-up could be followed in other provinces as well. It is regrettable that HRCP’s request to visit Totak, where a mass grave

had been discovered, has not been granted.

4. While the Balochistan government was congratulated on holding the local bodies elections last December, ahead of other provinces, those elected have not yet taken oath and the benefits of the system remain out of people's reach. Other provinces have not yet held these crucial elections which devolve power to the grassroots level and facilitate the solving of people's problems. However, HRCP welcomes the Balochistan government's decision to provide compensation to all victims of terrorism, including civilians.
5. HRCP expresses alarm at efforts to curb freedom of the media through intimidation and threats of legal action. At the same time, it is deeply concerned at the ongoing war of words between large media groups, which it considers a setback to freedom of the media and its ability to criticise the military establishment.
6. The media is also failing in its duty to encourage rational debate and to promote a culture of tolerance. The commission believes that it is time to make Pakistan Television (PTV) an autonomous institution.
7. HRCP condemns arbitrary detentions in Malakand under the Actions in Aid of Civil Power Ordinance. Reports of enforced disappearance and custodial deaths have also been received from Malakand, pointing to the abuse of state power.
8. HRCP once again condemns attacks on places of worship belonging to non-Muslims. There have been several attacks on Hindu temples in Larkana, Tharparkar and Hyderabad. At the same time, a 150-year-old temple in Karachi is facing damage from unplanned construction of underpasses and flyovers by a private developer. Religious minorities also continue to be persecuted through the blasphemy laws. It is time for the government and the parliament to show courage and begin a debate on reforming those laws.
9. Insecurity felt by non-Muslims is reflected in thousands leaving the country. Rise in religious intolerance is compelling many to convert to Islam.
10. The Tharparker drought and its high death toll is one indication of poor governance in Sindh. Other matters of concern include rise in kidnappings for ransom in upper Sindh as well as extrajudicial killings of Sindhi nationalists who are picked up and their dead bodies later dumped.
11. The terms of talks with the terrorists have not been shared with the people, increasing fears that concession for them can come at the cost of the citizens' rights, particularly women and religious and sectarian minorities.
12. The practice of enforced disappearance and dumping of dead bodies has spread to Khyber Pakhtunkhwa and Sindh. The impunity for the perpetrators that HRCP believe is behind this expansion must be ended

and the International Convention for the Protection of All Persons from Enforced Disappearance ratified.

13. Life has become so difficult for many sections in Pakistan that more and more people are being forced to consider leaving the country amid safety and security concerns as well as lack of economic and livelihood opportunities.
14. The impact of the high cost of living on people's ability to access basic rights, including health, education and food, is not getting due attention. The economy should be revived to generate income for the poor to enable them to meet basic needs with dignity.
15. HRCP strongly reiterates that the need to mainstream FATA remains as urgent as ever and neglect in this regard is having serious consequences for the entire country, not just for the residents of this long suffering region.
16. The risks for human rights defenders continue and they find it difficult to work in or report from an ever growing list of areas. Their protection and facilitation of their work must be prioritised.
17. The attacks on polio vaccinators and a rise in incidence of cases are matters of grave concern and demand multi-pronged action which must include awareness drives and reclaiming writ of the state in regions where lawlessness prevents vaccination."

***Political situation diverting attention from grave human rights concerns: HRCP***

**October 14:** HRCP has voiced concern at the emergence and deterioration in a litany of grave human rights concerns across the country and stated that the prevailing political situation, and rise in religious extremism were proving significant hurdles in mounting any serious efforts to deal with these concerns.

A statement issued at the conclusion of the two-day autumn meeting of the HRCP Council said: "The HRCP Executive Council notes with great dismay the addition of several alarming dimensions to the many human rights challenges in the country since the council last met in April. It has been considered imperative to draw attention to the following issues in particular:

- ◆ The political situation characterised by *dharnas* has taken attention away from other more important issues. One of the outcomes has been strengthening of sectarian forces. The people hope and expect that the government would remain mindful of its obligation to address the pressing concerns of the people, especially the human rights concerns, even as it tries to find way to reach out to the parties engaged in *dharnas*.
- ◆ There has been an unchecked rise in religious extremism and the situation has worsened for religious and sectarian minority communities. A sequence of attacks on Sikhs in Peshawar, assaults on Hindus in Umerkot and on temples elsewhere in Sindh, target killing

of an Ahmadi doctor in Mirpur Khas, killing of Ahmadis in Gujranwala, of Zikris in Awaran and attack on a blasphemy convict in Adiala prison are just some of the manifestations of increase in fanaticism and intolerance. The lot of those charged under the blasphemy law has become all the more precarious as it has become almost impossible for them to defend themselves at their trial. The murder of Rashid Rehman for daring to defend a blasphemy accused whose case no one else was willing to take and the complete lack of interest of the authorities to go after his killers has further encouraged impunity.

- ◆ The ongoing Karachi operation led by Rangers has not proven effective. Complaints of people being picked up regularly surface and are not adequately addressed. The judicial process in this respect is very slow. Sectarian and targeted killings continue in the city and statistics including killings suggest that the operation has failed to achieve success. There seems little commitment in any part of the country to improve the poor law and order situation. Poor governance has aggravated the challenge. Kidnapping for ransom has become an industry and failure to nab the criminals has created an environment of fear.
- ◆ Targeted killings are also regularly being reported from Balochistan, where incidents of enforced disappearance and dumping of mutilated bodies also continue, though the number of incidents appears to be on decline.
- ◆ HRCP expresses grave concern at the rising incidents of violence against women and minor girls all over Pakistan, despite the enactment of seven laws over the past decade, and calls upon all the provincial governments to enact strong laws, as well as taking effective measures for their implementation; and calls upon the public and private media to adhere to its Voluntary Code of Gender-Sensitive Ethics, adopted over a decade ago.
- ◆ WHO has imposed strict measures on Pakistan for external travel, with further potential sanctions. HRCP expresses concern that these would have a huge negative impact on Pakistan's economy and its international standing. The Commission also condemns the continued target killings of the brave polio vaccinators, especially those struggling to immunize the most vulnerable children in the far-flung and conservative rural areas of Pakistan. It demands that the federal and provincial governments urgently provide greatly increased and more effective security cover to these vaccinators, particularly in FATA, Khyber Pakhtunkhwa, Balochistan, Karachi, and other focus areas.
- ◆ The killing of journalists in Balochistan and how little attention media persons' plight in the province is getting nationwide is exceedingly disturbing. The attacks must be investigated and the killers brought to justice.
- ◆ The situation of flood affectees and conflict-induced IDPs and the

utter neglect of the needs is extremely distressing. Consultation with the affected citizens regarding important decisions that impact their lives have remained absent. Meaningful steps are needed to ensure their early and sustainable return. HRCP calls upon the federal government to deploy NADRA's mobile service units to provide CNICs to women IDPs from North Waziristan, giving priority to the duly identified women-headed households. This will enable them to register as IDPs with the FDMA/PDMA/NDMA, thereby becoming eligible for assistance in the form of cash, shelter, food, health care and education facilities. The displacement on account of rise in cross-border tensions with India also deserves immediate attention.

- ◆ The situation of detainees at internment centres deserves urgent attention. Lack of meetings with family and neglect of their health and due process rights must be rectified without delay and each death in custody independently investigated. HRCP continues to denounce the law on Action in Aid of Civil Power enforced in FATA and PATA. The law violates basic human rights principles and provides cover to illegal acts of the security forces in matters of arbitrary detention, torture and enforced disappearance. Most sufferers under this law are the inhabitants of Malakand Division.
- ◆ The undoing of many positive changes in the curriculum in Khyber Pakhtunkhwa and slogans such as 'Hum sab Musalmaan' in Sindh are going to fuel more intolerance and extremism in Pakistan. HRCP urges the provincial governments to ensure that the curriculum promotes humanity and positive values rather than discrimination and exclusion.
- ◆ The Council welcomed the award of the Nobel Peace Prize to Malala Yousafzai as a source of pride for the nation and an inspiration for peace and education, especially for girls."

## **Chairperson and Council members**

### *Miscellaneous*

#### *Zohra Yusuf reelected HRCP Chairperson*

**April 27:** Ms Zohra Yusuf was re-elected Chairperson and Kamran Arif Advocate was reelected Co-chairperson of Human Rights Commission of Pakistan (HRCP) at the election of its office-bearers for the 2014-2016 term, held at the commission's annual general meeting.

The Vice-chairpersons elected are:

Balochistan – Tahir Husain Khan, Advocate; Khyber Pakhtunkhwa – Sher Mohamamd Khan, Advocate; Punjab – Ms Nazish Ataulah; Sindh – Asad Iqbal Butt. Ms Salima Hashmi was named as the commission Treasurer.

The members of the HRCP council (Governing body) elected on the occasion are: Ms Asma Jahangir; Ms Hina Jilani; Dr Mehdi Hassan; Air Marshal Zafar A. Chaudhry; Zahoor Ahmad Shahwani, Advocate; Ms Parveen Soomro;

Ms Nasreen Azhar; Ms Uzma Noorani; Habib Tahir Khan, Advocate; Ms Tahira Kamal; Ghazi Salahuddin; Nadeem Anthony; Ms Sadia Bukhari; Kanjee Rano Bheel; Joseph Francis; Inder Ahuja; Akhtar Husain Baloch; Roland de Souza; Badar uddin Soomro; Saleh Zada; Abdul Ghani Mengal; Ms Tahira Abdullah; Babar Ayaz; Raja M. Ashraf and Amarnath Motumal.

### **HRCP Videography contest Prizes distributed**

**November 28:** The HRCP videography contest for universities and colleges in Punjab concluded this evening with the distribution of prizes at the auditorium of Human Rights Commission of Pakistan (HRCP).

Universities and Colleges in Punjab had been invited to submit videos on human rights themes made by their students.

Entries had been invited for four categories – Women, Children, Minorities and Democratic Development. Three categories of videos were admissible for the contest – of 3 to 5 minutes duration of 5 to 10 minutes, and of 10 and more minutes.

The first prizes were won by the following institutions.

1. Beaconhouse National University: Women Category.
2. Islamia University of Bahawalpur: Minorities Category.
3. National College of Arts: Children Category.

No first prize was given in the category of Democratic Development as only two entries were received and neither of these adequately related to the theme. The institutions taking part in the contest included:

University of the Punjab, Beaconhouse National University, Islamia University of Bahawalpur, Lahore College of Women University, Government College University, Faisalabad, National College of Arts, Forman Christian College, University of Central Punjab, Punjab Group of Colleges.

### **Obituary**

#### ***HRCP condoles death of veteran rights activist Mian Nizam Din***

**January 15:** HRCP condoled the passing of a senior former staff member and veteran human rights activist Mian Nizam Din.

In a condolence meeting, HRCP fondly recalled Mian Sahib “as much more than a human rights activist. He was the famous developer of our archives section and that of many other organisations. Even in his school years, he was a courageous human rights activist. Never one to hold back when he believed in something, he had been imprisoned for being an avid supporter of the freedom struggle of India.”