

# Gilgit-Baltistan

Aspirations for identity, integration & autonomy



Report of an  
fact-finding mission



# **Aspirations for identity, integration & autonomy**

**Report of an HRCP fact-finding mission to Gilgit-Baltistan**



پاکستان کمیشن برائے انسانی حقوق  
Human Rights Commission of Pakistan

**Published by**  
Human Rights Commission of Pakistan  
Aiwan-i-Jamhoor, 107-Tipu Block, New Garden Town,  
Lahore-54600  
**Tel:** (92-42) 35864994, 35838341, 35865969  
**Fax:** (92-42) 35883582  
**E-mail:** [hrcp@hrcp-web.org](mailto:hrcp@hrcp-web.org)  
**URL:** [www.hrcp-web.org](http://www.hrcp-web.org)  
**Blog:** [www.hrcpblog.wordpress.com](http://www.hrcpblog.wordpress.com)

**Printed at**  
UB Printers  
1 Mission Road, Lahore

**Title design and layout**  
Visionaries Division  
[visionariesdesign@yahoo.com](mailto:visionariesdesign@yahoo.com)

### **Note of thanks**

HRCP is grateful to the Chief Minister of Gilgit-Baltistan Mr. Hafiz Hafeezur Rehman, the Honourable Chief Judge of the Supreme Appellate Court, Gilgit-Baltistan, Mr. Justice Rana Muhammad Shamim, to all the individuals, civil society organizations, women rights activists, child rights activists, youth activists and representatives of political parties, who met with members of HRCP's fact-finding mission and shared their opinions and viewpoints about the prevailing social and political circumstances of the region. In particular, HRCP wishes to acknowledge the contribution of HRCP's Co-chairperson Kamran Arif and former Chairperson Asma Jahangir to this fact-finding mission.





# Executive summary

The people of Gilgit-Baltistan are nearly unanimous in seeking their territory's recognition as a part of Pakistan, by virtue of their accession to the state in November 1947, and allowed the status of a full unit of the federation. They are also united in demanding greater autonomy than has been allowed under the Gilgit-Baltistan Empowerment and Self-Governance Order 2009.

This is the principal finding of the Human Rights Commission of Pakistan's fact-finding mission that visited the territory in August 2016. The mission was headed by HRCP's former chairperson Asma Jahangir, and included Co-chairperson Kamran Arif, who has been observing developments in Gilgit-Baltistan since 1990, and Khushal Khattak, the commission's coordinator for Northern Areas.

The mission met the Gilgit-Baltistan Chief Minister, the Chief Judge of the Supreme Appellate Court, representatives of political parties, social and political activists, lawyers, journalists, businessmen, civil society representatives and a good number of concerned citizens.

The mission asked the federal government to grant more powers to the democratic forums of Gilgit-Baltistan, appoint judges with guaranteed tenure from amongst the territory's residents, and remove the grievances of the internally displaced persons (IDPs). The mission also recommended that the people of Gilgit-Baltistan should be taken into confidence regarding the China-Pakistan Economic Corridor projects.

The other important recommendations made by the mission are:

- All fundamental rights guaranteed in the constitution of Pakistan should be extended to Gilgit-Baltistan.
- The misuse of the Anti-Terrorism Act (ATA) and Schedule Four against rights campaigners and political activists in Gilgit-Baltistan must be curbed. The unchecked authority of the law enforcement agencies (LEAs) and intelligence agencies needs to be monitored and controlled.
- The dominance of bureaucracy in all the administrative and political affairs of Gilgit-Baltistan needs to be ended. The political representatives of the people of the region need to be empowered so that they deal with the issues that might not otherwise fall under the direct purview of the bureaucracy.
- The women of Gilgit-Baltistan need to be given greater representation not only in the Gilgit-Baltistan Legislative Assembly (GBLA) but also in other decision-making bodies of the region. Measures to end sexual harassment of women at workplace need to be outlined and implemented.
- The region desperately needs an institution to take care of the mentally challenged.
- A greater effort is required to engage the youth of Gilgit-Baltistan so as to utilize their potential for the betterment of the region. The number of educational institutions needs to be increased and the youth need to be guaranteed access not only to formal education but also to institutes that offer possibilities for developing technical skills.

## **An HRCP fact-finding mission**

# **Gilgit-Baltistan people's aspirations for identity, integration & autonomy**

The fact-finding mission included HRCP's Co-chairperson Kamran Arif, former chairperson Asma Jahangir and HRCP's coordinator for Northern Areas Khushal Khan. In Gilgit, HRCP's task force, led by its coordinator Israruddin, helped in arranging and facilitating meetings with groups and individuals from various walks of life, which proved essential in understanding the key issues of the region.

The fact-finding team arrived in Gilgit on August 6, 2016 and returned to Islamabad on August 9, 2016. HRCP was aware of the fact that three days might not be sufficient to fully grasp the complexities of the various issues in the region, given its diversity. However, an effort was made to hold extensive consultations in order to gain insights into the challenges faced by the people of Gilgit-Baltistan and the ways in which these challenges could, in the opinion of the people of this region, be dealt with and overcome.

After arriving in Gilgit on August 6, 2016, the HRCP team began its mission in Gilgit by participating in an event organized for the mission by the High Court Bar Association of Gilgit-Baltistan. The meeting was addressed by representatives of the Gilgit-Baltistan High Court Bar Association, several other lawyers and Ms. Asma Jahangir. After the event, the mission held consultations with groups of civil society organizations and women rights activists. The mission then went to meet with Chief Minister of Gilgit-Baltistan, Mr. Hafiz Hafeezur Rehman, at the Chief Minister Secretariat in Gilgit. Afterwards, the mission met with representatives of the business community, organizations working for persons with disabilities, delegations of several organizations working for the youth of Gilgit-Baltistan, and members of the Awami Action Committee.

On the second day, August 7, the mission travelled to the Gojal Tehsil of the Upper Hunza Valley where they met with delegations of civil society organizations at a meeting organized by the Gojal Local Support Organization (LSO) Network. Afterwards, the mission visited Attabad where they went to the camp of the people displaced by a massive landslide in January 2010 which had blocked the Hunza River, causing the displacement of thousands of people after their villages were submerged. The internally displaced persons (IDPs) shared with the mission details of the problems they have been facing. Members of the mission then returned to Gilgit where they met with representatives of the Awami Workers Party (AWP) who offered a detailed account of their struggle for the release of Baba Jan and eleven other activists serving a forty-year sentence. The AWP members also expressed their concerns about other political and social issues of the region. The mission then met with a delegation of the Pakistan People's Party (PPP), Gilgit-Baltistan, followed by a meeting with nationalist political activists.

On August 8, 2016, the final day of their stay in Gilgit-Baltistan, the mission visited Aga Khan University in Gilgit where they met with representatives of the Professional Development Center North (PDCN) of the Aga Khan Development Network (AKDN). The mission then

visited the office of CEENA Health and Welfare Services, who work for orphans and abandoned children in the region, and met with their staff members who described their experiences. After these meetings, the mission called upon the Honorable Chief Judge of the Supreme Appellate Court Gilgit-Baltistan, Mr. Justice Rana Muhammad Shamim. The Registrar of the Supreme Appellate Court of Gilgit-Baltistan, Mr. Muhammad Azam, was also present at this meeting. The mission then met with representatives of the displaced families from the Maqpoon Das area in Gilgit. They dwelt upon their ongoing struggle to regain their ancestral lands that they have been displaced from. The mission held its final meeting with journalists of Gilgit-Baltistan at the Gilgit Press Club and held a press conference afterwards to explain their preliminary findings.

The mission met several individuals and victims of human rights violations during their stay in Gilgit. Many of them did not wish to be identified.

On the conclusion of the mission HRCP learnt that a number of persons including journalists were harassed and questioned about their motive in meeting the mission.



# Historical background

Gilgit-Baltistan is the northernmost region of Pakistan and covers an area of approximately 28,000 square miles. The area was known as the 'Northern Areas' until 2009 when the government of Pakistan promulgated the Gilgit-Baltistan Empowerment and Self-Governance Order 2009, which (along with introducing administrative changes) changed the name of the region to Gilgit-Baltistan. Administratively, Gilgit-Baltistan is divided into three divisions comprising ten districts. The four districts of Gilgit division are Gilgit, Ghizer, Hunza and Nagar, the four districts of Baltistan division are Ghanche, Skardu, Shigar and Kharmang, and the two districts of the Diamer division are Diamer and Astore. The population of the region is estimated to be around 1.8 million as per the growth ratio based on the 1998 census, while the locals estimate their population to be around 2 million. The population is made up of diverse ethnic and lingual groups. The major religious sects in the area are Shia, Sunni, Ismaili and Noorbukhsi. Gilgit-Baltistan shares its borders with Azad Kashmir to the south, Khyber Pakhtunkhwa to the west, the Wakhan Corridor of Afghanistan to the north, China to the east and northeast and Indian-administered Kashmir to the southeast.

Until the 1840s, the territories that make up Gilgit-Baltistan were ruled independently by local rulers who were then invaded by the Dogra rulers of Kashmir and these territories were subsequently annexed to the state of Kashmir. The British government of India was instrumental in helping the Kashmir Darbar in controlling the area. The British ceded full control of the area to the Maharaja of Kashmir a few days prior to the independence of the subcontinent. When the Maharaja of Kashmir announced his plan to accede to India, the local population of what constitutes Gilgit-Baltistan launched a full-scale rebellion against the Maharaja of Kashmir and the region gained independence on November 1, 1947. The region remained independent until November 16, 1947, when the ruling council of the people of the area decided to accede to Pakistan. The government of Pakistan took administrative control of the area and sent a political agent to administer it under the Frontier Crimes Regulation (FCR). As such the people of Gilgit-Baltistan are justified in claiming that they won their independence solely on their own accord and by themselves. They voluntarily acceded to Pakistan. Thus, they deeply regret that they – of all people – should be viewed with suspicion by Pakistan's establishment if they claim their rights. They resent the fact that after they had gained independence they were not made part of Pakistan's constitutional framework, nor were they allowed to decide their affairs.

In 1949, the Karachi Agreement was signed between the Government of Pakistan and representatives of Azad Kashmir and the All Jammu and Kashmir Muslim Conference (representing both Kashmir and the Federally Administered Northern Areas) to ratify administrative control of Pakistan over Gilgit-Baltistan. No representative from Gilgit-Baltistan was present at the meeting at which this accord was reached. In 1950, the Ministry of Kashmir Affairs and Northern Areas (which was later renamed as the Ministry of Kashmir Affairs and Gilgit-Baltistan) was given administrative control over Gilgit-Baltistan without any constitutional status and Pakistan treated the area as part of the disputed Kashmir territory.

The first elections in the area conducted in 1970 were held to elect the Northern Areas Advisory Council (NAAC) that had been constituted by General Yahya Khan in 1969. The NAAC consisted of sixteen members. In 1974, the government of Mr. Zulfikar Ali Bhutto abolished

FCR and introduced a reform package for the area. As part of this package, NAAC was replaced by the Northern Areas Council (NAC) with members elected to it by direct adult franchise. It was only in 1994 that the government of Pakistan issued a Legal Framework Order (LFO) for the area which served as the constitution of Northern Areas and acknowledged the fundamental rights of the people. Among other changes, the LFO transformed NAC into the Northern Areas Legislative Council (NALC). The council was named the Northern Areas Legislative Assembly (NALA) in 2007. In 2009, Gilgit-Baltistan Empowerment and Self-Governance Order, 2009, was introduced by the government of Pakistan which appeared to have given Gilgit-Baltistan a self-governing status, somewhat similar to the other provinces in Pakistan but without according the region the formal constitutional status of a province. The Self-Governance Order, 2009, falls short of providing a democratic system in which the people of Gilgit-Baltistan could enjoy the rights available to other Pakistan citizens.

Gilgit-Baltistan is connected physically to Pakistan only through the Karakorum Highway (KKH) built with China's cooperation in the 1960s and 70s. Because of the nature of the terrain and the harsh weather conditions, the KKH is often blocked by landslides. The other mode of travel to the region are the daily flights from Islamabad which too depend on weather and are expensive. The economy of the region depends heavily on tourism and agriculture along with trade through the KKH. A considerable number of the local population of Gilgit-Baltistan lives and works in various other parts of Pakistan. Tourism in the region has suffered regularly because of sectarian violence over the years. Gilgit-Baltistan is rich in natural resources but continues to suffer economically not only because of lack of development that could tap into the potential of the available natural resources but also because of the various political and social issues of the region created by long years of ambiguity about its constitutional status. The region has always been considered strategically important, a fact that has recently been reinforced in view of its importance to the China-Pakistan Economic Corridor (CPEC), a mega project being pursued jointly by Pakistan and China.

A glance through this recent history of Gilgit-Baltistan is necessary for understanding the background of the social, political and economic challenges that the region faces today.

# Gilgit-Baltistan Empowerment and Self-Governance Order 2009

The Gilgit-Baltistan Empowerment and Self-Governance Order, 2009, was introduced as a major administrative reform package for the region. Under this Order, it was for the first time in the history of Gilgit-Baltistan that an elected government was instituted. The Order also provided some fundamental rights to the people of Gilgit-Baltistan. Unlike the practice in Pakistan, the superior courts in Gilgit-Baltistan cannot strike down a law that is not in conformity with fundamental rights. The Order does not guarantee the right to a fair trial, protection against double punishment and self-incrimination, right to information and right to education. The Article that guarantees equal protection before the law does not prohibit discrimination on the basis of sex nor does it oblige the state to take affirmative action in favour of women and children. Dignity of person is not guaranteed and the citizens of Gilgit-Baltistan are not guaranteed the right to preserve their language, script or culture. However, the freedom of speech guaranteed by the Order is an improvement upon the guarantee offered in Pakistan's Constitution.

The Order outlines powers of the Governor and the Cabinet headed by the Chief Minister. The Legislative Assembly comprises thirty-three members in all, out of whom twenty-four are directly elected members, and there are six indirectly elected women members and three technocrats. The subjects that the Gilgit-Baltistan Legislative Assembly can legislate on are listed in the Fourth Schedule. These subjects are more or less the same as allotted to the four provinces of Pakistan. But Gilgit-Baltistan is not a part of Pakistan's Council of Common Interest and thus has no negotiating leverage with the federation of Pakistan. The Legislative Assembly or a separate institution called Gilgit-Baltistan Council or a joint sitting of the two



*The lawyers' bar helped the mission understand the key human rights issues in the region.*

bodies are barred from discussing matters relating to Foreign Affairs, Defence, Internal Security and fiscal plans of government of Pakistan. However, the articles about qualifications and disqualifications for members of the Gilgit-Baltistan Assembly are more rational than those provided under Articles 62 and 63 of the constitution of Pakistan.

A Gilgit-Baltistan Council was also created under the Self-Governance Order, 2009 and it is headed by the Prime Minister of Pakistan. The Council consists of six members elected by the Gilgit-Baltistan Legislative Assembly in accordance with the system of proportional representation and six nominated members from amongst the members of the federal parliament and federal ministers, with the provision that the Minister for Kashmir Affairs and Gilgit-Baltistan will be an ex-officio member and the Minister-in-Charge of the Council. The Governor and Chief Minister of Gilgit-Baltistan are also members of the Council. The total strength of the Council is fifteen. The Gilgit-Baltistan Council enacts laws on subjects specified in the Third Schedule of the Self-Governance Order, 2009. The power to make laws beyond the subjects specified in Schedules Three and Four of the Order has been vested with the government of Pakistan as stipulated in Article 47(3) of the Self-Governance Order.

The Self-Governance Order further provides for a judicial system for Gilgit-Baltistan that consists of a Supreme Appellate Court, a Chief Court and subordinate judiciary besides the posts of an Advocate-General, an Auditor-General and a Chief Election Commissioner. As per the Self-Governance Order, the region's highest judicial forum is the Supreme Appellate Court of Gilgit-Baltistan, which comprises a Chief Judge and two other judges. The judicial powers of the Supreme Appellate Court are similar to the powers granted to the Supreme Court of Pakistan with the difference that the Supreme Appellate Court of Gilgit-Baltistan can only exercise its powers within the territorial limits of Gilgit-Baltistan and it has no powers to act under a *suo motu* jurisdiction. Unlike the Supreme Court of Pakistan its original jurisdiction is confined to determining a question of general public importance with reference to the enforcement of any of the fundamental rights on an application of any aggrieved party (Article 61).

The Chief Judge and the other two judges of the Supreme Appellate Court are appointed for a period of three years. Unlike the appointment of judges to the Supreme Court of Pakistan, the judges of the Supreme Appellate Court of Gilgit-Baltistan can be appointed even if they have retired from the Apex Court of the country and there is no upper age limit for them. Under Article 60(8) of the Self-Governance Order, 2009, the Prime Minister of Pakistan, in his capacity as the Chairman of the Gilgit-Baltistan Council, appoints the Chief Judge and the other two judges of the Supreme Appellate Court of Gilgit-Baltistan on the recommendation of the Governor. Similarly, under Article 69 of the Self-Governance Order, the Chief Court of Gilgit-Baltistan comprises a Chief Judge and four other judges, equal in status to the Chief Justices and judges of the High Courts in the rest of Pakistan. The Gilgit-Baltistan Chief Court's jurisdiction and judicial powers are not equal to that of a provincial High Court. The Chief Judge and the other judges of the Chief Court are appointed on a regular basis and they hold office until they reach the age of sixty-two years.

Clearly the legislature of Gilgit-Baltistan is dominated by the Council and its Supreme Appellate Court falls short of the principles of independence of judiciary. The tenure of the Supreme Appellate Court is not guaranteed. The Chief Judge and judges of the Supreme Appellate Court are appointed for a term not exceeding three years and may be appointed for such further term as the government of Pakistan may determine. The Chief Judge is often imported from other parts



of Pakistan. The other two judges may also be from outside Gilgit-Baltistan.

The Gilgit-Baltistan Empowerment and Self-Governance Order, 2009, can only be defined as an executive order as it was not passed by the parliament of Pakistan and nor was it a Presidential Order issued by the President of Pakistan. The Self-Governance Order, 2009, falls within the ambit and control of the federal ministry of Kashmir Affairs and Gilgit-Baltistan and Article 93 of the Self-Governance Order, 2009, empowers the Government of Pakistan to amend provisions of the Self-Governance Order by an order notified through the federal ministry of Kashmir Affairs and Gilgit-Baltistan. The Self-Governance Order, 2009, reflects the status quo regarding the constitutional status of Gilgit-Baltistan through its Article 92 in which the government of Pakistan reaffirms its commitment to its stated positions regarding the right of self-determination for the people of Jammu and Kashmir. Thus the order fails to address the main issue of the constitutional status of Gilgit-Baltistan, which is the cause of many of the political and social challenges in the region.

A large number of people living in Gilgit-Baltistan aspire to have full rights as citizens of Pakistan. They argue that whenever it suits the federal government they are viewed as Pakistanis but when they ask for equal rights they are reminded of their controversial constitutional status. They explained their frustration at their resources being taken for granted by the federal government while their national identity is not accepted. “Our glaciers are Pakistan but we cannot have that identity” was an argument often repeated to convince the HRCP mission that this dicotomy made little sense and amounted to exploitation. They also resented the fact that while Pakistan's constitution did not recognize them as citizens of Pakistan, they were not permitted to celebrate their own day of independence either. Those attempting to do so are arrested and harassed, it was stated.

# Constitutional Status / National Identity

Since the Independence of the subcontinent in 1947, Pakistan has consistently maintained that Gilgit-Baltistan is a part of the disputed state of Jammu and Kashmir. Constitutionally, it is not a province of Pakistan. Gilgit-Baltistan is governed as an administrative unit through the Gilgit-Baltistan Empowerment and Self-Governance Order, 2009, which maintains its status as part of the disputed territory of the state of Jammu and Kashmir. Historically, Gilgit-Baltistan remained largely independent until the 1840s when the Dogra rulers of Kashmir invaded and annexed the region to Kashmir with some help from the British Government of India. Gilgit-Baltistan did manage to gain independence on November 1, 1947 and remained independent for sixteen days until formally acceding to Pakistan on November 16, 1947.

All the political parties, civil society organizations, human rights activists and individuals who met with the HRCP mission repeatedly expressed their concerns about the constitutional status of Gilgit-Baltistan. In their meeting with the HRCP mission, representatives of the lawyers' community explained how the different packages announced by the federal governments for Gilgit-Baltistan over the years did not guarantee constitutional rights for the region. They expressed their concerns about the suspension of fundamental human rights in Gilgit-Baltistan because of a lack of a constitutional status. They termed the clubbing of the region with the disputed state of Jammu and Kashmir perhaps for an advantage in the proposed plebiscite as per the United Nations resolutions. They went on to speak about the impact on the judicial system because of the confusion about the constitutional status. They also referred to the possibility of introducing in the Gilgit-Baltistan region something similar to Article 370 of the Indian Constitution that grants special autonomous status to the held Jammu and Kashmir.

The delegations of civil society organizations and rights activists that met with the HRCP mission also expressed their concerns about the constitutional status of Gilgit-Baltistan and the legal issues faced by the people. They briefed the HRCP mission on the dismal state of awareness about rights in the region. They said that at times representatives of the federal government responsible for Gilgit-Baltistan appeared to be following the viceregal system in the region. They demanded that Gilgit-Baltistan be accorded the status of a formal province.

In their meeting with the Chief Minister of Gilgit-Baltistan Mr. Hafiz Hafeezur Rehman, the HRCP mission raised the issue of the constitutional status of the region and the resultant problems of national identity. The Chief Minister insisted that the masses were not interested in discussions about the constitutional status. He described the administrative mechanisms used to manage the affairs of Gilgit-Baltistan and the rules of business of the government, and argued that they were the same as the rest of the provinces in Pakistan. The HRCP mission stressed the importance of fundamental rights for development in the region.

Representatives of traders and the business community of Gilgit-Baltistan expressed their concerns about the Gilgit-Baltistan Empowerment and Self-Governance Order, for its being an executive order and the way in which it deals with the administrative affairs of the region without any constitutional guarantees. They also discussed their dissatisfaction with the system of taxation. They briefed the mission about the various taxes imposed in the region and the way the federal government ignores to repay them their due share after the collection of these taxes. They said they might have had a better chance of demanding their share if they had more economic



*Students and young activists shared their perspective with the visiting mission.*

rights which would only be possible if the constitutional status of the region was settled. They complained that every time anyone in the region raised his voice for the rights of Gilgit-Baltistan and demanded constitutional status, the state of Pakistan responded by reiterating its position about the region being part of the disputed state of Jammu and Kashmir but when it came to projects like the China-Pakistan Economic Corridor (CPEC) or the collection of taxes, Gilgit-Baltistan was described as a part of Pakistan.

The youth delegations that met with the HRCP mission in Gilgit comprised representatives of various youth organizations from the Gilgit and Diamer regions. They too complained about the Gilgit-Baltistan Empowerment and Self-Governance Order, 2009, falling short of meeting the expectations of the people of the region and about the continued state of confusion that they found themselves in because of the uncertainty regarding their constitutional status. They conveyed the frustrations of the youth of Gilgit-Baltistan regarding the identity crisis that they faced and expressed concerns about the growing disillusionment amongst the younger generations of the region with the State of Pakistan.

Like the representatives of traders and the business community of Gilgit-Baltistan, members of the Awami Action Committee discussed in their meeting with the HRCP mission their concerns about the system of taxation in the region without any constitutional rights and guarantees. They stressed the need for the resolution of the constitutional crisis of the region. Similarly, delegations of the various civil society organizations and rights activists that met with the HRCP mission in Hunza, in a meeting organized by the Gojal Local Support Organization (LSO) network, emphasised the need to address the constitutional status of Gilgit-Baltistan. Much the same as the lawyers' community, they mentioned the possibility of introducing a constitutional amendment similar to Article 370 of the Indian constitution for the State of Jammu and Kashmir to address the growing concerns of the people of Gilgit-Baltistan. At the same time, they demanded the restoration of the state subject rule in the region which is still in force in Azad

## Kashmir and the Indian-held Jammu and Kashmir.

The HRCP mission met with members of religious minorities. They pointed out that sectarian tensions had decreased and minorities were generally not persecuted by the government. The 2009 Order does not, unlike the Constitution of Pakistan, define a “Muslim”. As such Ahmedis suffer much less social exclusion.

The HRCP mission also met with members of two political parties, the Pakistan People's Party (PPP) and the Awami Workers Party (AWP) in Gilgit as well as with representatives of nationalist movements in the region. Members of the AWP shared their concerns about the constitutional status of the region and the way it affected the legislative and the judicial systems of Gilgit-Baltistan. They referred to the issues created by the Gilgit-Baltistan Empowerment and Self-Governance Order, 2009, and the problems with the functioning of the Gilgit-Baltistan Council. The PPP delegation too discussed their apprehensions about the confusion regarding the constitutional status of the region. They focused on the supremacy of the bureaucracy in Gilgit-Baltistan as opposed to the status of political representatives. They argued that the courts could not enforce the fundamental rights of the people because Gilgit-Baltistan was constantly believed to be under a state of emergency. They referred to the problems caused for the region because of its being categorised with Azad Kashmir and the held Jammu and Kashmir. The PPP delegation highlighted the differences between the ways in which Gilgit-Baltistan, Azad Kashmir and held Jammu and Kashmir are treated by Pakistan and India. Under the UNCIP resolutions, India and Pakistan agreed to administer the parts of J & K under their control by maintaining local authority. India has provisionally incorporated Jammu and Kashmir under Article 370 of the Indian Constitution, while Azad Kashmir has been given its own constitution whereas Gilgit-Baltistan is controlled through the federal ministry of Kashmir Affairs and it is without any constitutional cover. Members of the PPP also expressed their concern that Gilgit-Baltistan is considered a part of Pakistan only when it comes to projects like the CPEC and when the people of the region demand their shares in such projects or raise their voices for their rights, they are told that their area is part of the disputed territory of the state of Jammu and Kashmir,



*In a meeting with political activists in Gilgit.*





*The mission met journalists at the Gilgit Press Club.*

thereby justifying the ongoing constitutional crisis in the region.

The representatives of the nationalist movements expressed similar sentiments about introducing constitutional amendments on the lines of the Article 370 of the Indian constitution to determine the constitutional status of Gilgit-Baltistan within Pakistan.

Despite the various comparisons drawn on the constitutional level, almost everyone agreed that the people of Gilgit-Baltistan were not treated as foreigners by the people of Pakistan. They were not socially discriminated and that they had fortunately not experienced the high level of oppression often witnessed in held Kashmir, but they were often victimized for airing their views, mostly under the garb of “national security”.

The HRCP mission discussed the issues of identity politics during its meeting with the Honourable Chief Judge of the Supreme Appellate Court of Gilgit-Baltistan, Mr. Justice Rana Muhammad Shamim, based on their discussions and interactions with representatives of the civil society organizations, rights activists and political parties of Gilgit-Baltistan. The mission also discussed with the Chief Judge the workings of the judicial system.

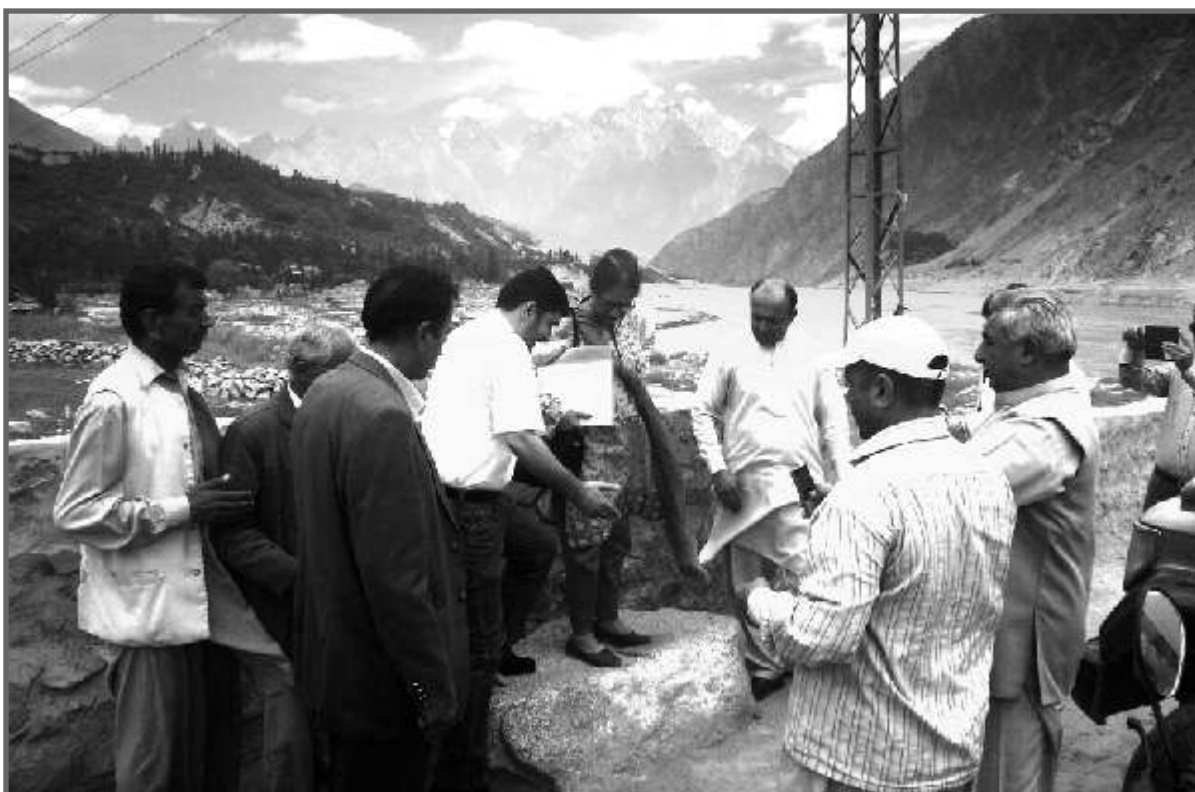
Before holding a press conference at the press club in Gilgit, the HRCP mission held discussions with the journalists of Gilgit-Baltistan, who also registered their concerns about the constitutional status of the region, specifically in regard to the rights of the local population. The journalists reiterated and echoed the sentiments of the various other groups that the HRCP mission had met previously about the confusion over Gilgit-Baltistan's constitutional status.

# Human Rights Violations

- **Misuse of the Anti-Terrorism Act**

The HRCP mission learnt about rampant misuse of the Anti-Terrorism Act (ATA) by state institutions in Gilgit-Baltistan in their meetings with civil society organizations, rights activists and political activists. Hundreds of individuals continue to languish in jails under ATA and the law has been used extensively to suppress any voices raised for the rights of the people of Gilgit-Baltistan, the mission was told. The HRCP mission noted that misuse of ATA had increased after the National Action Plan (NAP) came into effect. In particular, the youth had borne the brunt of the misuse of ATA. Details of several cases under the ATA were shared with the HRCP mission.

Members of the Awami Workers Party (AWP) provided details of several cases under the ATA against some of their members. One of AWP's prominent leaders in Gilgit-Baltistan, Baba Jan is serving a 40-year sentence along with eleven other activists for focusing on the plight of the people displaced by the Attabad Lake disaster. Their protests led to confrontation with the police that resulted in the killing of two protesters by the police and the arrest under the ATA of Baba Jan and several other members of the AWP along with some of the Attabad Lake disaster affectees. In one instance, Fazal Kareem, a mechanic who worked in Aliabad (the area where the protests took place) was booked under the ATA by the police and his house was raided several times afterwards. Fazal Kareem committed suicide as a result of the continuous harassment by the police and other state authorities.



*Reaching Gojal tehsil of Hunza to gather views from the civil society collective.*

Similarly, political activists with a nationalist outlook offered details of harassment by state authorities under the ATA. Every time they protest or demand the rights of the people of Gilgit-Baltistan, they are declared enemies of the state, booked under the ATA, and arrested. Their families are harassed continually.

The misuse of ATA by the authorities is not limited to political activists. Members of civil society organizations and rights activists are also threatened regularly and booked under the ATA if they organize activities that might in any way shed some light on violation of the rights of the people of the region. The HRCP mission met several rights activists who continue to fight cases lodged against them under the ATA in the courts of law. Recently, the ATA has also been used against the people displaced from their lands by the government for acquisition of the said lands for the China-Pakistan Economic Corridor project. The HRCP mission met with several such groups of people who have been evicted from their homes and their lands by the government without being provided with alternative options for residence or compensation for their lands. Every time these affected people protest or speak out, they are arrested under the ATA, the mission was told.

- **The Baba Jan Case**

Baba Jan (in his mid-thirties) is a prominent political activist and is affiliated with the Awami Workers Party (AWP). He is currently serving a 40-year jail term with eleven other activists. In January 2010, a landslide into the Hunza River caused massive devastation and led to the formation of the Attabad Lake. A number of villages were swept away and submerged in the Hunza River. Thousands of people were displaced. Baba Jan led the local community to demand compensation from the government for the displaced and affected people. He organized several protests in this regard. In August 2011, a protest by the Attabad lake affectees led to confrontation with the police resulting in the killing of a man and his son from among the protestors. Baba Jan and the local community organized protests against these killings. For this Baba Jan and several other protestors were arrested. After several national and international campaigns in their support, Baba Jan and the other activists were released. However, Baba Jan and some of his companions were arrested again on the orders of the local Anti-terrorism Court (ATC), which sentenced them to 40 years in jail.

The Chief Court acquitted Baba Jan and his companions but the decision was overturned by the Supreme Appellate Court of Gilgit-Baltistan and the sentence awarded to Baba Jan and eleven other activists was upheld. Members of the AWP and Baba Jan's lawyer shared details of the case with the HRCP mission. The case has become an example of the extreme measures that the authorities tend to take to suppress the voices of the people of Gilgit-Baltistan. The case was referred to as an example of state oppression by almost all of the civil society organizations, rights activists, youth activists and political activists who met with the HRCP mission.

The timing of the hearing of the appeal coincided with the dates of a by-election in which Baba Jan was a candidate contesting against the son of the Governor who had given up his seat to take up governorship. As Baba Jan was acquitted by the Chief Court he filed papers for contesting the seat from prison. The elections were postponed and the appeal against Baba Jan's acquittal was accepted. As such Baba Jan was disqualified from contesting the seat. Such coincidences only undermine people's confidence in the judiciary.

- **The Attabad Lake Disaster Affectees**

On January 4, 2010 a massive landslide into the Hunza River resulted in the destruction of some

villages in the area and in the formation of the Attabad Lake. Nineteen people were killed and thousands were displaced. The Karakoram Highway (KKH), the only road linking the area to the rest of the country, was badly damaged and this added to the plight of the affected people. The internally displaced persons (IDPs) were shifted to a camp in the Aliabad area. The government's response to the needs of the IDPs was slow and this resulted in several protests organized by IDPs with the support of local political and rights activists.

One such protest led to a confrontation between the protestors and the police in August 2011, resulting in the killing of Afzal Baig, 22 years old, and his father, Sherullah Baig, who were among the protesting IDPs. These deaths sparked more protests by the IDPs and local political and rights activists. The government responded by arresting a large number of protestors under the Anti-terrorism Act (ATA).

The HRCP mission met with the Attabad Lake affectees in their IDP camp in Aliabad where they were briefed about the issues that the IDPs continue to face as they wait for the government to compensate them for the loss of houses and lands. The HRCP mission also met with the brother of the young man who was killed by the police in August 2011. He shared details of the case that his family is currently pursuing against the police officer responsible for ordering the shooting that led to the killing of his brother and father. The HRCP mission also met with the wife of one of the eleven activists, Shukrullah Baig, who is serving a 40-year sentence along with Baba Jan. She told the HRCP mission about how Shukrullah Baig's younger sister committed suicide a couple of days after his sentencing in June 2016.

The IDPs continue to live in miserable conditions in the camp in Aliabad. No medical facilities are available to them at the campsite. The IDPs were not sure as to when they might be able to move out of the camp. Despite several promises over the years, the government has not been able to fully compensate and help most of the families residing in the IDP camp.



*Their temporary shelters seem to have become permanent homes of the displaced families from Attabad.*



- **Schedule Four**

Section 11EE of the Anti-Terrorism Act (ATA) is commonly referred to as Schedule Four and it is meant for proscribed organizations, terrorists and individuals or organizations involved in sectarianism. Several youth activists, rights activists and nationalist political activists provided the HRCP mission with details of the ways in which the government, law enforcement agencies (LEAs) and intelligence agencies monitored their activities under Schedule Four. They explained how individuals classified as threats to security by the LEAs were forced to report their movements to the Station House Officer (SHO) of the local police station. In some instances, individuals being monitored under Schedule Four cannot leave the districts they reside in without reporting their intended movements to the local authorities. Individuals placed in Schedule Four list can be arrested if they fail to comply. The authorities do not share the specific charges with the individuals they monitor under Schedule Four.

- **Suicides**

Reports of high rates of suicide among the youth, especially young women of Gilgit-Baltistan, over the past decade were brought to the attention of the HRCP mission by groups of civil society organizations and rights activists. Most of the cases of suicide by women have been reported from the Ghizer District. Although no extensive research has been carried out to identify the causes of the high rate of suicides among women, some rights activists felt that after completing their education, young women are generally married off and they are not afforded the opportunities allowed to men, such as leaving their homes and using their education and skills, and this results in depression and leads to suicide. The HRCP mission discussed the issue with the Professional Development Center North (PDCN) of the Aga Khan Development Network (AKDN) and emphasized the need for carrying out research to better understand the causes of the problems that drove women to suicide.

- **China-Pakistan Economic Corridor (CPEC)**

The China-Pakistan Economic Corridor (CPEC) has been mired in controversies since its inception. Like their counterparts in Khyber Pakhtunkhwa and Balochistan, the people of Gilgit-Baltistan have been voicing their concerns about not being given their due share in the project. Almost all of the civil society organizations, rights activists and political representatives who met with the HRCP mission in Gilgit-Baltistan voiced their concern about not being taken onboard regarding the allocation of projects for CPEC by the federal government. The Chief Minister, Mr. Hafiz Hafeezur Rehman, expressed hope about the prospects of development in the region with the launch of CPEC projects in his meeting with the HRCP mission but almost everyone else that the mission met with did not share his optimism.

Apart from concerns about not having been taken on board by the federal government, there were other issues with some aspects of CPEC's projects that the HRCP mission learnt in their meetings with the locals from the Maqpoon Das area. The Gilgit-Baltistan government is alleged to have forcibly evicted locals from their homes in the Maqpoon Das area and the Chief Secretary Gilgit-Baltistan has issued a notice allocating the land to state authorities for CPEC. The displaced people have not been compensated and the government has not helped in relocating them, it is said. As a result, the local community has lodged cases against their forced eviction and these cases are currently going on in the Chief Court.

# Conclusions

The sense of deprivation among the people in general and the sense of alienation and frustration among the youth of Gilgit-Baltistan in particular continue to increase and nothing short of according the region a provincial status will help in addressing these issues. The case of Gilgit-Baltistan is unique. It is perhaps the only region in the country that gained independence for a few days after the partition of the sub-continent and then willingly acceded to Pakistan. It is also perhaps the only region that has been denied the opportunity of becoming a fully-fledged constitutional part of Pakistan despite the will of its people. The Gilgit-Baltistan Empowerment and Self-Governance Order, 2009, was criticized by everyone that met with the HRCP mission. The order falls short of meeting the expectations of the people not only because it is an executive order that can be done away with at any moment, but also because it cannot be an alternative to the guarantees granted by the constitution. An overwhelming majority of the people who met with the HRCP mission expressed their dissatisfaction with the legislative, executive and the judicial systems that are in place in Gilgit-Baltistan under the Self-Governance Order, 2009.

The overbearing manners of the bureaucracy, especially of its upper echelons, and its control over the administrative and the political affairs of the region has also been a major cause of discontentment among the population. The role of the federal government in assigning bureaucrats to the region and the powers conferred on these bureaucrats continue to be questioned by the people. The abuse of the Anti-Terrorism Act (ATA) and Schedule Four by the law enforcement agencies (LEAs) and intelligence agencies and the failure of the judicial system to provide adequate measures for access to justice continue to increase people's mistrust of state institutions. The Baba Jan case can be cited as a prime example of this. The question of identity has become an integral part of the emotionally charged discourse among the youth when it comes to the status of Gilgit-Baltistan in Pakistan and little or no effort has been made to address their valid concerns and questions arising out of their frustrations with the status quo. The China-Pakistan Economic Corridor (CPEC) project has begun to become controversial in Gilgit-Baltistan as the government continues to ignore the demands of the people with regard to their share in the project. The forced acquisition of lands for the CPEC project is also adding immensely to the distress and apprehensions of the local communities.

A majority of the people of Gilgit-Baltistan expressed their disappointment that their region and the issues of their region were not given any importance at the national level. They spoke about how the mainstream media has completely ignored them. Denial of access to information, exploitation by national and local media houses, and harassment by state institutions are some of the major issues that the journalists of Gilgit-Baltistan say they have to face on a daily basis.

# Recommendations

The HRCP mission reiterated the recommendations made by an earlier HRCP fact-finding mission to Gilgit-Baltistan as most of those recommendations remain unimplemented. In addition, the HRCP mission made the following recommendations at the conclusion of its visit to Gilgit-Baltistan:

- 1 The issue of the constitutional status of Gilgit-Baltistan needs to be resolved as soon as possible. Integration of the region into Pakistan is essential for addressing most of the administrative and political issues faced by the people. Constitutional amendments on the lines of Article 370 of the Indian constitution for held Jammu and Kashmir, a system like Azad Kashmir's, or a provisional provincial status that would lead to a permanent provincial status are some of the solutions that need to be looked into.
- 2 All fundamental rights guaranteed in the constitution of Pakistan should be extended to Gilgit-Baltistan.
- 3 The misuse of the Anti-Terrorism Act (ATA) and Schedule Four against rights campaigners and political activists in Gilgit-Baltistan needs to be curbed. The unchecked authority of the law enforcement agencies (LEAs) and intelligence agencies needs to be monitored and controlled.
- 4 The dominance of bureaucracy in all the administrative and political affairs of Gilgit-Baltistan needs to be ended. The political representatives of the people of the region



need to be empowered so that they deal with the issues that might not otherwise fall under the direct purview of the bureaucracy.

- 5 The people of Gilgit-Baltistan need to be taken into confidence regarding the China-Pakistan Economic Corridor (CPEC) projects. Their concerns and their demands for their due share in CPEC should be addressed as soon as possible. They should be given appropriate representation in forums responsible for implementing and monitoring projects that are planned under CPEC. Lands being acquired by the government for any CPEC-related projects should be compensated for and forcible eviction of local communities by state authorities from these lands should stop.
- 6 The people affected and displaced by the Attabad Lake disaster need to be rehabilitated at the earliest. It is regrettable that after so many years of the disaster, the government has failed to compensate the internally displaced persons (IDPs) of Attabad. The government needs to cater to the needs of these IDPs in every possible way and ensure that mechanisms are in place to deal with the outcomes of any natural calamities in future.
- 7 The women of Gilgit-Baltistan need to be given greater representation not only in the Gilgit-Baltistan Legislative Assembly (GBLA) but also in other decision-making bodies of the region. Measures to end sexual harassment of women at workplace need to be outlined and implemented.
- 8 The government needs to provide more facilities for people with disabilities in Gilgit-Baltistan. As the government of Gilgit-Baltistan has allocated the Special Education Complex to a medical college, it needs to provide a satisfactory alternative to the special children who will have no other facility available to them. At the same time, National Accountability Bureau (NAB) needs to relocate its office from the hostel of the Special Education Complex, as the special children who were using the residential premises do not have any alternative accommodation available to them. HRCP has already written letters to the concerned authorities and hopes that necessary actions will be taken to address these issues.
9. The region desperately needs an institution to take care of the mentally challenged.
- 10 A greater effort is required to engage the youth of Gilgit-Baltistan so as to utilize their potential for the betterment of the region. The number of educational institutions needs to be increased and the youth need to be provided with not only access to formal education but also to institutes that offer possibilities for developing technical skills.
11. The federal government needs to cede more authority to the democratic forums of Gilgit-Baltistan beyond the Gilgit-Baltistan Empowerment and Self-Governance Order, 2009. Amendments can be made to the Order that allow the people of the region greater control over their administrative and political affairs. The process of empowering the people of Gilgit-Baltistan should not stop with the Self-Governance Order and it should continue by introducing further measures for reforms in consultation with the people of Gilgit-Baltistan with the goal of integrating them fully into Pakistan.
12. The independence of the judiciary should be respected. All judges should be appointed from the region with a guaranteed tenure.