



State of human rights in 2016

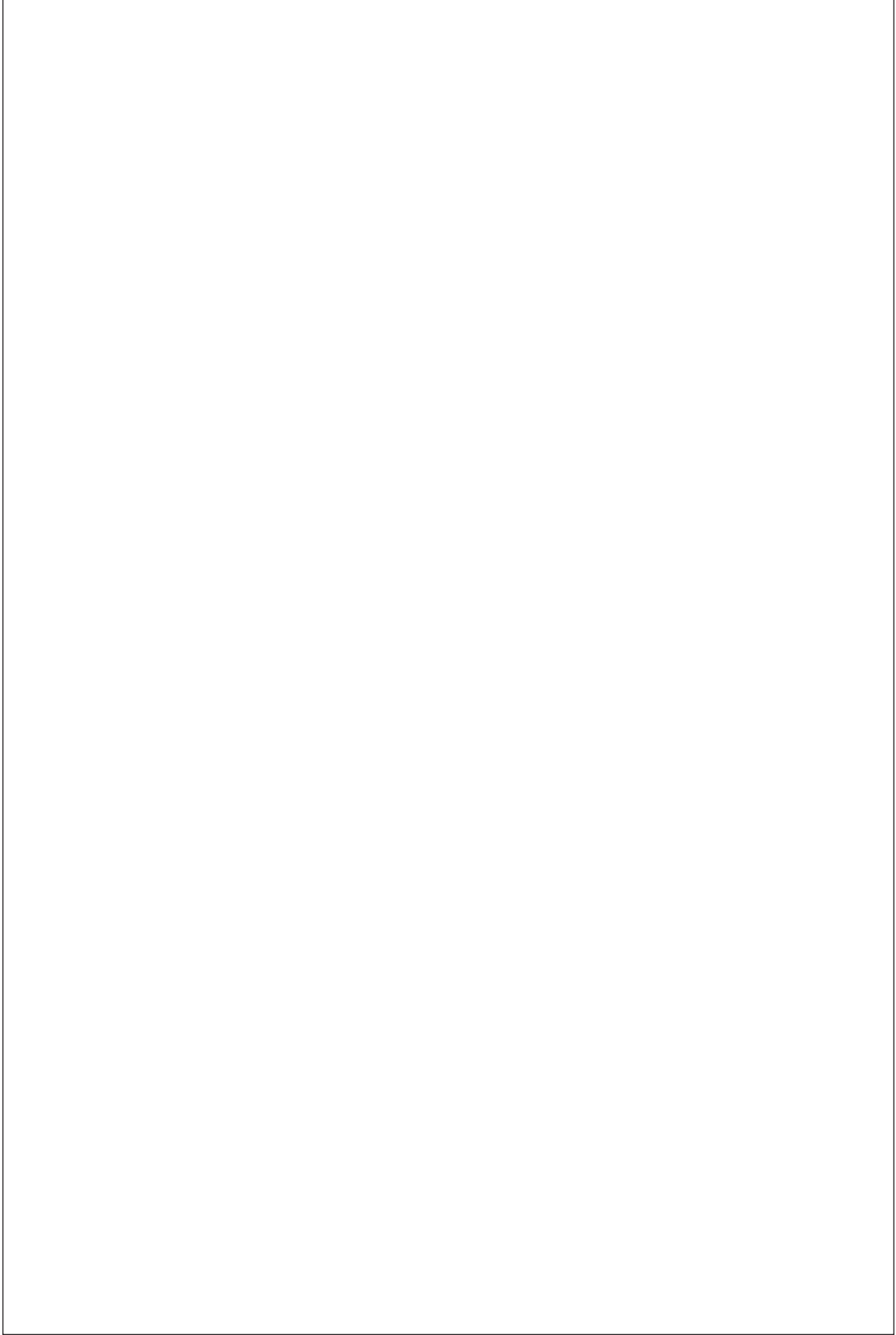


Human Rights Commission of Pakistan
پاکستان کمیٹن برائے انسانی حقوق

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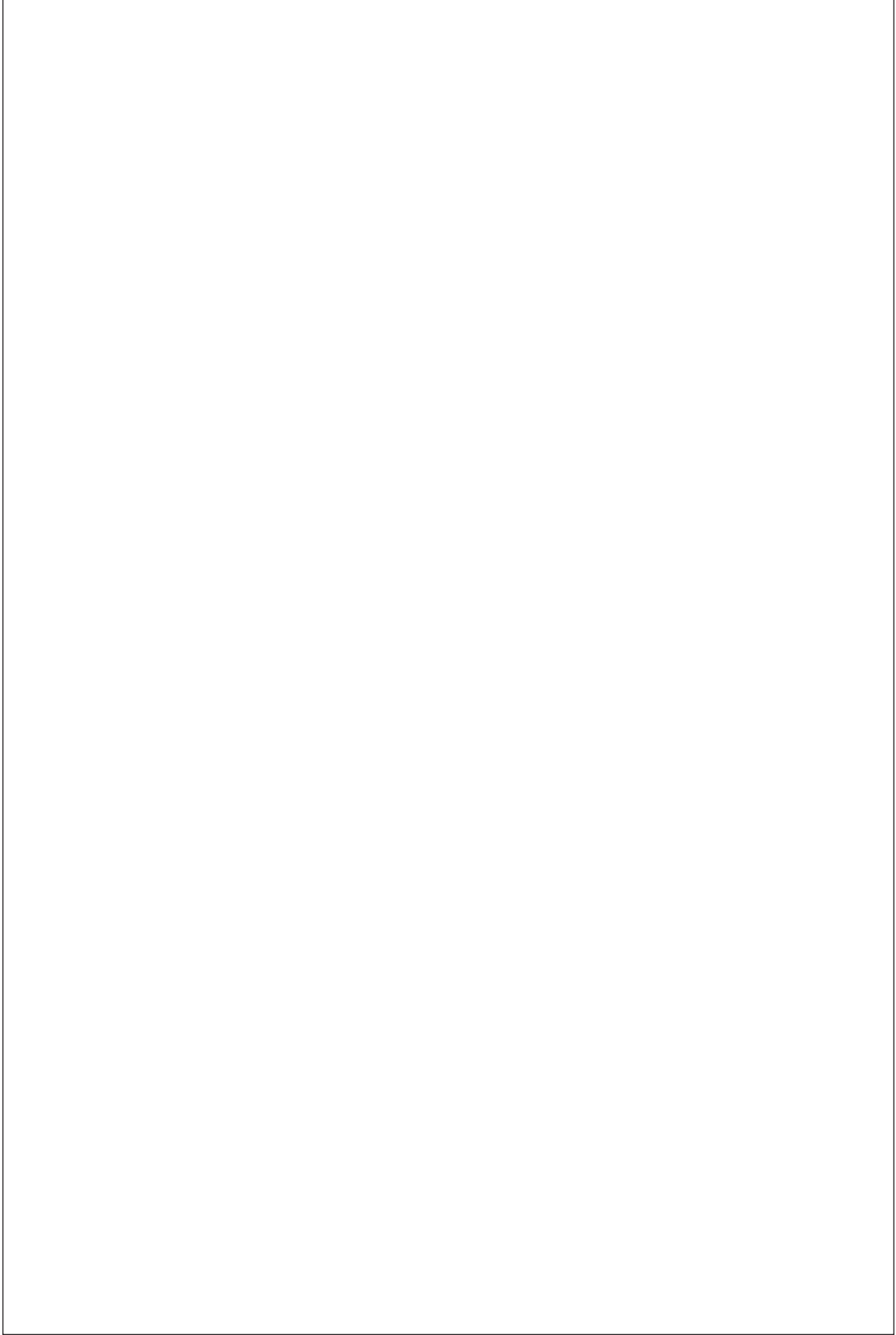


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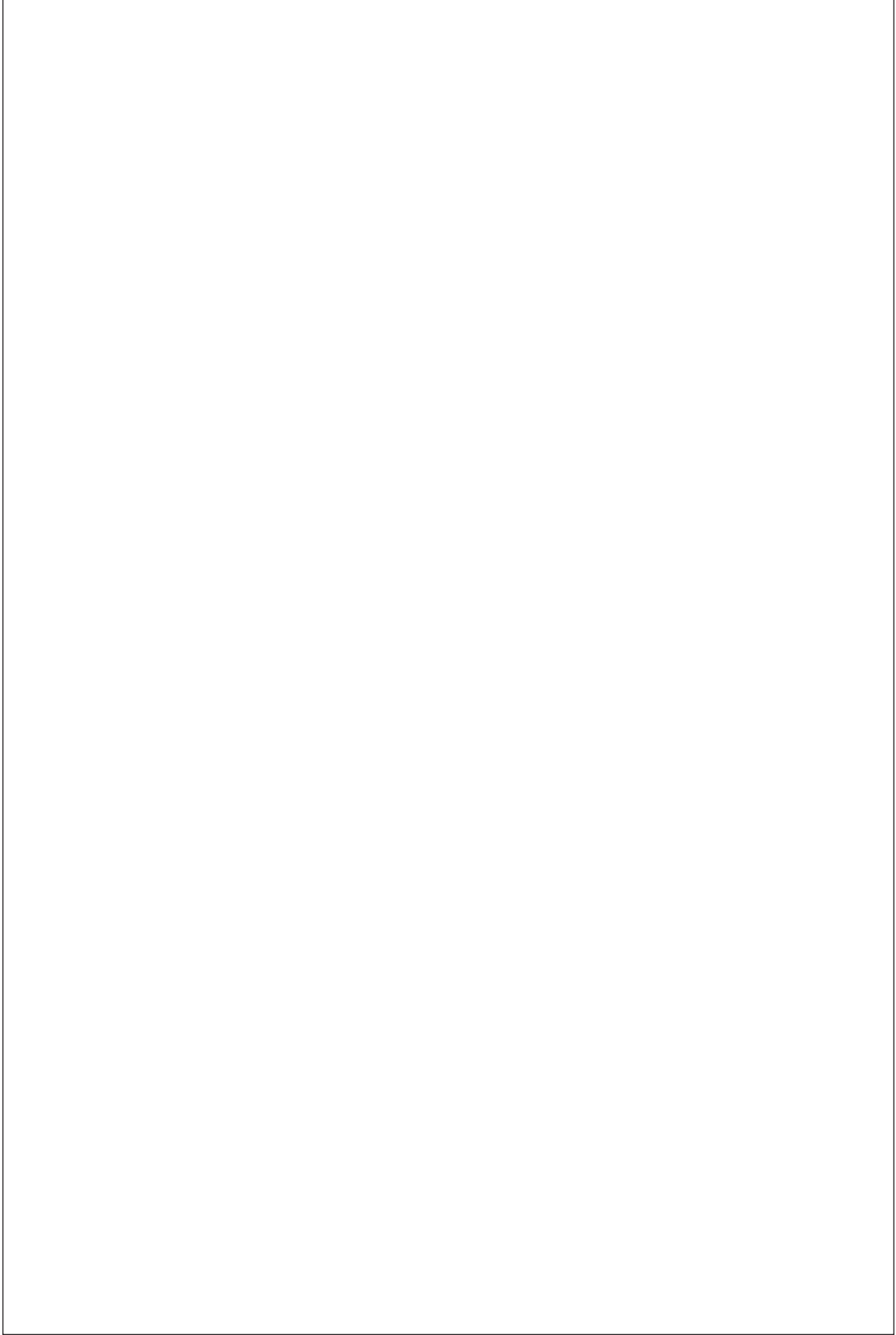
Sources

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



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Abbreviations

ADB	Asian Development Bank	EIA	Environment Impact Assessment
AJK	Azad Jammu and Kashmir	EPA	Environment Protection Agency
ANP	Awami National Party	EPI	Expanded Programme for Immunization
ASI	Assistant sub-Inspector [of Police]	FATA	Federally Administered Tribal Areas
ASJ	Additional Sessions Judge	FCR	Frontier Crimes Regulation
ATA	Anti-Terrorism Act	FIA	Federal Investigation Agency
ATC	Anti Terrorism Court	FIR	First Information Report
BHC	Balochistan High Court	HEC	Higher Education Commission
BHU	Basic Health Unit	HRCP	Human Rights Commission of Pakistan
CDA	Capital Development Authority	ICCPR	International Covenant for Civil & Political Rights
CEC	Chief Election Commissioner	ICESCR	International Covenant for Economic, Social & Cultural Rights
CEDAW	Convention on Elimination of all forms of Discrimination against Women	IDMC	Internal Displacement Management Centre
CIA	Criminal Investigation Agency	IG	Inspector General [of Police]
CII	Council of Islamic Ideology	IMF	International Monetary Fund
CJ	Chief Justice COAS	ISI	Inter-Services Intelligence
CNIC	Computerized National Identity Card	ISPR	Inter-Services Public Relations
CrPC	Criminal Procedure Code	IUCN	International Union for the Conservation of Nature
CRC	Convention on the Rights of the Child	Ji	Jamaat-e-Islami
DCO	District Coordination Officer	JJSO	Juvenile Justice Systems Ordinance
DIG	Deputy Inspector General [of Police / Prisons]	JUI (F)	Jamiat-e-Ulema-e-Islam
DPO	District Police Officer		
DSJ	District and Sessions Judge		
DSP	Deputy Superintendent of Police		
ECL	Exit Control List		

	(Fazlur Rehman Group)	PTI	Pakistan Tehrik-e-Insaf
LHC	Lahore High Court	RHC	Rural Health Centre
LHV	Lady Health Visitor	SC	Supreme Court
MNA	Member of the National Assembly	SAARC	South Asian Association for Regional Cooperation
MQM	Muttahida (formerly Mohajir) Qaumi Movement	SCARP	Salinity Control and Reclamation Project
MSF	Muslim Students Federation	SCBA	Supreme Court Bar Association
NA	National Assembly	SHC	Sindh High Court
NAB	National Accountability Bureau	SHO	Station House Officer
NCSW	National Commission on the Status of Women	SI	Sub-Inspector [of Police]
NEQS	National Environment Quality Standards	SITE	Sindh Industrial Trading Estate
NGO	Non-government Organization	SMP	Sipah Mohammad Pakistan
NIC	National Identity Card	SP	Superintendent of Police
NIRC	National Industrial Relation Commission	SSP	Senior Superintendent of Police
NSC	National Security Council	TB	Tuberculosis
PAEC	Pakistan Atomic Energy Commission	TJP	Tehrik Jafria, Pakistan
PATA	Provincially Administered Tribal Areas	TNSM	Tehrik Nifaz-e-Shariah Mohammadi
PFUJ	Pakistan Federal Union of Journalists	UDHR	Universal Declaration of Human Rights
PHC	Peshawar High Court	UNDCP	United Nations Drug Control Programme
PkMap	Pakhtun Khawa Milli Awami Party	UNDP	United Nations Development Programme
PMA	Pakistan Medical Association	UNESCO	United Nations Educational Scientific and Cultural Organization
PML(N)	Pakistan Muslim League Nawaz. PML-Q is Pakistan Muslim League, Quaid-e-Azam.	UNHCHR	Universal Nations High Commissioner for Refugees
PONM	Pakistan Oppressed Nations Movement	UNICEF	United Nations Children's Fund
PPC	Pakistan Penal Code	WAPDA	Water and Power Development Authority
PPP	Pakistan People's Party	WASA	Water and Sewerage Authority
PPPP	Pakistan People's Party Parliamentarians	WB	World Bank
PS	Police Station	WHO	World Health Organization
		WTO	World Trade Organization
		WWF	Worldwide Fund for Nature

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

beqaar: 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 chardiwari: 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 farm house

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 behavior. 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: shanty town; shacks in make shift 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 of an acre

masjid: mosque

mehfil: gathering; party

mehr: the money the groom pledges to the bride at the time of the
wedding 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 KP, 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 of Imam Husain's sacrifice at Karbala

ziarat: pilgrimage

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

Introduction

In 2016, the state of human rights in Pakistan remained pervasively inconsistent with the country's constitution and international standards. Some progress was made toward protection of women and children in 2016 through laws against violence, rape and so-called honour killing, and child labour and their sexual abuse. However, a large number of women and children still fell prey to violence and abuse. This showed that the protection of these vulnerable sections of the population and the hapless transgender people needed much more than such reactive measures.

The civilian courts struggled to clear a backlog of three million cases. Instead of reforming the criminal justice system, for some offences, a parallel system of justice was introduced by substantially compromising suspects' rights. Dissatisfaction with the justice system and brutalisation of society contributed to numerous instances of vigilantism. The country remained among the top practitioners of capital punishment in the world with 87 people hanged. The state of administration of justice was exposed when the Supreme Court acquitted two persons after they had been executed years ago, and a third person after he had remained 24 years in jail in another case. Law enforcers were rarely held accountable for custodial torture, extrajudicial executions, and other serious human rights violations.

Four basic freedoms – the rights to freedom of expression, information, assembly and association – faced great strain. The government used registration renewal and the scheme of no-objection certificates for arranging any activities for arm twisting besides demonising and muzzling dissenting voices in CSOs. Armed groups continued to threaten and target media outlets and journalists for their work. A vague and overbroad cybercrimes law put in place new curbs on freedom of expression and allowed government authorities to access data of internet users without judicial review or oversight. Religious minorities faced attacks and suffered insecurity and

discrimination with the government failing to provide them protection or hold the perpetrators accountable. Provincial governments continued to deny the local government any real authority. Stakeholders showed little interest in electoral reforms.

Provision of health and education was largely overlooked. Pakistan had one of the highest illiteracy rates in the world, particularly among women and girls. The country ranked close to the bottom in infant and neonatal mortality and about 44 per cent of the children had stunted growth. People with disabilities had scant facilities. Though polio cases decreased from 54 in 2015 to 20 in 2016, the goal of a polio-free nation still eluded us as Pakistan.

Authorities also skirted workers' interests and welfare as was obvious from the high death toll of labourers in accidents at the Gadani ship-breaking yard and indifference to casualties in mines. The authorities used anti-terrorism laws and heavy-handed tactics to prevent tenant farmers in Okara, Punjab from demonstrating for land rights. The role and consultation envisioned for the national human rights institution remained absent.

While there were fewer incidents of militant violence in 2016 than in previous years, targeted acts of violence – against lawyers, shrine- and mosque-goers, security personnel, health workers, students and journalists – continued to raise questions about the authorities' ability to rein in militants despite several operations targeting insurgents. So, despite claims of major successes against terror, life without fear remained a distant dream for people.

The national housing shortfall, estimated at more than nine million units, continued to worsen with no schemes for affordable housing in sight. The country witnessed severe effects of climate change but little was done for adaptation and mitigation. 2016 was dubbed the year of returns, yet sustainable returns eluded internally displaced persons. They returned to houses, infrastructure, livelihoods and an economy that had been destroyed. Police pressure and abuses and lack of a durable solution forced hundreds of thousands of Afghans living in Pakistan to return to Afghanistan or flee elsewhere.

Looking forward, rights activists and civil society organisations must find ways to continue striving for defence of human rights amid declining rule of law and increasing diversions from the due process.

Waqar Mustafa
Editor

Highlights

Laws and lawmaking

- The federal parliament made 51 laws in 2016 more than double the previous year's output of 20 laws
- Ordinances promulgated by the president decreased from 12 in 2015 to six in 2016
- Provincial legislatures adopted 81 laws in 2016, a significantly low output compared to the 120 laws enacted in 2015
- With 30 laws enacted, Khyber Pakhtunkhwa had the highest legislative output, followed by Sindh, Punjab and Balochistan

Administration of justice

- About three million cases were pending in the country's courts in 2016
- Incidents of violence against judges and lawyers increased sense of insecurity among law people
- 15 people, 10 Muslims and five non-Muslims, were booked for blasphemy. Two Muslims and as many Christians were sentenced to death for blasphemy. One person charged with blasphemy who had been languishing in jail for four years was acquitted by the Lahore High Court
- Two persons had been executed a year before the Supreme Court eventually pronounced them innocent in October. Also in October, a person exonerated by the Supreme Court about 19 years after he was accused of a murder had died two years ago

Law and order

- Deaths linked to terrorism in Pakistan dropped 45 percent in 2016 compared with 2015
- 48 percent, or 211, of the attacks in 2016 were directed toward the security forces and law enforcement agencies. ISIS claimed several bomb and gun attacks mostly in Balochistan and Sindh.

- In Gilgit-Baltistan, out of the 23 cases of murder registered in 2016, 13 were of honour killing. At least 187 women, 40 out of them in honour-related crimes, were murdered in the first 10 months of 2016 in Khyber Pakhtunkhwa. Punjab witnessed an increase in the cases of rape, gang rape and abduction. Bank robberies, theft and snatching of motorcycles and mobile phones witnessed a sudden rise in 2016 in Karachi.
- Three human rights defenders were killed. Punjab police said they killed 340 criminals in at least 291 'encounters'. Sindh police said 248 robbers and other criminals, 96 terrorists and 11 kidnappers were killed in encounters. Law enforcers claimed to have killed at least 229 suspected terrorists and kidnappers in different raids in Balochistan province, 315 in FATA, 40 in Khyber Pakhtunkhwa and four in Gilgit-Baltistan

Jails, prisoners and enforced disappearances

- Pakistani prisons had 84,315 prisoners. Punjab jails held 49,603 prisoners against a capacity of 23,617, Sindh 20,308 against 12,245 and Khyber Pakhtunkhwa 11,200 against 7,547
- Of the 1,497 total female population, Punjab had 920 women, Sindh 249, Khyber Pakhtunkhwa 309, Balochistan 18 and Gilgit-Baltistan one woman in jails
- 426 people were sentenced to death in 2016 while 87 were executed in 2016
- Another 728 Pakistanis were added to the list of missing persons in 2016 - the highest in at least six years - taking the total to 1,219, according to the Inquiry Commission on Enforced Disappearances

Freedom of movement

- Freedom of movement continued to be stunted in 2016, mainly because of poor law and order, militancy and counter-insurgency measures, and natural disasters
- Travel for women, transgender people and certain religious minority communities remained dangerous
- Courts heard several cases involving restrictions on travel within the country and abroad. In one such case, the Supreme Court stressed that freedom of movement is a fundamental right guaranteed to every citizen, which could not be abridged or denied arbitrarily on the basis of likes or dislike

Freedom of thought, conscience and religion

- Out of four Ahmadis targeted for murder during 2016, three were doctors. The country saw several incidents of violence against Christians. The Hindu community complained of land grabbing, attacks, kidnaping, forced conversions, temple desecrations, rape, and murder
- Sindh Assembly approved the Sindh Hindu Marriage Act to

enable Hindus, Sikhs, and Zoroastrians to register their marriages

- In more than 30 attacks during the year, militants targeted different Muslims sects -- mainly Sunni, Shia, including Hazaras, and Bohra -- and worship places and shrines killing about 110 people and injuring 162 others.

Freedom of expression

- Killing of six journalists and a blogger and the fallout of certain news reports escalated the environment of intimidation of the media and increased levels of self-censorship by the media
- Cyber law sought to restrict the boundaries of criticism aimed at officialdom and allowed the authorities to intercept communications by the citizens, including journalists, political activists and rights campaigners
- Civil society activists came under slanderous attacks online for their advocacy of peace
- The year 2016 saw a disturbing rise in assaults on media houses, TV channel and newspaper offices as well as press clubs by militant, religious and political groups

Freedom of assembly

- The government arbitrarily resorted to violence and implemented laws such as section 144 of the Pakistan Penal Code
- The government's reliance on force bared its deficiencies in crowd management. Blocking of roads and thoroughfares affected the citizens' fundamental right to public passage.
- There were incidents of violence by protesters, gridlocks blocking people's freedom of movement and causing patients' deaths due to delayed access to healthcare.
- The sexual harassment of women activists by men at political rallies highlighted not only a deplorable behaviour, but also the absence of effective security mechanisms at political gatherings.

Freedom of association

- Lingering concerns, such as denial of the right of association to home-based workers, students and unregistered labourers, remained unresolved
- Lawyers suffered heavy losses with the Balochistan Bar losing about 70 of its members in one deadly attack
- NGOs continued to suffer unnecessary interference by the state in the name of fighting terrorism

Political participation

- It took almost three years from enacting new local government laws in 2013 in Punjab and Sindh to making the

local governments operational in 2016

- The revision of electoral rolls exposed a serious nationwide gender gap of 12.52 percent i.e. 42.42 million women voters against 54.59 million male voters on the electoral register
- Electoral and FATA reforms were yet to go through parliamentary endorsement to become the legitimate legal instruments

Women

- Despite several legislative developments to strengthen the women protection system, no significant decline was seen in the number of cases of violence against women
- The percentage of women in the labour force was 26% for women aged between 15-64 years, equivalent to almost 14 million women and no industry or sector employed more than 30% women
- According to Pakistan's first Women's Economic Empowerment Index, Punjab performed best (0.52) followed by Sindh (0.38), KP (0.35) and Balochistan (0.26). The national figure stood at 0.39 against a score of one.
- Education levels of females remained disproportionately low compared to males. Life expectancy for females increased by almost 4 years to 67.3 from 2005 to 2015, but preventable diseases caused most of the deaths
- HRCP media monitoring showed that there were more than 2500 victims of violence against women in 2016. The nature of violence included sexual, domestic, burning and kidnappings

Children

- 44 percent of children had stunted growth
- 9% (24 million) of the world's 263 million out-of-school children, adolescents and youth, are in Pakistan
- Sexual assault against minors, child pornography and trafficking were criminalized. The total number of sexual abuse cases including abduction, missing children and child marriage in 2016, stood at 4139 bringing the number of abused children to 11 per day and showing an increase of 10% from 2015.
- Many children continued to be exploited through forced labour and sex trafficking

Labour

- Pakistan's more than 61 million labour force was faced with rapid transformation in economic dynamics and weak institutions for the protection of labour rights
- While some laws related to workers' health and safety and prevention child labour were made (in Punjab), a failure to upgrade labour rights frameworks, non-implementation of laws, continued abeyance of a tripartite mechanism, and

denial of right to unionization reinforced the erosion of labour rights

- Workers waged struggle for rights and had to engage a state that had almost abdicated its responsibility to protect labour
- There were numerous complaints of the minimum wage of Rs 14,000 a month being denied to workers

Education

- The number of out-of-school children decreased from 25 million to 24 million and the adult literacy rate went down from 58% to 56.4%.
- Around 48% of schools in the country do not have toilets, boundary walls, electricity and drinking water
- The federal and two provincial governments – Punjab and Balochistan – cut their budgetary allocations for the sector, despite showy claims of giving education a priority
- The provinces either failed to legislate on the right to free and compulsory education for children or implement the legislation in letter and spirit
- There was no change in the conditions for the physically challenged students in the country in 2016 compared with 2015

Health

- Pakistan spent a mere 0.9 per cent of the GDP on health and had a ratio of one doctor per 1038 person, one hospital bed for 1613 person and one dentist for 11513 persons, which was quite inadequate.
- Pakistan ranked towards the bottom in infant and neonatal mortality, according to Unicef
- Around 50 million people in the country had various psychological problems but, according to WHO, the country had only 320 psychiatrists and only five psychiatric hospitals
- Pakistan continued to be affected by endemic transmission of wild poliovirus type 1 (WPV1) with 20 cases reported in 2016

Housing

- Fake housing societies continued to operate despite awareness campaigns and crackdowns
- Slum eviction drives only exposed the housing crisis Pakistan faced
- Housing finance slightly improved than the previous year
- Many unfortunate incidents marred the housing scene in the country

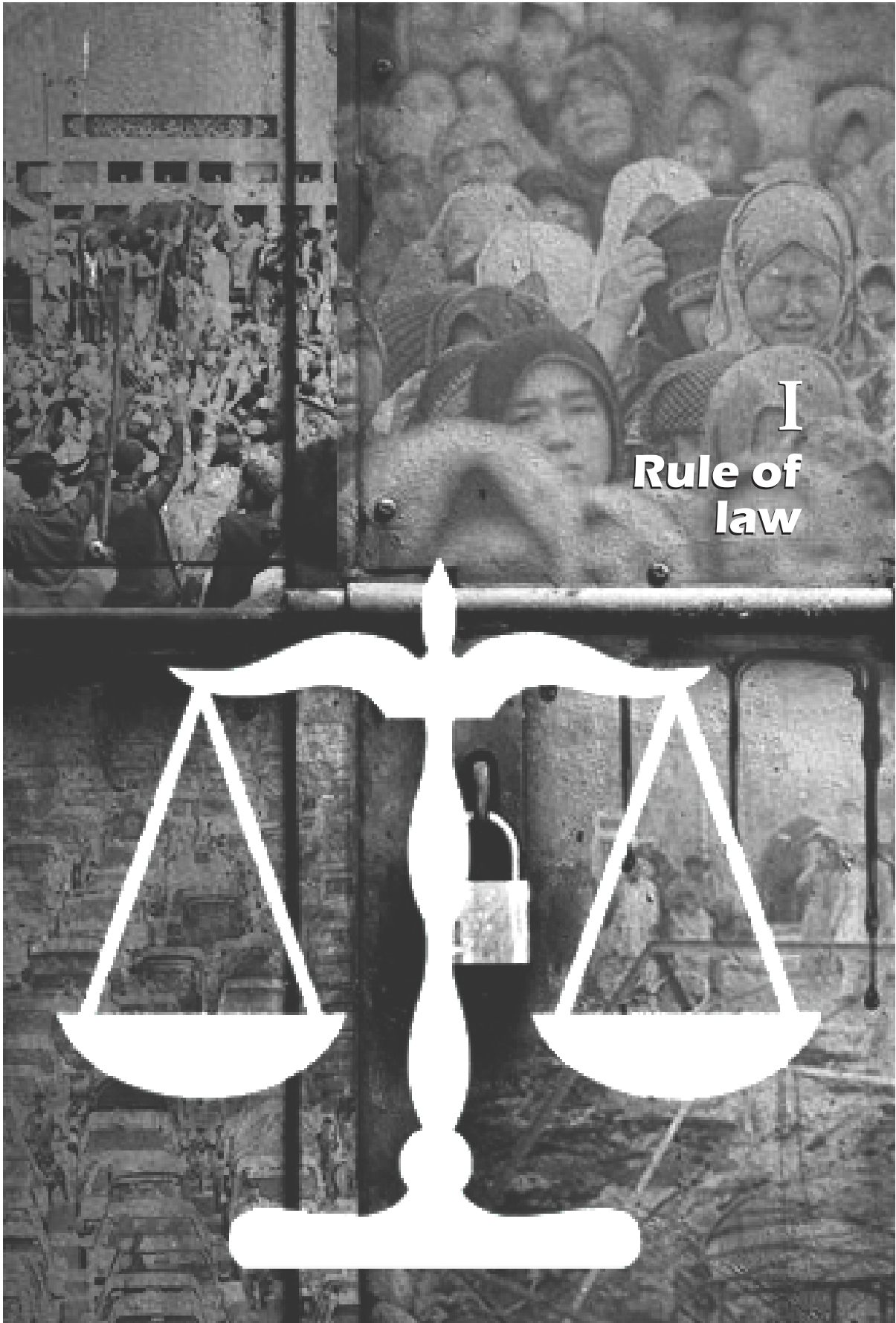
Environment

- German watch's Global Climate Risk Index 2017 ranked Pakistan 7th among countries most vulnerable to climate change

- Pakistan is losing 9% of its GDP annually due to damages by environmental degradation
- 80% of Pakistanis were consuming water that was contaminated or unsafe
- Pakistan was ranked among 10 countries where most urban residents lacked access to proper sanitation
- A 2016 World Health Organization report ranked Peshawar and Rawalpindi 2nd and 4th, respectively, in the list of cities with the most air pollution

Refugees

- 381,275 registered Afghans opted for repatriation in 2016. The highest number (308,171) went back from Khyber Pakhtunkhwa. 241,745 undocumented Afghans also went back home with support from IOM.
- Registered female-headed household accounted for 10% of the families going back to Afghanistan.
- Deadline for repatriation of registered refugees was extended twice in 2016.
- At least 700,000 displaced individuals (114,511 displaced families) went back to their native areas during the year under review. 76,507 families remained in situations of displacement.
- Around 3,000 people displaced in Gilgit-Baltistan since 2010 remained in around half a dozen IDP camps.
- There was no progress to end the plight of around a quarter of a million Pakistanis stuck in Bangladesh.



I
**Rule of
law**

Laws & law-making

Rule of law

... 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 2016, the federal parliament's legislative output amounted to 51 laws, a huge jump compared to the previous year, when 20 laws had come into effect. However, the ordinances promulgated by the president decreased from 12 in 2015 to six in 2016.

Leveraging their expanded legislative authority under the 18th Amendment to the constitution, the provinces adopted several important laws. The provincial legislatures adopted as many as 81 laws in the year 2016, which is significantly low compared to the 120 laws enacted during the previous year. The legislative output of all provinces decreased. With 30 laws enacted, Khyber Pakhtunkhwa had the highest legislative output during the year under review, followed by Sindh, Punjab and Balochistan. The provincial

assemblies' legislative performance had followed the same ranking in 2015 and 2014.

The federal budget was passed in the form of Finance Act in June and the provincial budgets followed this enactment.

After the Kasur child sexual abuse scandal in 2015 and multiple media reports of prevalence of such incidents in the country, the parliament passed the Criminal Law (Amendment) Act, 2016 in February. This law aimed to toughen punishments against child abusers by criminalising child trafficking and child pornography.

In August, the controversial Prevention of Electronic Crimes Act, 2016 was passed. While it was enacted to prevent electronic crimes, many experts criticized it for its vague language, which might make it easier for people to misuse this law. Many civil society organizations and human rights activists were of the opinion that it curbed certain human rights and restricts freedom of expression.

Two days before four members of the ECP retired, the Constitution (Twenty-second Amendment) Act, 2016 was approved. This bill made bureaucrats, government officers and technocrats eligible for appointment as the Chief Election Commissioner (CEC) and members of Election Commission of Pakistan (ECP), in addition to serving or retired judges of apex courts.

According to data compiled by Fafen, with its numerical strength in the National Assembly, the ruling PML-N government did not allow opposition members to pass even a single private bill out of a total of 49 private members' bills introduced since its current tenure began.

The Sindh Assembly passed the much delayed and debated Sindh Hindus Marriage Act, 2016. With its enactment, now there is a Hindu marriage law for the first time in Pakistan. The Hindu community had been looking forward to its approval for a long time because without this law they could not prove their marriage and had to face various difficulties.

The Punjab, Khyber Pakhtunkhwa and Balochistan assemblies passed the Punjab Protection of Women against Violence Act, 2016, Khyber Pakhtunkhwa Commission on the Status of Women, and Balochistan Protection Against Harassment of Women at Workplace Act, 2016, respectively, for the protection of women and to safeguard women's rights.

Two long overdue laws, the Punjab Restriction on Employment of Children Act, 2016 and the Punjab Prohibition of Child Labour at Brick Kilns Act, 2016, were enacted by the Punjab Assembly to curb child labour and bonded labour in the province. The Khyber Pakhtunkhwa and Balochistan assemblies also passed bills for the protection and welfare of children.

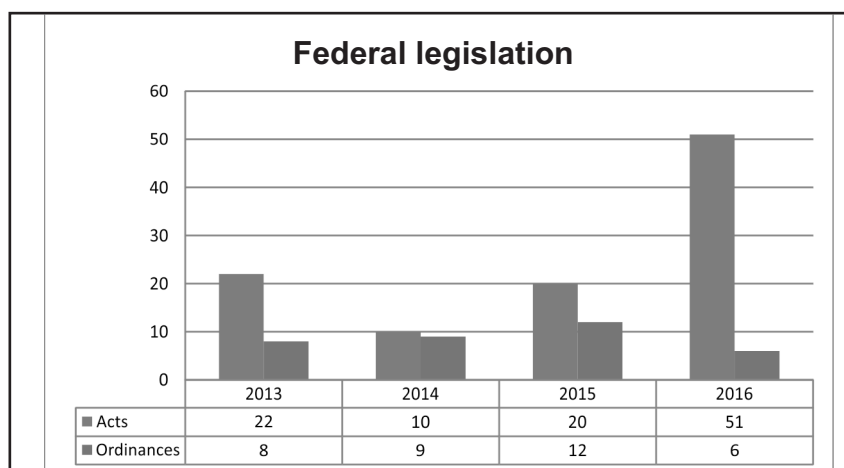
The Sindh Assembly enacted a law to abolish the bonded labour

system in the province. Another important enactment was the Sindh Employees Social Security Act, 2016, which aimed at rolling out a social security scheme to benefit certain employees and their dependents.

A much needed law for the welfare of the senior citizens was also enacted by the Sindh government. The provisions provided by the Sindh Senior Citizens Welfare Act, 2014 included establishment of homes for senior citizens, medical facilities and concessions at hospitals. Discounts on public transportation fares and recreation centre fees would also be made available.

Acts of parliament

- The Federal Judicial Academy (Amendment) Act, 2016; January; to amend the Federal Judicial Act, 1997.
- The Islamabad Subordinate Judiciary Service Tribunal Act, 2016; January; for the establishment of the Islamabad Subordinate Judiciary Service Tribunal.
- The Income Tax (Amendment) Act, 2016; January; to amend the Income Tax Ordinance, 2001.
- The Income Tax (Second Amendment) Act, 2016; January; to further amend the Income Tax Ordinance, 2001.
- The Income Tax (Third Amendment) Act, 2016; January; to further amend the Income Tax Ordinance, 2001.
- The Criminal Law (Amendment) Act, 2016; February; to toughen punishments against child abusers by criminalising child trafficking



and child pornography.

- The Minimum Wages for Unskilled Workers (Amendment) Act, 2016; February; to amend the Minimum wages of Unskilled Workers Ordinance, 1969 in its application to the Islamabad Capital Territory.
- Pakistan Halal Authority Act, 2016; February; to establish the Pakistan Halal Authority to promote trade and commerce in Halal articles and processes.
- The Civil Servants (Amendment) Act, 2016; March; to amend the Civil Servants Act, 1973.
- The Criminal Law (Second Amendment) Act, 2016; March; to further amend the Pakistan Penal code, 1860 and the Code of Criminal Procedure, 1898.
- The Pakistan Health Research Council Act, 2016; March; for reconstitution and re-organization of the Pakistan Health Research Council.
- The Gas (Theft Control and Recovery) Act, 2016; March; for prosecution of cases of gas theft and other offences related to gas and to provide a procedure for recovery of amounts due.
- The Publication of Laws of Pakistan Act, 2016; March; to ensure publication of the text of the laws of Pakistan free from errors of reproduction, updating and printing.
- The Futures Market Act, 2016; April; for the regulation of futures market.
- The Civil Servants (Amendment) Act, 2016; April; to amend the Civil Servants Act, 1973.
- The Privatization Commission (Amendment) Act, 2016; April; to amend the Privatization Commission Ordinance, 2000.
- The Pakistan International Airlines Corporation (Conversion) Act, 2016; April; for setting up of the Pakistan International Airlines Corporation into a public limited company.
- The Emigration (Amendment) Act, 2016; April; to amend the Emigration Ordinance, 1979.
- The Pakistan Bait-ul-Mal (Amendment) Act, 2016; April; to amend the Pakistan Bait-ul-Mal Act, 1991.
- The Foreigners (Amendment) Act, 2016, 2016; April; to amend the Foreigners Act, 1946.
- The National University of Sciences and Technology (Amendment) Act, 2016; May; to amend the National University of Sciences and

Technology Act, 1997.

- The Offences in Respect of Banks (Special Courts) (Amendment) Act, 2016; May; to amend the Offences in Respect of Banks (Special Courts) Ordinance, 1984.
- The Equity Participation Fund (Repeal) Act, 2016; May; to repeal the Equity Participation Fund Ordinance, 1970.
- The Patents (Amendment) Act, 2016; May; to amend the Patents Ordinance, 2000.
- The National Database and Registration Authority (Amendment) Act, 2016; June; to improve registration of aliens in the country.
- The Delimitation of Constituencies (Amendment) Act, 2016; June; to amend the Delimitation of Constituencies Act, 1974.
- The Constitution (Twenty-second Amendment) Act, 2016; June; to make bureaucrats, government officers and technocrats eligible for appointment as the Chief Election Commissioner (CEC) and members of Election Commission of Pakistan (ECP) in addition to judges of apex courts that are serving or retired.
- The Electoral Rolls (Amendment) Act, 2016; June; to amend the Electoral Rolls Act, 1974.
- The Finance Act, 2016; June; to give effect to the financial proposals of the federal government.
- The Corporate Restructuring Companies Act, 2016; June; for the establishment and regulation of corporate restructuring companies.
- The National Energy Efficiency and Conservation Act, 2016; June; for the establishment of institutions and enunciation of mechanisms and procedures so as to provide for effective conservation and efficient use of energy.
- The Financial Institutions (Secured Transactions) Act, 2016; June; for the creation of security interests over movable property and to establish a secured transactions registry.
- The Foreign Exchange Regulation (Amendment) Act, 2016; July; to amend the Foreign Exchange Regulation Act, 1947.
- The Islamabad Capital Territory Local Government (Amendment) Act, 2016; to increase the number of deputy mayor seats in the Islamabad Metropolitan Corporation from one to three.
- The Credit Bureaus (Amendment) Act, 2016; July; to amend the Credit Bureaus Act, 2015.

- The Securities and Exchange Commission of Pakistan (Amendment) Act, 2016; August; for better superintendence and control over capital and financial services market, corporate sector and insurance industry.
- The Private Power and Infrastructure Board (Amendment) Act, 2016; August; to amend the Private Power and Infrastructure Board Act, 2012.
- The Financial Institutions (Recovery of Finances) (Amendment) Act, 2016; August; to amend the Financial Institutions (Recovery of Finances) Ordinance, 2001.
- The Deposit Protection Corporation Act, 2016; August; for the establishment of Deposit Protection Corporation as a subsidiary of the State Bank of Pakistan and for the management and control thereof.
- The Banks (Nationalization) (Amendment) Act, 2016; August; to amend the Banks (Nationalization) Act, 1974.
- The Prevention of Electronic Crimes Act, 2016; August; for prevention of electronic crimes.
- The Members of the Election Commission (Salary, Allowances, Perks and Privileges Act, 2016); August; for salary, allowances and privileges of the members of the Election Commission of Pakistan.
- The Criminal Law (Amendment) (Offences Relating to Rape) Act, 2016; October; to amend the Pakistan Penal Code, 1860, the Code of Criminal Procedure, 1898 and the Qanun-e-Shahadat, 1984.
- The Criminal Law (Amendment) (Offences in the Name or on pretext of Honour) Act, 2016; October; to amend the Pakistan Penal Code, 1860 and the Code of Criminal Procedure, 1898.
- The Special Economic Zones (Amendment) Act, 2016; October; to make the Special Economic Zones (SEZs) regime more business-friendly and to encourage development of SEZs in Pakistan.
- The Code of Civil Procedure (Amendment) Act, 2016; November; to amend the Code of Civil Procedure, 1908 in its application to Islamabad Capital Territory.
- The Pakistan Engineering Council (Amendment) Act, 2016; November; to amend the Pakistan Engineering Council Act, 1976.
- The Islamabad High Court (Amendment) Act, 2016; November; to amend the Islamabad High Court Act, 2010.
- The Plant Breeders' Rights Act, 2016; December; to encourage the development of new plant varieties and to protect the rights of breeders of such varieties.

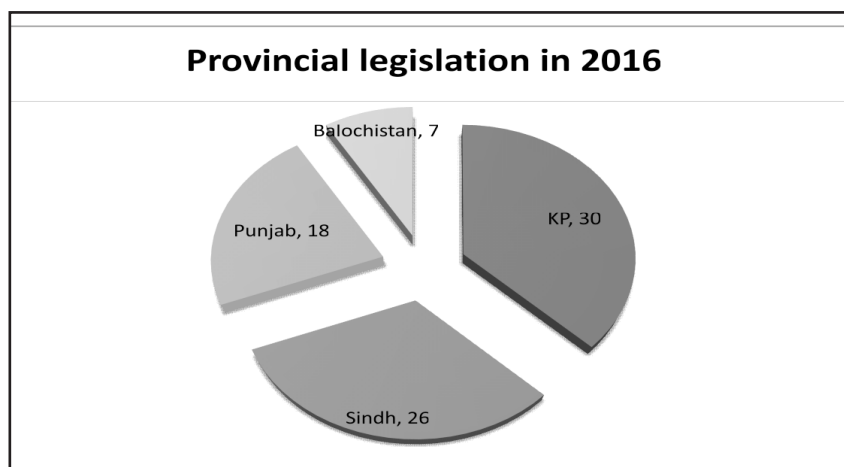
- The Income Tax (Fourth Amendment) Act, 2016; December; to further amend the Income Tax Ordinance, 2001.
- The National Command Authority (Amendment) Act, 2016; December; to amend the National Command Authority Act, 2010.

Ordinances promulgated by the president

- The State Life Insurance Corporation (Re-organization and Conversion) Ordinance, 2016; May; for the re-organization and conversion of the State Life Insurance Corporation into a public limited company.
- The Credit Bureau (Amendment) Ordinance, 2016; May; to amend the Credit Bureau Act, 2015.
- The National Command Authority (Amendment) Ordinance, 2016; June; to amend the National Command Authority Act, 2010.
- The Income Tax (Amendment) Ordinance, 2016; August; to amend the Income Tax Ordinance, 2001.
- The Tax Laws (Amendment) Ordinance, 2016; September; to amend certain tax laws.
- The Companies Ordinance, 2016; November; to reform and re-enact the law relating to companies and for matters connected therewith.

Laws enacted by provincial assemblies

The purpose of each law enacted and amended by provincial assemblies during the year under review is as follows:



Balochistan Assembly

- The Balochistan Protection Against Harassment of Women at Workplace Act, 2016; January; for the protection of women against harassment at the workplace.
- The Balochistan Sound Systems (Regulation) Act, 2016; February, to regulate and control the use of sound systems in Balochistan.
- The Balochistan Prohibition of Expressing matters on walls (Amendment) Act, 2016; February; to amend the Balochistan Prohibition of Expressing Matters on Walls Ordinance, 2001.
- The Balochistan Witness Protection Act 2016; April; for protection of witnesses to enable them to give evidence in criminal proceedings in the Province of Balochistan.
- The Prohibition of Sheesha Smoking in Balochistan Act, 2016; September; for the prohibition of sheesha smoking in Balochistan.
- The Balochistan Employees' Efficiency and Discipline (Amendment) Act, 2016; October; to amend the Balochistan Employees' Efficiency and Discipline Act, 2011.
- The Balochistan Child Protection Act, 2016; November; for the protection of children in Balochistan from all forms of physical or mental violence, injury, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse and matters incidental there to.

Khyber Pakhtunkhwa Assembly

- The Khyber Pakhtunkhwa Medical Teaching Institutions Reforms (Amendment) Act, 2016; April; to amend the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Act, 2015.
- The Khyber Pakhtunkhwa Medical Teaching Institutions Reforms (Amendment) Act, 2016; April; to amend the Khyber Pakhtunkhwa Public Service Commission Ordinance, 1978.
- The Khyber Pakhtunkhwa Antiquities Act, 2016; April; to protect, preserve, develop and maintain antiquities in the Province the Khyber Pakhtunkhwa.
- The Khyber Pakhtunkhwa Civil Servants Retirement Benefits and Death Compensation (Amendment) Act, 2016; May; to amend the Khyber Pakhtunkhwa Civil Servants Retirement Benefits and Death Compensation Act, 2014.
- The Khyber Pakhtunkhwa Child Protection and Welfare (Amendment) Act, 2016; May; to amend the Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010.
- The Khyber Pakhtunkhwa Health Foundation Act, 2016; June; for the establishment of a Health Foundation in the Province of the Khyber Pakhtunkhwa.

- The Khyber Pakhtunkhwa, Appointment of GAVI, JICA, Adhoc and Contract Employees Act, 2016; June; for the appointment of employees of Global Alliance of Vaccination and Immunization (GAVI) Project on regular basis.
- The Khyber Pakhtunkhwa Finance Act, 2016; June; to levy, continue and revise certain taxes and duties in the Province of the Khyber Pakhtunkhwa.
- The Khyber Pakhtunkhwa Ehtesaab Commission (Amendment) Act, 2016; August; to amend the Khyber Pakhtunkhwa Ehtesaab Commission Act, 2014.
- The Khyber Pakhtunkhwa Galiyat Development Authority Act, 2016; August; to reconstitute and reorganize the Galiyat Development Authority.
- The Khyber Pakhtunkhwa Prevention of Conflict of Interest Act, 2016; August; to establish clear conflict of interest and related post-employment principles for public office holders, to prevent and minimize the possibility of conflicts arising between the private interests and public duties of public office holders in the Province of the Khyber Pakhtunkhwa.
- The Khyber Pakhtunkhwa Universities (Amendment) Act, 2016; August; to amend the Khyber Pakhtunkhwa Universities Act, 2012.
- The Khyber Pakhtunkhwa Local Government (Amendment) Act, 2016; August; to amend the Khyber Pakhtunkhwa Local Government Act, 2013.
- The Khyber Pakhtunkhwa Limitation (Amendment) Act, 2016; August; to amend the Limitation Act, 1908.
- The Khyber Pakhtunkhwa Whistleblower Protection and Vigilance Commission Act, 2016; September; for the establishment of the Khyber Pakhtunkhwa Whistleblower Protection and Vigilance Commission in the Province of the Khyber Pakhtunkhwa.
- The Khyber Pakhtunkhwa Prohibition of Interest on Private Loans Act, 2016; September; to prohibit the business and practices of private money-lending and advancing loans and transactions based on interest.
- The Khyber Pakhtunkhwa Adhoc Employees of Directorate of Information Technology (Regularization of Services) Act, 2016; September; for regularization of services of certain employees appointed on adhoc basis in the Directorate of Information Technology, Khyber Pakhtunkhwa.
- The Khyber Pakhtunkhwa Taking Over of the Industrial Estate or Economic Zones Act, 2016; September; to provide for the taking over of the Industrial Estates or Economic Zones of the Khyber

- Pakhtunkhwa Development Authority by the Khyber Pakhtunkhwa Economic Zones Development and Management Company and to transfer all its assets and liabilities including employees to the said Company.
- The Khyber Pakhtunkhwa Faculty of Paramedical and Allied Health Sciences Act, 2016; October; to re-constitute and re-organize the Khyber Pakhtunkhwa, Medical Faculty, established under the Medical Degree Act, 1916.
- The Khyber Pakhtunkhwa Higher Education Academy of Research and Training Act, 2016; October; to provide for the establishment of the Khyber Pakhtunkhwa Higher Education Academy of Research and Training.
- The Khyber Pakhtunkhwa Tibb and Homeopathic Employees (Appointment) Act, 2016; October; for the appointment of certain Tibb and Homeopathic employees on regular basis.
- The Khyber Pakhtunkhwa Tuberculosis Notification Act, 2016; October; to declare Tuberculosis as a notifiable disease through registered medical practitioners, private clinics, private hospitals, registered practitioners, community leaders and incharge of a covered premises, by formulating Tuberculosis Notification Forms through Provincial Programme.
- The Brains Institute Act, 2016; October; for the establishment of BRAINS Institute and to give it degree awarding status in the field of management, information technology and engineering.
- The Khyber Pakhtunkhwa Blood Transfusion Safety Authority Act, 2016; October; to regulate collection, testing, processing, storage, distribution, issuance and transfusion of human blood and blood components, in public and private sectors and to establish Khyber Pakhtunkhwa Blood Transfusion Safety Authority for ensuring health protection and prevention of transfusion transmissible diseases.
- The Khyber Pakhtunkhwa Urban Mass Transit Act, 2016; October; for the planning, establishment, regulation and management of modern and sustainable mass transit and complementary urban mobility systems in the Province of the Khyber Pakhtunkhwa.
- The Khyber Pakhtunkhwa Commission on the Status of Women Act, 2016; October; to reconstitute and reorganize the Commission on the Status of Women in the Province of the Khyber Pakhtunkhwa.
- The Khyber Pakhtunkhwa Lissail-e-Wal Mahroom Foundation (Amendment) Act, 2016; October; to amend the Khyber Pakhtunkhwa Lissail-e-Wal Mahroom Foundation Act, 2015.
- The Khyber Pakhtunkhwa Public Procurement Regulatory Authority (Amendment) Act, 2016; December; to amend the Khyber Pakhtunkhwa Public Procurement Regulatory Authority Act, 2012.

- The Khyber Pakhtunkhwa Boilers and Pressure Vessels Act, 2016; December; to regulate boilers and pressure vessels in the Province of the Khyber Pakhtunkhwa.
 - The Khyber Pakhtunkhwa Minerals Sector Governance Act, 2016; December; to improve governance, foster development, regulate mining procedures and practices, remove impediments and nurture an enabling environment for domestic and foreign investments in the minerals sector in the Province of the Khyber Pakhtunkhwa.
- Punjab Assembly**
- The Punjab Safe Cities Authority Act, 2016; February; for the establishment of Punjab Safe Cities Authority.
 - The Punjab Special Protection Unit Act, 2016; February; for the constitution of Special Protection Unit in the Police.
 - The Infrastructure Development Authority of the Punjab Act, 2016; for founding Infrastructure Development Authority of the Punjab.
 - The University of Okara Act, 2016; February; for the establishment of University of Okara.
 - The Punjab Protection of Women against Violence Act, 2016; February; to establish an effective system of protection, relief and rehabilitation of women against violence.
 - The Fort Monroe Development Authority Act, 2016; April; for the establishment of Fort Monroe Development Authority.
 - The Punjab Flood Plain Regulation Act, 2016; April; to regulate construction in the flood plains in the Punjab.
 - The Punjab Vigilance Committees Act, 2016; for the constitution of Vigilance Committees.
 - The Punjab Marriage Functions Act, 2016; April; to regulate marriage functions and other related ceremonies.
 - The Punjab Agriculture, Food and Drug Authority Act, 2016; May; to establish the Punjab Agriculture, Food and Drug Authority for forensic examination and testing of fertilizer, pesticide, food and drug.
 - The Punjab Finance Act, 2016; June; to levy, alter and rationalize certain taxes, fees and duties in the Punjab.
 - The Punjab Prohibition of Child Labour at Brick Kilns Act, 2016; September; for the prohibition of child labour and regulation of labour at the brick kilns in the Punjab.
 - The Punjab Civilian Victims of Terrorism (Relief and Rehabilitation) Act, 2016; September; for the institutionalized response to redress the hardship faced by the civilian victims and their families owing to an

act of terrorism.

- The Punjab Blood Transfusion Safety Act, 2016; October; to regulate collection, testing, processing, storage, distribution, issuance, transfusion of human blood, blood components, ensuring health protection and prevention of transfusion transmissible diseases.
- The Punjab Poultry Production Act, 2016; October; to regulate poultry production activities in the Punjab.
- The Punjab Restriction on Employment of Children Act, 2016; October; to prohibit the employment of children and to restrict the employment of adolescents in certain occupations and processes.
- The Punjab Halal Development Agency Act 2016; December; to establish the Punjab Halal Development Agency to regulate and promote the trade of halal food and non-food products in the Punjab.
- The Punjab Animals Feed Stuff and Compound Feed Act, 2016; December; to regulate poultry production activities in the Punjab.

Sindh Assembly

- The Sindh Criminal Prosecution Service (Constitution, Functions and Powers) (Amendment) Act, 2015; February; to amend the Sindh Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2009.
- The Sindh Local Government (Amendment) Act, 2016; February; to amend the Sindh Local Government Act, 2013.
- The Sindh Boards of Intermediate and Secondary Education (Amendment) Act, 2015; March; to amend the Sindh Boards of Intermediate and Secondary Education Ordinance, 1972.
- The Sindh Sales Tax on Services (Amendment) Act, 2015; March; to amend the Sindh Sales Tax on Services Act, 2011.
- The Sindh Employees Social Security Act, 2016; March; to introduce a scheme of Social Security for providing benefits to certain employees or their dependents in the event of sickness, maternity, employment, injury or death and for matters ancillary there to.
- The Sindh Minimum Wages Act, 2015; April; to provide for the regulation of minimum rates of wages and various allowances for different categories of workers employed in certain industrial and commercial undertakings and establishments.
- The Metropolitan University, Karachi Act, 2015; April; to provide for the establishment of the Metropolitan University, Karachi.
- The Sindh Hindus Marriage Act, 2016; April; for law relating to marriage amongst Hindus.

- The Sindh Workers Compensation Act, 2016; April; to provide for the payment by certain classes of employers to their workers or their legal heirs of compensation for injury or death by accident.
- The Sindh Shops and Commercial Establishment Act, 2015; April; to amend and consolidate the law relating to the hours and other conditions of work and employment of persons employed in shops and commercial, industrial and other establishments in the Province of Sindh.
- The Sindh Factories Act, 2015; April; to consolidate and amend the law regulating labour in factories.
- The Sindh Terms of Employment (Standing Orders) Act, 2015; April; to provide for regulation of industrial and commercial employment in the Province of the Sindh.
- The Sindh Local Government (Second Amendment) Act, 2016; April; to amend the Sindh Local Government Act, 2013.
- The Sindh Local Government (Fourth Amendment) Act, 2016; April; to amend the Sindh Local Government Act, 2013.
- The Sindh Service Tribunals (Amendment) Act, 2016; May; to amend the Sindh Service Tribunals Act, 1973.
- The Karachi Development Authority (Revival and Amending) Act, 2016; May; to revive and amend the law relating to the Karachi Development Authority.
- The Sindh Companies Profits (Workers Participation) Act, 2015; May; to provide for participation of workers in the profits of companies.
- The Benazir Bhutto Shaheed University of Technology and Skill Development Act, 2016; May; to provide for the establishment of the University known as the Benazir Bhutto Shaheed University of Technology and Skill Development at Khairpur Mirs.
- The Sindh Local Government (Third Amendment) Act, 2016; June; to amend the Sindh Local Government Act, 2013.
- The Sindh Bonded Labour System (Abolition) Act, 2015; June; to provide for the abolition of bonded labour system in the Province of Sindh.
- The Sindh Senior Citizens Welfare Act, 2014; June; to make provisions for the welfare of senior citizens of the Province of Sindh.
- The Sindh Employees Old-Age Benefits (Amendment) Act, 2016; June; to amend the Sindh Employees' Old-Age Benefits Act, 2014.

- The Zulfikarabad Development Authority (Amendment) Act, 2016; October; to amend the Zulfikarabad Development Authority Act, 2010.
- The Sindh Arms (Amendment) Act, 2016; October; to amend the Sindh Arms Act, 2013.
- The Sindh Mass Transit Authority Act, 2014; October; to provide for the establishment of an Authority known as the Sindh Mass Transit Authority in the Province of Sindh.
- The Karachi Institute of Technology and Entrepreneurship Act, 2015; October; to provide for the establishment of the Karachi Institute of Technology and Entrepreneurship at Karachi.

Recommendations

- There is urgent need for more laws related to the promotion of human rights and freedoms of the residents of Pakistan.
- The parliament should actively solicit the opinions of experts before adopting laws where appropriate expertise is needed to guide the lawmakers on how they should vote.
- The federal and provincial legislatures need to systematically examine the pace and quality of the framing of rules and other delegated legislation to ensure that the laws enacted by them come into effect without undue delay.
- The legislature needs to introduce effective ways to inform the people in a timely manner about every bill that is drafted, so that the lawmakers are able to gather public opinions and make informed decisions.
- The practice of enacting laws through presidential ordinances needs to be curbed and ordinances should be promulgated only as a measure of last resort, until the parliament meets to consider the matter.
Every effort should be made to ensure that bills are not passed in haste. The government should facilitate all lawmakers to consider the pros and cons of every bill and to discuss it in detail before putting them to vote.

Administration of justice

Rule of law

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

The administration of justice is the process by which the legal system of a state is executed. The presumed goal of such administration is to provide justice for all those accessing the legal system. But 2016 was another year for Pakistan where the administration of justice remained a challenge.

About three million cases were pending in the country's courts indicating weakened criminal and civil justice system delivery mechanisms. While military courts, approved by the Supreme Court as an "exceptional" short-term measure, weaved themselves into the fabric of Pakistan's criminal justice system, there was no sign of the promised reforms for the ordinary system to effectively handle terrorism cases.

The state fell behind in protecting the judiciary and the wider legal fraternity. Incidents of violence against judges and lawyers, including the ones in Quetta, Mardan and Shabqadar, during the year suggested that the criminal justice system – handling the cases of bail, trials or appeals of alleged terrorists -- remained on the front line in the anti-militancy fight. Fear showed up in certain other cases as well. The Supreme Court indefinitely put off death row appeal by a blasphemy convict Aasia Bibi, with one judge stepping down from the case, in the shadow of threats from extremists against any overturning of the sentence. And so, 2016's became the seventh consecutive Christmas the mother-of-five spent in solitary confinement. On the other hand, the Lahore High Court acquitted a man charged with blasphemy who had been languishing in jail for four years citing a Supreme Court judgment that "a majority of blasphemy cases were based on false accusations, stemming from property disputes or other personal or family vendettas rather than genuine instances of blasphemy".

The Supreme Court averted an impending political showdown between the ruling Pakistan Muslim League-Nawaz and the opposition Pakistan Tehreek-e-Insaf by accepting for hearing a case of corruption against Prime Minister Nawaz Sharif. The top court also declared illegal a provision which gave the prime minister the authority to supersede the cabinet. The Lahore High Court gave back to the Christians the earlier provision of divorcing a spouse without alleging humiliating accusations of bigamy or adultery. Cases of the so-called honour killing of women continued to come to light. And so did the cases of discrimination and violence against transgenders.

Judiciary

Pending cases

Newspaper reports said cases took between 20 to 30 years to conclude and there were about three million pending court cases in the country. By November 15, according to the Law and Justice Commission of Pakistan figures, the Supreme Court had 30,970 cases pending with it whereas the pendency in the Federal Shariat Court was 661. Among the high courts, the Lahore High Court topped the list with 1,595,787 cases, followed by the Sindh High Court with 84,077 cases, the Peshawar High Court with 30,730 cases, the Islamabad High Court with 13,789 cases and the Balochistan High Court with 6,110 pending cases. In the district courts as well, Punjab topped the list with 1,274,310 cases, followed by Khyber-Pakhtunkhwa with 188,561 cases, Sindh with 121,180 cases, and Islamabad with 31,018 cases and Balochistan with 13,882 cases. Non-provision of witness protection deterred the resolution of cases. The procedural codes inherited from the British without any great amendments remained 'overly technical, allowing for endless rounds of appeals, reviews and revisions, and generally tilting towards sacrificing efficiency at the altar of thoroughness.' In many cases, evidence collection was poorly handled relying on confessions obtained through torture in police custody. In the face of these hurdles, the criminal justice system remained corrupt and inefficient.

In March, Chief Justice Anwar Zaheer Jamali at a seminar declared that there was no deficiency with the judicial system, 'which is very well-tested'. According to him, certain 'external factors' were responsible for delays in the system, and so, 'unnecessary criticism on the judicial system is inappropriate'.

However, Ghulam Sarwar and Ghulam Qadir, brothers, had been executed by prison authorities a year before the Supreme Court eventually pronounced them innocent in October.

The case also highlighted another argument that the real danger in the end to the death penalty moratorium lies for all those who are not convicted of terror crimes but have been wrongly convicted for crimes they did not commit at all.

Also in October, the Supreme Court exonerated a man who was convicted of murder and handed down the death sentence by a

sessions court in April 2004. But the acquittal came two years late. Mazhar Hussain, whose original appeal against the death sentence was turned down by a high court years before, died of coronary failure about two years ago while still in incarceration. Even the apex court was unaware that the appellant had passed away in prison. Hussain's exoneration came about 19 years after he was accused of murdering Muhammad Ismail in May 1997.

Also, Mohammad Anar and Mazhar Farooq were acquitted by the apex court after having endured 24 and 11 years in prison respectively.

Pending cases	
High courts	District courts
159,577 Lahore	1,274,310 Punjab
84,077 Sindh	121,180 Sindh
30,730 Peshawar	188,561 Khyber Pakhtunkhwa
6,110 Balochistan	13,882 Balochistan
13,789 Islamabad	31,018 Islamabad

SOURCE: Law and Justice Commission of Pakistan
Data collected until Nov. 15, 2016

Accountability

The Supreme Court declared void certain appointments made in the Islamabad High Court during 2011 and 2012. Justice Amir Hani Muslim held that the appointments were made in violation of the process outlined in Article 208 of the Constitution. Justice Muslim reminded the respondents of the sensitivity of the allegations in that such unauthorised nominations risk destroying the 'image of the institution.' The judgment ordered that new recruits be inducted through the National Testing Service.

The Supreme Court dismissed a petition seeking expeditious adjudication of the complaints and references against judges by the Supreme Judicial Council, and public disclosure of the number and status of the cases that were filed. The court held that 'complete confidentiality and secrecy' holds greater priority in such cases and the SJC should not be compelled to hasten their decisions. The petition, in view of the court, violated Articles 209 and 211 of the Constitution which concern the function of SJC.

Practitioners of the law resisted any effort for their accountability. The Lahore High Court Chief Justice Mansoor Ali Shah formed a committee to restrict misbehavior in courts and compel lawyers to respect the court authority. Section 54 of the Legal Practitioners and Bar Councils Act gave authority to judges of the Supreme Court and the high courts to suspend a lawyer from practising if he or she was found involved in 'grave indiscipline' or 'grave professional misconduct.' The lawyers under scrutiny were the Lahore Bar

Association Vice President Rana Saeed and former president of Ferozwala Bar Association, Asif Bashir Mirza. They were accused of misbehaving with judicial officers over 'unfavourable' decisions and snatching court record. The committee proceeded against Rana Saeed ex-parte after having postponed his hearing twice. The Lahore Bar called for the chief justice to resign and for the committee to be dissolved terming the section as being against the independence of the Bar.

Military courts

The government empowered military courts to try civilian terrorism suspects in January 2015 for a period of two years promising to reform the civilian criminal justice system. The 21st amendment to the constitution was made following an attack on a school in Peshawar that killed more than 130 pupils. Since then 11 military courts set up across Pakistan – three each in Punjab and KP and two in Sindh and one in Balochistan -- have convicted 274 individuals sentencing 161 to death and 113 to jail terms (mostly life sentences). At least 17 people have been executed after being convicted by a military court.

While the military courts' term was set to expire, instead of strengthening civilian court structures, the government again looked towards the military to dispense instant justice.

The International Commission of Jurists (ICJ) – a collection of 60 jurists from around the world – in a briefing paper published in 2016, said that “the government and military authorities have failed to make public information about the time and place of their trials; the specific charges and evidence against the convicts; as well as the judgments of military courts including the essential findings, legal reasoning, and evidence on which the convictions were based.”

The ICJ said that “human rights organisations, trial monitors, journalists and even family members of the accused persons tried by military courts have been denied access to military courts' proceedings.”

By December 2016, according to the ISPR's press statements, 135 out of 144 people convicted in military courts had “confessed” to their crimes. That the confession rate is higher than 90 per cent hints that confessions may be elicited using questionable interrogation methods.

The ICJ noted that “Suspects tried by military courts remain in military custody at all times, even after the magistrate records their “confessions”. They also have no access to the outside world, further compounding their vulnerability not only to torture and ill-treatment, but also to other forms of external pressure and coercion. And, reportedly, some suspects were secretly detained by military authorities as far back as 2010 and kept in internment centres in the Federally Administered Tribal Areas (FATA) before they “admitted” to their crimes during their military trials.”

In 2016, families of 16 civilians found guilty by the military courts filed a review petition in the Supreme Court of Pakistan.

“These trials before the military courts need to be proceeded again after sharing complete evidence and the case record with the accused and also ensuring complete freedom to the accused to engage a counsel of his choice,” argued lawyer Asma Jahangir before a five-judge Supreme Court bench, headed by (then) Chief Justice Anwar Zaheer Jamali.

The Supreme Court dismissed the claim that military trials had been in contravention with the standards of a free and fair trial guaranteed by the Constitution.

In April, the chief justice, in another case on the rights of the accused in military courts, said, “On one hand, terrorists are challenging the Constitution and the law of the land, but their counsel are citing fundamental rights in their defence.”

However, precedents show that previously violations of fundamental rights and due process even in such offences garnered the attention of the Supreme Court. In a human rights case, Justice Iftikhar Chaudhary had stated that the court 'being the guardian of the fundamental rights of the citizens, is empowered to assume its jurisdiction.'

Blasphemy cases

Mumtaz Qadri, a police guard convicted of murdering Punjab governor Salman Taseer, over his call to reform the country's blasphemy laws was executed on February 29. Taseer's call had come in support of a Christian woman, Aasia Bibi, who had been sentenced to death. There have been numerous such cases of vigilante justice. The judiciary is also reluctant to hand out acquittals in such cases, leaving those accused languishing in prison. Asia Bibi remained in solitary confinement for a seventh year in 2016. Her last appeal hearing was canceled when a judge recused himself citing a conflict of interest.

On the other hand in January, the Lahore High Court acquitted a man charged with blasphemy. Accused Ghulam Ali Asghar had been languishing in jail for four years.

Citing a judgment of the Supreme Court in a blasphemy case, Justice Ibadur Rehman Lodhi said that a majority of blasphemy cases were based on false accusations, stemming from property disputes or other personal or family vendettas rather than genuine instances of blasphemy. They inevitably lead to mob violence against the entire community.

“The [Lahore] High Court in 2002 had given guidelines to the police to deal with blasphemy cases. However, in a case registered in 2011, the

investigation agency has not bothered to take any guidance. The investigation in this case was not conducted in an efficient and perfect manner," the court said.

"The increase in the number of registration of blasphemy cases and the element of mischief involved therein call for extra care on the part of the prosecuting officers. Registration of such cases cannot be allowed in a very free and careless manner. A class of citizens who do not have much knowledge of religion must not be allowed to use the blasphemy law to settle their scores," the court said.

Cases registered under blasphemy laws

Sr.	Name	Gender	District	Section	Date	Allegation	Status	Source
Muslims booked under blasphemy laws								
01	Azhar	Male	SandaPhattak village, Kasur	Not known	07/01/16	Torching copies of the Bible and other religious books	Arrested	Dawn
02	GibreeAhmed	Male	Muzaffargarh	295-C	14/05/16	Teacher was accused of blasphemous remarks against the Holy Prophet (PBUH) by the parents of a student who was beaten up by the teacher.	Arrested	Dawn
03	JahanzaibKhashkhi	Male	Tando Adam	Not known	19/06/16	Selling shoes with sacred Hindu symbols	Arrested	Express Tribune
04	Haji Riyasat Baqir Ali Rashid Gujar FaizAslam Shakeel Sarwal	Males	Chichawatni, Sahiwal	Not known	02/05/16	Desecratinga SikhMahindarpai Singh's turban	Booked but not arrested	Express Tribune
10	Muhammad Anwer	Male	Hujra Shah MuqeemS	Not imposed	15/01/16	The boy misunderstood the question asked by the Imam. His answer was declaredblasphemous by the crowd.	Boy cut off his own hand believing he had committed blasphemy	Express Tribune
Christians booked under blasphemy laws								
01	YaqubMasih	Male	Hyderabad	Not imposed	14/07/16	Burning pages of a book which contained Quranic verses	Case not registered	International Christian Concern
02	Nadeem James	Male	Gujrat	295-C& 298-A	10/07/16	Sending blasphemous Ext messages to a Muslim via WhatsApp	Arrested	Pakistan Christian Post / ICC
03	UsmanLiaqat	Male	Sheikhupura	Not imposed	25/05/16	Allegedly posting 'blasphemous' text on social media	Arrested	BBC/Pakistan Today
04	Imran Masih	Male	Chak # 44,	Not known	27/05/16	Uploading an anti-Islam video from	After the	Pakistan

Summary

	Number of accused
Muslims	10
Christians	05
Total	15

Blasphemy convictions in 2016

Sr.	Name	Gender	District	Section	Date	Allegation	Status	Source
Muslims sentenced to death								
01	NaumanChandia	Male	Muzaffargarh	Not known	02/06/16	Sending blasphemous messages to his own mobile using the mobile of a colleague at his workplace.	Death sentenced	Dawn
02	Jaffar Ali	Male	Gujranwala	Not known	28/06/16	Committing blasphemy	Death sentenced, fine of eight million rupees	Dawn
Christians sentenced to death								
01	AnjumNaz	Male	Gujranwala	295-C	28/06/16	Committing blasphemy	Death sentenced, fine of five million rupees	Dawn
02	JavedNaz	Male	Gujranwala	Not known	28/06/16	Committing blasphemy	Death sentenced, fine of eight million rupees	Dawn

Acquittal in 2016

Sr.	Name	Gender	District	Section	Date	Allegation	Status	Source
05	Shafqat Gill Latif Masih UnitanFazal Gill MohsinShoukat, Zulfiqar	Male	Gujrat	295-A	20/06/16	Committing blasphemy	Acquittal	CLAAS

In November, an anti-terror court sentenced five people to death over the killing of a Christian couple who were lynched and burned in a kiln after being falsely accused of blasphemy. The deaths of Shahzad Masih and Shama Bibi caused outrage in Pakistan and saw other Christian families living near their home in Punjab flee the area in fear. A total of 103 people had been charged in the case. But the court had acquitted 90, including the owner of the brick kiln. He had been accused of locking the couple up as they tried to flee for fear they would default on their debt to him. Apart from the five sentenced to hang for dragging, beating and burning the couple, eight others were given two years' imprisonment for playing a supportive role, according to the judgment.

Corruption

The Supreme Court heard petitions that leveled corruption allegations against the prime minister and his family for about two months. But on December 9, proceedings in the case ended as Chief Justice Anwar Zaheer Jamali was scheduled to retire by the month end. The Supreme Court said that arguments from both sides would commence afresh when hearings resume in January. A five-judge larger bench headed by Justice Asif Saeed Khosa was constituted by the Supreme Court to resume hearing of the Panama Papers case from January 4, 2017.

Hearing a suo motu case, the Supreme Court restrained National Accountability Bureau (NAB) chairman from approving deals for voluntary return (VR), a provision under the National Accountability Ordinance (NAO), 1999, that allows people guilty of corruption to pay a certain portion of the embezzled money and be released without any stigma. The NAB scheme even allows federal and provincial government servants to resume work in their departments after availing the NAB's VR facility.

The NAB, through an earlier report, had submitted that 1,584 civil servants, 165 of them federal government employees and 1,419 provincial government officers, enjoyed the VR facility of NAB by paying Rs2 billion.

Other cases of significance

In August, the Lahore High Court announced its verdict on petitions against the Orange Line Metro Train project, upholding an earlier decision stopping construction within 200 feet of 11 heritage sites. An appeal against the decision was filed in the Supreme Court. In

December, the court invited all stakeholders in the Rs45 billion project to file observations against expert reports on re-verification of the credibility of the Nespak environmental assessment.

While hearing the appeals, the chief justice observed that the expert reports were conflicting. "The findings in both the reports are diametrically opposed to each other."

The Supreme Court defined the powers of the prime minister with regard to the federal cabinet in another case saying that the prime minister is 'the head of the cabinet but he can neither supplant it nor replace it' and cannot 'exercise its powers by himself.' This landmark case was initiated on the change in tax rates, which the appellant companies said, was made on the directives of the prime minister without consulting the cabinet.

The Supreme Court prevented Bahria Town from resuming construction on the land illegally granted to it by the Malir Development Authority (MDA).

The Peshawar High Court on a writ petition restored the citizenship of 65 families who were sent into exile in 1951. They were living in the border area between Pakistan and Afghanistan. Their property had also been taken by the ruler of Chitral at that time. They appealed on the grounds that they were Pakistani citizens and were denied the issuance of ID cards because they obtained ration cards and took relief items meant for Afghan refugees. The court directed the Ministry of Interior to provide them with citizenship documents.

The Supreme Court constituted a three-member medical board to examine the mental health of schizophrenic death-row prisoner Imdad Ali and submit its report within two weeks.

During the hearing, Justice Amir Hani Muslim observed that Imdad Ali's mental illness, if proved, would not quash his death sentence but would only be delayed until he was treated for the illness.

On October 31, the apex court had stayed the execution of Imdad Ali, who was scheduled to be hanged on November 2. The court was hearing a review petition filed by Safia Bano, the wife of the convict, against the court's September 27 order, wherein it had declared that a psychiatric disorder like schizophrenia did not subjugate the death sentence.

In December, the Supreme Court dismissed petitions filed by more than 50 senior officers of Punjab police seeking review of its 2013 order regarding out-of-turn promotions.

In 2013, the apex court had declared the out-of-turn promotion a violation of the Constitution and ruled that no police officer or civil servant was entitled to such promotion on account of gallantry award or otherwise.

In pursuance of the court's 2013 order, hundreds of officers of Punjab police, including 20 superintendents of police, were demoted. Punjab police informed the Supreme Court in July that they had withdrawn 10,884 out-of-turn promotions of officers of different ranks.

An appellate court in Gilgit-Baltistan upheld the life sentence of Baba Jan, a political activist from the Hunza Valley. Baba Jan and 11 other activists were sentenced under anti-terrorism laws for allegedly leading protests demanding compensation for the victims of the Attabad Lake disaster in 2011.

He contested local elections from prison, placing second in the polls. Human rights organisations demanded his release. Now, only the country's president could commute the sentence.

Attacks

More than 50 lawyers were killed in Quetta on August 8 as they gathered to mourn the death of the Balochistan Bar Association (BBA) president Bilal Anwar Kasi in a gun attack earlier that day. This incident had been preceded by the targeted killing of University of Balochistan's law college principal, Barrister Amanullah Achakzai in June and of Jahanzeb Alvi, a lawyer in early August.

A newspaper report said that in the aftermath, 2,000 clients remained without legal representation, causing unprecedented delays in the high court and lower trial courts – both previously strained with increasing civil and criminal cases. 40percent of court cases in the province were pending at the year end. Out of 32 districts, almost 26 had no legal representatives implying that Quetta-based lawyers must defend clients by traveling long distances. Consequently, 13,000 cases remained pending in the district courts and around over 6,000 in the Balochistan High Court and two circuit benches in Sibi and Turbat. Frequent strike calls allowed the high court and lower trial courts to barely function for two days a week, with certain senior lawyers overburdened with work. Balochistan was also yet to appoint a prosecutor general– the position had remained vacant since November 2015.

On March 7, a suicide bomber attacked the entrance to a civil court in Shabqadar, Charsadda, killing 16 people.

In September, the district courts of Mardan suffered a blast when a suicide bomber first hurled a grenade at the police and then detonated the bomb. Fourteen people died as a result of the blast and 52 were wounded.

In a suo motu case, a one-member commission was formed under Justice Qazi Faez Isa to investigate the attack on the lawyers in Quetta. The commission's report meticulously considered every aspect of the terrorist attack citing the negligence on part of the hospital, the provincial government, the police in securing the crime scene or forensic investigation and in the poor implementation of the National



Hearing of cases was postponed across the country as lawyers went on strikes against several attacks on their colleagues in different cities

Counter Terrorism Authority plans. The report offered recommendations for the federal and provincial government to be able to prevent the occurrence of future terrorist attacks.

The year also saw the kidnapping and recovery of a lawyer, Awais Shah. Shah, the son of the Sindh High Court Chief Justice Sajjad Ali Shah, was kidnapped in June, from Karachi. He was found a month later in Tank, near South Waziristan, while he was being moved to Afghanistan.

Citizenry

Transgender people

Reports of discrimination and abuse perpetrated against transgenders by both the government officials and individuals continued to surface. The year began with Adnan, a member of Transaction Alliance being shot by unknown gunmen. His treatment was delayed at the hospital. The doctors and police showed a complete lack of seriousness and were unsure of which ward to place him in.

In May, Alisha, a transgender rights activist, was shot eight times in Peshawar during an altercation between a group of men and several transgender people. Immediately following the shooting, Alisha was transported to the nearby Lady Reading Hospital, where it was alleged she was ignored by doctors and refused access to either the male or female wards following complaints from staff and patients. She was placed in a curtained-off bed in a corridor next to a lavatory before eventually being given a private room, supporters claimed, but died from her injuries. A hospital spokesman said the hospital "was only acting as per the complaints of those admitted".

With two such incidents creating an uproar, the Khyber-Pakhtunkhwa province allocated Rs 200 million for the benefit of

transgenders. This step was clarified by a transgender activist saying, 'Senior members of the K-P government have told us that this money will only be spent on our welfare if we stop bringing a bad name to the government by continuing to talk about the attacks on transgender people,' reported Human Rights Watch.

In June, 50 clerics in Lahore issued a fatwa – a non-binding edict -- allowing the marriage of transgenders with "visible signs" of being male or female to someone of the opposite sex. The fatwa also stated that transgenders have a right to inherit and to be provided funeral rites. The clerics also said that humiliating or teasing persons of the trans community should be considered as an offence in Islam.

In August, Sumbal was shot multiple times when she put up a fight against kidnappers. The hospital refused to treat her due to having only gender-segregated wards with no place for transgenders. It was only until a protest was held outside the hospital that the police registered a complaint which they had earlier refused.

In a writ petition, the Peshawar High Court took note of the absence of the transgender column in the census list. The government was yet to submit its reply to the court on the issue by the year end.

In November, a video emerged of a gang leader whipping a transgender woman because she reportedly refused to pay extortion money. The graphic footage, which went viral, showed the victim being held down and repeatedly whipped as she cried out in pain.

Such instances of abuse and discrimination showed the difficulties in gaining access to justice faced by the community exacerbated by the non-serious attitude of the law enforcement agency – the police. Attitudes of the police and doctors along with the societal attitudes give rise to such continued violence and discrimination faced by transgenders.



A transgender mourns the killing of Alisha in Peshawar. Alisha was the 46th transvestite, who met a violent death during the last two years.

Religious minorities

Legislation through personal laws regarding two minority communities provided them further rights. The Christians found a high court sympathetic to the need for restoring divorce grounds that had been abolished. The Hindus of the country received a marriage registration law along with other provisions safeguarding their rights. The Lahore High Court heard a case on the Christian Divorce Act. Section 7 of this Act was repealed through a decree by former military ruler Gen ZiaulHaq in 1981 thereby making adultery under section 10, the only ground for Christian couples seeking a divorce. The court reinstated section 7 which states that the principles of the courts of England would apply in the family issues of Christians allowing couples to separate respectfully.

The Sindh Provincial Assembly also passed the Sindh Hindus Marriage Act 2016 allowing for the formal registration of the marriage union. The law also stated the minimum age of marriage and provided no exceptions for bigamy.

The National Assembly passed the Hindu Marriage Act 2016 providing for the registration and termination of Hindu unions.

The Counter-Terrorism Department (CTD) raided the headquarters of the Ahmadis at Rabwa to stop the printing of a 'banned' magazine based on a complaint. This episode came about without a warrant, without any investigation and against the stay orders issued by the high court on this matter.

In December, Ahmadis were again attacked for their belief in their mosque in Chakwal. A mob of about a thousand men surrounded the place as the country celebrated the birthday of Holy Prophet Muhammad (PBUH). Previously, local clerics had been asking for the mosque to be given to them failing which the mob surrounded the place of worship with weapons. They pelted the walls of the mosque with stones and also resorted to aerial fighting. A man died of cardiac arrest inside the mosque which the community had locked from the inside. The Ahmadi community had already informed the authorities of a possible attack on their property and mosques which fell on deaf ears. The mob was dispersed much later after the army and bigger contingents of the police arrived.

Women

The representation of women in the Supreme Court became a part of public discourse when MQM presented a bill in the National Assembly for having at least one-fourth of judges on the Supreme Court to be women. Currently, three out of 49 judges in the Lahore High Court are women. Peshawar High Court has two women judges while both the Federal Shariat Court and Balochistan High Court have a single woman judge. There are no female judges at the Sindh and Islamabad high courts. The overall representation of women in the

superior judiciary was 5 percent. The Bangladesh Supreme Court has six female judges and India has had the same number of female judges since 1989.

The country's media reported several cases of women being killed for what their killers said shaming the family. The cases prompted the government to change certain laws. A joint session of the Parliament unanimously approved anti-honour killing and anti-rape bills.

The legislation on honour killings will introduce strict punishment for the convicts making it tougher than the ordinary murder cases.

Under the new law relatives of the victim would only be able to pardon the killer if he is sentenced to capital punishment. However, the culprit would still face a mandatory life sentence of twelve-and-a-half years.

Debating during the session, the law minister said: "The verdicts in the rape cases will have to be given within three months, with the right to appeal in six months."

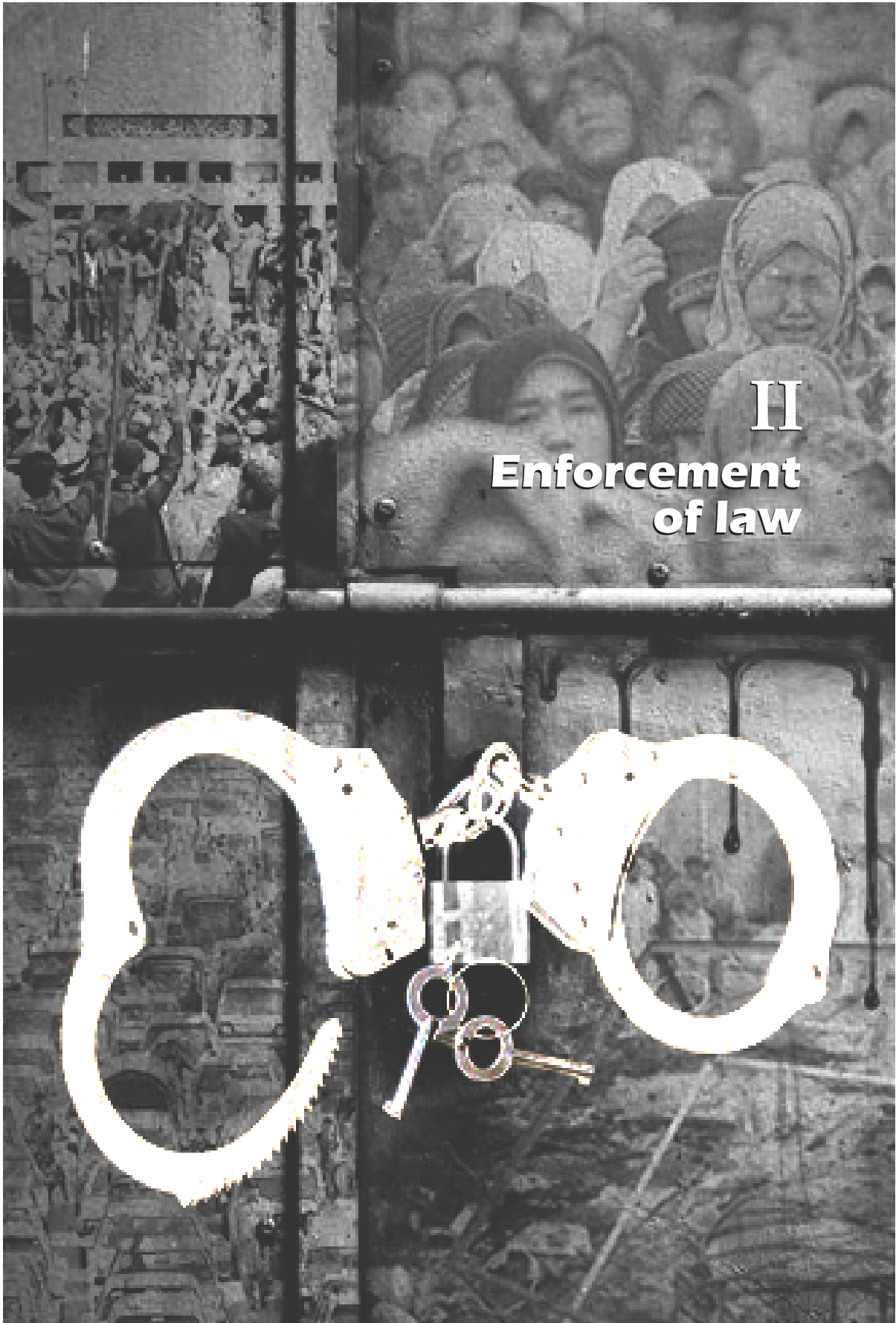
But unless the state attempts to address the problem through preventive mechanisms, the rising trend of violence against women cannot be expected to go down.

The prosecution of rape is admittedly and abysmally low. A 13-year-old girl who worked as a domestic servant in Lahore was forced to withdraw a complaint of rape and reach a compromise with the accused after her case dragged on for six months. The DNA report did not even arrive. The police had failed to preserve evidence and send it to the laboratory, until it was pointed out, three days after the incident, when negligence or deliberate dishonesty on the part of the police was observed. The compromise was agreed on by the father of the girl on her behalf, and it was him who received monetary compensation from the accused.

Since no degree of harsh punishments can ensure equality, dignity and justice for women victims of violence, there is a need to correct the fundamental flaws within the criminal judicial system – before laws are amended.

Recommendations:

- The judiciary should expedite the hearings and reduce trial durations by strictly regulating the grounds for postponement of hearings.
- The government and the judiciary should ensure enforcement of laws and provision of justice for all. Vulnerable groups such as religious minorities, women and transgender individuals must be given justice at the earliest.



II
Enforcement
of law

Law and order

Enforcement of law

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

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.

Universal Declaration of Human Rights
Article 8

Law and order is a state of society where most people respect the rule of law and law enforcers observe laws that limit their powers. Maintaining law and order means firm dealing with crimes, violence, and disturbance of peace, and rapid enforcement of penalties under criminal law.

In 2016, the government continued its efforts to combat terrorism and improve security resulting in a significant decrease in deaths linked to violence. But security situation in many areas remained hazardous

and crimes against persons and property caused concern. Violence targeted common people, lawyers, law enforcers and media. Public areas, shopping centers, mosques, and other places of worship continued to be targets. Vulnerable population such as women, children, transgender, adherents to minority faiths and human rights defenders continued to endure violence and intimidation. Law enforcers mostly acted with impunity and were not held accountable for serious human rights violations since, to quote Human Rights Watch, authoritarian populists treated rights as an impediment to the majority will. Focus on countering terrorism caused severe deficiencies in crime fighting, community policing campaigns and other regular police services. The government did not address the myriad problems in police. Nor did it reform the criminal justice system to provide relief to citizens timely and efficiently.

Violence

Deaths linked to terrorism in Pakistan decreased significantly in 2016, dropping 45 percent compared with the previous year. Some 2,610 people lost their lives due to violence during the period compared with 4,647 in 2015, according to a research by the Islamabad-based think tank, the Centre for Research and Security Studies (CRSS). Army launched an operation in June 2014 to wipe out militant bases in northwestern tribal areas and bring an end to a bloody insurgency. According to an army spokesman, during the Operation Zarb-e-Azb, 3,500 militants were killed and 2,108 injured. During the operation, 583 army personnel died in the line of duty. "In fact, since 2014, there has been an overall reduction of nearly 66 percent," the CRSS report said.

According to the CRSS report, Punjab and Balochistan provinces had a marginal increase in violence during 2016. Balochistan suffered the most fatalities as violence-related deaths rose from 719 in 2015 to 798 in 2016, an upsurge of nearly 10 percent, followed by Punjab which lost 424 people during 2016 -- the highest number of fatalities in the province during the last four years.

Both provinces were the targets of suicide attacks that increased the casualty count. Balochistan had three suicide attacks, leaving 186 dead, while Punjab had one suicide attack at a park crowded with families on Easter Sunday, killing 75 including many children.

Karachi, Quetta, Lahore and Peshawar, all of which host provincial capitals, were among the districts most affected by violence in 2016.

In August, at least 70 people, many of them lawyers, were killed in a suicide bombing and subsequent shooting, while more than 130 others were wounded. There were a number of targeted attacks in Khyber Pakhtunkhwa, including the bombing of a bus transporting government workers in Peshawar in March. The majority of incidents in KP and Balochistan targeted security forces and government officials; however, civilians were often affected.

Compared to 2015, a significant drop in fatalities was seen in 2016 in the capital cities other than Quetta and Lahore. Karachi, still the most violent district in the country, saw a sharp decline in fatalities.

Militants used improvised explosive devices, landmines and suicide bombers in attacks that killed 474 people, as compared to 251 people killed in similar attacks in 2015.

CRSS also found that sectarian violence fell by 20%, killing 241 people in 2016 as compared to 304 in 2015.

Violence related to faith fell in Sindh and Khyber Pakhtunkhwa, but increased in Fata, Balochistan and Punjab. More than 70% of the people who were killed were the victims of suicide attacks. The highest fatalities from such violence were recorded at the Gulshan Iqbal Park in Lahore on Easter, in which Christians appeared to have been targeted although only 14 of the 74 killed were identified as Christian. A suicide bomb attack on a mosque in the Mohmand Agency in September killed 28 people. Violence related to faith was also reported from locations previously unaffected, such as Shah Noorani in Khuzdar, Mirpur Mathelo, Hyderabad, Buner and Badin. About 54 Sufi pilgrims at the Shah Noorani shrine were victims of sectarian violence. In October, gunmen riding a motorcycle opened fire on a moving bus carrying Hazara community members and killed four women in an attack apparently motivated by sectarian hatred.

A Pakistan Institute for Peace Studies (PIPS) report said that about 48 percent, or 211, of the total reported terrorist attacks in 2016 were directed toward the security forces and law enforcement agencies. The report added that 206 police officers were killed in attacks. About 27 attacks hit tribal elders and volunteers of anti-militant peace committees, mainly in the Federally Administered Tribal Areas and Khyber Pakhtunkhwa.

The report said that in Balochistan, “changing dynamics” meant that security forces faced a much larger threat from various militants than from Baloch nationalist insurgents. The nationalists continued “low-intensity” attacks but, the report said, groups such as Lashkar-e Jhangvi and the Pakistani Taliban carried out major attacks.

There were attacks on polio vaccination teams across Pakistan.

In January, 15 people were killed in a bomb attack on a vaccination centre in the south-western city of Quetta. Seven policemen, three of whom were guarding polio workers, were killed in Karachi. Eight gunmen on motorcycles fired at a group of three police guards and later at a van carrying four officers. Khyber Pakhtunkhwa faced the challenge of how to counter militant attacks on vaccinators on its soil. In September, militants killed a union council polio eradication committee head in Peshawar.



About 48 percent, or 211, of the total reported terrorist attacks in 2016 were directed toward the security forces and law enforcement agencies.

The incidents of violence during 2016 showed militant groups were still able to carry out periodic bloody attacks. PIPS said the “major actors of instability” were still active in the country and that their support bases remained strong.

“The presence of supporters and affiliates of Islamic State in Iraq and Syria (ISIS) in parts of the country is still a big challenge,” it said, adding that the instability in neighbouring Afghanistan gave ISIS the opportunity to extend its reach out to new recruits.

Since 2014, ISIS has claimed several bomb and gun attacks mostly in Balochistan and Sindh. It was still unclear if the group had a direct setup in the country or if it was drawing from an existing pool of militants, often termed by the security authorities as 'ISIS sympathisers'.

In January, Punjab's law minister said that more than 100 Pakistanis had left the country to join and fight alongside the radical terrorist group with strongholds in the Middle East. Three women and 12 children from Lahore went missing. Later, one of the women sent a voice note to her husband in Pakistan confirming she and the other women were in Syria, where her son was fighting alongside ISIS militants.

In February, the Intelligence Bureau director-general stated before the Senate Standing Committee on Interior that ISIS was emerging as a threat in the country because several militant groups had a soft corner for it. Two days later, the interior minister rubbished the statement. “ISIS does not exist in Pakistan. Other terrorist groups, which are involved in activities against the state are using ISIS name and are causing death and destruction in the country.”

In August, ISIS claimed responsibility for the attacks on lawyers in Quetta. In September, a former spokesperson of the army admitted that ISIS had a presence in the country. Over 309 people, including foreign nationals, had been arrested in connection to the terror outfit, he said in a press briefing, adding that authorities had thwarted planned ISIS attacks on foreign embassies and the Islamabad airport. This was the first admission by an official of ISIS footprints in Pakistan. In October, ISIS said it was behind the storming of a police training college in Quetta, Balochistan that killed 60 cadets. Officials in Balochistan insisted that the banned Lashkar-e-Jhangvi Al Almi, not ISIS, carried out the assault. In November, ISIS claimed the Khuzdar shrine attack and the counter terrorism department in Punjab alerted local authorities on the presence of ISIS affiliated militants in the province, plotting to attack media channels in Islamabad.

Drone hits

In 2016, about a dozen people were killed in three US drone strikes in Pakistani territory.

On January 9, a drone strike at a house killed five people in North Waziristan. Tehrik-e-Taliban Pakistan (TTP) commander Noor Saeed was said to be among the dead. Two Uzbeks were also reported killed. On February 22, a drone strike killed three or four people and injured another. The strike hit a collection of buildings and vehicles in lower Kurram tribal agency. On May 21, US drones killed Mullah Akhtar Mansour, the leader of the Afghan Taliban, and one other person who was a taxi driver, according to local officials. It was the first strike in Balochistan and the sixth outside FATA. Mansour had just returned from Iran, according to a passport found at the scene. The government said the strike violated Pakistani sovereignty.

There was no way to independently verify the identity of the people targeted because of virtual banishment of journalists and civil society organisations in areas where the drones fired their missiles but even from what little it could gather, HRCP was certain that the casualties included at least some civilians who had nothing to do with armed conflict. However, the commission could not ascertain what proportion of the casualties were militant extremists and how many were innocent civilians.

Hospitals and schools

Lack of security at schools and hospitals was evident in several incidents of firing.

In January, unidentified gunmen entered Bacha Khan University in Khyber Pakhtunkhwa's Charsadda town and opened fire on students and faculty members as they gathered at the school for a poetry recital to commemorate the death anniversary of the activist and leader whom the school is named after. Umar Mansoor of the banned Tehreek-i-Taliban Pakistan (TTP) Geedar group claimed the attack through a post on his Facebook page.

Two students sustained bullet injuries when a group of armed men stormed into a government school in Gujjar Khan and opened indiscriminate firing. The armed men also thrashed a schoolteacher for what locals said snubbing a student for not preparing his lesson.

In September, at least three students were injured in a clash between two groups at Punjab University's department of communication studies.

In December, at least 10 security guards and eight students were injured during a clash in the Punjab University between a student group and the administration.

The clash took place when the varsity officials tried to call off a seminar which they said was organised without prior permission.

A person was injured when an armed man shot a patient at Lahore's Jinnah Hospital. Police said the gunman had been arrested. Two armed groups clashed in the emergency ward of Benazir Bhutto Hospital (BBH), leading to bullet injuries to a ward master.

Media

Journalists were often the targets of threats and deadly attacks with little protection from authorities. Journalists and media outlets were targeted in attacks in Karachi, Lahore, Hyderabad and Rawalpindi by supporters of Mumtaz Qadri, who was executed in February for killing Punjab governor Salman Taseer. While the government ordered media not to dwell on the story, the lack of media coverage of Qadri's death angered his supporters, and several journalists and media companies were attacked with stones and batons by them. The offices of Aaj News, owned by media conglomerate the Business Recorder group, in Karachi were among those attacked. Protesters also burned a counter at the Hyderabad Press Club, injuring four journalists and a press club employee. Media teams were attacked with stones in Lahore's Anarkali market and windshields of two Digital Satellite News Gathering (DSNG) vans belonging to Neo TV and AbbTakk News were smashed.

Office of a TV channel was attacked with explosives in the heart of Islamabad, claimed by ISIS on January 13. Within a few days a journalist Muhammad Umar was assassinated in DI Khan on January 16 and another TV journalist Mehboob Shah Afridi was killed in a bomb blast in Jamrud on January 19.

Three television cameramen covering a protest [in Karachi] by the Muttahida Qaumi Movement (MQM) political party were injured when protesters turned violent on August 22. The protesters attacked the offices of private television channels ARY News and NEO TV. A Samaa DSNG van was also attacked.

Mob attacks

Amidst media reporting that child abduction was spiralling out of control, mob rule seemed to have become the way to deal with alleged child kidnappers and the police. In Faisalabad, people beat up the police for failing to recover a missing child. Another mob attacked a mother in Lahore who was walking on the street with her 10-year-old son. Frenzy over reports of child kidnappings resulted in three people falling victim to mob justice, after people mistook them for kidnappers in Karachi. The first victim was a government official, the second a guard, while the third one turned out to be a beggar. In November, villagers in an Attock village beat to death a person whom they said they caught stealing cattle while his accomplices fled. The suspected thieves had attacked and injured two villagers who challenged them during their bid.

Violence by faith healers

There were reports of violence by faith healers in Punjab. A pir and two of his disciples were arrested from Dera Ghazi Khan in February for torturing a woman to death. In April, a 'faith healer' in Bahawalnagar slashed a young man's tongue and beat him with clubs and iron rods. In May, two such pirs tortured a woman to death in Okara. In Sahiwal, a self-proclaimed 'faith healer' burnt a 13-year-old girl alive during exorcism.

Crime

Islamabad, a territory with a population of just over two million, saw 96 murders in 2016, with 11 of these in December alone. Police solved at least 23 murder cases and submitted the charge-sheets in courts in 2016. At least 252 cars and 179 motorcycles were stolen.

Balochistan recorded 2365 crimes against person, including 200 cases of kidnapping, and 1547 crime against property. Out of the 78 target killings, 36 were those of the police.

In Gilgit-Baltistan, out of the 23 cases of murder registered in 2016, 13 were honour killings. There were 29 assaults on police. Other cases included one of gang rape, 29 of kidnapping, one of dacoity and 52 of burglary.

In Khyber Pakhtunkhwa, police registered 2472 murder, 148 rape, 185 sodomy, 220 kidnapping, 21 kidnapping for ransom 21, 25 child lifting, 862 abduction, 236 assault on police, 95 assault on others government servants, 58 dacoity, 188 robbery, 766 burglary, 1111 theft, 708 vehicle theft, 239 vehicle snatching, 95 extortion and three blasphemy cases from Jan-Nov 2016. At least 187 women, 40 out of them in honour-related crimes, were murdered in the first 10 months of 2016, slightly higher than 185 reported during the corresponding period in 2015.

In Punjab, the police in 2016 registered at least 50,388 cases under the head of crime against person while in 2015 the police had reported



In Gilgit-Baltistan, out of the 23 cases of murder registered in 2016, 13 were honour killings

49,800 such cases. At least 80,319 cases were registered in the category of crime against property in 2016 from 84,518 such cases reported in 2015. Some 25,860 cases were still under investigation and the police declared at least 22,271 cases as untraceable.

Punjab witnessed an increase in the cases of rape, gang rape and abduction. However, the incidents of murder, attempted murder, dacoity, robbery, burglary, and vehicle theft registered a slight decrease in 2016 if compared to such cases reported in 2015.

The conviction rate improved considerably in 2016 from 2015. According to police, at least 69,069 criminals were convicted and 70,057 were acquitted in 2016. During 2015, at least 68,718 criminals had been convicted and more than 65,260 were acquitted.

The cases reported by police under the head of "local and special laws violations" also registered a reasonable increase in 2016 as compared to the previous year. The Punjab police reported 150,574 cases in the category of local and special laws violations while in 2015 at least 144,357 cases had been registered under this head.

The incidents of murder decreased almost by nine per cent in 2016 as compared to the previous year. At least 4522 murder cases were reported in 2015 while 4112 persons were murdered in different incidents in 2016. The provincial police are yet to trace a few hundred 150 blind murder cases. Most of the blind murder victims were women who were found killed in different parts of the province.

The police reported at least 13,334 cases of kidnapping in 2016, as against 13,320 such cases in 2015. The incidents of kidnapping for ransom dropped almost 59 per cent as police reported only 35 such

cases in 2016. The police had reported at least 78 incidents of kidnapping for ransom in 2015.

An increase in abduction cases was seen in 2016 when parents of runaway children filed a large number of complaints with the police of child abduction. The police recovered more than 95 per cent of the missing children.

At least 2942 rape cases were registered with the provincial police in 2016 while in 2015 the police had reported 2737 such cases. Similarly, some 223 cases of gang rape were registered by police during the last year. The police in 2015 had also registered 223 cases of gang rape.

At least 951 cases of dacoity were registered in 2016 across the province against 1,537 such cases reported in 2015. At least five people were killed when they resisted a dacoity bid in Lahore on November 19 besides injuring two others. Suspects were killed in an alleged encounter a few days after the incident. Police were yet to trace more than 80 dacoity cases. However, some 133 cases of dacoity were still under investigation.

The robbery cases dropped from 16,388 in 2015 to 13,675 in 2016. But the police were yet to trace more than 2627 robbery cases reported across the province in 2016. At least 2,128 robbery cases were still under investigation.

In December, a footage of a robbery at a traffic signal on a busy road of Faisal Town in Lahore raised questions about the police performance in fighting street crime. The clip showed that the robbers threatened the occupants of a car, fired a shot into the air, stole gold jewellery from a female passenger and escaped on a motorbike. Robberies such as this



Punjab witnessed an increase in the cases of rape, gang rape and abduction

were a daily occurrence. There were high levels of street crime in most of Pakistan's major cities. Despite investing large sums in the provision of modern equipment and training that, there was no reduction in the incidence of street crime. The much-trumpeted Lahore Dolphin Force on their expensive motorcycles seemed to have little impact beyond the visual and cosmetic. In November, the Khyber Pakhtunkhwa police launched the 'City Patrol Force' in Peshawar as the first responder in case of any criminal activity, road accident and emergency situation.

In Punjab, the police reported 11,627 cases of burglary in 2016 while at least 12,727 such cases had been reported in 2015. At least 1375 theft cases were reported with police during the last year against 1681 such cases registered with police in 2015.

At least 16,042 cases of motor vehicle theft were reported in 2016 while in 2015 at least 17,805 such cases had been reported. Similarly, the police reported 3,857 cases of motor vehicle snatching in 2016 against 4,903 such cases reported in 2015.

In Sindh, some 188 cases of extortion were registered in 2016 which were 27% less than 256 such cases in 2015. Murder incidents also showed a considerable reduction in 2016, from 2,087 in 2015 to 1,482 in 2016. Similarly, 641 robberies were committed in the province in 2016, while the number was 811 in 2015, recording 21% decline. Kidnapping for ransom incidents showed a 12% drop in 2016; from 53 in 2015 to 47 in 2016. In June, 2016 the son of a Sindh High Court Chief Justice was kidnapped by a faction of the TTP in Karachi before being transported to KP province. He was rescued by Pakistani soldiers during a raid near the town of Tank, where militants were attempting to smuggle him across the border into Afghanistan.

A report showed that the police recorded 45 targeted killings in Karachi in 2016, which it described as a 72 per cent drop as compared to 159 such killings in 2015. Pakistan Rangers Sindh's annual operations report said the decline in targeted killings was up to 90 percent since September 2013. Police claimed to have 'solved' cases of 12 major killings such as targeted killings of policemen, military and Rangers personnel, Amjad Sabri murder case, lawyers' killings etc. However, the city police admitted that some important cases remained undetected in 2016. The incidents included targeted killings of two members of Bohra community, six members of Deobandi school of thought in district Central, Ahmadi community members and a police official.

Major crimes such as kidnapping for ransom and extortion saw a significant drop in the city. Kidnapping for ransom dropped by 57% in 2016 as compared to 2015's data, which showed total 49 incidents of kidnapping for ransom were reported in Karachi. In 2016 total 21 such incidents had taken place. Extortion incidents dropped by 34%; from 224 incidents in 2015 to 146 in 2016.

But bank robberies and incidents of theft and snatching of motorcycles and mobile phones witnessed a sudden rise in 2016 when compared with 2015 crime data, according to official data provided by Karachi police and the Citizens-Police Liaison Committee (CPLC).

Children

At least 11 children became victims of sexual abuse everyday and about 100 were murdered after sexual assault in 2016, a report by non-governmental organization Sahil said. Compiled after monitoring and gathering data from 86 national, regional and local newspapers, the report, 'Cruel numbers 2016' revealed that 4,139 children were sexually abused in 2016. Of the total around 78 per cent of cases were registered with the police, 32 per cent were unregistered, whereas police refused to register an FIR for 142 cases. The study revealed that 1,445 cases of abduction were reported in 2016, followed by 502 rape cases, 453 cases of sodomy, 217 gang rape cases, 268 gang sodomy and 362 cases of attempt of child sexual abuse.

HRDs

Three human rights defenders Khurram Zaki, Alesha and Zafar Lund were killed in 2016. Khurram Zaki, who campaigned for the rights of religious minorities and peace among religious groups, was shot dead by two assailants in Karachi. Members of the Trans Action Alliance, a group which works for the promotion and protection of the rights of the transgender community in Khyber-Pakhtunkhwa, faced death threats, intimidation and an arson attack on one member's home. In May, after repeated attempts to seek help from local police, their Peshawar Coordinator, Alesha, was killed; she was the fifth member of the organisation to be violently attacked in 2016. Seraiki intellectual, writer, rights activist and Hirrak Development Centre chief executive officer Zafar Lund was shot dead at the gate of his residence in Kot Addu in July.

Transgender

At least 90 cases of violence, assault and intimidation against transgender persons were reported in Khyber Pakhtunkhwa during 2016, a non-governmental organization said. Members of the third sex community came under attack from the police, political parties and religious and militant groups. The police were involved in 14 incidents. Incidents of transgender people's abuse were reported from Punjab as well.



At least 90 cases of violence, assault and intimidation against transgender persons were reported in khyber pakhtunkhwa during 2016

Banks

In 2016, there were several incidents of bank heists in Karachi, Hyderabad, Sargodha, Quetta. After one such robbery, three suspected robbers were shot dead in a police encounter in Hyderabad. In Sargodha, gunmen took away a huge amount of cash from a private bank killing one security guard and injuring two others. In Quetta, police said two security guards took away a whopping amount of Rs. 50 million from a private bank after making their fellow guards unconscious.

Overseas Pakistanis faced grabbing of their properties back home, a document submitted by a Senate panel said in June.

Policing

The law and order situation was so grim that despite huge funds being spent on police and attempts being made to transform the system, people suffered from a creeping sense of insecurity in every province. Tackling specialised criminality requires a rethinking on police structures and regaining the public's trust through responsible and responsive policing. And so, there were calls for urgent reforms in the police system.

Seven policemen were killed in Karachi in April. An operation in Rajanpur, Punjab against criminal gangs showed up severe shortcomings of Punjab's police force. A group of criminals killed seven policemen and took 24 others hostage. The gang outgunned and outfought the police. The policemen's deaths were quickly buried under the media coverage of the army operation in the area. In Karachi, where hundreds of policemen have been murdered over the last four years, Rangers are doing police duties and are being similarly targeted. The Rangers took dominant patrolling and security roles in Islamabad, too.

The Frontier Corps in Balochistan was also diverted from its original mandate of effective border control to a conventional policing role. Police jurisdiction has shrunk from the entire province in 2007 to about 5% of the territory today. Such militarised law enforcement may improve the situation in the short term, but is not conducive to a sustainable peace. More than seven years since the Manawan Police Academy attack in Lahore, the failure to protect law enforcers in their own training camps was a grim testament to the state's failure to improve its institutional capacities. Much of Balochistan was effectively a vast no-go area for most Pakistanis and security strategies were unable to establish normality, let alone peace, in the province. Politicisation of the force for years has degraded the quality of personnel in fighting crime.

Policing now requires enforcement as well as public engagement. With increased public engagement, the prevention and detection of

crime improves. None of the provincial governments appeared interested in true police reforms. While Khyber Pakhtunkhwa touted its so-called police reforms, lasting administrative and legal changes were not made. Sindh and Balochistan police were functioning under the colonial era Police Act 1861. Law-enforcement in Punjab was governed by the Police Order 2002, which was in force in Khyber Pakhtunkhwa too until towards the year end the province passed a law setting up transparent procedures of recruitment and promotion and giving the powers to post/transfer senior police personnel to the IGP, rather than to the chief minister as was the case earlier. Even though the legislation stipulated enhanced punishments for police officers guilty of various offences including unlawful entry and torture, there might well be shortcomings in some aspects of oversight and accountability.

Efforts were on in 2016 to procure modern techniques of investigation and forensic analysis to further augment the force's capacity. Police used new technology to combat crime. The automation of Punjab's Counter Terrorism Department (CTD) as well as digitization of the criminal database and suspect profiling helped apprehend a number of suspects who had previously evaded justice. Fingerprints, pictures and other relevant details of more than 260,000 criminals were entered in the Criminal Record Management System while the process of entering the remaining record was underway.

One of the key initiatives was the biometric citizens' verification devices. However, the limitation of the device is that it requires the use of both the CNIC and fingerprint of the suspect. The device was used to validate the citizens during the last Zimbabwe cricket tour, the Orange Train property compensation project and the annual religious gathering at Raiwind.



Politicisation of the police force for years has degraded the quality of personnel in fighting crime.

In October, some 8,000 surveillance cameras, costing Rs12 billion, were installed to watch over Lahore under the phased Punjab Safe City Project.

Police and human rights

There were many complaints of custodial torture, extrajudicial executions, and other serious human rights violations by the police in 2016. Police were rarely held accountable for these violations. Victims of police abuse faced difficulties in obtaining justice. Also, police themselves were not fully conversant with the laws dealing with fundamental human rights violations such as domestic violence, child abuse, violation of minorities' rights and, therefore, these laws were not enforced in letter and spirit.

Encounters

Encounter killings have always tainted Pakistan. Law-enforcement agencies continued to make widespread use of so-called encounters to eliminate suspects.

The Punjab police said they killed as many as 340 criminals in at least 291 'encounters' across the province in 2016 as against 457 in 394 shootouts in 2015. The Punjab's counter-terrorism department also said they killed dozens of terror suspects, most of them later identified as commanders of the banned outfits or terror groups, during the security operations. At least 25 policemen lost their lives while fighting criminals in 2016. Nine cops died in shooting with criminals in 2015. The police also arrested at least 169 criminals following the encounters.

During 2016, the Sindh police said that in around 1,896 encounters, 248 robbers and other criminals were killed and 10,876 arrested. The police also killed 96 terrorists and 11 kidnappers and arrested 424 terrorists and 28 kidnappers in these encounters. During the year, 41 policemen were killed in the line of duty. Police claimed to have killed 318 suspects in 'encounters' in 2016 in the metropolis. Of them, 73 suspects allegedly belonged to banned outfits, 60 to Lyari gangs, 183 were robbers and eight were stated to be kidnappers.

Law enforcers claimed to have killed at least 229 terrorists and kidnappers in different raids in Balochistan province, 315 in FATA, 40 in Khyber Pakhtunkhwa and four in Gilgit-Baltistan.

Killings in encounters were an acceptable part of routine life with the approval leaving the police even more prone to abusing their authority.

In January, police in Karachi gunned down a student who had returned from Malaysia just six days ago in an alleged encounter in Gizri area. In the same month, two policemen were held amid protests in Karachi for killing an engineering student in the Defence Housing Authority. The 22-year-old man was killed by police who described



There were many complaints of custodial torture, extrajudicial executions, and other serious human rights violations by the police in 2016

the incident as an 'encounter' but they later confessed to their 'mistake' of shooting him down for not stopping his motorbike despite being signalled to do so. In April, Rawalpindi police registered a murder case five police officers for allegedly killing Abdul Haq in a "fake police encounter" in 2015 after a long court battle by the deceased's wife Sabiha Bibi. In May, a judicial magistrate conducting a probe into a police 'encounter' in Faisalabad, in which three men, including two brothers, were killed on August 18, 2015, declared it was staged.

In July, a young man, Abrar-ul-Hasan, was shot during a car chase in Karachi. Four counter terrorism police were charged with his murder.

In June, the Peshawar High Court upheld an order of a subordinate court for registration of an FIR against four police officials for killing a suspect in an alleged fake police encounter in Nowshera. Rehmat Ali, 25, of Okara, was allegedly picked up from Lahore in June and his relatives were informed the next day that he was killed in a police encounter. He was reportedly nominated in three cases of robbery some years ago and his relatives said he was acquitted in one of the cases. He then moved to Lahore where he worked as a construction labourer to feed his family. In October, an FIR was registered against two detained police officers by family members of a cadet student who was allegedly killed in an 'encounter' near NIPA in Karachi. Waqar Bhutto, a suspect killed in October in what the Dadloi police of Sukkur district claimed to be an encounter, later turned out to be an engineer associated with the Sukkur- Multan motor-way project.

Police criminals

In June, five girls were allegedly raped by personnel of the Border Military Police (BMP) at a police station in Fort Munro, a hill resort some 85km from Dera Ghazi Khan in the tribal area of Suleman Range.

Police in Lahore arrested an official of the Dolphin Squad on an attempt-to-murder charge after he shot at a suspected drug pusher, missed and the bullet hit a seven-year-old girl.

A Dolphin Squad officer was suspended from service while three others faced departmental inquiries for taking bribe from a 'drug peddler'.

In January, the Larkana DIG suspended and demoted Khanpur police station SHO for his alleged involvement in a case of kidnapping.

In June, the Federal Investigation Agency arrested five policemen, including two Special Branch personnel, for defrauding overseas Pakistanis. According to the FIA, the suspects allegedly took heavy bribes from expatriates for verification of their credentials for renewal of their passports. Two of their agents were also arrested for collection of bribe money from expatriates.

Recommendations

- Investigate, and discipline or prosecute, police officials responsible for human rights violations. The government should overhaul its police system that enables and even encourages serious human rights violations. The rule of law should ensure the protection of fundamental rights and a strong civil and criminal justice system.
- Issue mandatory directives to police that an FIR should be registered in all cases of occurrence of any criminal offence. Ensure that the authorized police officer may refuse registration of an FIR only by stating reasons for doing so in writing, signing it, and providing a copy of the same to the complainant.
- Explicitly define acceptable interrogation techniques in police rules and manuals, and prohibit police from using illegal detention, torture, or other coercive measures to obtain evidence.
- Protect police from political and other improper interference and harassment. Police structure should be reformed through merit-based recruitment, investment in training and modernisation, bridging the institutional disconnect and addressing corruption.

Jails, prisoners and disappearances

Enforcement of law

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

As the state continued its fight against terrorism, unlawful and extreme methods of law enforcement were increasingly employed on the pretext of maintaining law and order. The state's desperate need to deliver on its promise of peace often led to violation of people's inviolable dignity and suspension of fundamental rights. Its unbridled resort to violence and extrajudicial means of law enforcement created a regime of fear. Potential jailbreaks and attacks by militants dominated the debate on jails and prisoners with tougher security, greater surveillance and retributive justice being the focus. Cruel and degrading punishment remained the norm and the government failed to introduce a much-needed law against torture in Pakistan. While the two-year term of military courts was set to expire, the promised reform of the judicial system remained elusive. As in

yesteryears, overcrowding in prisons, lengthy court trials, corruption and impunity for security officials who transgressed their duties as law enforcers marred the justice system in 2016 as well.

Pakistan continued to carry out executions despite serious questions raised on a number of cases. The Supreme Court acquitted at least three persons after they had been executed. Many others had served life sentences before being executed, in effect, undergoing double punishment.

Through its focused monitoring of 60 selected districts, HRCP documented 79 cases of enforced disappearances in 2016. In the year under review, the state again failed to punish any security official or police officer accused of disappearing suspects. The claim from certain people that most of the 'missing' persons were kept in internment centres, could not be verified due to lack of civilian oversight of these centres. Lack of oversight and political and legal accountability of intelligence agencies facilitated their illegal activities. The government failed to pass a comprehensive legislative framework defining their mandate.

Responding to terrorism, the state suspended fundamental human rights by dehumanizing suspects to mete out extrajudicial punishments. It must always respect human rights and rule of law as a basis of the fight against terrorism. Otherwise, sustainable peace will remain elusive.

Jails

Under a project by the Punjab Prison Department and the UN Office on Drugs and Crime, the Prison Management Information System was launched. By August 2016, the data of more than 34,000 prisoners had been computerised. The aim was to computerise the data of more than 200,000 prisoners to improve the security situation, monitor criminals after release and introduce efficiency and transparency in the management of prisons. Having piloted at the Camp Jail in Lahore, the project was extended to 20 other major incarceration facilities in Punjab.

In December 2016, the federal ombudsperson's office submitted a report before the Supreme Court hearing a suo motu case on the condition of jails. The report suggested that a prison reform committee, headed by a district and sessions judge and including heads of district jails, police and local administration with an office in every jail, act as an oversight body with snap access to jails. Another recommendation was to improve the service structure of jail staff. During their surveys, the ombudsperson found staff members working in the same capacity for more than a decade. Lack of chances of promotion and pay-raise meant the staff lacked the motivation to improve performance. Poor remuneration also led to rampant corruption and an intricate system of bribery in jails. The authorities

harassed the poorest prisoners who lacked political backing. Their families were often forced into taking loans to bribe jail officials so that they would be spared the harsh treatment. Prisoners could pay bribes to jail staff for better food, a longer stay at the jail clinic or even access to perks like cell phones. With only one training college for jail staff in the country, lack of knowledge of jail procedures and terms of reference led to unprofessional and even criminal behavior in jail officials. The report recommended that all jail staff be posted out of jail every three years to check acts of malpractice which might occur due to prolonged association with criminal elements.

Overcrowding

Overcrowding of prisons and the government's failure to address it worried rights groups the most. Since the number of under-trial prisoners far exceeded the number of convicted prisoners, the congestion could be attributed to the abnormal delays in the administration of justice. In all prisons, almost two-thirds of the inmates were under-trial ones. Delays in the disposal of their cases occurred sometimes due to non-availability of transport, late submission of challans or reinvestigation by police. They often did not have access to legal counsel and were unaware of the date they were to appear in court. Tendency to throw every suspect into prison and open abuse of remand procedures, unreasonably harsh bail regime, and reprehensible delays in disposal of cases mainly lead to swelling of the under-trial prisoners' population in prisons.

While taking them to court, often one or two policemen chaperoned 10 under-trial prisoners shackled together. Sometimes the prisoners were not brought to court for hearing because adequate security arrangements could not be made. The problem persisted in death cells as well. Condemned prisoners were moved to the death cells even



The number of under-trial prisoners far exceeded the number of convicted prisoners

though the high court or the Supreme Court had not yet confirmed their conviction, a process that took a decade on average.

The accommodation failed to consider the climatic conditions of the country: extremely cold in winter and unbearable heat during the summers in the barracks and cells.

Overcrowding was most acute in Punjab. The Punjab prisons department constructed seven new district jails in the province and a high-security prison in Sahiwal to accommodate the swelling prison population.

The concept of open jails remained underutilized in the country. The Badin Open Jail, the only open jail in Pakistan, was located in Balochistan. The jail, spanning over 2,008 acres, has huts for prisoners and their families and agricultural land for the prisoners to cultivate and houses officials as well. According to the open jail super intendant, the prisoners never committed a crime or tried to escape. However, since it was reopened in 2010, the open jail has remained underused and largely neglected.

In September, legislators in the upper house of parliament, the Senate, who visited the Karachi Central Prison, stressed the need for building new prisons in Karachi considering that the facility housed inmates thrice its capacity.

Oppressive vagrancy laws exacerbated the problem of overcrowding. The law targeted the unemployed and homeless, punishing them for the state's failure to provide for every individual in society. An end to the indiscriminate use of Sections 109 and 110 of the CrPc [pertaining to security for keeping peace and good behaviour and preventive actions] could reduce the jail population. Regular courts should

	Total male population	Total female population	Total prisoners	Total capacity
Punjab	48,683	920	49,603	23,617
Sindh	20,059	249	20,308	12,245
Khyber Pakhtunkhwa (till Nov-2016)	10,891	309	11,200	7,547
Balochistan (till Nov-2016)	2,798	18	2,816	2,585
Gilgit-Baltistan (till Nov-2016)	387	1	388	-
Total	82,818	1,497	84,315	

be held inside prisons to release inmates involved in minor offences.

There was also a need to focus on an expansion of probation and parole facilities to reduce pressure on prisons. In December 2016, 21,000 prisoners were on parole in Punjab alone. Alternative punishment, especially for juveniles, could not only reduce pressure on prisons but also allow convicts to carry out socially beneficial activities, like painting sidewalks, in order to instill in them the importance of community service. Since the prison population had swelled, there had been no parallel increase in the number of prison staff. Focus on alternative punishment could reduce the need to employ more prison staff to handle the growing number of inmates.

Section 27 and 30 of the Prison Act 1894 and Rules 224 to 249 of the Prison Rules provide for classification of prisoners on their involvement in civil matters or criminal offences. They require the segregation of females and juveniles from the rest. The rules relating to segregation were not fully observed owing to overcrowding, with female juveniles housed with the adult female prisoners.

Ideally, segregation should be made according to: convicts, condemned, under trial; minor and major offences, civil prisoners, political prisoners, and persons detained under detention laws. The first-time offenders in all but six heinous crimes should be segregated from hardened criminals.

Prisoners suffering from infectious diseases were not separated from the rest. The mentally challenged prisoners should be kept in rehabilitation centers. Without proper care or a strict treatment regimen, cognitively impaired prisoners, both violent and non-violent, were housed in the same barrack separated from the rest. Cognitively impaired female prisoners were kept in the female barracks without segregation.

Female prisoners and juveniles

According to a report by the Ministry of Interior published in October, of the 939 women incarcerated in jails in Punjab at the time, 110 were accompanied by their children. Of these 110 women, 60 were under trial, 45 had been sentenced while five were facing the death penalty.

Efforts should be made for maintenance and protection of children of incarcerated mothers outside the prison once they are of school-going age. Various reports about children of incarcerated mothers recommend that all children of school-going age be shifted to foster homes for a nurturing environment prisons lack in. In September, a district and sessions judge ordered such children sent to SOS village in Lahore. Their mothers would be able to meet them at the village once a week. Four children were immediately shifted to SOS village. The consent of the parent should, however, be obtained before any such action.



More than 3,500 women and children interned in jails across Pakistan lived in deplorable conditions.

Many of the religious schools built in most prisons by charity groups became nonfunctional and prison authorities cited attempted jailbreaks through the school premises as a reason for that.

Sexual abuse of female prisoners continued to occur, though its rates dropped. Women were at risk of abuse at the hands of jail authorities as well as other prisoners. While some jails had segregated the females from the males, in others, male officers could see the female section.

Lack of proper health care in jails doubly affected the women, especially the expectant mothers. While every jail had a position for a female doctor or nurse, it remained vacant in a majority of prisons.

The rights of young people accused of criminal offences continued to be denied. While international legal standards provide that all persons deprived of their liberty must at all times be treated humanely, childhood is entitled to a special care and assistance. According to the Committee on the Rights of the Child (CRC), in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law...the best interest of the child shall be the primary consideration. Such treatment was lacking in Pakistan, and several children served sentences of extraordinary length.

The government failed to clarify whether juveniles could be tried by the military courts. According to the Army Act, 1952, in case of inconsistency with other laws, provisions of the Army Act would prevail. The amendment thus did not expressly exclude juveniles from its ambit. Due to the lack of transparency surrounding the military courts, it could not be verified whether any of the persons tried by them was a juvenile or not.

The Criminal Law (Second Amendment) Act 2016 increased the age of criminal responsibility from seven to 10 years and the upper age from 12 to 14 years. By increasing the age of criminal responsibility, the state could minimise a child's exposure to the hostile environment of jails.

A severe shortage of Borstal institutes hampered the release on probation of juveniles who could not be released to their families. The non-violent under-trial juvenile prisoners, except those involved in heinous offences, should be handed back to family members and their responsibility handed to parole officers.

Torture in prison

The Convention against Torture and other Cruel, Inhumane or Degrading Treatment, ratified by Pakistan in 2010, makes it mandatory for signatory countries to make laws against custodial torture defining penalties, suggesting remedial measures for the victims and delineating investigative mechanisms. However, the government failed to specifically criminalise torture and so, torture remained the foremost instrument of evidence collection in the criminal justice system of Pakistan.

In March, an under-trial prisoner died in the hospital allegedly as a result of torture by the Karachi Central Prison authorities. His family said he had been missing since January 27 from his residence. His legal counsel said the police, along with some men in plain clothes, arrested him on January 27 and asked the family not to register a case as he would be released soon. His date of arrest was shown as February 10 and he was accused of being involved in a short-term kidnapping. Before his death, the victim indicated to his brother that the police were implicating him in a false case and he feared for his life. He was shifted to the hospital on March 6 where jail officials told the doctor that he had become unconscious after 'fits'. His medico-legal report revealed that he had died due to a head injury caused by a hard, blunt object. In April, on a court's order, the police registered a case against the jailer at Karachi Central Prison, a police officer and three others for his murder.

In November, a prisoner jailed in a drugs case allegedly fell down in the Camp Jail in Lahore and succumbed to his injuries at a hospital. While investigations were underway, the jail superintendent was suspended for negligence.

Foreign prisoners

According to a report by the Ministry of Overseas and Human Resource Development, around 14,628 Pakistani migrant workers were incarcerated abroad between 2005 and 2015. The Saudi Ministry of Interior revealed in December that at least 69 Pakistanis were being held in Saudi Arabia for their alleged involvement in terrorism. The arrests came in the aftermath of a suicide attack by a Pakistani in July

2016 near the US Consulate in Jeddah and a foiled terror attempt by two Pakistanis in October 2016.

In August, an Indian prisoner, Hamid Ansari, suffered injuries after he was attacked by fellow prisoners at the Peshawar Central Prison. This was the second such attack against him in two months. He was serving a three-year jail term and had to be kept in a death cell for his protection. Ansari was allegedly beaten daily by a senior prison warden whom a court suspended a month prior to the hearing. Having been taken into custody from Kohat in November 2012 for possessing fake identity documents, he was sentenced in December 2015 by a military court and was to serve his term in Peshawar. His petition to include his period of detention prior to conviction by military courts in his jail term remained pending at the yearend.

According to the foreign ministry, 55 Pakistanis were detained at the Bagram airbase internment center, Afghanistan in 2016. While the Pakistani embassy in Kabul pursued the Afghan government for their release, no prisoner exchange or extradition treaty existed between Pakistan and Afghanistan.

By the yearend, six Pakistani men, including Khalid Sheikh Mohammad, who is accused of being the mastermind behind the 9/11 attacks, remained incarcerated at Guantanamo Bay Prison. The six men also included Majid Khan who, according to leaked CIA reports, was tortured and sexually assaulted in Guantanamo.

The plight of Pakistani and Indian fishermen arrested for violating limits of territorial borders remained dismal. The boundary demarcation at sea remained vague as neither countries' coast guards could identify it clearly. In December 2016, 156 Pakistani fishermen were languishing in Indian jails while 439 Indian fishermen were awaiting release in Pakistan. The UN Convention on the Law of the Sea was against the arrest of fishermen at sea and stated that fishermen could be warned if they unintentionally entered territorial waters. Even in case of arrest, the sentence could not exceed six months. Unfortunately, in both Pakistan and India, cases failed to come to trial for months while fishermen languished in jails for years. Many returned to jails after serving their sentence while their country confirmed their citizenship.

While the Prison Act and Prison Manuals do have the standards and safeguards regarding prisoners, including addressing physical, sexual and psychological abuse of prisoners by prison officials, ensuring adequate food and living conditions, and reformatory measures, there is a need to address their lack of implementation. Mechanisms for monitoring of the prison administration and

prisoner's care through executive, judicial and third party non-governmental agencies and the federal and provincial ombudsperson need a greater focus.

Death penalty

While the pace of executions in Pakistan slowed significantly in 2016, the country remained one of the highest executioners in the world with 87 persons executed in 2016, mostly in the first six months of the year.

Hearing an appeal by a cognitively impaired convict on death row, Imdad Ali, the Supreme Court declared in October that schizophrenia did not fall within their legal definition of mental disorders as it was recoverable. The court said there was no evidence to suggest that he was paranoid when he committed the crime and thus could not be exempted from execution. Imdad Ali had murdered a cleric in 2001 and was sentenced to death in 2002. In 2012, after spending a decade in prison, government doctors certified Imdad as paranoid schizophrenic. His death warrant was issued in late October and he was to be executed on November 2 but the execution temporarily stayed.

Khizer Hayat, also a schizophrenic on death row, escaped execution multiple times and his fate remained unclear until the end of the year. The litmus test for judges to assess an under-trial person's sanity was to ask them to state their name. If they managed to do that, they were declared sane. The UN Economic and Social Council required the elimination of the death penalty for persons suffering from mental retardation or extremely limited mental competence, whether at the stage of sentencing or execution.

Abdul Basit, a paraplegic condemned prisoner contacted Meningitis in prison in 2010 and became paralyzed waist down when it was left untreated. He had been convicted of murder in 2009. On September 21, 2015, the Supreme Court ordered Basit's execution according to prison rules governing execution. Though the prison rules failed to specify how a paralyzed prisoner was to be executed, Basit was scheduled to be hanged on September 22. His execution, however, was delayed due to rain and then stayed by the court. Until the yearend, his death warrant had been issued four times. He was spared each time by the government on humanitarian grounds. Rights groups repeatedly pointed out that his hanging would not only be a breach of Pakistani law but also an offence against all norms of civilized justice.

The Supreme Court in December acquitted Muhammad Amir, a death row convict who had spent a decade in jail. In October, Mazhar Hussain was acquitted by the Supreme Court even though he had died in jail two years earlier due to coronary failure. Hussain had spent 13

years on death row. Mazhar Farooq of Kasur was also acquitted by the Supreme Court in November after spending 21 years in prison.

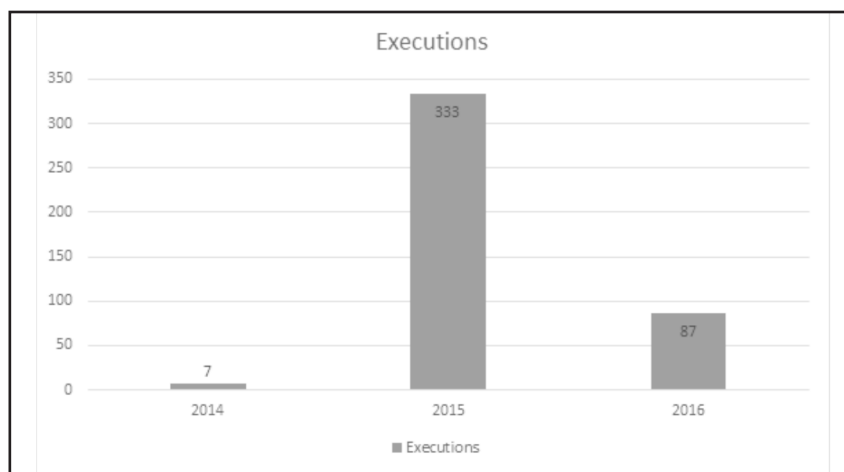
The execution of two brothers, Ghulam Sarwar and Ghulam Qadir was a stark reminder of the criminal neglect of the justice system. Sentenced in 2005 for two murders, the brothers spent 10 years on death row. On October 12, 2015, the two brothers were executed while their appeal was still pending. To the shock and dismay of their family and lawyer, the Supreme Court acquitted the brothers a year later in October 2016 because the prosecution had failed to prove its case against them beyond doubt. The acquittal was based on the contradictory statements of the prosecution witnesses, something completely ignored by lower courts. Their lawyer moved an application before the Supreme Court demanding fixing of criminal liability against those guilty of showing dereliction of duty.

Trials were often characterised by the lack of access to impartial legal counsel. The fate of the accused is sealed in the initial stages when they are given a state-appointed lawyer who was often poorly trained and lacked competence. If important facts, like the age of the accused or their mental state, are ignored at this stage, the issue is not likely to be raised in the higher courts.

At least 17 individuals convicted by the military courts challenged their convictions in the civilian courts but all were rejected.

According to the data collected by HRCP through media monitoring, 426 people were sentenced to death in 2016 while 496 were executed.

Death penalty awarded	2016	2015
Punjab	403	378
Sindh	21	22
Balochistan	0	9
Khyber Pakhtunkhwa	2	6
Total	426	496



Executions 2016	Charged with murder(s)	Total
Punjab	65	75
Sindh	1	2
Balochistan	1	1
Khyber Pakhtunkhwa	4	7
Azad Kashmir	2	2
Total	73	87

Military courts

As a result of the 21st Constitutional Amendment, passed in January 2015, military courts were allowed to try civilians carrying out acts of violence and terrorism. The amendment came with a sunset clause and was set to expire in January 2017. Subsequently, 11 military courts were established in all four provinces of Pakistan, while the government promised to reform the criminal courts system. The amendment faced criticism from the civil society and rights groups as it was in clear violation of legal and international obligations under ICCPR Article 14 on fair trial rights.

According to press statements by the Inter-Services Public Relations, the media wing of the armed forces, 275 cases were referred to the military courts which convicted 274 of them. The fate of one remains unknown. The military courts awarded the death sentence to 161 prisoners while 113 were imprisoned. By the yearend, 12 persons

convicted by the military courts had been executed. Details of only seven out of the 113 prisoners given prison terms were made public. The names, charges, and duration of the prison term were not made public for 106 people. According to the ISPR, the sentence was based on “admission of involvement” by a majority of those convicted. The high incidence of confessions and reliance on admissions indicated possible mistreatment and torture at the hands of authorities.

Enforced disappearances

In its latest report to the United Nations Human Rights Council, the UN Working Group on Enforced and Involuntary Disappearances regretted that the government of Pakistan had not implemented the recommendations it had made after its visit to the country in 2012. These recommendations included making enforced disappearances a crime in the penal code, strengthening the Commission of Inquiry on Enforced Disappearances, trying suspected perpetrators in civilian courts and ratifying the Convention for the Protection of all Persons from Enforced Disappearances. The Working Group did, however, commend the government for reporting a high number of cases of enforced disappearance to the group. In the reporting period, the group transmitted 321 new cases to the government, mostly from Sindh of men associated with the Muttahida Qaumi Movement (MQM).

The government also failed to respond to the concerns by the working group as well as other mandates on the now expired Protection of Pakistan Act. The Working Group reiterated that the crime of enforced disappearance was rising globally because of a false belief that it was a useful tool to preserve national security.

South Asia had the highest number of alleged victims of enforced disappearance in the world with tens of thousands of cases documented in Sri Lanka, Nepal, Pakistan and India. Since 2009, there had been a rise in cases reported from Bangladesh. In India, between 1989 and 2009, more than 8,000 cases were reported from Kashmir alone. In 2016, Sri Lanka became only the seventh state to ratify the convention in all of Asia. One major hurdle to bringing perpetrators to justice facing the South Asian states was that enforced disappearance was not a distinct crime in the penal code. In the absence of a legal framework, enforced disappearances were categorized as 'missing persons' cases. Not recognising the complexity and seriousness of the crime of enforced disappearance, this categorization also failed to take into account the suffering experienced by the loved ones of the disappeared person. Another common factor was that security and intelligence agencies enjoyed broad legal immunities. The extensive and unaccountable power they enjoyed allowed them to arrest and detain citizens without a charge for long periods of time. Comprehensive reforms in law and policy were required all over Asia to end impunity for enforced disappearances.



Torture on under trial prisoners remained prevalent in jails

The incidents of enforced disappearances continued to be reported from all across Pakistan in the year under review.

Another 728 Pakistanis were added to the list of missing persons in 2016 - the highest in at least six years - taking the total to 1,219, according to the Inquiry Commission on Enforced Disappearances.

On July 26, social activist Abdul Wahid Baloch was abducted from near a Rangers check post on Super Highway while travelling from Mirpurkhas to Karachi. His bus was stopped at the toll plaza, two men in plain clothes checked his as well as his friend's identity documents. They were both asked to accompany the men outside the bus. The men allowed Baloch's friend to leave and sped away with Baloch in a blue Toyota Vigo. The proximity of the place of disappearance to the Gadap Police Station and the Ranger's check post lend support to the family's contention that Baloch was abducted by security forces or intelligence agencies. Baloch was himself engaged in activism against enforced disappearances in Balochistan. The police refused to register a First Information Report (FIR), despite visits by HRCP officials. On the orders of the Sindh High Court, an FIR against 'Covert Law Enforcement Agencies' was lodged. Baloch's daughter, Hani Baloch organized protests in Karachi and Lahore for the safe recovery of her father. He was finally released on December 5 after more than five months of disappearance. His whereabouts during his period of absence had not been made public until the end of the reporting period.

Several incidents of enforced disappearance were reported from District Buner in Khyber Pakhtunkhwa. It was alleged that after the

Swat operation, militants moved to the mountains of Buner, a district adjacent to Swat. Since then, the military had been carrying out various search operations and raids in the district. On May 17, Sarfaraz Khan of Village Docadda was picked up from his home and had been missing since then. On January 7, 70-years-old Syed Khan Bacha was picked up from his home during a search operation in Village Polaand. On September 7, Iqbal Hussain Khan was abducted from his grocery shop in Village Docadda.

Complainants in cases of enforced disappearances expressed disappointment over the performance of the Commission of Inquiry on Enforced Disappearances based in Islamabad. Since the constitution of the separate commission, the Supreme Court directed all cases of enforced disappearances to the commission. However, activists believed the commission had failed to provide relief. Since its inception six years ago, not a single criminal investigation had been launched, let alone a perpetrator punished. It was also criticized for having meagre resources and little authority to enforce its will on security and intelligence agencies. Till November 2016, almost 1,300 cases were still pending with the commission, with almost half reported from Khyber Pakhtunkhwa. According to the Commission's report presented in December 2016, Sindh had 200 pending cases, Punjab 223, Khyber Pakhtunkhwa 654, Balochistan 96, FATA 53, and Gilgit-Baltistan four.

The authorities were yet to investigate the abduction and suspected enforced disappearance of Zeenat Shahzadi on 19 August 2015. The 24-year-old journalist was on her way to work in Lahore on an auto-rickshaw when she was abducted by armed gunmen. She has not been seen or heard from since. HRCP believes she was subject to an enforced disappearance. Shahzadi's disappearance happened mere days before she was supposed to give evidence on the disappearance of Hamid Ansari, an Indian national, whose case she had been investigating and reporting on.

The Human Rights Commission of Pakistan, through focused monitoring of 60 volatile districts of Pakistan, recorded 79 cases in

	2014	2015	2016
Khyber Pakhtunkhwa	7	28	16
Balochistan	106	65	38
Interior Sindh	13	22	19
South Punjab	2	1	0
FATA	2	10	6
Gilgit Baltistan	1	0	0
Total	131	126	79

the reporting year. The following table shows province-wise division of cases of enforced disappearances reported from 60 districts of Pakistan:

Despite the consistent reporting of fresh cases, the chairman of the Commission of Inquiry told a Senate Standing Committee on Interior in December that an 'exaggerated number of missing persons is presented' and that only 96 people were missing in Balochistan. He blamed the NGOs in the country for playing a negative role and thus prompting a visit by the UN Working Group in 2012. During the meeting, a former interior minister said that the Frontier Corps and army personnel accused of killing the Balochs were disguised Indian officials even though the commission's chairman mentioned in his report that disappeared persons in Sindh had spent years in the custody of Pakistani intelligence agencies.

A media report said nearly 1000 dead bodies of political activists and suspected armed separatists had been found in Balochistan in the last six years, according to figures obtained from the human rights ministry. The government continued to blame the infighting among insurgents as the cause of the dumped bodies, even in the face of numerous allegations by the victim's families that the victims had been picked up by security agencies prior to their extra-judicial executions.

According to a research conducted by the Defence of Human Rights, a local NGO focusing on the recovery of victims of enforced disappearance, on the plight of women relatives of disappeared persons, 98 percent of the 100 families interviewed felt insecure in the absence of the disappeared person. All the families interviewed denied getting any legal assistance from the government to pursue the case of their loved one. All the women interviewed suffered psychological stress while 67 percent had even consulted a psychologist. The report also discussed at length the issue of the 'half-widow', a term used to describe the state of married women whose husbands have become victims of enforced disappearance. In the absence of a partner, who was largely seen as a male guardian in Pakistan, the wife was either forced to undertake tasks usually attributed to men or were under pressure from society and their families to remarry. However, due to the uncertainty surrounding the husband's fate, the process was legally and emotionally taxing.

Recommendations:

The government should:

- Immediately reinstate the moratorium on death penalty with

the aim of abolition

- Ratify the Convention for the Protection of all Persons from Enforced Disappearances
- Introduce a specific law against torture in line with Convention Against Torture (CAT) obligations Devise and implement policy to ensure speedy justice and construct new jails to counter overcrowding in prisons.



III Fundamental freedoms



Freedom of movement

Fundamental freedoms

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 there of.

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 (order 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, a prerequisite to the free development of a person, continued to be stunted during the year 2016, mainly as a consequence of poor law and order, militancy and counter-insurgency measures, and natural disasters. Travel for women, transgenders and certain religious minority communities remained dangerous during the year. The courts heard several cases involving restrictions on travel within the country and abroad. In one such case, the Supreme Court stressed that freedom of movement was a fundamental right

guaranteed to every citizen, which could not be abridged or denied arbitrarily on the basis of likes or dislikes.

Challenges

Law and order

Certain restrictions controlled the movement of individuals “on the ground of maintenance of law and order”.

Police launched a nationwide crackdown, arresting up to 1,800 supporters of Pakistan Tehrik-e-Insaf party chief Imran Khan in the run-up to a “lockdown” in Islamabad to force the prime minister to resign on graft charges. Police placed shipping containers on key highways leading to Islamabad to stop Khan's party convoys from across Pakistan from reaching the city. The interior minister, said Khan's followers had violent plans, which included the storming of government offices. The Islamabad High Court barred Khan's followers from demonstrating on Islamabad streets, restricting the rally to within the limits of a city park. The government had already enforced a two-month ban on street rallies in Islamabad.

The Punjab government imposed a ban on the entry of Sarwat Ejaz Qadri, Sunni Tehrik chief, in the province in February saying that his presence in the province might disturb law and order situation. Qadri challenged the ban in the Lahore High Court.

The Punjab government asked the federal government to put the name on ECL of a suspect in the Dec 12 attack on an Ahmadi place of

(Comp. No. 14716 & 14005)

GOVERNMENT OF PAKISTAN
MINISTRY OF INTERIOR

No. 12/74/2013-ECL Islamabad, the Mar 17, 2016

MEMORANDUM

Subject:- **DELETION OF NAME FROM EXIT CONTROL LIST.**

It has been decided to delete the name of General (Rtd) Pervez Musharraf Passport No. AJ0848364 (Diplomatic), Former President of Pakistan, from Exit Control List.

2. All concerned are requested to take immediate action in the matter.

(Dr. Waqar Maqsood)
Section Officer (ECL)
Tel. 9201535

Federal Investigation Agency (HQ).

While the Supreme Court called freedom of movement a fundamental right which could not be abridged or denied arbitrarily on the basis of likes or dislikes, there were complaints of arbitrary use of ECL.

worship in Dulmial, Chakwal. A Canadian national living in Canada for the last 40 years, he came to his native village a couple of months ago and allegedly mobilised a mob to besiege the Ahmadi place of worship there.

The political administration in Mohmand Agency imposed restriction on issuance of computerised national identity cards (CNIC), passports and domiciles to Tarakzai tribe after it failed to hand over an accused in the killing of a Khasadar person under the collective responsibility clause of the Frontier Crimes Regulation (FCR).

Protests

Clashes and blockades before and during protests by opposition and religious parties against the government; doctors against service structure; paramedics for their salaries; farmers for facilities; teachers for their wages; and workers of state institutions against privatisation, caused a lot of trouble to commuters and truckers in different parts of the country. Business centers and petrol pumps in those areas remained closed while public transport remained off the road. Roads were also blocked for VVIP movements. Police often lacked a substitute plan for smooth flow of traffic and major roads saw stagnant queues of traffic. Thousands of passengers were stranded at airports in the country and abroad as Pakistan International Airlines workers staged protest against the proposed privatisation of the national flag carrier. The ailing flag carrier resumed normal operations after almost 10 days of cancelled flights.

Yearly ban

In addition, there were the yearly restrictions placed during the [Islamic] month of Muharram by magistrates of potentially volatile areas against entry of named khateeb and zakirs [sermonists] known for their tendency to stir sectarian sentiment.

On September 26, one such order by the district magistrate of Islamabad banned the entry of 16 clerics in the limits of the federal capital for two months "in order to maintain peace and order in the city during Muharram".

A petition was filed against the ban. In October, the Islamabad High Court refused to set aside the district administration's notification for banning the entry of clerics from different schools of thought into the federal capital for a couple of months.

Militancy and counterinsurgency measures

Violence against people visiting places of worship or shrines as well as measures to counter it posed threats to their movement.

In November, at least 54 people were killed and over 100 others wounded when a teenage suicide bomber blew himself up in a packed-to-capacity courtyard of the Shah Noorani shrine in a remote mountainous region of Khuzdar district. According to a report, the militant Islamic State group claimed responsibility for the attack. The caretaker of the Shah Noorani shrine said that between 1,000 and 1,500 visitors came to the shrine every Saturday where traditional sufi dance was held in the evening. An official said more than 1,000 people, who reached from all across the country, particularly Karachi, which is at a distance of 250 kilometres, were present on the premises of the shrine.

Police in Khyber-Pakhtunkhwa province announced on June 28 the arrest of more than 2,000 Afghan "illegal settlers." Afghan refugees in the province, which shares a long border with Afghanistan and hosts the majority of Afghan refugees in Pakistan, also faced major restrictions on their right to freedom of movement. A Khyber-Pakhtunkhwa government spokesman warned that beginning July 1, "all Afghan refugees will be restricted to their camps and will not be allowed to move freely in the province." Khyber-Pakhtunkhwa police reported on June 29 that they had arrested at least 500 registered Afghan refugees and forcibly deported them on the grounds that they were a perceived "security risk." Police abuses prompted fearful Afghans to restrict their movements, leading to economic hardship and curtailing access to education and employment.

Visa restrictions at Torkham border caused health complications to the patients coming for follow-ups from Afghanistan to private hospitals in Peshawar. Before the visa restrictions, the Afghan nationals would come to see doctors without any hindrance.

Senator Taj Mohammad demanded that people of the tribes living on both sides of the Torkham border be exempted from visa and passport restrictions and instead issued border passes for rapid cross-border movement.

Certain areas in Federally Administered Tribal Areas (FATA) where the military conducted operations against militants remained out of bounds for general public. The security forces conducted three big operations in FATA, namely Khyber-3, Operation Michni and Operation Brekhna. The security forces said 100 per cent area of Rajgal in Khyber Agency was under the control of security forces as the terrorists had been flushed from the valley and there existed no 'no-go area' in the tribal areas. They said 92 per cent voluntary repatriation of the temporary displaced people (TDP) had been completed in tribal areas following successful operations. They also reported completion of 673-kilometer-long road projects.

Exit Control List

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 2016.

In January a youth tried to commit suicide by drinking petrol as his passport was delayed and another one tried to commit suicide in front of the passport office for the delay in passport delivery. More than a hundred people were arrested in a countrywide crackdown on passport agents' mafia.

In April, in its detailed judgment on the lifting of travel ban on former president retired general Pervez Musharraf, the Supreme Court stressed that freedom of movement under the constitution was one of the fundamental rights guaranteed to every citizen which could not be abridged or denied arbitrarily on the basis of likes or dislikes.

“Considering the question of inclusion or retaining the name of Gen Musharraf in the ECL, thereby restricting his freedom of movement, we also cannot lose sight of the fact that under Article 15 of the Constitution freedom of movement is one of the fundamental rights guaranteed to every citizen of the country which cannot be abridged or denied arbitrarily on mere liking or disliking without any lawful justification for this purpose,” said the verdict.

The judgment followed the March 16 short order upholding the June 12, 2014, Sindh High Court decision of removing Gen Musharraf's name from the ECL. However, the short order had allowed the federal government as well as the three-judge special court seized with a treason trial of the former president to independently take any decision to regulate his custody or restrict his movement.

Soon after the short order Gen Musharraf left the country after the interior ministry removed his name from the ECL, with the interior minister explaining that the decision had been taken in the light of the Supreme Court order.

The Lahore High Court ordered removing the name of Ali Musa Gilani, son of ex-prime minister Yousaf Raza Gilani, from the ECL. He remained on the no-fly list for more than three years overgraft charges.

In July, an additional district and sessions judge dismissed a request to place the name of a woman accused of blasphemy on the ECL.

In October, an anti-terrorism court directed the police to approach the authorities to put the names of two absconders of the Baldia fire-

wrecked garment factory case on the ECL. However, the investigating officer submitted that both the men had fled the country. More than 250 workers were burnt alive when the multi-storey garment factory building was set on fire in Baldia Town in September 2012.

In October, the government put on the ECL journalist Cyril Almeida's name after Dawn newspaper published his scoop on a rift between the country's civilian and military leaderships. National and international human rights and media watchdogs, politicians and media bodies—such as the All Pakistan Newspapers Society, the Council of Pakistan Newspaper Editors and Pakistan Federal Union of Journalists -- condemned the travel ban on Almeida.

“Barring Cyril Almeida from travelling abroad and the apparent pressure on his employers, the highly respected Dawn newspaper, will cause distress to all those, at home and abroad, who believe in the freedom of expression and the rights of journalists. This is not the time to turn the international journalist community against Pakistan,” the Human Rights Commission of Pakistan said in a statement.

“HRCP calls upon the authorities to immediately remove [Mr Almeida's] name from the ECL and refrain from harassing him and [intimidating] his employers. We must also stress that whatever matters are of concern to the establishment must be dealt with in accordance with the law, freedom of expression and other rights of citizens, particularly with regard to the due legal process.”



Thousands of passengers were stranded at airports as PIA workers staged protest against the proposed privatisation of the national flag carrier

In October, Pakistan Peoples Party chairman Bilawal Bhutto-Zardari attacked the government over the use of the ECL for “restricting people's freedom of movement”.

It was the second time he had criticised the government over the use of the ECL since May when he termed it a 'tool of victimisation' after two former prime ministers, Yousuf Raza Gilani and Raja Pervez Ashraf, had been barred from going abroad.

His fresh reaction came in the aftermath of the government's action against Almeida. The government lifted the ban on Almeida three days after it was imposed.

Supermodel Ayyan Ali, accused in a currency smuggling case in 2015, fought a legal battle throughout the year to have her name removed from ECL that barred her from leaving the country.

Former Auditor General of Pakistan Buland Akhtar Rana challenged in the Islamabad High Court a notification of Directorate General of Immigration and Passport that stopped him from traveling abroad since he was removed from the office of the AGP in May 2015. Rana said that he was unaware of the travel restriction until recently when someone informed him that his name had been included in the blacklist. The directorate said Rana obtained the Pakistani passport by concealing his Canadian nationality.

Rana was convicted in two references and was subsequently removed from his position after the Supreme Judicial Council (SJC) in May 2015 found him guilty of misconduct.

The name of a former advisor to the Balochistan chief minister facing a corruption probe was placed on the ECL.

The Sindh High Court directed the Hyderabad DIG to ensure that the names of 3,270 proclaimed offenders (POs) in Hyderabad range were placed on the ECL and their accounts frozen.

In August, the Federal Investigation Agency (FIA) arrested a 12-year-old-boy from Lahore's Allama Iqbal International Airport after his name came up in the ECL. According to FIA officials, the boy's name was added to those barred from overseas travel following a custodial dispute between his parents. The differences between the parents were later resolved. However, the boy's name was not struck off the ECL and he was arrested when he arrived at the airport from Abu Dhabi. The FIA handed over the boy back to his parents.

Unsafe movement and travel

The obligation of the state includes ensuring that freedom of movement is protected not only from public but also from private interference. A number of instances of an inability to fulfil the obligation were observed during 2016.

Gunmen killed four women in an attack on a bus carrying members of the country's Shiite minority in Quetta.

A man stabbed 17 women in 2016, killing one, in a misogynistic spree because he wanted "revenge" for a cruel stepmother, police in Rawalpindi said. Mohammad Ali, 22, targeted women in the streets at random from late January until March. He was charged with murder and attempt to murder.

There was a surge in violent attacks on transgender women in Khyber Pakhtunkhwa province in 2016 with medical staff and police allegedly failing to assist victims and pursue justice.

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. Pakistan was among the top five countries which accounted for 58 per cent of world population living in slavery, according to the 2016 Global Slavery Index.



While the state should ensure that freedom of movement is protected, a number of instances of an inability to fulfil the obligation were observed during 2016.

Disasters

The Karakoram Highway remained closed for traffic for several days after April 2, the day torrential-rainfall-triggered hazards wreaked havoc across the Gilgit-Baltistan region, killing 16 people, mostly in the Diamer district. A portion of the KKH was destroyed by a landslide in the Chuchang area of Dassu, Komila, while a major landslide blocked the treacherous highway in Kiyal area. The Lowari Tunnel was also blocked after heavy snowfall, leaving Chitralis stranded. Also, in July, flooding near Lowari Tunnel at the Ziarat Drain caused seven vehicles to be swept away. The flooding caused Chitral's land route with the rest of the country to be cut off.

Malpractice

In several raids, FIA arrested human traffickers from different parts of the country and seized various travel documents, including fake threatening letters of certain banned organisations that were to be used for seeking asylum. The government cancelled 2,000 passports it said were issued to unauthorised persons.

In July, the FIA arrested its own employee for attempting to strike a man's name off the exit control list.

FIA arrested a person from Rawalpindi who allegedly charged \$9,000 to 20,000 from each applicant for preparing fake visa applications.

Recommendations

- The state should guarantee the citizens freedom of movement across the entire territory of Pakistan, making sure that there are no no-go areas, and that the people are safe while traveling throughout the country.
- 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.
- 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.
- 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.

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

Freedom of thought, conscience and religion

Fundamental freedoms

... 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, practice 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)

In 2016, orthodox opinion did not take in any differing viewpoint or practice and so, the absence of a counter-narrative made bigotry flourish. Discrimination in the administration of justice, at educational institutions and at workplace, and other forms of low-level biases and social attitudes of the majority faith remained prevalent, almost attaining acceptance. The state lost the discourse space to clerics, leaving no room for the common people to even discuss issues the clergy considered sacrosanct. Voices challenging orthodoxy were either hushed forever or scared into silence. Minority communities such as Ahmadis, Christians, Hindus, and recently, the Kalash and Zikris remained prime targets of verbal abuse, target killings, desecration of worship places and mob attacks. Ahmadis remained disenfranchised from participating actively in the country's political system. Laws discriminating against certain faiths such as Ahmadi virtually prohibiting them from freely professing their religion remained in vogue and there was over-zealousness in invoking them. The law against blasphemy (any insult to the Holy Prophet, peace be upon him), spurred religious fanaticism, personal malice or grievance, or hope of material benefit to invoke it. Some cases of blasphemy were referred to the anti-terrorist special courts (ATCs) although the Anti-Terrorism Act did not provide for this. Extremists kept on warning the state of dire consequences if it considered any amendment to the laws. Some sects within the majority community itself also increasingly became targets of intolerance and militancy, Shiite Hazaras being one. In Sindh, hardliners forced revision of a progressive anti-conversion bill. Official statistics showed that the number of Pakistani asylum seekers in Europe and other countries increased because of religious persecution and socio-economic insecurities members of the minority communities faced.

Ahmadis

2016 proved to be another harsh year for the Ahmadis. Four Ahmadis were killed because of their faith and their place of worship in Chakwal was attacked and set on fire during the year. Orthodox elements maintained their bitter denunciation of Ahmadis, disparagingly called Qadianis and Mirzais. Their social lives became tougher owing to the intense hate campaign through fiery speeches and hate material published in mainstream media, books, and handouts.

Out of four Ahmadis successfully targeted for murder during 2016, three were doctors. Dr Dawood Ahmad was gunned down in Karachi when he was sitting with a friend outside his home. Dr Khaliq Bashir was standing outside his clinic when he was killed by two motorcyclists. On June 4, a homeopathic physician was shot dead when he was standing outside his residence in Attock. A 35-year-old Ahmadi man was stabbed to death in Kot Abdul Malik, Sheikhpura, outside his house. He had escaped murder attempts in 2012 and 2014, and had filed an application with the police for security as he was getting death threats. His family had been facing social boycott for a long time.

Thirty Ahmadis have been killed because of their faith only in Karachi in the recent years with impunity, emboldening extremists and religious bigots.

Persecution of Ahmadis at the hands of state continued with more ferocity in 2016. The Punjab Housing and Planning Agency, sub-region, Jhang, a public sector body, advertised the auction of plots in Rabwah, renamed Chenab Nagar where 95 percent of the population is Ahmadi, in newspapers. A note in the auction notice barred Ahmadis from participating in the bidding.

The Council of Complaints of the Pakistan Electronic Media Regularity Authority (PEMRA) dismissed complaints of the Ahmadiyya community against two private TV channels declaring them as 'non-maintainable' without giving audience to the complainants.

Acting on the complaints, PEMRA had called the hosts of two private TV channels to explain their position over allegations of 'provoking' people to resort to violence against the Ahmadiyya community. At the scheduled time of hearing, a mob stormed the PEMRA office shouting slogans, asking the authority to quash the complaints. Police had to be called into rescue the complainants present in the PEMRA office. And so, they could not record their statements before the council. PEMRA, instead of calling the parties again to record their versions, deemed it fit to declare the complaints "un-maintainable."

On December 5, the Punjab Counter Terrorism Department (CTD) raided the office of a publication for the Ahmadiyya community in Rabwah. They arrested four workers, took away office equipment, cell phones and many books with them without giving any receipt.



Ahmadi place of worship was attacked in Chakwal

Another CTD team entered the building's security room, assaulted the security manager and disabled the CCTV system. Witnesses say the police officers refused to show any search or arrest warrants. Later, five more Ahmadi workers were also booked under Sections 298-A, 298-B (a) and 298-C of Pakistan Penal Code (PPC) and 9-II (w) of Anti-Terrorism Act (ATA).

Reacting to the raid on the publishing house in Rabwah, the Human Rights Commission of Pakistan (HRCP) said in a statement issued to the media, "there was no reason to jostle and rough up four people who were arrested. It is for the CTD and the provincial authorities to explain why a raid against peaceful, unarmed citizens needed to be heavy-handed and why were those taken into custody mistreated."

A concerted anti-Ahmadiyya campaign continued relentlessly in the mainstream Urdu press. Hate literature against this minority community is being proliferated nationwide. International Khatam-e-Nabuwat (finality of prophet-hood) Conference organizers hold public rallies in the heart of Rabwah, to spew venom and incite gullible people to violence against Ahmadis and such speeches and statements are given a prominent display in the Urdu-language newspapers.

While the organization is free to hold rallies, seminars, conferences in Rabwah, Ahmadis are denied permission to hold religious assemblies there. They were reported to have been denied permission even to organize sporting events.

An advertisement calling for donations to curb Ahmadiyyat worldwide was published in a leading Urdu-language daily newspaper. However, newspapers refused to carry advertisements from Ahmadiyya Jama'at explaining why they had distanced themselves from taking part in the electoral process.

A citizen named Bilal Munawar filed a complaint with a district and sessions court in Lahore saying that some individuals threatened to kill him after learning that he was reading Ahmadiyya books to "satisfy his curiosity".

Over the years, speaking out on 'sensitive' issues such as religious discrimination has become increasingly dangerous, highlighted by murders of some high-profile people, including Salmaan Taseer and rights activist Khurram Zaki. PEMRA banned Hamza Ali Abbasi's talk show for questioning the wisdom behind the second constitutional amendment that declared Ahmadis non-Muslims. All Hamza Abbasi did was ask the clergy: is it allowed in religion to have the state declare anyone non-Muslim? With about 4 million followers, Hamza Abbasi is one of the most popular Pakistanis on Facebook.

The controversy escalated after anchor Shabbir Abu Talib, along with Maulana Kaukab Noorani, incited violence against Hamza. Then came the twisted diktat: PEMRA banned both Hamza and Shabbir.

While the ban on Shabbir seemed justified for inciting violence against a person, the ban on Hamza was bizarre. He was banned for merely initiating a debate on a sensitive issue and that too with the ulema.

In a Pakistan People's Party (PPP) rally on April 30, Raja Pervez Ashraf, a senior party leader and a former prime minister of Pakistan, boasted of how the party broke "the neck of Qadianis (derogatory term for Ahmadis), in the presence of PPP chairman Bilawal Bhutto-Zardari. Later, after social media backlash, Bilawal tweeted: "Politicians have no right to comment or question people's faith. History has taught us politicization of faith has lethal consequences for all."

Chairman of Pakistan's Ruet-e-Hilal (Moon-sighting) Committee Mufti Muneeb-ur-Rehman called on the government to enact a law prescribing death penalty for deniers of the finality of prophethood. He made the demand while speaking at a Khatm-e-Nabuwat rally held on September 26, 2016, in the village of Lalian, located a few miles from the town of Rabwah, which has the highest concentration of Ahmadis in Pakistan.

Under the NAP, the Ahmadi literature was banned as hate material. Following the ban, an anti-terrorism squad arrested Abdushakoor, an 80-year-old shopkeeper in Rabwah. He was sentenced to eight years' imprisonment after a trial in an ATA court. However, the 'Tohfa-i-Qadianiat' written by Maulana Yusuf Ludhianwi, in which he asks the readers 'not to leave a single Qadiani alive on earth' continued to be sold.

In Mirpur Khas, two people sneaked into an indoor training workshop organized by Jamaat-i-Ahmadiyya for their members on June 22. The next day they got a case registered through a local cleric against five participants of the workshop under 298-C. Police arrested Masood Ahmad Chandio and Abdul Razzaq and the court sentenced them to three years and one month respectively for saying Assalam-o-Alaikum to the Muslim fellows.

Leading Urdu newspapers published special supplements replete with hate material on September 7 to commemorate the day when Ahmadis were declared non-Muslims in 1974. Several religious organizations demanded more sanctions on Ahmadis, including their removal from all public offices, a ban on their speaking on TV and making their punishments more rigorous.

HRCP expressed grave concern over the treatment meted out to Ahmadi citizens both at the hands of those tasked with security as well as the zealots. In a statement issued to the press, it demanded a thorough investigation into the incidents of state persecution and harassment.

Christians

Pakistan saw several incidents of violence against Christians. Certain laws also continued to be abused against them to settle personal scores.

The year 2016 began with attacks on churches and Christians; five incidents were reported in the first two weeks:

On January 3, Muslim youth disrupted Christians' New Year prayer meeting in a village NawanPind, Pasrur. A local police officer said the issue was resolved at a village council meeting.

On January 7, the New Apostolic Church in Batth Village, on Multan Road, Lahore, was set on fire after New Year celebration in an alleged arson attack. On the same day less than five hours later, 80 kilometers away, a man was caught burning copies of the Bible and other religious books in Victory Church in Sandha Phatak, a village near the town in which a Christian couple was burned to death by a mob for alleged blasphemy on November 4, 2014

On January 14, a Christian man died in police custody in Kelaske, Gujranwala. On the same day, Nazeer Masih, a sanitary worker in Sialkot was shot dead while cleaning the streets in the morning.

A head constable of the Police Response Unit barged into the United Church in Fazlia Colony, Shadman, Lahore, with his shoes on and disrupted the Sunday service on the grounds that he had received a complaint that the church's external speakers were being used for the service. When the pastor told him that only the internal speaker was on, the policeman slapped him. Christians staged a protest against the incident on Ferozpur Road, Lahore.

Two motorcyclists opened fire at a church in Dhup Sari, Sanda, Lahore damaging the church. No one was hurt, but the firing caused a scare among the Christian community.

In March, at least 72 people were killed after a suicide bomber struck Lahore's crowded Gulshan-i-Iqbal park. At least 300 others were injured. The powerful blast ripped through a massively crowded area of the park with swings, train and some other attractions for children. Witnesses said the crowd included a large number of Christian families celebrating Easter. Jamaatul Ahrar, a splinter group of Tehreek-i-Taliban Pakistan, claimed responsibility. This group had also claimed the 2015 twin suicide bombings at churches in Lahore's Youhanabad neighbourhood, which killed at least 15 people and sparked violent protests across the city. Prime Minister Nawaz Sharif condemned the blast. "My children, brothers and sisters have been targeted in this attack," Sharif declared in a statement. The Vatican also condemned the attack, calling it "fanatical violence against Christian minorities", and the UN Secretary-General, Ban Ki-moon, urged Islamabad to protect religious minorities.

In May 2016, the Mandi Bahauddin police deployed a team in Chak Number 144 to protect the Christian community there after a mob attempted to burn down their houses. This mob claimed that the community failed to hand over Imran Masih, who was accused by his colleagues of watching a blasphemous video on his phone. Imran was also beaten up and his phone was smashed by his colleagues. Imran and his family fled the area after the vice chairman of the area's union council gave his father three days to hand his son over to them. Upon investigation by the police, it was found that none of Imran's colleagues had seen the video. "Each of them tried to put the onus of providing evidence (of allegations against Imran) on someone else," said ASI Muhammad Nawaz, in charge of the nearby post. It was later concluded that the charges were false.

In June, Khaleel Masih, an ice cream vendor, was beaten up, tortured, and had his bicycle and ice cream destroyed by a mob of around 20 people for what he called selling Muslim women and children ice cream. He said the local police reluctantly registered his complaint. He said the local influential Muslim leaders even tried to pressure him to remain silent over the incident and withdraw his complaint.

On October 19 in Farooqabad, district Sheikhpura, about 50 people attacked Pastor Michael Robert's house and severely beat up the whole family over a property dispute. The pastor received threats of being booked in a blasphemy case if he did not vacate his house.

Five out of 15 victims of the blasphemy laws in 2016 were Christians and four out of the five cases were related to viewing, posting, liking or sharing blasphemous material on social media.

On June 28, Anjum Naz Sindhu and Javed Naz, from Gujranwala,



Nuns hold candles during a vigil for victims of a deadly suicide bombing in a Lahore park

were sentenced to death for committing blasphemy. Anjum, the owner of a school in Gujranwala, had fired Javed from the school for leaking matric exam papers. Later, Javed started blackmailing Sindhu and demanding extortion, claiming that they had recorded a voice clip of Sindhu committing blasphemy during a sermon at the school. Sindhu initially paid them Rs20,000 as extortion, but when they demanded more, he approached the police who then arrested Javed Naz and Jaffer Ali, his accomplice, for extortion. Naz and Ali told the police that they had evidence of Sindhu committing blasphemy, which the police retrieved from Naz's house and booked a case against Sindhu for blasphemy on behalf of the state. Finally, Anjum Sindhu and Javed Naz were booked for committing blasphemy and recording it on his phone respectively while Jaffar Ali was booked for demanding extortion. All three were later sentenced to death.

Aasia Bibi, a Christian woman on death row for blasphemy had had her appeal adjourned after one of the judges refused to hear the case. The judge cited a possible conflict of interest in the case of Aasia Bibi. Hundreds of riot police had been deployed around the Supreme Court in the capital, Islamabad. In 2015, the Supreme Court suspended Aasia's death sentence and granted her leave to appeal. A new date for the hearing was yet to be set. She is the first woman to be sentenced to death under the blasphemy laws. The mother of five children had already spent seven years in jail as culture of intimidation surrounded the case. The orthodox Lal Masjid clerics had threatened to take to the streets if she were to be released. But the threat of violence largely abated when one of the three-judge bench, Justice Iqbal Hameed ur Rehman, recused himself from the case. "I was a part of the bench that was hearing the case of Salmaan Taseer, and this case is related to that," he told the court. Salman, a liberal provincial governor, was shot dead in Islamabad in 2011 after speaking out for Aasia. His assassin, Mumtaz Qadri, was hanged on February 29 which brought hardliners into the streets calling for Aasia's death. Rights groups complain that the controversial legislation is often abused to carry out personal vendettas, mainly against minority Christians. The application of Pakistan's blasphemy laws has been denounced for a variety of reasons. In 2015, the Supreme Court of Pakistan held that individuals accused of blasphemy "suffer beyond proportion or repair" in the absence of adequate safeguards against misapplication or misuse of such blasphemy laws. The rights organizations regretted the appeal delay because Aasia was already being held in solitary confinement due to security concerns.

Hindus

The Hindu community in Pakistan, most of whom live in Sindh, faced land grabbing, attacks, and kidnapping while forced conversions, temple desecrations, rape, and murder were reported from Sarkand, Ghotki and Nagarparker districts. Hindu youths complained that they were discriminated against with regard to educational and employment opportunities.

On January 21, during Durga pooja at the Shitala Mata temple, located inside a small lower middle-class Hindu home in the quarters near Karachi zoo, three men stormed the temple and told everyone to get out. A goddess deity, Bhavani Mata, lost one of its left arms in the scuffle that followed.

Two Hindus were among the three shot dead in an unprovoked attack in a liquor shop in Abbas Town, Karachi.

An octogenarian Hindu man, Gokal Das, was beaten up and tortured by two policemen in Hayat Pitafi, a remote village in Sindh, for eating during Ramazan, even when for Muslims at his age and health, fasting is not prescribed. Images of Das showing his wounds went viral on social media. A campaign for justice for the old man spurred the Sindh police chief to order the arrest of the policemen.

A Hindu man, Amar Lal, was booked on blasphemy charges on July 26 after he was allegedly caught by a local Muslim desecrating the Quran in Ghotki. Following the incident, local Muslims shut down their shops and life came to a standstill in the district. Protesters blocked the National Highway and vandalized public property while the local Hindus locked themselves in their houses to save their lives after the mob ran riot and shot two Hindu men in Mirpur Matthelo, one of whom succumbed to his injuries. Lal was arrested and a medical board set up to establish his mental status.

After an inexcusable delay of about 57 years, the Capital Development Authority (CDA) allocated a plot of land for a temple and cremation area for Hindu residents of Islamabad. Around 800 Hindus live in Islamabad, but there is no temple to pray and no cremation ground for them. They are forced to go as far as Sindh to perform the last rites of



An octogenarian Hindu man, Gokal Das, was beaten up and tortured by two policemen in Hayat Pitafi

their dead, which becomes so hard in harsh summers. On February 17, this issue was raised at a Senate session and a solution was found.

Kalash

For centuries, the Kalash have held on to their ancient religion and customs. This tiny peaceful community of about 3,000 practices their pre-Islamic religion. In the past, there were reports of their forced conversions that later seemed to have stopped. But the forced conversions in the isolated Kalash valley were again in the media when Muslims attacked Kalash homes after a teenager changed her faith. Reena, a 14-year-old Kalash girl, was reported to have converted to Islam and chosen to stay with a Muslim family. She went back to her home and complained of being forcibly converted to Islam. This enraged Muslims of the area and they attacked Kalash homes. The authorities intervened and both sides agreed to accept the girl's will. Reena gave a statement in a court of law that she had embraced Islam of her own free will.

Hindu Marriage Act

The Sindh Assembly approved the Sindh Hindu Marriage Bill in February 2016, to enable Hindus, Sikhs, and Zoroastrians to register their marriages. Hindus, despite being the second-largest religious minority group in Pakistan, with a population of 3.3 million, had no legal mechanism to register marriages for the last 69 years in Pakistan. Prior to this Act, Hindus had no legal document to prove their marital status and often had to resort to showing pictures of their wedding ceremony to prove their marriage and applying for a visa, a job or immigration. The couple had to obtain a certificate from the local Panchayat to prove their marriage and take it to NADRA to get a CNIC with the husband's surname to apply for anything.

A similar bill is pending in the Punjab Assembly while a bill has already been passed in the National Assembly. A controversial clause of the bill is Clause 12(iii) which says that a marriage will be annulled if one of the spouses converts to another religion. There are fears that this clause may be misused to forcibly convert married women as is done to teenage girls.

The passage of the bill received praise both nationally and internationally for giving minorities an improved legal status as well as making their lives easier.

Forced conversions

The forced conversions and marriage of young Hindu girls to Muslim men remained a grave concern for the Hindu community, particularly in Sindh. There are widespread complaints that girls from minority communities between the ages of 12 and 25 are abducted from their homes, tortured and threatened, forced to convert to Islam and then married off to Muslim men. When the aggrieved families try to report the kidnappings to the police, they are reluctant to register an FIR, and if an FIR is filed, the kidnappers usually file a counter-FIR on behalf of

the girl claiming that she had come of her own will, had converted to Islam and that she was happily married. They further accuse the family of harassing the girl and trying to convert her back to her previous faith. While the case is in progress, the girl is forced to stay with her kidnappers who brainwash and threaten her. When they feel that the girl is sufficiently under their influence, the girl is produced before the court where she testifies that she had embraced Islam out of her volition and that she was being harassed by her family to revert to her religion of birth. The case is therefore closed and the girl goes back to her captors.

Asma Masih, a deaf and dumb girl, was abducted by a neighbour Ghulam Hussain who later forced her to embrace Islam. She managed to get back to her home in August 2016. On knowing that Asma had reached back her home, Hussain hurled death threats at her. He was supported by Muslim clerics who issued a fatwa or religious ruling that Ayesha (Asma's name after her conversion to Islam) could not live with her Christian family as she was no longer a Christian. Following these threats, Gulzar Masih, Asma's father, approached the local police who, instead of helping him, forced him to hand her daughter back to Ghulam Hussain.

In Umerkot, a Hindu girl was kidnapped. Her family registered an FIR. A week later,, local police declared that the girl had married a Muslim without any coercion.

The Sindh government passed the Protection of Minorities Act, 2015, in November. However, after criticism and mounting pressure from religious groups, the ruling Pakistan People's Party (PPP) hinted at revisiting the law. Members of the Hindu community criticized religious political parties for opposing the bill, which criminalized forced conversions setting the minimum age for religious conversion to 18. According to them, Hindu girls are routinely kidnapped in Sindh and forcibly married off, mostly to seminary students, and that they have no choice but to adapt to their new lives. Civil rights activists said that incidents of abduction and forced conversion of underage Hindu girls were on the rise and therefore such a bill was essential. But the religious right, including the Council of Islamic Ideology, called the bill unconstitutional and un-Islamic. The religious right, including several political parties, opposed the bill because it says no one under the age of 18 can convert to Islam even out of their free will. Essentially, the provision ensures that no underage person is coerced or brainwashed into converting to some other religion. Those opposing the bill also argued this provision was against the teachings of Islam and that it violated the Pakistani Constitution. According to the bill, those who attempt forced conversions would get seven years in jail and those who facilitate them would get five year behind bars. The bill also said that adults considering changing their religion must be provided a safe house to live in for 21 days, to ensure they are making the decision to convert without coercion.

The Sindh Textbook Board added a new book, Ethics, to its syllabus for minority students as an alternative for Islamiyat (Islamic studies), which they were forced to study previously. The contents of the book include teachings of various religions, including Christianity, Hinduism, Sikhism as well as mystic poetry. Some critics argue there should be one book where all religions are discussed for all the students, minority and majority.

Blasphemy

Blasphemy laws continued to be misused to target minorities by those who were unafraid of ever getting punished for their false accusation to settle their personal scores.

According to the Centre for Social Justice, a Lahore-based research and advocacy group, between 1987 and 2016 at least 62 men and women were killed on mere suspicion of blasphemy. At least 1,472 people who have been accused under the blasphemy laws between 1987 and 2016, specifically under sections 295-B, 295-C and 298, 730 of these were Muslims, 501 Ahmadis, 205 Christians and 26 Hindus. The religion of the remaining 10 could not be ascertained. They were killed before any legal proceedings were initiated.

A research by the International Commission of Jurists in November 2015 showed that 15 out of 25 acquittals under Section 295-C, were made because the high court found the charges to be “fabricated complaints, malice or personal vendettas”, nine were acquitted because of procedural flaws in prosecution and investigation, and two on grounds of insanity.

A research study conducted by the Legal Aid Society Karachi says that the majority of blasphemy cases were based on false accusations stemming from property disputes or other personal or family vendettas rather than genuine instances of blasphemy and they inevitably lead to mob violence against the entire community. The following examples confirm these findings:

A Muslim school teacher in Mehmoodkot was accused of blasphemy by parents of his students, sparking anger from school officials and activists who said the law was being abused to carry out personal vendettas. Arabic teacher Jibreel Ahmed was arrested at a government school in southern Punjab on May 14, after allegedly beating up two brothers in the sixth grade for not coming to class on time. The students' parents complained to the Government High School Gurmani in Muzaffargarh district, whose head said “the 40-year-old teacher had been suspended after an inquiry”. But four days after the original complaint, the parents went to police to accuse Jibreel of blasphemy, according to the local authorities. The school said no mention of blasphemy had been made before the police complaint. Following the complaint by Bilal, father of the sixth-grade students, police registered an FIR at Mehmoodkot police station. The Muzaffargarh DPO, Owais Malik, told the media: “We have registered

the case to save his life”.

An anti-terrorism court in Gujranwala sentenced two Christians and a Muslim to death—the accused and the accusers over charges of blasphemy.

In January, the Lahore High Court acquitted a man charged with blasphemy. Accused Ghulam Ali Asghar had been languishing in jail for four years.

Citing a judgment of the Supreme Court in a blasphemy case, Justice Ibadur Rehman Lodhi argued that a majority of blasphemy cases were based on false accusations, stemming from property disputes or other personal or family vendettas rather than genuine instances of blasphemy. They inevitably lead to mob violence against the entire community.

“The [Lahore] High Court in 2002 had given guidelines to the police to deal with blasphemy cases. However, in a case registered in 2011, the investigation agency has not bothered to take any guidance. The investigation in this case was not conducted in an efficient and perfect manner,” the court said.

The increase in the number of registration of blasphemy cases and the element of mischief involved therein call for extra care on the part of the prosecuting officers. Registration of such cases cannot be allowed in a very free and careless manner. A class of citizens who do not have much knowledge of religion must not be allowed to use the blasphemy law to settle their scores.”

The fight against hate speech and persecution of minorities becomes unwinnable in the wake of technically flawed blasphemy laws.

During the year under review, one Sikh and one Hindu got blasphemy cases registered against Muslims, for the desecration of a Sikh's turban and for selling shoes with Hindu religious symbol OM respectively. On Mahindra Paul Singh's complaint, the police booked six people who were later granted bail. The police in Tando Adam district of Sindh arrested a shopkeeper over blasphemy charges, as he was selling shoes, which had religious symbols of Hindus in. All the stock was also confiscated.

In January, one Azher was arrested for torching copies of the Bible in a church in Sanda Phattak, Kasur.

On January 15, a 15-year-old boy cut off his own hand believing he had committed blasphemy in Hujra Shah Muqem in Okara district. A prayer leader told a gathering at a village mosque that those who love the Prophet Mohammad (PBUH) always say their prayers, then asked who among the crowd had stopped praying. Mohammad Anwar, 15, raised his hand by mistake after apparently mishearing the question.

The crowd swiftly accused him of blasphemy. He went to his house and cut off the hand he had raised, put it on a plate, and presented it to the cleric.

On July 7, Nadeem James was arrested in Gujrat for allegedly sending a blasphemous message to a Muslim via WhatsApp. On May 25, Usman Liaqat was arrested in Sheikhpura for allegedly posting a blasphemous text on social media.

On September 21, Nabeel Masih was arrested on charges of blasphemy for clicking the like button under an inappropriate image of the Kaaba.

A Gujrat-based cleric accused a Christian family of having their meals on a banner on which the name of Prophet Mohammad (peace be upon him) was supposedly printed. Though the police said the banner had no such inscription and only featured pictures of local politicians, the cleric insisted that an FIR be filed against the family. The police then advised the family to placate the cleric and his supporters by apologizing for a crime they had not committed.

The silver lining

2016 witnessed some positive signs also. As compared to previous years, the police effectively managed threats against minorities in some cases.

The Lahore High Court restored a provision of the Christian Divorce Act, 1869, enabling men to divorce their wives in a dignified manner. Section 7 of the Act had been repealed through an ordinance by former military ruler Gen Zia-ul-Haq in 1981, leaving no ground for Christian men to divorce their wives except on adultery charges.

The National Assembly approved the Protection of Minorities Bill, 2016, which addressed forced conversions. However, it has not yet been approved by the Senate.

Another bill presented in the National Assembly was aimed at establishing the "Pakistan Minority Rights Commission." The commission will be an independent and empowered body, which will work freely for the welfare of minorities and reduce, if not eliminate, human rights abuses.

The Sindh government announced a public holiday on Holi, the Hindu festival of colours. On March 24, Bilawal Bhutto, the PPP chairperson, greeted the Hindu community on Holi at a rally in Umerkot. Advocating equal rights for non-Muslims, he said: "If a Muslim can become president of India why cannot an individual from minorities become one in Pakistan?" He also tweeted, "I want to see a Christian PM in Pakistan in my lifetime."

Prime Minister Nawaz Sharif renamed the physics department of

Quaid-i-Azam University after Dr Abdus Salam, the Ahmadi Nobel Laureate. Many welcomed the decision but chairing the last session as the head of Council of Islamic Ideology (CII), Maulana Mohammad Khan Sherani decried the proposal to rename the Quaid-i-Azam University's physics centre after Professor Abdus Salam.

Addressing a press conference after the council's meeting, the CII chairman said changing the department's name would not set the right precedent.

“We have concerns over the change of its [physics centre's] name as it was earlier named to honour Dr Riaz,” said Sherani, but declined to offer any reason for the opposition.

A postage stamp was issued to recognize the services of a prominent Christian leader Dewan Bahadur S P Singh for playing a stellar role in the creation and building of Pakistan.

The government of Pakistan launched a special peace train to express solidarity with the Christian community on the eve of Christmas. Christmas bazaars were set up in different locations of the province of Punjab to facilitate the Christian community.

Two under-aged Hindu girls were saved from being married off by police through timely action on the report of a local NGO in Nafees Nagar, Karachi.

Sectarian violence

In more than 30 attacks during the year, militants targeted different Muslims sects -- mainly Sunni, Shia, including Hazaras, and Bohra -- and worship places and shrines killing about 110 people and injuring 162 others. Most of the sectarian fatalities in 2016 resulted from a suicide attack on a shrine in Khuzdar, Balochistan, and a mosque in FATA, and targeted attacks in Karachi. At least 54 persons were killed and 102 others injured in a suicide attack at the shrine of Shah Noorani in Khuzdar. On September 16, a suicide bomber killed at least 36 people and wounded more than 37 others as they attended Friday prayers at a mosque in Mohmand Agency of FATA. On October 30, Naiyyar Mehdi Zaidi from London, and two of his brothers were shot and killed when two gunmen on a motorcycle opened fire at a Shia gathering in the Nazimabad suburb of Karachi. Another man and a woman were also killed and six other people injured in the attack. On November 4, five persons were shot dead in Karachi. An ASWJ spokesman said that all the five victims were associated with their group.

Other sectarian hot spots in 2016 were DI Khan, Peshawar and Quetta where three sectarian attacks apiece were recorded during the year. Otherwise peaceful districts like Hyderabad, Chakwal, Buner and Badin were also hit by sectarianism aiming at soft and unprecedented targets.

Hazara Shias, Zikris and members of Bohra community were also among the targets. On October 4, at least four Hazara Shia women were killed and one injured when unidentified armed assailants opened fire on a bus in Quetta. On September 9, a trader, belonging to the Bohra community, Hakim Feroz, was shot dead while another was injured in North Nazimabad Town, Karachi.

Syed Mullah Akhtar Mullai, spiritual leader of the Zikri community, in Kech was murdered in October. A banned militant outfit claimed its responsibility.

The situation reflected the state failure in protecting targets that are known to be vulnerable. "The sectarian violence will remain a threat so long as sectarian terrorist groups remain active in Pakistan, and the discourse of hatred in the country remains sectarian including through sectarian streams of madrasas," said Pak Institute for Peace Studies, an Islamabad-based think tank on security.

Recommendations

- Laws discriminating against any set of people on the basis of faith should be repealed.
- The abuse of blasphemy laws to settle personal scores should be stopped.
- The laws against religious provocation, whether between sects or against non-Muslims, should be stiffened. No vilification of a religious community or a hateful denunciation on religious grounds against a person or group should be allowed to go unpunished. The government should constitute an empowered panel to purge school curriculum of stuff that promoted religious bigotry.
- The system of a joint electorate should also cover Ahmadis to make them an equal part of the national mainstream.
- Conversion through coercion should not be allowed under any circumstances. A recommendation made by the Hindu Council to make six months study of Islam compulsory for genuine voluntary conversion should be considered seriously.

Freedom of expression

Fundamental freedoms

Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restriction imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court or commission of or incitement to an offence.

Constitution of Pakistan

Article 19

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

Article 19-A

Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Universal Declaration of Human Rights

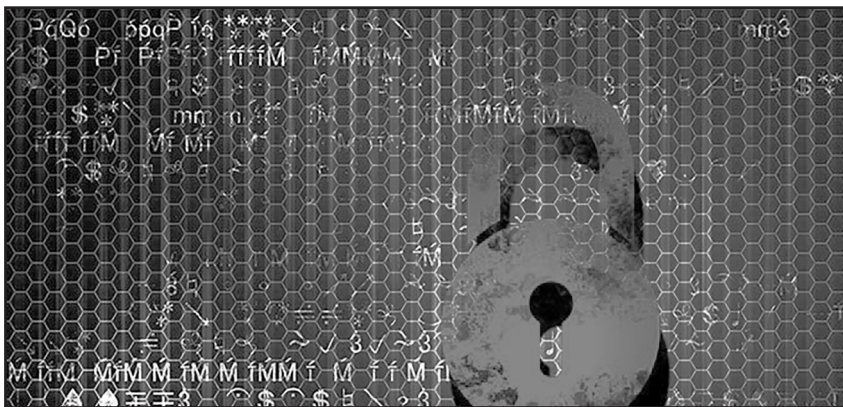
Article 19

The year 2016 was grim for freedom of expression of both citizens and journalists. Killing of six journalists and a blogger and the high-profile fallout of a news report about civil-military relations published in an English newspaper dramatically escalated the environment of intimidation of the media and increased levels of self-censorship by the media. Adding to the pressure was the passage – despite consistent hostility to it by the opposition parties, the civil society and media – by the parliament of the Prevention of Electronic Cybercrimes Act (PECA), 2016. This legislation seeks to dramatically restrict the boundaries of criticism aimed at officialdom and allows extraordinary allowance to the authorities to intercept communications by the citizens, including journalists, political activists and rights campaigners. In the fall of 2016, civil society activists came under slanderous attacks online for their advocacy of peace and engagement heightening tensions between certain hardliners vis-à-vis India and academicians, scholars and progressive commentators. Author and political and security analyst Ayesha Siddiqua Agha came under a

vicious attack online by unknown sources branding her a traitor and working for the Indian agencies, and opening her to the risks of physical violence in an environment of heightened tensions.

The impact of these developments and measures has been a discernable rise in pressure on the media to censor it through both classic pressure tactics and implied procedural effect. A wide-ranging crackdown on non-state militancy and terrorist violence by the military under a National Action Plan (NAP) approved by parliament in early 2015 and implementation of which continued deep into 2016 posed problems in reporting for media. While not targeted against the media, one of the key outcomes of NAP was a loss of tolerance by the authorities for adverse reporting about the crackdown against militancy and terrorism through increased media regulatory restrictions on criticism and dissent. While being squeezed by the authorities, including the security establishment and Pakistan Electronic Media Regulatory Authorities (PEMRA), the media and its practitioners also found themselves being targeted by banned militant and sectarian groups for not reporting about their public acts of violence, reporting on which is now restricted and discouraged under NAP, which warns against 'glorification of violence' and reporting 'hate speech'.

Under this growing restrictive reporting environment, PEMRA issued dozens of warnings and notices, both general and specific, to news TV channels for criticism of the military, Saudi Arabia as well as reporting about banned organizations. The irony is that while some of the banned organizations can operate in public space, reporting about events in public space involving these banned groups cannot be freely undertaken. The squeeze on this reporting angered the banned groups which, in concert with legal religious groups staged several attacks on media personnel for being out to cover their public protests but 'not giving adequate on-air coverage' to their activities, demands and



Cyber law sought to restrict the boundaries of criticism aimed at officialdom and allowed extraordinary allowance to the authorities to intercept communications by the citizens

causes. Violence erupted in many parts of Pakistan in March 2016 when thousands of supporters belonging to a specific sect came out on the streets to protest the hanging of Mumtaz Qadri, convicted by the Supreme Court of the murder of Punjab governor Salman Taseer for alleged blasphemy in 2011. The authorities had behind the scenes actively dissuaded the media from either live coverage of Qadri's funeral or reporting about it extensively. Several journalists covering the funeral were beaten up in Rawalpindi and their equipment smashed. A follow-up remembrance ceremony for Qadri by his supporters on March 28, 2016, swelled into a large crowd which entered Islamabad from adjacent city Rawalpindi and laid siege to the parliament and federal seat of government in Islamabad for several days. Subdued media coverage of the violent event led to several journalists, including women reporters, again being beaten up and harassed.

The year 2016 is also categorized by a disturbing rise in assaults on media houses, TV channel and newspaper offices as well as press clubs by religious groups. In cities across Pakistan including Lahore, Rawalpindi, Islamabad, Faisalabad, Multan, Hyderabad, Peshawar and Karachi media properties were attacked and ransacked. In two instances, crude bomb and cracker attacks were carried out on two TV channels – ARY TV in Islamabad and Dunya TV in Faisalabad. Significant attacks were also carried out against press clubs in Hyderabad and Karachi leading to major damages to Hyderabad Press Club and injuries to journalists in Karachi Press Club.

Attacks on media and safety of journalists

A critical issue for the Pakistani media in 2016 remained the still incomplete struggle to develop a specific legal and executive mechanism to combat impunity against journalists and administration of justice for the aggrieved journalists and media workers. The government, amenable to enacting legislation on media safety since 2014, failed to complete its consultations with stakeholders to develop a consensus draft in 2016, despite several meetings in the year. A few disorganized rounds of discussions with representatives of working journalists, the Pakistan Federal Union of Journalists (PFUJ), All Pakistan Newspapers Society (APNS) and Pakistan Broadcasters Association (PBA) did not lead anywhere concrete. A key stumbling block was the division of responsibility of providing safety to journalists and media workers by the federal and provincial government authorities, media employers and journalists' bodies. The government seems to want to limit its responsibilities to providing security of media buildings and allow media houses to arrange for the complete security of journalists and media workers. The media houses feel the security of life and limb is a state responsibility. The federal Ministry of Information and Broadcasting is leading the painfully slow process of consultations on drafting a media safety law.

While the country has a long way to go before it can provide justice to

the families of over 100 journalists and media workers killed for their work since 2000, a small victory was won in 2016 when a court awarded life imprisonment and fine of Rs.5 million to the alleged killer of journalist Ayub Khattak in Karak city of Khyber Pakhtunkhwa. The punishment handed out on March 16, 2016, is only the third time that the murderer of a journalist in Pakistan has been found guilty. After a trial lasting about two years, Judge Kamal Shah of the District and Sessions Court in Karak district found accused Amin Ullah guilty of murdering Khattak on October 11, 2013. Khattak was a reporter for daily Karak Times based in Karak. As per police reports filed by Mukhtiar Khan, the brother of Khattak, the accused was a drug runner and shot dead the journalist after he reported on his trafficking in the district.

So what encouraged greater self-suppression of the media in Pakistan in 2016? Some blame not just official and unofficial government controls but also the monopolistic media ownership structure, weak legal system and the lack of security for journalists for this 'safety mechanism.' The presence of an array of violent militant groups adds further pressure on journalists to conform or pay a high price. To an extent, the dangers faced by journalists in Pakistan are the same as those faced by every other citizen: an increasingly poor law and order situation where no one can be guaranteed fool-proof protection against a myriad of threats. So many of journalists' killings in 2014 (the worst year for journalists in Pakistan with 16 killed that year) and 2015 took place in Balochistan, a province where the writ of law is weak after years of a bloody tussle between separatists and security services.

On March 5, 2016, the HRCP expressed grave alarm over attack on media organizations and journalists some days earlier by mobs protesting the execution of former Punjab governor Salman Taseer's murderer. The Commission demanded that all those who had instigated and carried out the violence to intimidate the media be brought to justice. In a statement, the HRCP said that while it welcomed condemnation of these attacks by the prime minister, Punjab and Sindh chief ministers and other officials and their vows of protecting media freedoms, words alone could not assuage the fears of Pakistani media, which had been under attack from many quarters for years. "The attacks on the media in Karachi, Hyderabad and Lahore are indeed attempts to curb freedom of expression. This is not the first time that the quarters wishing to dictate through violence what the media out or ought not to cover have struck. HRCP is strongly opposed to any attempt by state or non-state actors to influence or harass the media into submission. [The] attacks must receive more than mere condemnation from the official quarters. We call upon the authorities to make sure that all those who orchestrated and carried out the attacks on the media on Friday must be effectively prosecuted under the law. Steps to ensure security for media from such attacks must also be taken in consultation with media and journalists' organizations. The media organizations and journalists and the larger civil society should close their ranks against new threats in addition to the many perils they already face on account of their work."

The following are the cases of murders, attacks and harassment of journalists and media establishments in 2016:

Journalists and blogger killed

Jan 15, 2016: Reporter of local daily Dera News Muhammad Umar was shot dead in a targeted killing in Dera Ismail Khan in Khyber Pakhtunkhwa. The attackers are unknown.

Jan 19, 2016: Tribal journalist Mehboob Shah is among 13 people killed in a bombing in Jamrud town of Khyber Agency in tribal areas. He was president of the Tribal Union of Journalists of Bara region.

May 7, 2016: Unknown assailants gunned down former TV journalist and blogger Khurram Zaki in Karachi. He was leading a campaign against extremism and sectarian violence.

May 11, 2016: Ajmal Joya, a local journalist in Lodhran district in Punjab province, was killed after he filed a story on a couple who eloped and married.

Aug 8, 2016: Shehzad Ahmed, a cameraman for Aaj News TV channel, was among 72 people killed in a suicide attack on a group of lawyers in Quetta, Balochistan.

Aug 8, 2016: Mehmood Khan, a cameraman for Dawn News TV channel, was among 72 people killed in a suicide attack on a group of lawyers in Quetta, Balochistan.

Nov 26, 2016: Khalid Mahmood Butt, a reporter based in Sahiwal, Punjab, was gunned down along with his son, by unidentified attackers.

Attacks on journalists

Feb 2, 2016: Several journalists were wounded during clashes between police, rangers and PIA employees in Karachi



Mehmood Khan, a cameraman for Dawn News TV channel, and Shehzad Ahmed, a cameraman for Aaj News TV channel, were among 72 people killed in a suicide attack on a group of lawyers in Quetta

Feb 6, 2016: TV journalist Bushra Qamar was injured in suicide attack in Quetta, Balochistan. She was not the target but was on duty at a public event.

Mar 31, 2016: A DSNG driver and two reporters Sarfaraz Kaimkhani and Zahid Ghaffar were injured while covering a political rally of Pak Sarzameen Party

Apr 9, 2016: Policemen beat up Waqt News cameraman Mohammed Faraz when he was filming protest of young doctors from Punjab Institute of Cardiology in Lahore.

Apr 24, 2016: Pakistan Tehrik-e-Insaf workers thrashed ARY News channel reporter Wasif Mehmood in Lahore as he covered a party rally.

May 13, 2016: Police tortured local journalist Naimat Sarhadi, working for VOA Deewa Radio and Express News channel in Chaman border town in Balochistan. The journalist was bruised and suffered light bleeding also.

May 19, 2016: Protesting farmers attacked journalists in Lahore for “not covering our protest” against the government in Lahore.

Jul 15, 2016: Tribal journalist Khan Zaman was taken away after police and plain clothed men visited him in Hangu district. He returned two days later after having being beaten up badly and warned to desist from reporting.

Aug 2, 2016: Senior journalist Talib Hussain Bhatti received legs and hands injuries after armed people attacked him in Khushab district of Punjab province. He alleged that the attackers were sent by a Punjab minister after he filed a story involving the minister.

Aug 17, 2016: Gunmen shot and wounded two employees of Dawn News TV channel in Karachi. One of them sustained serious injuries.

Aug 22, 2016: Supporters of Muttahida Qaumi Movement attacked Karachi Press Club, ARY News TV channel's office and injured two reporters and four cameramen of six mainstream current affairs and news channels after party leader Altaf Hussain accused media outlets of “being biased.”

Nov 13, 2016: At 10 pm on November 13, 2016, personnel of paramilitary force Rangers invaded the home of Hub Press Club President Mir Ilyas Kamboh in Hub, Balochistan. Without a warrant they conducted a thorough search of the house for about half an hour and then left without any explanation, leaving behind a traumatized family.

Nov 20, 2016: Adnan Khalid, a reporter of Jaag News TV channel, was arrested by police in Lahore, Punjab, after his motorcycle collided with a police van in Iqbal Town locality. He was assaulted by the angry policemen and kept in the police lock-up for the whole night. He was released only after Jaag TV ran a news story about his arrest and after registering a case against him under Section 186.

Nov 21, 2016: Anwar Khan Orakzai, a journalist and member

of Sadda Press club in Kurram Agency of Tribal Areas, was arrested from his home and illegally detained by political authorities in Kurram after publishing some news reports that did not go down well with them. He was freed the next day after a warning.

Nov 23, 2016: Local TV journalist Yasin Hashmi, based in Rawalpindi, Punjab, was threatened with dire consequences by Rawalpindi Police Senior Superintendent for reporting about police performance that he considered as negative. The officer also banned the journalist's entry into the office for a few days.

Attacks on media offices and establishments

Jan 13, 2016: One person was injured in attack on ARY News TV channel bureau in Islamabad when motorcyclists lobbed a hand-grenade and fired shots before escaping. 'Daesh Afghanistan' claimed responsibility.

Feb 7, 2016: Shots were fired at C42 TV channel office in Lahore by unidentified gunmen.

Mar 4, 2016: Unidentified attackers in a mob action attacked and ransacked Hyderabad Press Club.

Mar 4, 2016: Members and supporters of Sunni Tehrik group attacked office of Aaj TV channel in Karachi protesting the lack of coverage for the funeral of Punjab governor Salman Taseer's assassin Mumtaz Qadri.

Mar 4, 2016: Angry mob attacked DSNG van of Express News channel in Karachi.

Mar 27, 2016: Members of Anjuman-e-Talaba Islam (ATI) fired shots at the Karachi Press Club and attack it with bottle bombs, injuring Jaag News TV reporter Abdul Rehman and his cameraman, damaging DSNG van of Jaag News and snatched cameras from three camerapersons.

Aug 22, 2016: Supporters of Muttahida Qaumi Movement attacked Karachi Press Club, ARY News channel's office and injuring two reports and four cameramen of six mainstream current affairs and news channels in Karachi after party leader Altaf Hussain accused media outlets of "being biased."

Aug 28, 2016: 92News TV channel crew, including Satellite engineer, was attacked in Karachi while covering demolition of MQM part's "illegal office" while mob also damaged the channel's DSNG van, the channel reported.

Sep 19, 2016: A Pakistan Muslim League-N worker attacked and injured journalist Nawaz Tahir at the Lahore Press Club. The press club management had to call in the police to arrest the attacker.

Threats to and harassment of journalists and activists

Jan 12, 2016: Punjab Rangers raided home of New York Times correspondent Salman Masood in Islamabad without a search warrant.

Mar 26, 2016: Journalist Rehmatullah Bhutto, working for

Sindh Express News in Larkana district of Sindh province, was booked under terrorism charges under Anti-Terrorism Act Section 6K-ATA which deals with extortion – allegedly influenced by an MPA.

Mar 29, 2016: A splinter group of Taliban – Jamaat-ur-Ahrar – threatened to attack media after claiming responsibility for a bombing that killed over 70 people in Lahore the same day.

Feb 8, 2016: Muttahida Qaumi Movement leader Altaf Hussain issued veiled threat to media practitioners amidst controversy over Baldia factory fire coverage in Karachi, Sindh.

Feb 14, 2016: 'Shura Fedayeen Islam' or 'Council of Suicide Bombers of Islam' issued a threat to four journalist members of Quetta Press Club for 'preaching Christianity.'

Apr 24, 2016: TTP issued warning to media for 'becoming' party to conflict with the state of Pakistan

April 26, 2016: Express News channel's Qaiser Khan was booked under Section 500, 506, 384 and 386 of criminal laws after he showed a picture of police official sitting with an outlaw in Punjab.

April 29, 2016: Police in Karachi arrested host of ARY News program Sar-i-Aam, Iqrarul Hasan and his crew team after they staged a sting operation to alert the authorities towards security lapse at the Sindh Assembly building. They were charged under Sections 452 (house-trespass after preparation for hurt, assault or wrongful restraint), 188 (disobedience to order duly promulgated by public servant) and 34 (common intention) of the Pakistan Penal Code at the Arambagh police station.

Apr 30: Senior journalist Shoaibul Hassan was picked up from his residence in Karachi by plainclothed and police uniform personnel. He was freed after six hours of detention.

May 24, 2016: Supreme Court of Pakistan ordered PEMRA to stop TV channels from criticizing the courts and judges

May 25, 2016: Pakistan launched biggest-ever online censorship attempting to block 400,000 websites in the name of 'obscenity'.

May 27, 2016: Strict PEMRA warning to TV channels putting a complete ban on criticism of army, judiciary and parliament.

May 28, 2016: Members of Senate Standing Committee on Information and Broadcasting called for more stringent restrictions on media in Pakistan.

Jun 11, 2016: Baloch journalist Manzoor Ahmed was freed from captivity after he went missing on November 7, 2014, from Quetta city.

Jun 18, 2016: Interior Minister Nisar Ali asked PEMRA to bar media from airing views of suspects.

Jul 4, 2016: Supreme Court of Pakistan asked PEMRA to take punitive action against private TV channels for being 'contemptuous'.

Aug 1, 2016: Law enforcement agencies carried out a search operation at the residence of the Balochistan Union of Journalists president Hamdullah Rind in Quetta.

Aug 11, 2016: National Assembly passed Prevention of Electronics Crimes Act (PECA) 2015 proving a serious blow to online freedom and freedom of expression in Pakistan.

Aug 22, 2016: Pakistan Telecommunication Authority ordered a ban on the website of Muttahida Qaumi Movement after party chief Altaf Hussain was accused of inciting supporters to violence against media houses, journalists and hate speech against the state and generals.

Aug 28, 2016: PEMRA fined 13 TV channels for airing what it alleged was “false news” about Pakistan Tehrik-e-Insaf leader Imran Khan's reported third marriage. Each channel was fined Rs500,000.

Sep 6, 2016: PEMRA served notice on Geo News channel for “airing false news” about Pakistan's ambassador to the United States.

Sep 8, 2016: Inter-provincial ministerial meeting proposed FIA to probe cybercrimes

Nov 1, 2016: A vicious video accusing media analyst and scholar Ayesha Siddiqua Agha of working for Indian intelligence agency RAW raised fears for her safety.

Nov 2, 2016: Various video clips and photos from a gathering of Pakistani intellectuals in London targeted them as working against the country in favour of India and raised fears for the safety of several of them.

Regulatory restrictions on controlling the media

During 2016 some disturbing developments on the legal front raised the specter of additional restrictions on freedom of expression with adverse media outcomes as well as negatively impacting freedom of expression in the country. In particular, the new Prevention of Electronic Cybercrime Act (PECA).

Prevention of Electronic Cybercrime Act (PECA)

The PECA was presented before the National Assembly during the spring of 2015. Its draft came to be roundly criticized, both in Pakistan and internationally, for its criminalization of freedom of expression online, its user data retention guidelines, its lack of oversight and transparency. It was finally passed by the parliament in August 2016 despite fierce opposition to it by the civil society and opposition parties. Throughout 2016 there were demands for it to be dismissed with concern that it had high potential to harm freedom of expression and access to information. Pakistan's security and intelligence agencies have long demanded total access to the personal data of citizens within Pakistan, and have come down hard on entities that refuse to hand over said data. This demand led Blackberry, the Canadian smart phone and enterprise service company to decide to leave Pakistan at the end of 2015, for refusing the Pakistan Telecommunication Authority (PTA) complete access to its encrypted Blackberry Enterprise Services. After protests in the media, PTA

reversed the decision for the time being, which allowed Blackberry to continue its operations into 2016 but the clouds of uncertainty still hang over the horizon.

Federal Right to Information Law

The Federal Right to Information law is another issue, which throughout 2016 has remained under discussion. The draft of the law was prepared by a sub-committee of Senate's Standing Committee on Information and Broadcasting after extensive deliberation for more than three years. In order to be presented before the parliament as a government bill and get a shape of the law, it needs approval of the federal cabinet. Unfortunately, due to delay in the federal cabinet meeting, the Bill has yet to be approved by the cabinet. More delays are expected before the bill comes into effect.

Media Safety Bill

Safety of journalists and media houses has become a critical issue in Pakistan during the past few years. Unceasing demands from the media practitioners' community for special legislation have gone unrewarded. In this regard, a private member bill was submitted by Senator Khurshid Ahmed and 21 other senators in 2011. The Bill was and referred to the Standing Committee on Information and Broadcasting by the House Business Advisory Committee in its meeting held in September 2015. The Committee constituted a sub-committee and appointed government Senator Mushahid Ullah as its convener. The sub-committee has been engaged with stakeholders to agree on a comprehensive legislative draft. A Ministry of Information and Broadcasting official told a meeting of stakeholders facilitated by UNESCO in Islamabad in October 2016 that the government was not willing to pass the bill until a key stakeholder, the Pakistan Federal Union of Journalists (PFUJ) was represented in the inputs for the bill and the representation, according to the government was not possible until the PFUJ factions got united and held an election, which was not expected before well into 2017. Meanwhile, journalists and media workers suffered from want of a legal framework to help them effectively combat impunity against journalists.

Tighter media regulation

For a long time, the Pakistan Electronic Media Regulatory Authority (PEMRA) has remained without a chairman since 2012. During this period, PEMRA has been unable to emerge as a facilitator of the media sector leaving key decisions untaken such as digitalization of the broadcast sector and switch to the DTH system. In December 2015 the government finally appointed a full-time chairman. However, since his appointment, almost the entire focus of PEMRA has shifted to media and content management of TV channels. In his first 10 months in office, the regulator has sent dozens of notices to TV channels for alleged violations of PEMRA laws and codes of conduct and ethics. Several channels have also been fined for being too critical. There is a discernible rise in forcing the channels to censor themselves on current affairs and journalism content.

Codifying restrictions for electronic media

The government notified a new Code of Conduct (CoC) for the country's electronic media in Pakistan on August 19, 2015. An aggressive enforcement of this code was witnessed in 2016 as PEMRA went into overdrive censoring the channels for content, comments, opinions and reporting. The new code replaced the CoC, which was part of the PEMRA Rules, 2009, as its Schedule A. Since the notification of the new code and its enforcement, concerns have arisen whether a code should be a self-regulatory mechanism or a state-regulation. Similarly, legitimacy and ownership of the CoC are also in question as it was developed and notified by the government, and PEMRA was asked to implement the same. Nevertheless, the Code poses serious threats to the already crumbling state of freedom of expression in the country. A careful reading of the Code opens up various concerns for free expression and journalistic freedoms.

The Code provides a set of fundamental principles for airing programmes. The Code requires the electronic media to respect various new notions and ideologies in addition to already mentioned restrictions in Article 19 of the Constitution of Pakistan and other national laws, including the PEMRA law. For example, the CoC prohibits the licensees (PEMRA's licensees) from airing any content "against the Islamic values, the ideology of Pakistan or founding fathers of the nation including Quaid-e-Azam [Muhammad Ali Jinnah] and Dr Allama Muhammad Iqbal." The jury is still out on what exactly constitute 'Islamic values' and what is the ideology of founding fathers of the nation. Activists point out that there can be more than one perspectives on these vague terms, which can be interpreted subjectively. Therefore, such vagueness can put the constitutional guarantee of free expression under a subjective interpretation of the media regulator. Not to forget that restrictions given in the constitutional provision (Article 19) are also vague and subjective.

The 'fundamental principles' of CoC further state that the licensees shall ensure that no content is aired which: "Incites or condones dislodgement of democratic set up against the command of the constitution of Pakistan; Includes anything against the integrity, security and defense of Pakistan; Contains aspersions against the judiciary or armed forces of Pakistan; and Is defamatory as defined in the law for the time being." These 'fundamental principles' seem to further add into already given - in the constitution and other laws - restrictions on free expression and promote censorship. Similarly, provisions of clause 4 of the CoC apparently require 'objectivity, accuracy and fairness' in news and current affairs programs. Nevertheless, these provisions can be used by PEMRA as a pretext to impose a ban on political debates and critical analysis of judicial proceedings and judgments in cases of public interest. These provisions, pertinent to mention, are in addition to the Contempt of Court law and the Defamation law for the time being enforced in the country.

The situation becomes critical in the backdrop of PEMRA's orders and actions against TV channels in 2016. These incidents, among various others, include a ban on airing programs against 'friendly states' – for example Saudi Arabia in the case of Mina stampede in the 2015 Haj, coverage of Yemen issue and airing footage of Altaf Hussain. Most of these orders were issued before the notification of this CoC. Quite expectedly, since the notification of the Code, PEMRA has issued several warnings to and also took actions in 2016 against several television channels for alleged violations of the CoC.

The CoC, from its very nature, is a legal instrument. It is now part of the PEMRA law and, according to Section 30 of the PEMRA Ordinance, violation of PEMRA Ordinance, Rules or Regulation by a licensee can result in revocation or suspension of license. Furthermore, under Section 33 of the PEMRA Ordinance, if a licensee violates or abets to violate any provision of the PEMRA law, a fine up to Rs10 million can be imposed. In case of repetition of the offence, the licensee can also be put behind bars for three years.

Censorship: Suppressing dissent and freedom of expression

Official meetings, public notes

How critical the issue of state-imposed censorship has become in Pakistan was dramatically manifested in 2016 by the bizarre sacking from the federal cabinet of Prime Minister Nawaz Sharif's government of Federal Minister for Information and Broadcasting Senator Pervaiz Rasheed for failing to ensure censorship – prevention of publication – of a news report in Dawn newspaper by journalist Cyril Almeida. The news report published on October 7, 2016, has since become controversial and led to a series of developments that bears the hallmark of a state intolerant of criticism and dissent. This included first banning Almeida from leaving Pakistan for a few days, sacking of the minister and the establishment of an ominous commission headed by a former judge of the Lahore High Court, with representation from all key military and civil intelligence agencies, to probe how the information in the report of an alleged showdown between senior military and civilian government leaders over Pakistan's security and foreign policies was "leaked." The security establishment, through its Inter-Services Public relations (ISPR) office, issued a statement calling the report a 'fabrication' but demanding that the sources, which it suspects lie in the upper echelons of the cabinet and its aides, for the information 'leak' be exposed and punished. These high-end steps taken by the government – widely seen as reluctant but coerced – were sure indications that the margins of tolerance for criticism of the security establishment were shrinking in Pakistan.

Almeida's report described an alleged confrontation in which senior government leaders warned the military top brass that Pakistan faced international isolation unless the military cracked down on violent Islamist groups. According to the report, the Punjab chief minister

complained of the military allowing militants arrested by the government to walk free. When pressure from the military authorities erupted, Dawn Editor Zaffar Abbas issued a statement on an official Facebook page standing by a story which he insisted had been "verified, cross-checked and fact-checked," refusing in the best traditions of independent and principled journalism it would not disclose its sources of information. "The elected government and state institutions should refrain from targeting the messenger, and scapegoating the country's most respected newspaper in a malicious campaign," the statement said.

On October 11, 2016, the HRCP demanded that all curbs on journalist Cyril Almeida traveling abroad must be immediately withdrawn and any grievance that the authorities might have against him must be dealt with in accordance with the law, due process and universally acknowledged freedoms of opinion and expression. In a statement, the Commission said: "Barring Cyril Almeida from traveling abroad and the apparent pressure on his employers, the highly respected Dawn newspaper, will cause distress to all those, at home and abroad, who believe in the freedom of expression and the rights of journalists. This is not the time to turn the international journalist community against Pakistan. It seems that the authorities are overreacting to a story by Cyril, which touches on journalists' responsibilities in times of trial. HRCP believes that civil-military relations are not a subject beyond the concerns of working journalists or the people at large. The arbitrary placing of names on the Exit Control List (ECL) has been in debate for long and under the revised thinking on the matter, it has been decided that any person whose freedom of movement is to be curtailed must be heard before his name is added to the ECL. We realize that Pakistan is passing through difficult times but we are convinced, more than ever, that wisdom lies in respecting the freedom of expression rather than suppressing it, because neither national unity can be achieved nor any issues of governance resolved by finding scapegoats among journalists. HRCP calls upon the authorities to immediately remove Cyril's name from the ECL and refrain from harassing him and intimidation of his employers. We must also stress that whatever matters are of concern to the establishment must be dealt with in accordance with the law, freedom of expression and other rights of citizens, particularly with regard to the due legal process."

Targeting civil society activists, scholars and rights defenders

While the high-profile fallout of the Almeida report about souring civil-military relations dramatically escalated the environment of intimidation on the media and increased levels of self-censorship, adding to the pressure was focused targeting in the fall of 2016, civil society activists. This included targeting of a group of intellectuals comprising some of Pakistan's most vocal proponents of political reforms and progressive policies who came under an organized attack online and in mainstream media for meeting in London in late October

2016 to discuss a progressive future for Pakistan. This onslaught was twinned by slanderous attacks online against author and political and security analyst Ayesha Siddiqua Agha by unknown sources branding her a traitor and working for the Indian agencies, and accused her of having links with RAW and the Indian national security advisor. These campaigns opened both Agha and the group of civil society luminaries to the risks of physical violence in an environment of heightened tensions and growing intolerance of dissent and criticism of official policies. Concerns grew in 2016 at the pervasive climate of intolerance and paranoia that is stifling the voices of human rights and reason.

On November 7, 2016, the HRCP called the smear campaign on the conventional electronic and social media against Dr Ayesha Siddiqua a disgraceful spectacle at odds with the values of a democratic and tolerant society. In a statement, the Commission said: "The character assassination that Dr Siddiqua had endured at the hands of the media, especially social media, since her recent participation in a conference in Afghanistan, was outrageous. The campaign branding Dr Siddiqua a traitor is a reflection on the media entities involved as well as the general climate in which those professing monopoly over patriotism hasten to brand anyone a traitor who dares to expose shortcomings in Pakistan's policies. Granted that Pakistan is in difficult straits and finding itself challenged on many fronts, but that should not be an invitation to abandon tolerance, decency or deny citizens freedom of expression and thought. Why is it so difficult to imagine that citizens outside the official quarters can also think of and suggest ways towards solving Pakistan's problems? We sympathize with Dr Siddiqua and all those who are at the receiving end of this madness, but we are more concerned that the pervasive climate of intolerance and paranoia will stifle the voices of human rights and reason, robbing the nation of valuable advice on making proper choices. The authorities who have been overly concerned of late regarding the use of the cyber space should take notice. Public condemnation of such vilification tactics is also vital to challenge this assault on reason and freedom of expression."

Blaming the messenger for the message

Another disturbing development in 2016 in terms of freedom of expression was the criticism against media's coverage of terrorism by indicating that it was tantamount to promotion of terrorism and the recommendation to the government to crack down on it by a judicial inquiry commission. The commission inquiring into the August 2016 deadly attack in Quetta targeting lawyers in which over 60 lawyers and two journalists were killed, whose report was released on December 15, 2016 and created a political storm, while finding fault with intelligence and security failure by government authorities for the terrorist attack, also identified media as part of the problem. The commission regretted that the media "sometimes glorify terrorists while reporting terrorism cases. Journalists make no attempt to verify news before circulating [them] and simply print what the terrorists]

dictated, albeit lies, and completely disregarded the martyrs who had been mercilessly killed by terrorists and hurt they caused to their heirs, loved ones and friends.” The commission recommended that “if the media broadcasts and propagates the views of terrorists, then those doing so must be prosecuted in accordance with the law.” This is harsh criticism and an overtly strong direction to the government to crack down on media considering that terrorist acts in public space allow for people's right to know and the responsibility for media to cover them, in accordance with professional journalism ethics. Media cannot be blamed for covering the public acts of banned groups when it is the state's responsibility of preventing them from happening in the first place.

Official intolerance of criticism by citizens online

Yet another disturbing development was an official policy note from the Attorney General – the highest law officer of the state – sent on December 28, 2016, to the Ministry of Interior and Federal Information technology Division to severely crack down on “slandorous criticism” in cyberspace against the judiciary. He recommended criminal action against citizens or groups using the social media “targeting” the judiciary that could entail prison sentences of between two and five years against those found guilty. Referring in particular to two widely shared images purportedly showing two judges meeting with politicians and thereby indicating impropriety as examples of slander requiring government action against citizens expressing themselves online, the attorney general's note advised the interior ministry and IT division to “initiate criminal proceedings against individual users and group accounts on social media and websites sharing images under false pretense, allegations, misrepresentations or defamatory claims.” Any action, if initiated under these orders seemingly with the backing of the judiciary, will have a chilling effect on freedom of expression online.

Lifting the ban on YouTube

About the only bright spot relating to censorship in Pakistan in 2016 was the government lifting a three-year ban on YouTube. On January 19, 2016, the government announced the ban reversal on YouTube after the Google-owned video-sharing website launched a local version that allows the government to demand removal of material it considers offensive. Pakistan banned access to YouTube in September 2012 after an anti-Islam film, “Innocence of Muslims,” was uploaded to the site, sparking violent protests across major cities in the country. Under the new version of YouTube, the Pakistan Telecommunication Authority (PTA) can ask for access to offending material to be blocked, the Ministry of Information Technology and Telecom said in a statement. Google, however, said that it would not automatically remove material without conducting a review, and that the vetting process was the same as in other jurisdictions with local YouTube versions. Government requests to remove content would be publicly reported, it added. Pakistan has blocked thousands of web pages it

deems undesirable in the last few years as internet access spreads, but activists say the government sometimes blocks sites to muzzle liberal or critical voices.

Recommendations

- The federal government needs to urgently enact a special law on safety of journalists to outline legal mechanisms for their protection after consultations with the principal stakeholders: working journalists.
- Since law and order is a provincial subject and since media and media practitioners are spread across the country, the four provinces also need to enact provincial versions of journalists' safety laws to provide more accessible redress mechanisms at the local level.
- Media houses across the country need to draft and adopt their own staff security policies and safety protocols aimed at preempting and preventing threats to journalists and curbing the unbridled culture of risk-taking.
- The federal government needs to enact a whistle blowers' protection act to safeguard both journalists and government officials from prosecution or harm for using information that promotes transparency of offices run with taxpayers' money while allowing for special case exemptions on strategic security or intelligence matters.
- The Prevention of Electronic Cybercrime Act (PECA), enacted in 2016, urgently needs to be revisited to de-criminalize freedom of expression online, rationalize user data retention guidelines and add provisions to allow for oversight and transparency in its implementation mechanisms.

Freedom of assembly

Fundamental freedoms

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)

The right to assemble peacefully rests at the core of the functioning of a democratic system and is closely linked to freedoms of expression and association. Protection of the right is crucial to creating a tolerant and pluralistic society. Though freedom of assembly is enshrined in Pakistan's constitution, the laws limiting it are broader in scope than the reasonable restrictions the International Covenant on Civil and Political Rights (ICCPR) provides for.

The government's arbitrary resort to violence and implementation of laws such as section 144 of the Pakistan Penal Code, that forbids the gathering of more than four people, showed how the rights to freedom of peaceful assembly were violated in 2016. The government's reliance on force bared its deficiencies in crowd management. Blocking of roads and thoroughfares affected the citizens' fundamental right to public passage.

The government set permits as a requirement for protests. The system required citizens to notify authorities when they would assemble, rather than the government having to grant permission. According to Maina Kiai, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, permits turn the "right" to assemble for residents into a "privilege," which governments can deny or restrict. "The process of issuing permits could result in discrimination against certain groups."

There were incidents of violence by protesters, gridlock blocking people's freedom of movement and causing patients' deaths due to delayed access to healthcare. Journalists were intimidated and

threatened with violence by protesters demanding favourable coverage.

But, to quote Kiai again, the presence of such people does not take away the rights of those who are assembled peacefully and so, police should limit arrests and punishment to those who act outside of the law.

Expressions of the right to assemble

Several protests, strikes, and demonstrations, both peaceful and violent, took place in the country in 2016.

There were rallies against poor law and order, incidents of terrorism such as the one in Quetta, targeted killings, insecurity, extrajudicial killing of suspects in law enforcers' custody, rape, abduction and forced conversion of Hindu girls in different cities of the country.

Farmers staged protests in Toba Tek Singh, Okara, Kasur and Hyderabad against sugar mills not paying their dues for sugarcane supply. Farmers from 19 villages of Okara staged a rally over unavailability of canal water. In July, scores of farmers and landowners from different villages along the Gujrat-Sargodha road staged a demonstration against a proposal to acquire agricultural land for the establishment of phase II of the industrial estate area between Saroki and Sheikh Sukha.

The country witnessed people taking to streets against the shortage of gas, water and electricity. Industrial closure because of insufficient supply of gas and electricity rendered hundreds jobless triggering a string of protests in different parts of the country.

Government employees such as teachers, clerks, revenue, water management and Zakat and Ushr workers and health staff staged



Rally in Diamer against federal taxes: There were rallies against poor law and order, taxes, the shortage of gas, water and electricity and privatisation in different cities of the count



A bus station damaged in the protests: There were several incidents of violence by protesters

protests against delay in salary release, denial of promotions and non-regularization of services, controversial appointments, privatisation and kidnapping.

Workers associated with the power and energy sector, the national airline and the Pakistan Steel Mills staged demonstrations against the government plans to privatise these entities. Hydro electric workers staged protests over the death of two labourers as a crane working on the Orange Line train project hit live electricity wires. A large number of labourers working at the ship-breaking yard in Gadani called for payment of compensation to the families of workers who lost their lives in the Nov 1 accident. Workers also took part in rallies and other programmes held in various cities to observe Labour Day. In January, hundreds of brick kiln owners staged demonstrations in various cities of the Punjab province to protest against the administration's drive to eliminate child labour at brick kilns.

Doctors and paramedics in Islamabad, Quetta, Lahore, Peshawar and Karachi, Faisalabad, Bannu and some other cities boycotted their work at hospitals and staged sit-ins over their service rules and structure, allowances, and 'hooliganism' of attendants.

Tribesmen staged a protest demonstration in Wana, South Waziristan Agency to demand abolition of Frontier Crimes Regulation and merger of Fata with Khyber Pakhtunkhwa. Tribesmen from Khuga Khel tribe of Landi Kotal staged a protest demonstration at the Torkham border against the forced closure of thoroughfares and restrictions on traders' movement. A shutter down and wheel-jam strike was observed and rallies were held across the Malakand division against the imposition of Customs Act, 1969, in the region. In July, thousands of tribesmen, including traders, staged a protest

demonstration in Wana and Angoor Adda bazaars against the closure of Pak-Afghan border in Waziristan by Afghanistan.

A shutter down and wheel jam strike was observed across Gilgit-Baltistan in January and February against imposition of taxes on local people by federal government without determining the constitutional status of the region.

Different political parties staged rallies to protest what they called ignoring their provinces in the China-Pakistan Economic Corridor (CPEC) that would link Pakistan's southern Gwadar port on the Arabian Sea to China's western Xinjiang region.

Local government representatives took out rallies against provincial governments not transferring administrative and financial powers to them. In May, Jamaat-i-Islami took out a train march against corruption from Peshawar and took more than 48 hours to reach Karachi with stopovers at around a dozen major stations of different cities of Khyber Pakhtunkhwa, Punjab and Sindh. Two years after the killing of 14 workers of Tahirul Qadri's Pakistan Awami Tehreek in an ugly confrontation with police in Lahore's Model Town, PAT held a sit-in on the Mall to protest no progress in the case.

In March, the Jeay Sindh Qaumi Mahaz (JSQM) took out rallies to mark the second anniversary of its two activists whose charred bodies, along with that of another person, were found in a burnt-out car in 2014. In April, hundreds of activists and supporters of various political parties and nationalist groups took to the streets in protest after Shafi Mohammed Karnani, the chief of his own faction of the Jeay Sindh Tehreek, was shot dead by two masked assailants riding a motorcycle at Makli bypass.

In August, Indian Prime Minister Narendra Modi's statement on Balochistan sparked furious protests across the province. In October, the Difa-i-Pakistan Council, an umbrella group of hard-right religious parties and banned militant groups, held rallies to protest violence in Indian-administered Kashmir.

In January, hundreds of women protested in Muzaffargarh against a proposal to set up a coal power plant in Mahmoodkot and threatened to self-immolate if the plan was not scrapped. In June, women activists of the PPP demanded 50 per cent representation for women in the Council of Islamic Ideology (CII). Some religious parties protested passage of a law by the legislative assembly of Punjab, on violence against women that included unprecedented protections for women and penalties for perpetrators.

Violence against transgender people and the authorities disregard for their rights triggered angry street protests. Activists said 45 transgender people had been killed in Khyber-Pakhtunkhwa alone in the past two years.

In January and December, visually impaired persons protested in Lahore, Jhang and Pakpattan, demanding the Punjab government to provide jobs and regularise the blind ad hoc employees.

In February, Hindu devotees staged a protest at the Karachi Press Club against the desecration of their temple. In September, members of Christian community demonstrated against the militant attack on the Christian Colony in Peshawar, and urged the government to provide sufficient security to the minorities. In March, dozens of baton-holding protestors from the Sikh community from Sindh and Khyber Pakhtunkhwa pushed past the front gate and entered the grounds of parliament in Islamabad, protesting attacks on their houses of worship and alleged desecration in Shikarpur of Guru Granth Sahib, the holy book of the Sikh community.

Bahauddin Zakariya University students in Lahore took out rallies against non-verification of their degrees. Students of the Pak-Turk International Schools and Colleges, along with teaching and non-teaching staff, staged protests in different cities against the government orders requiring all the Turkish citizens attached with the educational project to leave Pakistan.

Civil society organizations such as the Human Rights Commission of Pakistan organised rallies in different cities over enforced disappearances such as the one of Abdul Wahid Baloch, a renowned writer and poet; torture; honour killings; and labour, women and human rights.

Challenges

A long list of incidents proves that the right to assemble peacefully was subject to the arbitrariness of government and was frequently



The government generally prevented political and civil society groups from gatherings in the Red Zone but hard-line protesters overran the security zone

violated by high-handed police. A set of laws and rules was used and misused time and again arbitrarily to put restrictions on peaceful assembly, criminalise protest, victimise individuals and silence the dissent. The laws made disproportionate impact on the right to freedom of assembly of certain groups such as land rights activists and human rights defenders. There were numerous examples of the police using brute force to stifle legitimate protest. Lady health workers, teachers, blind people, etc all suffered violence of this kind. The policy of detaining citizens to prevent them from joining a peaceful assembly amounts to perpetuation of the colonial administration's policy of treating any form of dissent as a design to spread disaffection against a government established by law.

The government generally prevented political and civil society groups of any affiliation from holding demonstrations in Islamabad, citing security restrictions that limit all public rallies and gatherings in the Red Zone, a secured area where the diplomatic enclave and government buildings are located.

But hard-line protesters overran the security zone in March. They defied a ban on demonstrations to rally in support of Mumtaz Qadri, a man executed on February 29 for murdering Punjab governor Salman Taseer over his call to reform the country's blasphemy laws. Calling for the immediate execution of Asia Bibi, a Christian woman convicted of blasphemy in whose support Taseer had spoken, the protesters initially assembled in Rawalpindi to take part in Qadri's chehllum remembrance – officially, the 40th day of mourning, though the organisers brought the date forward. They then marched on the capital and staged a sit-in there for four days and dispersed only after what a government minister said “assurances the government had no plans to amend the blasphemy law”.



Walls of containers blocked the roads to put restrictions on peaceful assemblies

Police blocked the roads with giant shipping containers, and fired teargas shells as protesters on their way to Islamabad set fire to trucks, shipping containers and smashed newly constructed bus stations on Islamabad's main avenue. In an apparent effort to deter further unrest, the authorities shut down much of Islamabad's mobile phone network, to the annoyance of many of its two million or so residents.

In March, Sunni Ittehad Council protesters at a demonstration in Lahore against Mumtaz Qadri's hanging beat up some policemen and lawyers, damaged a security check post at the Assembly chambers and a DSNG vehicle of a private television channel and removed the provincial government's advertisements from along the Mall during a rally.

However, in a repressive crackdown restricting the exercise of their right to protest peacefully, hundreds of opposition Pakistan Tehrik-i-Insaf party members, including parliamentarians, were detained in indiscriminate and arbitrary mass arrests en route to Islamabad to mount a protest against Prime Minister Nawaz Sharif. The government banned all political meetings, rallies and protests in the capital, Islamabad, ahead of the march on November 2. The authorities used unnecessary and excessive force firing tear gas shells and rubber bullets against protesters.

While PTI workers were battling the police in Rawalpindi and elsewhere, Ahle Sunnat wal Jamaat (ASWJ), a proscribed group, held a rally in the heart of Islamabad. Despite the imposition of Section 144, which had been used by the government to stop the PTI workers convention, ASWJ comfortably held its annual conference, provoking many to accuse the government of double standards.

In the run-up to the PTI protest, Khyber-Pakhtunkhwa was virtually



Roadblock on the motorway: The right to assemble peacefully was subject to the arbitrariness of government

cut off from the rest of the country as authorities had blocked all major roads, including the Islamabad-Peshawar Motorway, by placing shipping containers and concrete blocks. A senior army officer was killed and another critically wounded after falling into a roadside ditch while leading a military convoy from Rawalpindi to Nowshera.

People of the twin cities had to face the brunt of rallies and sit-ins. The Metro Bus Service remained suspended for a day and the people had to walk miles.

On 13 writ petitions filed against the Pakistan Tehreek-e-Insaf's November 2 scheduled protest, Justice Shaukat Aziz Siddiqui of the Islamabad High Court (IHC) held that freedom of assembly, movement and expression is the right of every citizen guaranteed by the Constitution. But these rights are not unbridled.

The IHC judgment said that if to lodge a protest is the right of any citizen, not to lodge a protest is also the right of every citizen. Nobody can be compelled to do which is not permissible under the law and no one can be deprived to do which is permissible under the law.

The IHC bench directed the Capital District Administration to allow protesters to assemble at specific place i.e. Democracy Park and Speech Corner (DPSC) but take legal action if an attempt was made to lock down the city.

In July, the Islamabad Police booked over 400 members of the Mukhtar Organisation (MO), a youth-wing of the Tehreek Nifaz-e-Fiqh Jafariya (TNFJ), for taking out a rally, blocking roads and violating Section 144. The police said the organisers had not obtained a no-objection certificate (NOC) from the local administration as Section 144 was in



At certain places citizens complained protesters misbehaved when they asked for a way out of the traffic jam

place in the capital.

Commuters suffered a lot as several other protests blocked roads and disrupted public life in different cities. In January, central Lahore remained virtually closed for traffic for about eight hours due to some day-long protest demonstrations. The traffic mess also delayed students returning home from their schools and colleges. Many ambulances got stuck in the traffic jam due to road blockades. At certain places people said the protesters misbehaved with them when they asked for a way out of the jam. Transportation of goods to and from Afghanistan remained suspended as protestors set up a camp right in the middle of Ring Road to record their protest against the power outages.

Patients faced immense distress due to the absence of medical treatment as doctors staged sit-ins boycotting duties. Two patients died, allegedly because they did not receive timely medical care. A pregnant woman in Rawalpindi died in an ambulance on her way to receive treatment because the passages leading to hospitals were sealed with shipment containers and the police weren't allowing anyone to pass through. In Lahore, a young boy on the way to the hospital died because he was denied access to the routes to reach the hospital in time. In November, a cardiac patient died outside the emergency ward of the Mayo Hospital when young doctors protesting there allegedly denied him entry.

Severe traffic jams caused by protests by doctors, students, nurses, lawyers, farmers and real estate agents affected business activities on the Mall in Lahore. Traders and businesspeople approached the Lahore High Court against the protests. The court gave directions to the district administration to craft a policy in order to avoid protests on the Mall.



Protests caused logjams on roads

Journalists were intimidated and threatened with violence by protestors demanding favourable coverage.

In August, accusing the media of failing to cover a six-day hunger strike against arrest of party members, protesters from the Muttahida Qaumi Movement, MQM, attacked TV stations and clashed with police in Karachi, leaving one person dead and eight others, including three media workers, wounded. The protesters torched three vehicles. Police fired tear gas and arrested 12 people. In January, a peaceful protest by Defence Housing Authority residents over the uprooting of half-a-century-old trees turned ugly when the DHA vigilance staff got aggressive with them. The cameraman of a private TV channel was attacked, detained for several hours, while the camera along with the footage of the protest was seized by the DHA vigilance teams. In February, a group of wrestlers subjected some local journalists and TV channels' cameramen to torture in Gujranwala, injuring two of them, for boycotting the coverage of district administration activities.

In a bid to disperse protesting Pakistan International Airlines (PIA) employees at Jinnah Terminal, Karachi, security personnel resorted to baton-charging and using rubber bullets, water cannons and tear gas shells. Two protesters died after sustaining bullet wounds. Rangers and police denied "handling protesters violently" and firing at the site of the clash. At least three other people, including a DawnNews cameraman Shafiq Dilshad, were injured during the protest as security officials also dispersed journalists and media personnel covering the incident. An Express News cameraman Agha Rafiq was also injured in the clash, while a business reporter of The Express Tribune was baton-charged.

Routine life in Dajal, a town of Rajanpur district, was disrupted for several days in August after locals clashed with police, held them hostage and burnt official vehicles following a dacoity-murder. Rajanpur police booked more than 1300 people under the Anti-Terrorism Act (ATC) for torching five police vans. Police raids reportedly forced a number of people to leave houses with their families and shift to other places.

In February, Badin police registered a case against 45 activists of various nationalist parties after a clash in a march organised by the proscribed Jeay Sindh Muttahida Mahaz (JSMM) and Jeay Sindh Liberation Front (JSLF) against "settlement of outsiders in the province". Around 40 people fainted and many of them were injured when police baton-charged the marchers and lobbed teargas shells to stop the marchers. Police said the marchers attacked them with stones, broke the barricades and tried to force their way into the city.

In March, a number of teachers seeking reforms in their service structure were baton-charged when they attempted to march on the Chief Minister's House. Five teachers received injuries as police also

used a water canon to keep the agitating crowd away from the so-called red zone, while six other teachers were detained.

In April, the death of a man in police custody sparked off a protest in Kasur. The protesters blocked Kot Radha Kishan Chowk near railway track and pelted police with stones. Scuffles between police and protesters were also witnessed and two cops suffered injuries in the clash. After the protest, four policemen were booked for torture and put behind bars.

The horrific sexual harassment of PTI women activists by more than 50 men after a rally in Lahore on May 1 highlighted not only a deplorable behaviour, but also the absence of effective security mechanisms at political gatherings. Earlier, PTI rallies in Islamabad and Multan also witnessed incidents where women were attacked. PTI Chairman Imran Khan on April 25 tendered apology over harassment of women supporters. Women have a right to political participation. The state must take the lead in ending the anti-women narrative in the country.

Three people were killed and 11 others, including personnel of Levies Force, suffered injuries in clashes between the supporters of Tehreek Hussaini and security forces during a sit-in on the main highway near Parachinar against ban on the entry of two Peshawar-based clerics in the town.

In May, 12 people suffered minor injuries when police used batons to break up a protest against the authorities in Dadu whom they accused of discrimination in removing illegal structures in their drive against encroachments.

In May, police deployment in Lahore and elsewhere attempted to stifle a protest by tenants from Okara's restive military farms. Reports suggested 50 Anjuman-i-Mazareen Punjab members were arrested and whisked away in the build-up to short-circuit a vibrant tenants' movement for land rights in central Punjab. In March, the Dera Rahim police booked 260 farmers, including Pakistan Kisan Ittehad (PKI) district president Muhammad Husain, for blocking Harappa Bypass Road and chanting slogans against the Punjab government for its 'flawed' agriculture policy. Farmers were booked under 16 MPO, PPC 341, 148, 149 and for violating the Punjab Sound System Regulation Act 2015. In December, chickpea farmers clashed with police in Bhakkar over damage to their crop caused allegedly by members of the Qatari royal family hunting houbara bustards.

In June, two Rangers personnel were injured when someone from among the protesting crew of goods transport vehicles holding a sit-in at Larkana-Naudero bypass threw stones at them.

In June, in Peshawar, police beat up dozens of protesting nurses gathered in front of the Khyber Pakhtunkhwa Assembly to demand improvement in their working conditions. While some arrested

protesters were released on bail, the FIR filed against them listed rather exaggerated charges – including, among others, criminal intimidation, rioting and the misuse of loudspeakers.

In June, enraged power consumers stormed the office of the Hyderabad Electric Supply Company (Hesco) executive engineer in Badin.

In November, police resorted to heavy tear gas shelling and fired into the air in a Malir locality to disperse people who blocked the National Highway as well as the main railway track for hours in protest over the arrest of a Shia cleric and leaders.

The City District Government of Lahore declared the historical Nasir Bagh as the designated place for protests and political rallies. Through another order, Section 144 was imposed on arranging political processions in the newly-constructed Greater Iqbal Park. A notification issued by the District Coordination Officer (DCO) Lahore said that an application must be moved 10 days before holding of any event at Nasir Bagh. “In case of an event involving a gathering of more than 50 people, approval will subject to clearance from Lahore police, traffic police and intelligence agencies,” the notification read.

Recommendations

- The authorities should take all appropriate measures to ensure that people, including women, children and those from marginalized communities, are allowed to exercise their right to peaceful assembly
- Section 144 should never be used to unduly restrict the right to freedom of peaceful assembly and needs to be repealed
- People should be properly warned of road blocks and told about detours they could take
- If sporadic incidents of violence occur, the authorities should identify the people responsible instead of using the violent acts of a few as a pretext to restrict or impede the rights of a majority
- Attacks on women and other marginalized communities during protests should be dealt with sternly and without impunity
- Media workers covering the protests should be allowed to do their jobs freely and without fear of attacks or intimidation

Freedom of association

Fundamental freedoms

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 discrimination in respect of their employment –

ILO Convention 98
Article 1

Enjoying the right to freedom of association free from unlawful interference by the state and the threat of violence by non-state actors remained an elusive goal for most in 2016. Lingering concerns, such as denial of the right of association to home-based workers, students and unregistered labourers, remained unresolved. New groups were added to the list of those threatened and attacked as a direct consequence of their associations. Lawyers suffered heavy losses with the Balochistan Bar losing about 70 of its members in one deadly attack. This and many other incidents this year greatly increased the level of insecurity felt by lawyers and judges in conducting their professional affairs with independence and impartiality.

NGOs continued to suffer unnecessary interference by the state in the name of fighting terrorism. All registered NGOs were told to register their organizations afresh or face a shutdown. The new registration

method was seen to be extremely intrusive while the procedure to regulate the sector lacked transparency. The Interior Ministry defended the crackdown vaguely as one against the NGOs involved in illegal activities.

The government failed to submit a formal reply to a report by the United Nations Special Rapporteur for Freedom of Assembly and Association, Maina Kiai. The rapporteur urged the government in his annual report to undertake a thorough and independent investigation into the killing in 2015 of Zaman Mehsud, a tribal journalist who also worked as an HRCP monitor in South Waziristan, and the enforced disappearance of human rights activist Wahid Baloch; hold the perpetrators accountable; and provide remedies to the victims' families. Baloch was abducted by plain-clothed men accompanied by men in police uniform from a highway on July 26, 2016. He returned home on December 6, 2016. No headway had been made in the investigation to ascertain his whereabouts during the time he was 'missing' by the year end.

Trade unions

A large number of workers remained outside the ambit of labour laws, and so, unable to exercise their right to form associations. According to an estimate, 8.5 million domestic workers were employed in Pakistan, most of them women and children. They, along with home-based workers formed a significant portion of the country's informal economy. Despite their economic contribution, they remained some of the most exploited group of workers. In the absence of a formal policy, they lacked social and legal protection and the right to organize and press for their demands. This largely undocumented but expansive workforce suffered from a lack of occupational safety, as was evident from the numerous cases of violence against juvenile domestic workers reported throughout the year.

In September, the All Pakistan Workers Confederation held a conference in Lahore to demand compensation for the families of labourers who were buried alive following an explosion at a factory in Lahore. They also demanded that the government lift the ban on trade union activity in Railway.

Targeted for political affiliation

The year saw an escalation in the witch-hunt targeting Muttahida Qaumi Movement (MQM) party in Karachi. Rangers, a paramilitary force in Sindh, spearheaded a crackdown against the MQM accusing its chief Altaf Hussain of harbouring criminals. Thousands of alleged criminals and suspects, including many MQM workers, were arrested without warrants and kept in prolonged and illegal detention. In May, Aftab Ahmad, an MQM worker died in the Rangers' custody. Autopsy revealed that 40 percent of his body was covered in bruises and the torture had resulted in his death. The Rangers originally claimed that he had died in hospital following complaints of chest pain. However, following the post mortem report, the Rangers director general admitted that the cause of death was torture. Four Rangers personnel

were suspended but they escaped punishment according to law.

On the directives of Sindh chief minister, MQM offices were sealed throughout Karachi while about 300 offices were razed to the ground for what the government said being illegally established. While encroachment is a crime, the authority's sole focus on demolishing MQM offices remained unexplained.

In April, Sardar Soran Singh, special assistant to chief minister KP on minorities' affairs and an MPA, was gunned down in a targeted attack near Pir Baba in Buner district.

On July 25, suspected militants shot and killed Jamiat Ulema-e-Islam-Fazl (JUI-F) district chief Mufti Ehtisham-ul-Haq along with his son in Quetta. There was no claim of responsibility but the security forces arrested seven suspected militants belonging to outlawed militants groups in the days following the killings.

Earlier in the month, former member provincial assembly and a senior leader of the Awami National Party (ANP) was shot dead in Swabi District. Unidentified armed assailants on a motorbike shot and killed him at his Hujra (outhouse).

In September, a woman councilor of Pakistan Tehreek-e-Insaf (PTI) was shot dead by unidentified assailants in Nowshera. The assailants entered her house at night and shot her dead while she slept. The councilor had been elected unopposed and also worked as a polio worker in the area.

In October, Maulana Shaukat Nawaz of the Pakistan Sunni Tehreek (PST) was gunned down in Haripur as he left his house to lead Fajr prayers in the local mosque.

In December, a Pakistan Tehreek-e-Insaf (PTI) worker was killed



The murder of Khurram Zaki by armed men in Karachi underscored the vulnerability of activists and civil-liberties defenders in Pakistan.

when unidentified assailants shot him three times in Karachi. Four months earlier, two senior PTI leaders were also attacked in Karachi when their car came under fire by armed men. The two men remained unharmed as a result of their bullet proof car. On September 21, a PTI candidate for the post of chairman union council was shot and killed in Lahore.

A senior party member of Jeay Sindh Qaumi Mahaz (JSQM), Kehar Ansari was picked up by law enforcement personnel from Naushero-Feroz and subjected to enforced disappearance for 10 days. Afterward he was thrown from a vehicle in a critical condition. He had lost his ability to walk and was under great mental stress. Earlier, when his colleagues were protesting his arbitrary and illegal arrest, law-enforcement agency personnel used disproportionate force to disperse the crowd which resulted in the death of JSQM activist Irshad Channa. The authorities failed to take action against the officers involved. Instead, cases were registered against about 500 protesters.

No headway was made in the case of killing of 14 Pakistan Awami Tehreek workers during protests on June 17, 2014. Police had allegedly employed excessive force to disperse protesters in Model Town, Lahore, killing 14 and injuring hundreds. The case lay pending with the Anti-Terrorism Court despite a passage of two years.

Crackdown against NGOs

National as well as international non-governmental organisations suffered unnecessary and arbitrary imposition of restrictions on operations, activities and meetings during the year. The process of shrinking of space for NGOs, which began in 2012 with the passage of Regulation of Foreign Contribution Act, picked up pace in 2016 resulting in intimidation and curbs. The stifling environment was especially condemned by rights activists for being created under a democratic setup. Various NGOs and INGOs across the country were informed they had to acquire fresh No-Objection Certificates (NOCs), the acquisition of which proved extremely difficult owing to demands for decades- old NGO records and complete information of all employees. Those who failed to meet the stringent criteria found their licences revoked, despite decades of work in the country.

In June 2015, the responsibility for the regulation of NGOs was passed on from the Economic Affairs Division to the Interior Ministry, with the minister noting that NGOs which “operate in conflict with our values” will not be allowed to work. As a consequence, NGOs in Punjab sought permission to work from local District Co-ordination Officers (DCO) who forwarded applications to the Home Ministry for approval. The Home Department might then send a letter to the Ministry of Interior to proceed against a specific NGO and revoke their license.

While no NGO was closed down during the year, the space available to operate shrunk significantly, often leading to self-censorship and a government sponsored demonisation of NGOs.

In March, the minister for interior said that due to lax regulation, foreign agents involved in hostile activities had entered the country under the guise of international aid workers. He failed to provide any evidence to support the claim. Earlier, the government shut down the Islamabad office of an NGO named Sahil working towards improving access to and quality of education for children. They were accused of receiving foreign funding and not keeping proper documentation. The minister failed to clarify the criminal aspect of receiving foreign funding since a majority of the NGOs working in Pakistan were and always had been donor funded.

On September 1, police in Sargodha district forcibly closed the offices of Taangh Wasaib Organisation (TWO), which campaigns to end violence against women and religious intolerance. The police locked the office, briefly detained the staff and asked for the whereabouts of TWO founder Rubina Bhatti. The following day, police visited Bhatti's home looking for her. In August, an interior ministry inspector had informed her about a complaint that TWO was 'preaching Christianity and defaming Pakistan'. HRCF voiced alarm at "CSOs being targeted for drawing attention to rights violations and issues of governance".

South Asia Partnership (SAP), a development-support organization, received a letter from district officer of Social Welfare & Bait-ul-Mal, Layyah district that they had been informed by the Ministry of Interior that SAP-PK had been pursuing an anti-state agenda and presenting a bleak picture about military operation Zarb-e-Azab and the National Action Plan (NAP) in front of the UN Human Rights Committee. The letter went on to state that as per directions of higher authorities, SAP was barred from operating in District Layyah.

Such intimidation and curbs deprive a democratic society of the benefits civil society action can have in the form of ensuring accountability, transparency and fighting the culture of impunity.

Victim by association

In 2016, lawyers made it to the list of groups systematically targeted by religious extremists for their affiliation and association. The year saw two major attacks against lawyers in Pakistan. At least 70 lawyers were killed on August 8 when a suicide bomber attacked the emergency ward of a hospital in Balochistan provincial capital, Quetta, where lawyers had gathered to mourn the murder of a colleague, Bilal Anwar Kasi. Kasi, the president of the Balochistan Bar Association, had been shot dead earlier that morning. At least two media workers were also killed in the attack. The Islamic State of Iraq and the Levant (ISIL) and the Taliban claimed responsibility. The attack was considered a serious security lapse. A few days later in Quetta, a bomb blast targeted a judge of the Federal Shariat Court. A dozen people were injured but the judge remained unharmed.

Less than a month after the Quetta attack, 12 people were killed and more than 50 injured in a suicide bombing at the district courts in Mardan, Khyber Pakhtunkhwa. Three lawyers and two police officers

were among the dead. The attack was claimed by Jamaat-ul-Ahrar, a faction of the Taliban.

There is a heightened fear of violence among lawyers and judges, especially in Balochistan, hampering their work.

The murder of Khurram Zaki by armed men in Karachi underscored the vulnerability of activists and civil-liberties defenders in Pakistan. Khurram Zaki was killed in May by unknown assailants in an attack that also left a journalist dead and a bystander critically injured. Zaki was known for his outspoken stance against certain terror groups. A faction of the Pakistan Taliban, the Hakeemullah group, claimed responsibility for Zaki's killing, but the police were unable to verify those claims and said the group had previously taken responsibility for attacks it did not carry out in Karachi.

No serious headway was made in the case of the murder of HRCP Coordinator for South Punjab, Advocate Rashid Rehman. He was gunned down on May 7, 2014, in his office in Multan. A month prior to his killing, he had submitted applications to the district police and the president of the District Bar Association, saying he was threatened during the hearing of a blasphemy case of a visiting lecturer of Bahauddin Zakariya University, Junaid Hafeez. The accused asked him not to appear in the case again.

Over the past few years, Pakistan has infamously been in the limelight for being unsafe for journalists. While a decrease in direct attacks and killing was noted, threats and interference continued unabated. In March, a spokesman for the Pakistani Taliban issued direct threats to journalists on Twitter, claiming that Taliban were waiting for an appropriate time to strike. In January, one person was injured when unidentified assailants hurled a hand grenade and opened fire at the office of local news channel ARY News in the capital.



Attacks on lawyers and judges greatly increased the level of insecurity felt by them in conducting their professional affairs with independence and impartiality

In September, unidentified gunmen in Peshawar kidnapped Jang Group's Executive Director, Abid Abdullah. He was freed by the kidnappers after a few days.

The government faced criticism when it placed the name of Cyril Almeida, a journalist associated with Dawn, on the Exit Control List (ECL) for filing a story on a high-level confidential meeting between the country's civilian and military leadership. The move came without warning or justification and prevented Almeida from leaving the country on a family holiday. The ban was lifted after a few days.

Student unions

Student unions continued to be banned in the country. The ban on student unions in Pakistan is more than three decades old – a remnant of the military dictator Zia-ul-Haq regime. However, successive democratic governments too have been unable, or unwilling, to lift the ban. Despite the issue being debated in the parliament almost every year, the government failed to act on the recommendations submitted to it. In January, a Senate committee debated the revival of student unions in Islamabad. A week earlier, the senate chairman had termed the ban on student unions in educational institutions as 'unconstitutional' and referred the matter to the committee. The government informed the committee that they had no reservation to the revival of student unions after certain regulations were put in place. A national conference on political participation of women, minorities and youth held in Karachi in March, made a call for the restoration of student unions in the country. The speakers, including civil society members and parliamentarians, pointed out the importance of students practicing politics during formative years to develop political depth and insight later in life. In October, the student wing of Jamiat-e-Islami, Islami Jamiat-e-Talaba threatened to launch protests if the KP provincial government failed to lift the ban on student unions. The ban has been in place in KP for almost three years. In June, the Peoples Students Federation, the student wing of Pakistan Peoples Party (PPP) took out a motorcycle rally in Lahore as part of a campaign for restoration of student unions in educational institutions. Removing the ban on student unions would do much to promote a democratic culture.

Banned organisations

In October 2016, 21 months after the launch of the National Action Plan, the federal government suspended the citizenship of individuals suspected of involvement with banned groups. Their national identity cards were blocked and so, they were unable to access banking facilities and buy or sell land.

On January 15, at a National Assembly session, the interior minister said that 933 URLs and 10 websites were blocked by Ministry of Information Technology for carrying hate material or belonging to banned groups. Also, 44 cases were registered in 2014, 206 in 2016 against hate material users and producers in different police stations of Punjab.



Suspected militants shot and killed Jamiat Ulema-e-Islam-Fazl (JUI-F) district chief Mufti Ehtisham-ul-Haq along with his son in Quetta

While Rangers carried out combing operations in Karachi, ASWJ, formerly Sipah-e-Sahaba, a banned sectarian group, collected charity during Ramazan at their office in Karachi. There was a lack of clarity on how the organisations and groups placed on the 4th schedule of the Anti-Terrorism Act (ATA), 2014 were being monitored. The fourth schedule was a section of the ATA under which someone who was suspected of terrorism was kept under observation. Maulana Abdul Aziz of the Red Mosque was placed on the list in 2005. However, he continued to issue fresh threats against the government well into 2016. In October when Aasia Bibi's, a Christian woman on death row for blasphemy, an appeal was up for hearing at the Supreme Court, the Red Mosque issued threats that if Aasia was released, the mosque would become a center for anti-government movement.

Recommendations:

- The government should ratify section C 189 of the International Labour Organisation (ILO) Domestic Workers Convention, extending the right to freedom of association to domestic workers in the country.
- The government should respond to the pending requests sent by the special rapporteur on freedom of assembly and association for a country visit to Pakistan. The government should also cooperate with the rapporteur regarding his concerns about the killing of journalist Zaman Mehsud and the disappearance of human rights activist Abdul Wahid Baloch.
- The arbitrary ban on student unions should be immediately lifted. NGOs must be provided an enabling environment to carry on their work. If there are allegations against them, they must be given a chance to address them and demonstrate that they are operating lawfully.



IV
**Democratic
development**

Political participation

Democratic development

... 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

The preamble of the Constitution of Pakistan acknowledges citizens' right to be governed democratically by stating, '...the state shall exercise its powers and authority through the chosen representatives of the people.' The command of the constitution calls for citizens' informed participation in nations' democratic political and electoral processes and affairs through their vote and voice.

2016 witnessed some encouraging developments such as the long-awaited inauguration of local governments in Sindh and Punjab, revision of electoral rolls, the celebration of National Voters' Day, and making public the draft Election Bill, aimed at electoral reforms, and the Federally Administered Tribal Areas (FATA) Reforms Committee Report for debate. The Senate introduced parliamentary innovations such as online public petitions on matters of public importance, Committee of the Whole, [the entire membership of the House sitting as a committee], and public hearings to provide space for public participation. [Senate Rules were amended to provide for conversion of the House into Committee (Committee of the Whole House), on issues of National importance, with the power to require the attendance of any person or summon production of papers, record from any division, department, autonomous body, semiautonomous body or organization, or examine such persons on oath or solemn affirmation, or invite or summon any person to give evidence in relation to any matter under its consideration.]

In terms of low moments, the public sphere continued to squeeze as the citizens' constitutionally guaranteed fundamental rights to association (Article 17) and peaceful assembly (Article 16) were

undermined on many occasions during 2016. The central secretariats of four major political parties were sealed on the pretext of non-conforming uses of residential buildings in Islamabad. The most shocking revelation of the year was that around 11.67 million women voters were missing from the revised voter lists mainly because they had not been provided with Computerized National Identity Card (CNIC).

The inferences drawn out of both the incremental advancements and occasional setbacks in 2016 are;

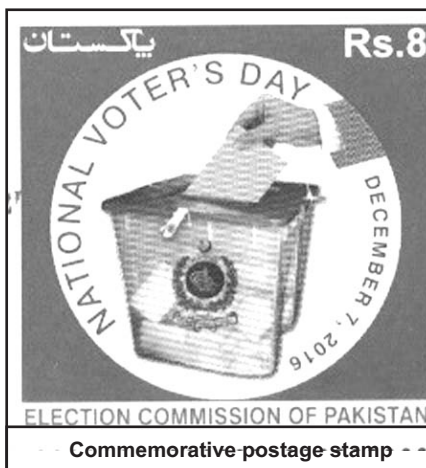
- It took almost three years from enacting new local government laws in 2013 in the most populous province Punjab and the second largest Sindh to making the local governments operational in 2016;
- The revision of electoral rolls exposed a serious nationwide gender gap of 12.52 percent i.e. 42.42 million women voters against 54.59 million male voters on the electoral register;
- The nation will be going to polling booths in 2018 but the electoral and FATA reforms have yet to go through proper parliamentary endorsement to become the legitimate legal instruments; and,
- There is almost negligible political support and parliamentary debate on protecting citizen's right to association especially in the realm of rights.

Local government: delayed devolution at the grass-roots

“Each Province shall, by law, establish a local government system and devolve political, administrative, and financial responsibility and authority to the elected representatives of the local government”.

Article 140-A, Constitution of Pakistan, 1973 Years of struggle and judicial battles later, in 2016, the local governments were headless in Punjab until December and in Sindh until August, resource-less in Balochistan, Islamabad Capital Territory, and Khyber-Pakhtunkhwa, powerless in the 42 cantonments and missing in the Federally Administered Tribal Areas and Gilgit-Baltistan.

Statistically 10, 427 local government institutions with 139,835 party-based elected councilors for 116 district councils, 4 metropolitan corporations, 24 municipal corporations, 271 municipal committees, 148 town committees, 4 town councils, 73 tehsil councils, 351 union committees, 5,893 union councils, 504 neighborhood councils, 2,997 village councils and 42 cantonment boards are now functional in the four provinces and the federal capital. The literature on





Local governments were denied adequate resources and autonomous functional space

devolution/decentralization offers a wide range of empirical evidence that the citizens could be served well in terms of effective service delivery at local level as most of the citizens' centric day-to-day transactions (e.g. water supply, sewerage, waste management, markets management, health care, primary education etc.) happen at this level. The quality of this experiential relationship influences the citizens to trust matrix vis-à-vis the nation's democratic processes. But unfortunately, the local governments are being denied adequate resources and autonomous functional space.

It is expected that the first party-based local governments will also open up an opportunity for the political parties to effectively engage and organize themselves at the grassroots. However, the provincial governments seem reluctant to meaningfully empower the local tier. They have resorted to relying on the colonial steel frame of bureaucracy by restoring executive magistracy and resurrecting the office of the deputy commissioner.

Women: victim of electoral gender-gap

In July, the Election Commission of Pakistan (ECP) had its four new members through a bi-partisan parliamentary process after the passage of the 22nd Constitutional Amendment (in June 2016) that had expanded the catchment area for its members beyond retired judges. Only the member from the Sindh is a retired civil servant. The member from Khyber-Pakhtunkhwa created history as Irshad Qaiser, a retired judge, became the first female member of the ECP. It is an important step forward to engender the institutional sociology of the ECP.

During October-December 2016, the ECP undertook an exercise to update electoral rolls and 4.20 million new voters were registered after a door to door verification of CNICs (Computerized National Identity

Cards). About 140,000 voters were deleted from the rolls due to deaths and other ineligibilities. As a result of the exercise, the total number of registered voters reached 97.02 million. However, the shocking revelation was missing women voters in all parts of the country. The gender gap was the highest in the FATA i.e. 24 percent, followed by 16 percent in Balochistan, 14 percent in Khyber-Pakhtunkhwa, 12 percent in Punjab and 10 percent in Sindh. It was lowest, 8 percent, in the federal capital, Islamabad. There were 54.59 million (56 percent) male and 42.42 million (44 percent) female voters. The ECP identified 26,000 census blocks where the ratio of registered female voters was less than 40 percent.

A positive development to address this gender-gap was the proposal in the draft Election Bill 2017 to nullify the election in a constituency where women voters' turnout was less than 5-10 percent (it is a contested proposition, the religious parties are in favour of 5 %). The ECP has been tasked to take special affirmative actions to increase registration of women voters.

National voters day

On December 7, the National Voters Day was celebrated in the country to motivate the citizens to obtain their CNICs and get them registered as voters. The major focus was on the young voters. The choice of the date was symbolic as on December 7, 1970 Pakistanis got their right to adult franchise for the first time after 23 years of independence. The ECP and civil society organizations launched civic and voter education campaigns. The major features of the celebrations were the issuance of a commemorative postal stamp, a public event at the President's House to highlight the significance of vote and a series of events through district voters education committees activated by the ECP.

During these celebrations concerns of voters with disability for convenient polling stations for them were highlighted. In order to



The gap between male and female voters widened

grant right of vote to the overseas Pakistanis, the ECP established a Directorate of Overseas Voting in its secretariat at Islamabad to undertake research and consult the stakeholders to realize this lingering idea. The ECP also conducted mock poll exercises in collaboration with the ministries of Foreign Affairs, Overseas Pakistanis and NADRA (National Database Registration Authority). Two different methods of postal ballot and e-mail/televoting were experimented. The final decision was left to the Parliamentary Committee on Electoral Reforms.

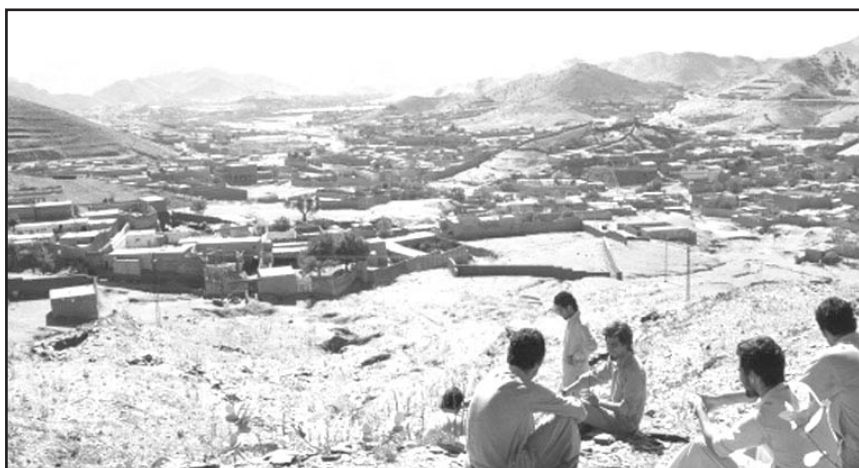
FATA reforms

The people of Federally Administered Tribal Areas (FATA) are the least politically integrated into the polity. They were guaranteed adult franchise in 1997 and the Political Parties Order-2002 was extended there in 2011. The region sends 12 members to the National Assembly and has 8 seats in the Senate. However, since 2013 the NA-38 (Central Kurram Agency) is without representation due to poor law and order situation.

After military operation Zarb-e-Azb to weed out terrorism from FATA the call for governance reforms gained momentum. The prime minister constituted a five-member FATA Reforms Committee, with no member from the FATA. The committee, however, consulted tribal elders. Its presented was laid in the both Houses of the Parliament in September 2016. A majority of the FATA legislators and the tribal people voiced in favour of the committee's recommendation for the merger of FATA with the adjoining Khyber Pakhtunkhwa province. The report has been made public to elicit further debate and discussion towards developing a national consensus on its Recommendations.

The four options offered by the FATA reforms committee are:

- Maintain status quo but introduce judicial/ administrative reforms and increase focus on development activities. Riway Act to replace colonial Frontier Crimes Regulation (FCR) 1901,



The people of Federally Administered Tribal Areas (FATA) remained the least politically integrated into the polity

- Create FATA Council on the pattern of Gilgit-Baltistan,
- Create a separate province of FATA, and
- Integrate FATA with Khyber Pakhtunkhwa province, each agency becoming a separate district and Frontier Regions (FRs) integrated.

According to the committee report, it emerged from the wide-ranging consultations that there was a wide consensus on integration of FATA with Khyber Pakhtunkhwa. However, tribal elders except in Kurram, Bajaur and FR Peshawar, wanted to retain the present special status of the FATA.

Electoral reforms

Since June 2014 Pakistan has been yearning for comprehensive electoral reforms. A 33-member multi-party Parliamentary Committee on Electoral Reforms (PCER) presented its first report in May 2016 to reform the Election Commission of Pakistan (ECP) and subsequently the 22nd Constitutional Amendment was passed in June 2016 to pave way for the four new permanent members of the ECP.

In December, the PCER proposed a second set of reforms to the parliament and citizen's suggestions were solicited on the draft Election bill. This is the first parliament-led electoral reforms initiative that intends to unify nine existing electoral laws. Five out of these nine laws are the legacy of military regimes that engineered and distorted nations' electoral system. The Parliament gave 20 days to citizens to submit their suggestions and comments for improvement.

The proposed electoral reforms package attempted to address many issues but was conspicuously silent about the concerns of religious minorities. Legislators from the religious minorities had no representation in the 33-member PCER.

Political parties: pluralist agencies for interest articulation

Political parties are called 'children of democracy.' However, as a forum of freedom and equality, reason and logic they serve as an agency of interest articulation. In Pakistan, 334 political parties are enlisted with the ECP. However, more than half of these have never participated in any election. Eighteen political parties have representation in the National Assembly and out of these, seven are single-legislator parties. Thirteen political parties have representation in the Senate of Pakistan and out of these three have one legislator apiece.

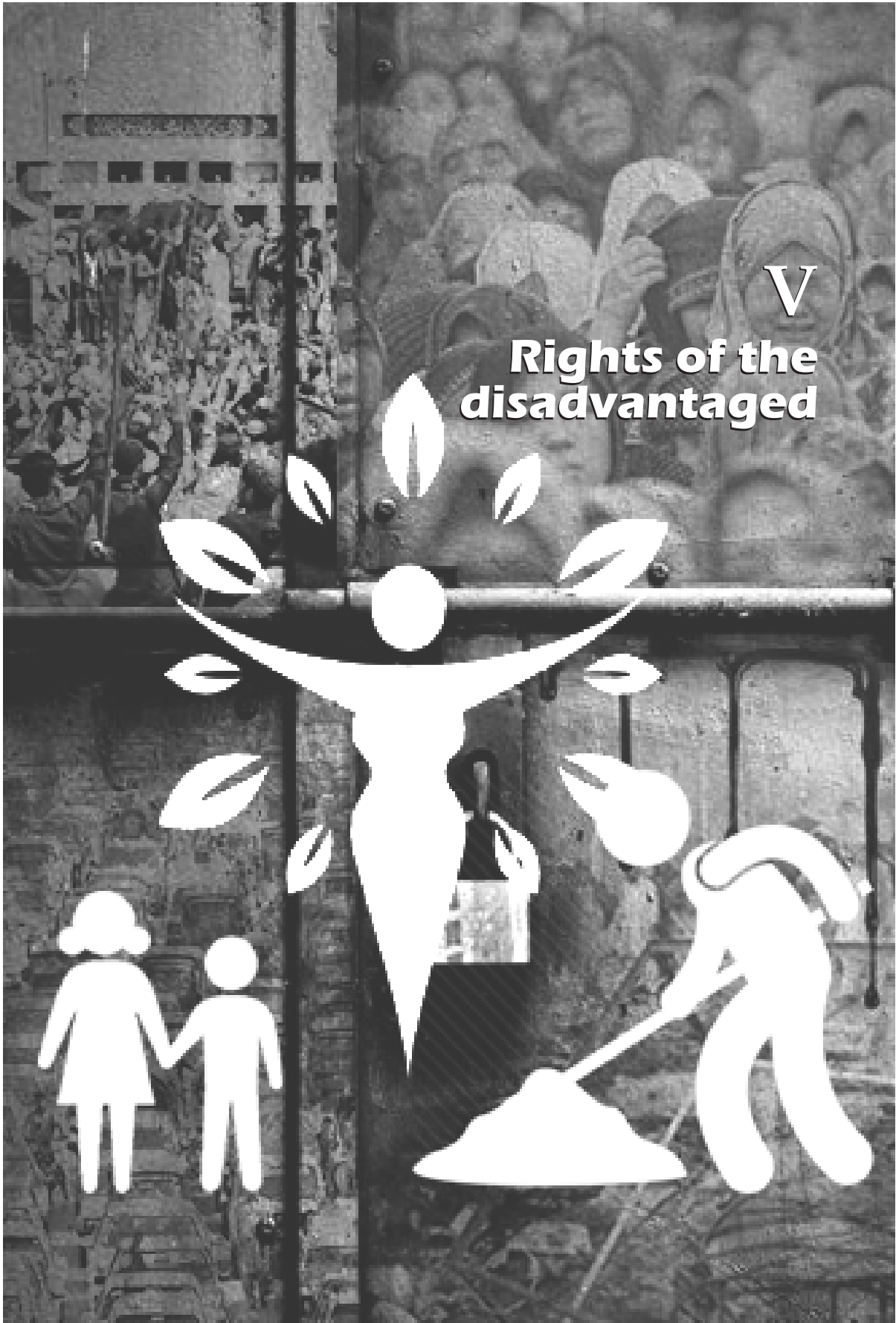
In 2016, for the first time, the ECP took action against the dormant political parties and made public the names of those who had never held their internal party election or submitted their audited annual accounts. The state of internal democracy in political parties is weak. The ECP has revived its political finance wing to monitor this otherwise ignored area.

In January, the Capital Development Authority on the pretext of commercial use of house sealed the headquarters of the ruling Pakistan Muslim League-Nawaz, opposition parties; Pakistan People's Party, Pakistan Tehrik-i-Insaf and Pakistan Muslim League-Quaid-i-Azam in Islamabad. Since then these parties are operating

from the residences of their leaders. A similar situation was faced by Muttahida Qaumi Movement in Karachi that is experiencing manipulated factionalism.

Recommendations:

- The electoral reforms process must be expedited so that the Election Commission of Pakistan and other relevant officials get enough time to implement them.
- The FATA reforms must match the inclusive democratic benchmarks of 21st century and reflect the genuine will of the people.
- Special steps shall be taken to bridge the serious gender-gap in the electoral lists.
- Well-organized democratic political parties are vital for a functional democracy. They must be provided a conducive environment to perform their role effectively.



V

**Rights of the
disadvantaged**

Women

Rights of the disadvantaged

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)

Two decades after Pakistan ratified the Convention on the Elimination of All Forms of Violence (CEDAW), the society and state and non-state actors continued to undermine women's rights and the country remained steeped in a culture of gender discrimination and inequality.

In 2016, too, the government focused more on protective than preventive measures for safeguarding the rights of women. Little was done to create an enabling environment for women to reach their full potential. While several legislative developments took place to strengthen the women protection system in the country, no significant

decline was seen in the number of cases of violence against women. Maternal health suffered. Females lagged behind in education and had very few opportunities to gain economic independence.

The 19th Annual Human Development in South Asia Report 2016: Empowering Women in South Asia ranked South Asia second lowest in the female Human Development Index (HDI) globally, only faring better than Sub-Saharan Africa. The report, launched in November 2016, observed that while the overall situation improved in Pakistan and other South Asian countries in the past 15 years, limited economic and political opportunities and access to justice constrained women development. Deep-rooted patriarchal values and institutionalized inequality continued to hinder women's progress on many fronts.

Economic and social rights (Opportunities and challenges)

By ratifying CEDAW in 1996, Pakistan committed to ensuring equality of men and women at all levels and abolishing all forms of discrimination against women. However, the country failed in this regard and for the second year in a row in 2016 it was ranked at 143 out of 144 countries in the gender inequality index. World Economic Forum's (WEF) Global Gender Gap Report 2016, released on October 25, 2016, declared Pakistan second last in the world in gender equality and the lowest scoring country in South Asia. Pakistan ranked 112th in the first edition of the report in 2006 and since then its position has been worsening every year. It was ranked 135th in 2013, 141st in 2014 and 143rd in 2015.

United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), in collaboration with National Commission on the Status of Women (NCSW), released a status report on women's economic participation and empowerment on May 18, 2016. The



World Economic Forum's Global Gender Gap Report 2016 declared Pakistan second last in the world in gender equality and the lowest scoring country in South Asia

report's findings were not very encouraging. The percentage of women in the labour force was 26% for women aged between 15-64 years, equivalent to almost 14 million women and no industry or sector employed more than 30% women. Up to 30% of female graduates earned below the minimum wage of PKR 10,000 per month compared to only 10% of male graduates. Moreover, 77% of women in the informal sector earned less than the minimum wage of PKR 10,000 compared to 42% of men (in 2013-14). Men in Pakistan earned 71% more than women on average.

Pakistan's first Women's Economic Empowerment Index was also launched together with the status report. The index measures women's district and province wise status in terms of labour force participation, education, decision making, health, violence and political participation. A score of one means complete economic empowerment and gender equality while scores close to zero indicate serious inequalities and poor economic empowerment of women. According to the index, Punjab performed best (0.52) followed by Sindh (0.38), KP (0.35) and Balochistan (0.26). The national figure stood at 0.39. Most of the districts had a WEE Index below 0.5. This is an alarming situation especially because Article 38 of the Constitution of Pakistan guarantees the right to equal economic opportunities irrespective of sex and the government's Vision 2025 recognizes that expanding women's participation and access to opportunities is critical for overall social and economic progress of the country.

Education levels of females remained disproportionately low compared to males. Pakistan was a part of the global Education For All (EFA) movement, which had the key goal of eliminating gender disparity in primary and secondary education by 2015. Pakistan failed to achieve this goal and a huge gap existed in literacy rates of males and females. The Punjab Gender Parity Report 2016 recorded the ratio of literate women to literate men at 0.724. The report noted that adult literacy in Punjab was at 50 per cent for women compared to 69 per cent for men and the ratio of literate men to literate women was better in northern districts than southern districts. It was the lowest in Rajanpur, Jhang, Chiniot, Khushab and Dera Ghazi Khan districts. According to the UN Global Education Monitoring Report 2016 poor rural females had a literacy rate of 14 percent, much less than their male counterparts with a rate of 64 percent. UNSESCO's Atlas of Gender Inequality in Education report also showed that girls are still the first to be denied the right to education. In Pakistan 2.9 million adolescent girls, or 53 percent girls of lower secondary school-going age, are out of school, compared to 2.3 million boys (43 percent).

To promote women empowerment and for the provision of quality education in Sindh, 50 acres land and Rs 90 million were allocated for the establishment of a women university in Sukkur in March 2016.

The Benazir Income Support Program Evaluation report for 2016 indicated some improvement in women's poverty levels. The report

showed a 7 percent drop in poverty and 3 percent decline in the poverty gap. The proportion of beneficiary households who were multi-dimensionally poor was observed to have reduced to 23 percent, falling by 8 percent since 2013. The evaluation also showed that the proportion of beneficiary women who can visit market alone had increased by 12 percent in past five years and it stood at 37 percent.

2016 also witnessed a number of firsts for women as holders of public offices. Ammara Aamir Khattak, who previously served as an additional commissioner in Hazara, became the deputy commissioner of Abbottabad in February. The country's first female chief election commissioner, retired judge Irshad Qaiser from Khyber-Pakhtunkhwa, assumed office in November, in the absence of Chief Election Commissioner Sardar Muhammad Raza and two senior members. Awami National Party (ANP) Senator Sitara Ayaz received National Award for Human Rights in December for her services to women's rights. As a first woman minister in KP, she had passed several pro-women legislations during her tenure. She is now serving as a senator and is a member of the Senate Committee on Human Rights.

Legal and political arena

In April 2016, representation of women on reserved seats in local councils was increased in Sindh to 33 percent with five percent representation of youth, religious minorities, and laborers and peasants. This amendment was brought through the Sindh Local Government (2nd Amendment) Bill 2016.

An attempt to set a 17 percent quota for women in the federal cabinet by Muttahida Qaumi Movement (MQM) MNA Dr Nikhat Shakeel Khan was rejected by the National Assembly's Standing Committee for Law and Justice on the premise that there should be no special gender-based quotas.

Increasing women's inclusion in the higher judiciary was stressed at different forums this year. Senator Babar Awan sought an amendment to the Supreme Court (number of judges) Act of 1997 in May to mandate a 33 percent quota for women judges in the Supreme Court. However, this proposal was opposed by Pakistan Bar Council's (PBC) Human Rights Committee. The bill remained pending with Senate's Standing Committee on Law and Justice with federal government showing no intention of taking it forward. HRCP also lamented the dismally low representation of women in the judiciary in a May 05 press statement, observing that among a total of 130 judges of Supreme Court and provincial high courts, only 7 were women. There is no women judge in Islamabad High Court whereas the highest number of women judges is three in Lahore High Court, followed by two in Peshawar High Court and one each in Balochistan and Sindh High Court. It noted that there had been only one female president of the Supreme Court Bar Association since Pakistan was founded.

Data shows that among the total registered voters 44 percent are

women as against 56 percent males. BISP's 2016 evaluation report said that 5.4 million women voters were added to the electoral list through the provision of CNICs under the programme. In 2011, just 40 per cent of women in beneficiary households reported that they were likely to vote. In 2016 the ratio rose to 70 percent. In March, the Election Commission of Pakistan (ECP) formed a first Gender and Disability Electoral Working Group (GDEWG) to suggest ways and means to increase participation of women and disabled people in the electoral processes. GDEWG is entrusted with the task of suggesting changes in existing laws and recommending a new law to boost participation of women in the electoral processes as voter, candidate, electoral administrator and observer.

Nine out of the 14 best performing MNAs during the third parliamentary year (June 2015-May 2016) were women, according to the individual parliamentary performance report by Pakistan Institute of Legislative Development and Transparency (PILDAT) released on October 18, 2016. The report that assessed the role of the members of the assemblies on the basis of oversight, legislation and representation showed that women parliamentarians fared much better than their male peers.

Health

While life expectancy for females increased by almost 4 years to 67.3 from 2005 to 2015, preventable diseases caused most of the deaths. Poor maternal health care service was a major cause of death of expectant women and girls in the country. With maternal mortality rate of 276 per 100,000 live births, Pakistan's Maternal Mortality Ratio Index fell by two points to 149 in 2015. Balochistan had the worst MMR exceeding 700 deaths per 100,000 live births. Balochistan's five-year Maternal, Newborn and Child Health (MNCH) Strategy 2016-20 was launched this year but it faced budgetary constraints.

In March 2016, a 10-point national action plan was developed for maternal, neonatal and child health by the federal Ministry of



Poor maternal health care service was a major cause of death of expectant women and girls in the country

Punjab, KP and Balochistan reduced the percentage share of education substantially in the 2016-17 fiscal year's budget. Sindh was the only province that increased its budget allocation to education.

Pakistan was observed to have the lowest education budget in South Asia, according to a national report 'Public Financing of Education in Pakistan and Agenda for Education Budget 2016-17', launched by the Institute of Social and Policy Sciences (I-SAPS). In regard to the quality of teachers, almost 43 per cent government school teachers across the country had received no formal training during the past five years, according to a survey by AlifAilaan, which was contributing to the decline in student enrolment. Moreover, 58 per cent public school teachers had no knowledge of the national curriculum and 73 per cent had not been taught any courses on assessment techniques during their pre-service training.

In August, the Punjab government approved a Rs 15 billion project to construct new classrooms, provide educational facilities and undertake renovation work work in schools across 16 districts in the province.

KP's Elementary Education Foundation that started its Iqra Faroghe Taleem Voucher Scheme in April 2015 to educate 16,000 children from six districts in private schools at government's expense extended it in November to nine more districts, enrolling 40,000 more out-of-school children in private schools. In KP, thousands of students made a shift from private to public schools between September 2015 and March 2016. According to a survey conducted by the provincial Elementary and Secondary Education Department with the support from Adam Smith International, a non-profit organization, approximately 34,000 students across 23 provincial districts transferred from private schools to public schools in six months. The main reasons were said to be distance from home, fee hike and poor quality of education.

In FATA, a campaign, titled 'Literacy for All', was started in 2016, as part of FATA's Annual Development Programme, to provide quality education to conflict-stricken children. Under this campaign, community-based schools called Alternate Learning Schools (ALS) were to be set up by the FATA Education Foundation (FEF) across the tribal area. In 2016, FEF established 76 schools for boys and 61 schools for girls.

Rights violations and child protection system

Some important developments were witnessed in 2016 in the legislative framework that governs child protection in the country. Sexual assault against minors, child pornography and trafficking were criminalized through an amendment to the Pakistan Penal Code by the parliament. The law raised the minimum age of criminal responsibility of a child from seven years to 10 years, and the upper

National Health Services, Regulation and Coordination (NHSRC). The plan aimed to provide a health insurance cover for those living below the poverty line and a special package of maternal health services. By June 2016, the NHSRC also approved the Pakistan Nutrition Program, which focused on improving nutritional status of adolescent girls, pregnant and lactating women. It remained pending with the Planning Commission for approval by the yearend despite the nutritional crisis engulfing the country.

In a petition filed in Sindh High Court, it was stated that more than 5,000 women in the country developed obstetric fistula every year and nearly 1,500 such cases occurred in Sindh. The obstetric fistula is a hole between the birth canal and the rectum or bladder that leads to continuous, uncontrollable flow of urine or faeces, or both. This is caused by lack of obstetric health facilities in hospitals and early childbearing. A National Maternal Newborn and Child Health Programme was introduced more than a decade ago to improve maternal and newborn child health services at all district levels, including a 24-hour comprehensive emergency obstetric care, but little was done in compliance with the policy. Expectant mothers also faced maternal anaemia in Sindh. White Ribbon Alliance started a campaign named Maternal Anaemia Signified in Sindh in December to create awareness and provide guidance to girls and women.

In an effort to expedite progress to achieving Goal 3 of the SDG, a maternal-child health project was launched in 14 districts across Pakistan in November. The project is aimed at improving the standard of care at health facilities in 14 mainly rural districts in Balochistan, southern Punjab and Sindh, as well as urban slums in Karachi.

Access to justice and legislative changes

In 2016 new laws were passed, which, if implemented, would greatly strengthen the protection system for women and girls.

At the national level, three laws were enacted regulating Hindu marriages, and reforming the existing anti-rape and honour crime provisions. In September, the National Assembly passed the Hindu Marriage Act 2016 several months after the NA Standing Committee on Law and Justice had approved it. The Act gives the Hindu citizens the right to register their marriages and obtain a proof of marriage document called the shadiparat. The law also sets the minimum age for marriage at 18, violation of which would result in six-month imprisonment and Rs 5,000 fine. The new law also allows Hindu women to remarry six months after the death of their husband and seek divorce on the ground of negligence, bigamy and being married before 18. In October 2016, in a joint session of the National Assembly two laws were passed titled the Anti-Honour Killing Laws (Criminal Amendment Bill) 2015 and the Anti-Rape Laws (Criminal Amendment Bill) 2015. The first stipulates that an individual found guilty of murder on the pretext of honour will be liable to life imprisonment (25 years) even if the victim's family pardons the offender. The other legislation, the Anti-Rape Law, gives legal cover to

the collection and use of DNA evidence to prove that rape has been committed. It prescribes strict investigation procedures and any officer who does not inquire diligently is punishable by a three-year jail term, a fine, or both. The new law also states that anyone who rapes a minor or a mentally or physically disabled person or a public servant such as police officer, jailer or medical officer misuses his authority to commit rape will be liable to death penalty or life imprisonment. Victims and witnesses are not required to be present for the trials in person and may appear through audio-video means and media are strictly prohibited from publishing the name or any information related to the victim.

In February, both Sindh and Punjab passed two laws for the protection of women's rights. On February 29, the Punjab Assembly passed the Punjab Protection of Women against Violence Act (PPWAVA), the third province to pass a law prohibiting domestic violence. The law prohibits all forms of violence against women including sexual, emotional, economic and psychological abuse, cyber crime, stalking and abetting of offenders. The law prescribes setting up of district protection centers, providing around the clock services to victims, including first aid, police reporting, FIR lodging, prosecution, medical examination, forensics and post-trauma rehabilitation under one roof. It also provides for the establishment of women protection committees to oversee implementation and appointment of women protection officers who will coordinate and carrying out the protection services. On February 15, Sindh Assembly passed the Hindu Marriage Act, 2016. This law specifies the procedure and conditions for marriages of Hindus, Buddhists, Jains, and Sikhs. It sets the minimum age for marriage at 18 years and makes it mandatory for the couples to register the marriage within 45 days in the presence of two witnesses. If properly implemented, this law can serve as a serious deterrent for forced conversions and child marriages.

The Sindh assembly passed a law for the creation of the Provincial Commission on the Status of Women in April 2015. However, the Commission was yet to be established by the end of 2016. In response to a query, the provincial government informed the Sindh High Court in August 2016 that a 21-member provincial commission would be established within two months, but the commission was yet to be constituted by the end of the year.

On October 21, Khyber Pakhtunkhwa Commission on the Status of Women Bill 2016 was passed, replacing the Establishment of a Commission on the Status of Women Act (ECSWA) 2009. Not satisfied with the 2009 law, the civil society had been demanding changes to make the commission more autonomous and to bring transparency to the appointments of its chairperson and members. The primary functions of the commission remain the same in the new law and the changes relate mostly to the composition and financial powers of the commission. Under the new law, the commission will have a

permanent secretariat at Peshawar and the chairperson will have a status equal to a BPS-21 officer of the government. The reconstituted commission shall comprise 15 official and non-official members including chairperson to be appointed and notified by the government. At least eight non-official members will be female and at least one member will belong to the minority community of the province. The commission's secretary shall be responsible for financial reporting and preparing the budget needed from federal and provincial government, which was previously prepared by the Social Welfare Department. KP remains the only province that is yet to pass a law prohibiting domestic violence. The Council of Islamic Ideology had rejected the domestic violence bill tabled in the provincial assembly earlier in the year. In August 2016, the CII submitted a 72-page response citing reasons for rejecting the bill presented in the assembly. The bill now lies with the KP government waiting to undergo another round of revisions before it can be introduced in the assembly again.

For the first pro-women law to cover the Federally Administered

Tribal Areas, the Directorate of Social Welfare FATA decided to extend the Protection against Harassment of Women at Workplace Act 2010 to FATA. A summary was prepared for the Khyber Pakhtunkhwa governor to seek the approval of the country's president to extend the law to FATA to ensure a safe and non-discriminatory working environment for the women in the province. No further progress was reported on the matter by the end of the year.

In family laws, the Lahore High Court ruled in August that remarriage of a mother cannot be a sole ground to deny her custody of a minor child. This ruling set aside two previous verdicts passed by a guardian judge and an additional district and sessions judge in which a mother had been denied custody of her minor daughter on the basis of contracting a second marriage.

In a report submitted to the Supreme Court by the Prison Reform Committee (LJCP) on behalf of Federal Ombudsman on December 13, it was stated that women were living in deplorable conditions in prisons across the country. The report recommended that provincial governments constitute and notify an oversight committee headed by a district and sessions judge for every jail. The report recommended the use of proper bedding for all prisoners, limited use of restraints on pregnant prisoners, provision of routine reproductive healthcare, introducing a system for education and skill development and improving the working condition of the jail staff deployed at these prisons. In June, Chairperson of the Senate's Standing Committee on Interior had demanded separate prisons for women in the country in view of their ill-treatment and the worsening conditions of jails.

Violence against women

Infliction of violence in its various forms and manifestations results in

the worst violation of women rights. It exists in both visible and covert forms making it difficult to assess the number of victims in Pakistan annually. Only a tiny fraction of the cases get reported in the media but those alone should be sufficient to bring the State into urgent and immediate action for its absolute prohibition. While laws and resolutions were passed in 2016 calling for its prohibition, their implementation remained largely missing.

On November 25, the Sindh Assembly unanimously passed a resolution calling on the provincial government to take measures to prevent physical and mental abuse of women, and committing to the framing of laws for the provision of basic rights to women in Sindh. To improve the protection services for women victims, the Punjab government announced in November that the first Violence against Women Center (VAWC) had been set up in Multan and would begin operations very soon. This Centre, established under the Protection of Women Against Violence Act 2016, is meant to provide legal and medical services to the victims for their protection and relief. Two prosecutors and 39 police officials were appointed at the VAWC. The law prescribes setting up of such centers in all districts offering police investigation, prosecution, legal aid and medical examination services under one roof.

The first gender parity report of Punjab, released in March, showed a 20 per cent increase in the cases of violence against women in the province from 2012 to 2015. Compiled by the Punjab Commission on the Status of Women and the Urban Unit, the report based on the data collected from the government sources. The report observed that incidence of violence was higher in districts where literacy rate was 50 per cent or lower such as Rahimyar Khan, Sargodha, Multan and Vehari. The report also found an overall decline in the number of convictions in the cases of violence against women falling from 378



While laws and resolutions were passed in 2016 calling for the prohibition of violence against women, their implementation remained largely missing

convictions in 2012 to only 81 in 2015.

HRCF media monitoring showed that there were more than 2500 victims of violence against women in 2016. The nature of violence included sexual, domestic, burning and kidnaping. Nature of Violence Victims Sexual Violence (gang rape, rape, harassment, sodomy, stripping)1003Domestic Violence (acid attack, amputation, beating, edged tool attack, murder bids, set on fire, shaving, shot etc.)386Burning (Acid attacks, set on fire)988Kidnapping 138Suicide + Suicide Bids1001

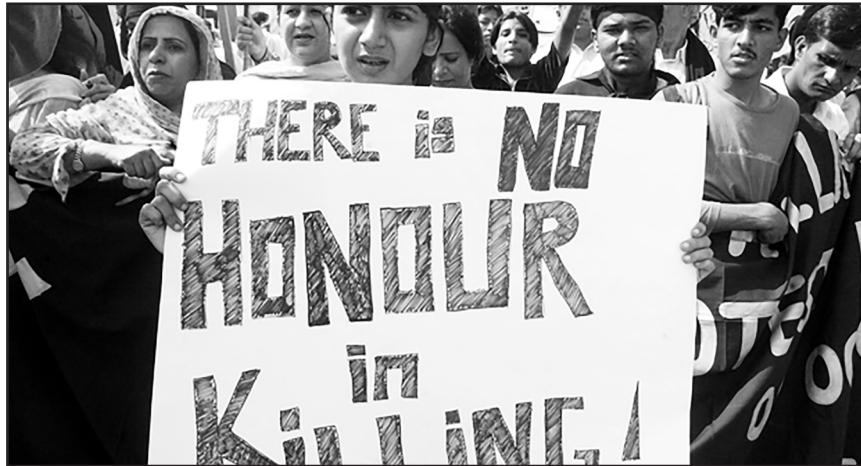
Honour crimes and acid attacks

Hundreds of women and girls were murdered in 2016 by family members on the pretext of defending the family honor.

In several of the reported cases the victims had been set on fire. On April 28, a 15-member Jirga in Abbottabad ordered the killing of a 16-year-old girl by burning her to death for helping her friend escape the village to marry of her free will. The girl was taken from her home to an uninhibited house where she was drugged, killed, and placed in the backseat of a parked van, which was set on fire. Two similar cases were also reported in June where the victims were burnt to death in the name of honour. First, a 19-year-old schoolteacher was killed after being tortured and set alight by the school principal as a punishment for refusing a marriage proposal from his son.

She had been forced to leave her job because of constant harassment by her boss for refusing to marry his son who was twice her age. She had named the school principal and four others to be responsible for death in a statement she gave two days before succumbing to her injuries. A week later, a 17-year-old girl from Lahore was set ablaze by her mother for bringing shame to the family by eloping and contracting a love-marriage with a man whose ethnicity was not acceptable to the girl's mother. The mother confessed to the murder and was taken into police custody. Another case that gained prominence in 2016 was the murder of Qandeel Baloch, a 26-year-old social media activist. On July 17, Qandeel was strangled by her own brother who claimed that she had brought shame to him and his family, and who later also confessed to the murder. Civil society came out in large numbers to protest the murder of the social media star, who shot to fame in 2014, demanding that honour killings be considered crimes against the state. Her case was the first time where the authorities registered Qandeel's murder as a crime against the state, and refused her family the legal right to grant their son clemency as per the longstanding Qisas and Diyat laws in Pakistan.

A month before Qandeel's murder and in the wake of the previous killings, Sunni Ittehad Council, a group of Barelvi clerics, issued a fatwa against honour killings, declaring it as un-Islamic and a grave sin. They said that murdering women who marry out of their free will is strictly against Islamic principles. Then in October, the National Assembly took a right step forward towards the prevention of honour



Some women protection laws were passed during the year but several others remained pending

Crimes. An amendment was made in criminal law to remove the legal loophole that allowed perpetrators to escape liability after being pardoned by the victim's families. Victim's families no longer have the option of forgiving those responsible for honor killings (See Access to Justice and Legislative Changes).

A 50% decline was seen in the number of acid attacks from 2014 to 2016, according to a study conducted by Acid Survivors Foundation (ASF) in collaboration with European Union (EU), Group Development Pakistan and National Commission on the Status of Women (NCSW). In 2014, a total of 153 acid attacks were recorded. Compared to 2014, a 54.9 per cent decrease was witnessed in 2015 while a drop of 51.91 percent was seen in the number of victims in 2016. HRCF media monitoring recorded 51 cases of acid attacks with 67 female victims this year.

Creating the right precedents, an anti-terrorism court sentenced a man convicted of attacking a woman with acid in 2015 to 28 years imprisonment. He had been charged under Sections 336 of the Pakistan Penal Code (causing injury which caused loss of function) and Section 7 of the Anti-Terrorism Act and was found guilty on both accounts.

Forced conversion and forced marriages

Women from minority religions are routinely subjected to forced conversions and marriages in Pakistan and this practice continued in 2016. No statistics are available on the number of conversions each year but media reports have shown that an average of 1000 girls from Pakistan are forcibly converted to Islam from other religions. Most incidents occur in the province of Sindh. In May, a jirga ordered remarriage of an already-married Hindu girl to an elderly man in

Tharparkar district of Sindh province. A few days after her first marriage to her cousin, the victim was taken from her home and forcibly married again to a 56-year-old man by her brother. In March, another girl was abducted from her village in the Umerkot district of the province and a week later she was presented in a court and declared a Muslim and the wife of the man who had kidnapped her.

To address the issue, Sindh passed the Sindh Criminal Law (Protection of Minorities) Act on November 24, 2016, which had been tabled by Pakistan Muslim League - Functional (PML-F) parliamentarian Nand Kumar a year ago. The new law prescribes a 21-day period for adults to consider their decision to convert and prohibits minors from choosing another religion of their free will. Any person who forcibly converts another person will be liable to a minimum imprisonment of five years and can go up to life with a fine to be paid to the victim and whoever performs or facilitates a marriage knowing that either or both parties are victims of forced conversion shall be liable to imprisonment for a minimum of three years or a fine to be paid to the victim/s. Complaints about forced conversion are to be made through a court petition and can be made directly by the victim or a person authorized to act on her behalf. All cases will be disposed of within three months. The law also provides for the provision of shelter to a victim till her case is in process. The amendment was met with a lot of criticism by religious factions in the assembly for being against Islamic tenets and less than a month later the Sindh government reportedly agreed to amend the law especially to remove the provision that a person must be 18 years old to change religion.

In the same month, the Senate unanimously approved the Criminal Law (Amendment) Bill 2016, which calls for more stringent penalties for forced marriages. The bill has increased the punishment for forced marriages to 10 years of imprisonment from seven years. The bill now awaits approval by the lower house.

Recommendations:

- The number and quality of economic opportunities for women must be improved significantly to meet Government of Pakistan's Vision 2025. Equal opportunities for education must be available for both genders and males must not be given preferential treatment.
- Women's political and judicial participation must be enhanced by creating a conducive environment for women parliamentarians to contest elections and increasing the number of women judges in the higher judiciary.
- Efforts must be made to decrease the maternal mortality rate by improving health facilities, access to contraceptives and

creating health awareness across the country. Obstetric fistula must be recognized as a major health hazard faced by women after giving birth. Child marriages must also be stopped to prevent medical complications related to early childbearing.

- Implementation mechanisms required for the enforcement of all new laws for women protection, passed at the federal and provincial level in 2016, must be immediately established. Provincial commission on the status of women must be constituted in Sindh on a priority. Violence against women must be controlled by strictly enforcing the laws passed in Punjab, Balochistan, Sindh and at the federal level. KP province should pass the prohibition of domestic violence bill urgently and set aside CII's reservations. Judges, police and communities must be made aware of the criminal law amendment that prohibits pardoning by the victims' family in cases of honor crimes to ensure no culprits of honor killings walk free.
- The conditions of women prisoners incarcerated across the country must be improved and brought at par with national and international standards of care and treatment of prisoners.
- Strict measures must be taken to create a safe living environment for women from minority religions in Pakistan, safeguarding them against forced conversions and marriages. Other provinces should follow Sindh in the adoption of a law for the protection of minorities.

Children

Rights of the disadvantaged

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, color, 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)

In 2016, children and young people consistently faced barriers to enjoying their rights and reaching their full potential. Little effort was seen at the state level to promote the welfare of children, particularly those who were vulnerable or at grave risk. A comprehensive child

protection policy remained missing at the centre and in provinces. No plan was developed on Pakistan's commitments under the newly-adopted UN's Sustainable Development Goals, many of which have a direct impact on the well being of children.

In its review of Government of Pakistan's Fifth Periodic Report on compliance with the Convention on the Rights of the Child in June 2016, the UN Committee on the Rights of the Child expressed serious concern over Pakistan's failure to comply with several of its obligations under the convention. Execution of individuals who were under the age of 18 at the time of commission of the crime, discrimination against girl child, systematic and pervasive use of torture against children in police stations and prisons, pending laws on child rights, corporal punishment and low budget allocations to health and education were some of the main issues highlighted by the Committee.

There were few substantial triumphs for child rights during the year under review. Major achievements included significant progress in controlling the spread of polio virus, and the adoption of the Criminal Laws (Amendment) Act 2016, which increased the age of criminal responsibility to 10 years and criminalized sexual assault against minors, child pornography and trafficking. Legislation notwithstanding, a vast proportion of children remained deprived of their fundamental rights and state interventions remained highly disproportionate to the magnitude of challenges faced by Pakistan's children.

Health

A significant population of children in the country lacked access to nutritionally balanced food and health facilities, causing stunting, disease and malnutrition. Though the stunting rates are improving globally at a rate of 2.1 percent annually, those have deteriorated in Pakistan over time. According to the Global Nutrition Report 2016, released in July, Pakistan had the fourth highest percentage of stunted children in the world. Another report titled 'Caught Short: How a Lack of Toilets and Clean Water Contributes to Malnutrition' published by Water Aid, an international charity working to improve access to safe water, estimated that 9.8 million children suffered from stunted growth in Pakistan, which constituted 45 percent of the total child population in the country, ranking Pakistan third in the world with the worst stunting rates and eighth in terms of stunting prevalence. A study by the World Bank released in November, also ranked Pakistan third highest globally in stunting. It said that 39.2 percent children in Punjab, 49.8 percent in Sindh, 47.8 percent in Khyber Pakhtunkhwa, 52.2 percent in Balochistan, 57.6 percent in FATA, and 50.6 percent in Gilgit-Baltistan were stunted. More than 2.5 million children with stunted growth lived in urban areas, according to World Population Foundation and Planning Commission's study titled 'Nutrition in Cities - A Secondary Data Analysis of Urban Children in Pakistan'. The figure exceeded the collective number of stunted children living

in Afghanistan, Yemen, Somalia, Sri Lanka and Papua New Guinea.

Statistics released by UN Inter-agency Group for Child Mortality Estimation in June show that nearly half of all children in Pakistan were chronically malnourished (stunted) while 11 per cent were acutely malnourished (wasted). 'Minimum cost of diet in Pakistan', a report published by the Planning Commission and the World Food Programme in July, stated that nearly 62 per cent of the households in the country were unable to access affordable, nutritious diet and this was particularly heightened in rural areas and less developed provinces. According to UNICEF, Balochistan was the worst affected province with 16 percent children acutely malnourished, 52 percent of children under five years of age stunted and 39.6 percent underweight.

Malnourishment is also a major cause of high child mortality rate in the country. Pakistan failed to meet its health-related MDG focused on reducing child mortality, which included lowering infant mortality to 40 deaths per 1,000 live births by 2015. A UN study, released in 2016, found that 66 out of every 1000 babies died at birth 2015 in Pakistan, one of the highest infant and neonatal mortality rates in the world. These dismal statistics made Pakistan one of the 10 countries where sixty percent of the world's 5.9 million children died before they reached age five. The World Bank's Pakistan Development Update also stated that under-nutrition is a major cause of under-five mortality in Pakistan, resulting in 3.1 million child deaths each year. At a conference on Early Childhood Development in August, the federal government said Pakistan had the highest ratio of child mortality globally and poor health facilities, malnutrition and lack of breast feeding were the major factors contributing to the deteriorating health of children in the country. It was announced that a national level working group had been established to develop an evidence-



A significant population of children had no access to nutritionally balanced food and health facilities, resulting in an increase in stunting, diseases and malnutrition

based national plan of action for protection of children. However, no further progress in this regard was reported in 2016.

Pneumonia and diarrhoea continued to be the other two leading causes of child mortality in Pakistan. The 2016 Pneumonia and Diarrhoea Progress Report, published by a renowned US-based school of public health, revealed that Pakistan, alongside India and Nigeria, remained among the top three countries that harboured the major global burden of these diseases. The report stated that Pakistan had pneumonia and diarrhoea mortality rate of 19 per 1,000 live births and 103,444 children under five had died of pneumonia and diarrhoea in 2015. Sindh and Punjab governments launched projects in 2016 to improve child survival ratio in collaboration with the UN and Bill & Melinda Gates Foundation. Both projects were aimed at reducing the incidence of pneumonia and diarrhoea among children between one to five years of age.

Children in Tharparkar, Sindh, were most affected by malnutrition and waterborne diseases, resulting in an official death toll of 476 in 2016 with nine deaths occurring in just the last two days of the year. Unofficial sources put the number as high as 606. Almost 2,200 children had died in Tharparkar over the past three years because of drought and negligence of state institutions. Lack of immunization and access to antenatal care and health facilities have worsened the impact of diseases and food shortage.

The number of reported polio cases in Pakistan dropped to 20 in 2016, compared to 54 in 2015. Eight cases each were reported from Khyber Pakhtunkhwa and Sindh and two apiece from Balochistan and FATA. No cases were reported from Punjab and Gilgit-Baltistan.

Education

Article 25-A of the constitution mandates free and compulsory education for children between 5-16 years of age. Sindh, Punjab and Balochistan have passed legislations in compliance with this Article. Despite legislative and constitutional changes, the literacy levels have remained largely unchanged since the Article was incorporated into the constitution in 2010. A review of the national and international situational reports affirms the same, indicating that the government has not made education a priority in its development agenda.

Global Education Monitoring Report 2016, by UNESCO, titled "Education for People and Planet: Creating Sustainable Future for All" observed that 9% (24 million) of the world's 263 million out-of-school children, adolescents and youth, were in Pakistan. It also said Pakistan would be unable to achieve its SDGs related to education by 2030 if it continued to progress at this rate. The report estimated that at the prevailing rate, Pakistan would not achieve universal primary education until 2060, universal lower secondary education until 2070 and universal upper secondary education until 2095.

The fourth edition of Pakistan District Education Ranking 2016 report, produced by Alif-Ailaan and Sustainable Development Policy Institute, was released in May. Through specially developed education and school indexes, the report measured the standard of education in the country and identified areas in need of immediate attention and improvement. The report studied all 151 district of the country, ranking them for levels of enrolment, learning, retention, gender parity and school infrastructure. Islamabad, Punjab and Khyber Pakhtunkhwa (KP) fared better in education and infrastructure scores. Sindh, FATA and Balochistan continued to be poor performers. Sindh education score remained the lowest in the national rankings with a decline of two points from the previous year despite its annual budget allocations increasing for the past four years. The districts with the highest ranking were Islamabad, Chakwal, and Kotli, whereas Qila Abdullah, Dera Bugti, and Lakki Marwat had the poorest rankings among the country's districts. The report also introduced a new index for school infrastructure and as per this index, only 52 percent of all government schools had all four facilities of toilets, boundary walls, electricity and drinking water. It also showed that 81 percent of all government schools were primary schools. The report stated that the enrolment rate at the primary level was 53% for girls and 60% for boys. It stated that Pakistan had the second highest number of out-of-school girls in the world. Only 58,042 (37%) government educational institutions catered to girls and young women out of the total 154,918 institutions nationwide.

Pakistan Education Atlas 2016, a report developed through the collaborative efforts of National Educational Management Information System (NEMIS)-AEPAM, World Food Programme, UNICEF and UNESCO, was released in September. It found that only half of the school-aged children in Pakistan were registered in schools, the ratio had increased by only 0.7 per cent in the past five years. The Atlas also observed that almost 6 million children (28% of the total)



A staggering 24 million children were not in school and more than half of eight-year-olds could not read

aged 5-9 years were out of school, and that only 69% of students who started school stayed on till grade five. Missing infrastructure in schools was quoted a major reason contributing to poor retention rate. According to the report, up to 33% of government schools did not have drinking water, while 31% were without toilet facilities, 43% had no electricity connections, and 29% had no boundary walls.

Poor financing and untrained teachers were major factors hindering progress in the education sector. Despite the poor literacy and situation of the education sector, the provincial governments of Punjab, KP and Balochistan reduced the percentage share of education substantially in the 2016-17 fiscal year's budget. Sindh was the only province that increased its budget allocation to education.

Pakistan was observed to have the lowest education budget in South Asia, according to a national report 'Public Financing of Education in Pakistan and Agenda for Education Budget 2016-17', launched by the Institute of Social and Policy Sciences (I-SAPS). In regard to the quality of teachers, almost 43 per cent government school teachers across the country had received no formal training during the past five years, according to a survey by Alif-Ailaan, which was contributing to the decline in student enrolment. Moreover, 58 per cent public school teachers had no knowledge of the national curriculum and 73 percent had not been taught any courses on assessment techniques during their pre-service training.

In August, the Punjab government approved a Rs 15 billion project to construct new classrooms, provide educational facilities and undertake renovation work work in schools across 16 districts in the province.

KP's Elementary Education Foundation that started its Iqra Faroghe Taleem Voucher Scheme in April 2015 to educate 16,000 children from six districts in private schools at government's expense extended it in November to nine more districts, enrolling 40,000 more out-of-school children in private schools. In KP, thousands of students made a shift from private to public schools between September 2015 and March 2016. According to a survey conducted by the provincial Elementary and Secondary Education Department with the support from Adam Smith International, a non-profit organization, approximately 34,000 students across 23 provincial districts transferred from private schools to public schools in six months. The main reasons were said to be distance from home, fee hike and poor quality of education.

In FATA, a campaign, titled 'Literacy for All', was started in 2016, as part of FATA's Annual Development Programme, to provide quality education to conflict-stricken children. Under this campaign, community-based schools called Alternate Learning Schools (ALS) were to be set up by the FATA Education Foundation (FEF) across the tribal area. In 2016, FEF established 76 schools for boys and 61 schools for girls.

Rights violations and child protection system

Some important developments were witnessed in 2016 in the legislative framework that governs child protection in the country. Sexual assault against minors, child pornography and trafficking were criminalized through an amendment to the Pakistan Penal Code by the parliament. The law raised the minimum age of criminal responsibility of a child from seven years to 10 years, and the upper age limit from 12 to 14 years. It also provided for the protection of children from cruel treatment and exposure to the obscene and sexually explicit material and child pornography.

Balochistan Assembly adopted the Balochistan Child Protection Act, 2016, aimed at providing protection to children from all forms of physical or mental violence, injury, neglect, maltreatment, exploitation and sexual abuse. The law provided for the formation of a Commission for Child Protection under the Social Welfare Department, which would be responsible for the implementation of the law.

Rules of business of the Sindh Child Protection Authority, formed two years earlier, under the Sindh Child Protection Authority Act 2011, were finalised in August 2016. The budget allocated by the Sindh government for child protection under the 2011 law, however, remained unutilized until the end of the year, according to a report titled 'Child-Specific Resource Allocation in Sindh Budget (2015-2016 and 2016-2017)' by the Child Rights Movement. The report also observed that the percentage of allocation from the Annual Development Programme (ADP) to child-specific schemes had been reduced by 20 percent for the Education and Literacy Department and by almost 4 percent for the Social Welfare Department.

A bill introduced in March 2015 in the National Assembly to form a national commission on the rights of child rento ensure compliance with constitutional and international obligations and to advocate for policy and systemic changes, including budgetary allocation, to the child protection framework, could not be enacted in even in 2016.

In Khyber Pakhtunkhwa, the Child Marriages Restraint Bill and the KP Right to Free and Compulsory Education Bill lingered for another year, making it the only province that was yet to pass such legislation.

Child labour

The true scale of child labour in the country remained unclear in the absence of a formal survey in more than two decades. By all estimations, the situation has deteriorated since the National Child Labour Survey in 1996 found 3.3 million children working in Pakistan. In 2016, Khyber Pakhtunkhwa and Punjab remained the only provinces that had enacted legislation on the prohibition of child labour. Sindh and Balochistan were yet to adopt a similar law despite child labour being a provincial subject. In the absence of new legislation, the Employment of Children Act 1991, which is deficient in

many ways, remained in force in these two provinces.

Many children continued to be exploited through forced labour and sex trafficking. In its 2016 Report on Trafficking, the US State Department categorized Pakistan under its Tier 2 Watch List for being a major source, transit, and destination country for children subjected to forced labour and sex trafficking. It observed that children in Pakistan were “routinely bought, sold, rented or kidnapped for prostitution or employment at small shops, brick kilns, or as domestic workers”. It said that illegal labour agents bought children from their parents for employment and subjected them to forced labor and sex trafficking.

The main steps taken in Punjab to reduce child labour in 2016 included adoption of two laws to prohibit and discourage child labour in the province. In February 2016, the Punjab Prohibition of Child Labour at Brick Kilns Ordinance 2016 was passed. A key feature of the law was that the kiln owners were now liable for any occurrence of child labour in the brick-making process. In case of contravention, the brick kiln was to be sealed and the owner to face a maximum imprisonment of 6 months and fine that could go up to Rs 500,000. In July, in order to prohibit child labour, the Punjab government passed a law titled the Restriction on Employment of Children Ordinance, 2016. This law banned employment of children less than 14 years of age in all sectors and the recruitment of adolescents between 15 to 18 years of age in hazardous occupations. The law offered protection to children and adolescents against any form of slavery or practices including their sale and trafficking, debt bondage and serfdom, forced or compulsory labour, including forced or compulsory recruitment for use in armed conflict. It banned procuring or offering a child or adolescent for prostitution, production of pornography or for pornographic performances, and illicit activities, particularly the production and



Many children continued to be exploited through forced labour and sex trafficking

trafficking of drugs.

These laws were supplemented by a support package for children working at the brick kilns, which included provision of free uniform, shoes, bags, books, a monthly stipend of Rs1,000 per student, an allowance of Rs 2,000 per family on enrolment of their children in schools and a yearly allowance of Rs 2,000 per family to incentivize retention of children in schools. In the second half of the year, the government focused on education and vocational training of children involved in children labour. On June 30, the Punjab Ministry of Labour and Human Resource signed a memorandum of understanding with the Punjab Vocational Training Council (PVTC) for skill training of children engaged in labour. Under the memorandum, the PVTC would train 69,000 children between the age of 14 and 18 years in various skills. The children were selected through a survey conducted by Bureau of Statistics in 10 districts of the province, namely Dera Ghazi Khan, Bahawalnagar, Hafizabad, Okara, Sheikhpura, Rahim Yar Khan, Khanewal, Sialkot, Gujranwala and Multan. In addition, the ministry also announced that 4,524 children aged 5 to 14 years, involved in child labour at auto workshops, petrol pumps, service stations, hotels and restaurants, had been enrolled in different schools run by the School Education Department, Punjab Education Foundation partner schools and informal basic education centers. In August, the ministry launched an 'Elimination of Child and Bonded Labour Project' for Sialkot district. Under the project, 257,000 children (aged 5 to 13 years) were to complete their primary education, while 118,000 others (aged 14 to 18 years) were to become literate and skilled in several trades.

No law, however, specifically recognized domestic work as a form of child labour. The informal sector remained largely hidden and unchecked, putting children working as domestic helpers at immense risk of abuse and exploitation. Several incidents were reported during the year under review where girls working as house maids were subjected to extreme mistreatment, beatings and abuse. In February, a doctor in Peshawar was found to have beaten, burnt and chopped off the hair of a 13-year-old girl, who worked as a domestic help at his house, over suspicion of theft. In April, a couple was arrested from Sabzazar locality in Lahore for torturing an eight-year-old maid with a water-heating rod. In May, a 17-year-old girl named Sadia was tortured in Chakwaland was denied any contact with her family for eight months. In June, a 12-year-old orphaned boy was recovered by Child Protection Bureau from the residence of a former member of the National Assembly who had been tortured and forcibly confined to the premises. In October, another incident was reported where a 15-year-old maid was tortured with iron by a couple residing at Lahore's Gulshan-i-Iqbal area. The year ended with reports of abuse of a 10-year-old domestic helper, recovered from the house of an additional sessions judge in Rawalpindi. A case was lodged against the judge and his wife. The FIR stated that the couple had been torturing the child for two years. Taking notice of the incident, the chief justice of the



Some child protection laws were passed during the year but several others remained pending

Islamabad High Court asked for a report on the incident, following which the IHC registrar summoned the accused judge for an inquiry. The judge denied all charges.

Violence against children

Violence against children continued unabated, occurring at home, at workplaces, and schools, severely impacting the healthy development, and physical and mental integrity of children and young persons. At least 11 children became victims of sexual abuse everyday while almost 100 were murdered after sexual assault in 2016, a 10 per cent increase in such cases compared to 2015, according to a report titled *Cruel Numbers*, released by the non-governmental organization Sahil. Out of the 4,139 sexual abuse victims, 1,729 (41%) were boys and 2,410 (59%) girls, mostly from rural areas. Punjab reported the highest number of cases followed by Sindh, Balochistan, Islamabad, Khyber-Pakhtunkwa and Gilgit-Baltistan.

Similar to the pedophile ring discovered in Kasur district of Punjab in 2015, a child abuse gang was unmasked in Nawakalay, Mingora, Swatin May 2016. The gang committing child sexual abuse and distributing child pornography for several years was discovered through a tip-off provided by a 13-year-old boy who was kidnapped by the gang in 2014 and set free recently. Police arrested the gang leader and his two accomplices on charges of kidnapping and rape of minors. A three-member committee was formed to probe the case. According to a fact-finding report by child rights NGO SPARC, the gang had been operating for 15 years and would kidnap, drug and rape boys aged between 14-16 years and then use the videos and pictures of the sexual activities to blackmail their families. Though the FIR only cited the abuse of 17 boys, the fact-finding report revealed that the gang had abused more than 100 children. The gang leader settled the case with money and was released after a five-day remand

ordered by the court. Human rights groups said this would not have happened if the criminal law amendment act, enacted earlier in the year by the federal government, had been extended to PATA as these crimes are non-bailable and non-compoundable under the new law. Two of the accused in the Kasur incident were sentenced to life imprisonment by an Anti-Terrorism court a month before the Swat gang was discovered.

A wave of child abductions was reported in Punjab, especially Lahore, in 2016. Then acting chief justice of Pakistan took suo motu notice on July 26, on media reports that more than 600 children had been abducted from the province of Punjab. The judge constituted a high-level committee, headed by the advocate general of Punjab, to inquire about the recovery of kidnapped children. Police claimed that the numbers were not unusually high and the media was creating unnecessary hype. The police submitted a report to the Supreme Court, which stated that 767 kidnapping cases had been reported in the first seven months of 2016, out of which, 715 children had been rescued whereas 52 cases were under investigation. The report also stated that most of the abductions had taken place in Lahore, Faisalabad, Bahawalpur and Bahawalnagar districts. The Supreme Court had sought a report from the committee, which was yet to be presented in court until the end of the year.

An NGO working for missing children, Roshni Helpline released its annual report in January. It said that 2,160 children who went missing in 2015 never made it home. Out of these 1,639 were boys and 521 girls. The NGO, quoting police sources, said that in Karachi an estimated 3,000 children went missing every year.

Corporal punishment

Despite Pakistan's repeated commitments to prohibit corporal punishment of children, it remained rampant in schools, prisons and homes. In its concluding observations and recommendations adopted in June 2016, the Committee on the Rights of the Child urged Pakistan to eradicate and prohibit all forms of corporal punishment.

One of the worst cases of corporal punishment during the year under review occurred in Sindh. In August, 14-year-old Mohammed Ahmed from Larkana district suffered a paralytic attack, losing all sensation in his limbs, as a result of alleged beating by his teacher. His father said the teacher had strangled his son. The Sindh chief minister vowed strict action against those responsible if the torture claims were established. He released Rs 50 million for the treatment of the student abroad. In the same month, a video emerged showing a schoolteacher in Drosh Tehsil, Chitral beating up children. The police arrested the teacher and registered a case against him under the KP Child Protection and Welfare Act 2010, which expressly prohibits corporal punishment. In response to this incident, the Elementary and Secondary Education Department in KP established an exclusive cell to deal with cases of corporal punishment. The cell was meant to

receive complaints on a toll-free number, which were to be investigated by the District Education Officer. The department also issued a notification stating that an employee or teacher found involved in corporal punishment would be suspended from service and would be liable to imprisonment.

Even as incidents continued to be reported from all over the country, some minor while others resulting in serious injury to children, the government failed to curb this practice. In February 2016, a private member bill titled Prohibition of Corporal Punishment Bill 2016 was introduced in the Senate. The bill proposed barring corporal or physical punishment to children up to the age of 18 years. It stated that a child could not be hit with a whip, stick, belt, shoe, wooden spoon, etc., nor punished by pulling their hair or boxing ears, forcing them to stay in uncomfortable positions, scolding or forced ingestion. A child could file a complaint with a magistrate if s/he experienced any of the stated forms of violence. The bill met with harsh criticism as it was claimed that it surpassed the rights of the parents and gave too much authority to the children.

The Criminal Law (Amendment) Bill 2016 also inserted “cruelty to a child” as an offence but did not expressly prohibit corporal punishment of children nor amended Section 89 of the Pakistan Penal Code, which provided a justification for resorting to this form of physical punishment. The new child protection law passed in Balochistan in 2016 did prohibit maltreatment or neglect but did not address corporal punishment specifically.

Juvenile justice

About 2,000 children [1,500 juveniles and 425 children living with their mothers] remained in prisons across the country in 2016, a national committee formed to improve the conditions of women and children in jails organised by the Federal Ombudsman Office said in its report. No separate courts were established to try children as required by the law in force. The Committee of the Rights of the Child expressed its deep concern over the status of juvenile justice system in the country, urging Pakistan to bring the system fully in line with the convention and other relevant standards. The committee urged Pakistan to reinstate moratorium on all executions and initiate a review of all cases where children or individuals who were under the age of 18 years when the crime was committed were sentenced to death.

On November 21, Juvenile Justice System Bill 2016 was tabled in the National Assembly as a private member bill, in an attempt to bridge the gaps in the juvenile justice framework. The bill remained under debate till the end of the year. The proposed law intended to repeal and replace the Juvenile Justice Systems Ordinance 2000 in compliance with the Lahore High Court judgment of 2005 that ordered overcoming gaps in that law. It proposed that all offences punishable up to seven years shall be considered as bailable and

compound able and the government should establish separate juvenile courts, juvenile justice committees and rehabilitation centers. The bill did not make it mandatory for the juvenile to be physically present during the court proceedings and instead allowed the use of audio-visual technology. The bills prescribed the use of diversion programmes for the rehabilitation of the juveniles.

A report, submitted to the Supreme Court by the Law and Justice Commission of Pakistan (LJCP) on behalf of the Federal Ombudsman on December 13, recommended that provincial governments constitute and notify oversight committees headed by a district and sessions judge for every jail. The report recommended that every jail have separate and independent quarters having toilets and adequate sleeping space for juvenile prisoners. It said that family members of the juveniles should have the right to visit the jails once a week, on pre-notified days, and that all prisons should be affiliated with universities or educational institution recognized by the Higher Education Commission (HEC) for provision of free and quality education to juveniles and upgrading prison libraries. It also proposed developing a database on prisoners linked with a biometric verification system by the National Database and Registration Authority.

Child marriages

The practice of underage marriages did not appear to undergo any decline in Pakistan. According to Save the Children's report titled 'Every Last Girl', released in October 2016, one girl under the age of 15 was married every seven seconds around the world. The report ranked countries according to a 'girls opportunity index' which measured on a scale of best to worst where a country stood in terms of child marriage, schooling, teen pregnancy, maternal deaths and number of female lawmakers. Pakistan was ranked 88 out of 144 countries on this index. According to the report, two-thirds of girls in Pakistan felt they could not take decisions about critical issues in their lives.

News of child marriages were reported throughout the year from all over the country, particularly from the provinces of Sindh and Khyber Pakhtunkhwa. Except a few anti-child marriage campaigns, started by human rights groups, no serious efforts were seen to tackle this problem. The legal framework prohibiting child marriages remained inconsistent across provinces. Punjab and Sindh remained the only two provinces having successfully introduced amendments to the Child Marriage Restraint Act, 1929 while KP and Balochistan still lagged behind in this respect. An amendment to the law was proposed in the Khyber Pakhtunkhwa Assembly but it was referred to the Council of Islamic Ideology for review. A similar bill titled the Child Marriage Restraint (Amendment) Bill, 2016 was presented in the National Assembly on March 24, which proposed an increase in fine to Rs 300,000 and imprisonment up to three years for those responsible for under-age marriages. While no objection was raised during the parliamentary session, the Speaker referred the bill for review to the

Standing Committee on Religious Affairs, which had already rejected an earlier amendment proposed by a parliamentarian in 2014. The 2016 bill was under the committee review by the year end.

Birth registration

Unregistered births are a violation of children's inalienable human right to be given an identity at birth. According to Pakistan Demographic and Health Survey 2012-13, only 34 percent of children under the age of five years in Pakistan are registered. Birth registration is also important because it is an accurate record of age that can protect children from being wrongly treated as adults especially in matters concerning child labor, child marriage, or criminal litigation.

The Sindh Local Government Department, in partnership with UNICEF, launched the Digital Birth Registration project in September to improve the rate of birth registration in the province. The project was piloted in Thatta in 2015 and in 2016 it was extended to Badin and Naushero Feroz. According to UNICEF, 94 per cent of births were being registered within the first 60 days of birth in the two union councils in Thatta where this project was piloted in 2015.

Street children and children with disabilities

Article 20 of the UN Convention on the Rights of the Child specifically calls for the protection of children who cannot be looked after by their own family. There was no specific estimate of the number of such children in Pakistan. No survey was conducted in 2016 to make a precise evaluation. The available estimates from more than a decade ago showed there were between 1.2 and 1.5 million street children in Pakistan. As no serious interventions had taken place over the years, the number had likely only grown higher. According to SEHER, an NGO working on child protection in Balochistan, there were 15,000



Negligible rise was seen in school enrollment during the year

children living or working on the streets of Quetta, most of whom were Afghan refugees and working as garbage collectors. It was hoped that the law enacted in Balochistan for child protection and welfare in 2016 will help alleviate some of the challenges faced by street children.

In an awareness session organised in Karachi by Aga Khan University in October, it was stated that 20 million children in Pakistan suffered from mental disorders due to genetic, psychological and social causes. Article 23 of the UN CRC entitles children with any kind of disability to special care and support so that they can live full and independent lives. In Punjab, a project was launched in 2015 by the Special Education Department in collaboration with the Punjab Education Foundation to provide free education facilities for children with minor disabilities, which continued in 2016. By August, 1,251 students had enrolled under this project in 194 partner schools in seven selected districts of the province, namely Lahore, Multan, Vehari, Rawalpindi, Attock, Jhelum and Chakwal. Pakistan's first institution dedicated to the care of children with Down Syndrome was inaugurated in Jhelum in March. On International Day of Persons with Disabilities, celebrated on December 3 every year, the Punjab minister for special education announced that 1,000 special children together with other children were receiving education at two centers in Bahawalpur and Muzaffargarh. He said teacher-training programs were underway and counseling services being arranged to cater to the needs of the children.

In order to assess the total number of persons with disabilities in the province, the KP Provincial Disaster Management Authority conducted a survey in 2016, jointly with the Social Welfare Department. The survey revealed that in KP, 5,476 children were mentally challenged, 4,826 physically challenged, 4,241 had impaired hearing and 3,438 were visually impaired. In 2016-17, the KP government reserved Rs 1,690 million for special education.

A newspaper report on May 9 stated that Sindh government was planning to establish at least 12 new centers for children with disabilities in various districts of the province. However, little progress appeared to have been made in this respect by the year end.

Recommendations:

- Efforts must be boosted at the federal and provincial levels for the eradication of polio virus and to achieve polio-free Pakistan by the end of 2017. Child mortality by preventable diseases must also be reduced by improving health facilities, availability of clean drinking water and ensuring food security. Urgent and effective measures must be taken to prevent child mortality in Tharparkar district.
- Education budget must be increased to ensure that all children of school-going age have access to formal schools providing quality education. Conducive environment must

- also be created to draw children to schools. Hiring well-trained teachers and banning corporal punishment in schools are two important steps in this direction.
- Child domestic labor should be recognized as a hazardous occupation and strict measures taken for its prohibition. A child labor survey should be conducted for accurate policymaking for its systematic eradication.
 - Strategies to achieve universal free birth registration and laws raising the minimum age of marriage for girls to 18 in all provinces should be adopted and implemented.
 - A juvenile justice framework that follows international child rights standards must be adopted and enacted as a national priority to protect our children from the flaws of the justice system, prevent prolonged periods of pre-trial incarceration of children and treatment of juvenile prisoners. Additionally, execution of prisoners who were juveniles at the time of commission of the crime must be halted.
 - Special policy must be formulated for social and economic development of children with disabilities. Also, data must be collected on the exact number of children with special needs in the country.

Labour

Rights of the disadvantaged

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

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 favorable 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 favorable 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 recognize 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)

In the year 2016, Pakistan's more than 61 million labour force was faced with rapid transformation in economic dynamics, weak institutions for the protection of labour rights and a state that largely seemed to have abandoned workers to their fate.

While some laws related to workers' health and safety and prevention child labour were made (in Punjab), a failure to upgrade labour rights frameworks, non-implementation of laws and continued abeyance of a tripartite mechanism, in addition to denial of right to unionization reinforced the erosion of labour rights. As Pakistan witnessed economic transition with considerable investment in infrastructure,

and a re-emphasis on consumer-led growth, emphasis on workers' rights did not seem to be part of the equation and public opinion on the issue of rights remained ill-informed and highly biased. Workers were not only left with the responsibility to struggle for rights, but also had to find ways to engage a state that had almost abdicated its responsibility to protect labour.

Minimum wage for unskilled workers

Minimum wage for unskilled workers was set at Rs 14,000 a month in the federal and all provincial budgets for the 2016-17 fiscal. However, there were numerous complaints even in the main cities of that meager amount being denied to the workers.

Labour struggles

According to the latest Labour Force Survey of Pakistan 2014-15, the total labour force was 61.04 million, comprising 22 percent women and 67.8 percent men. Agriculture, forestry and fishing sectors employed 42.3 percent workers (compared to 43.5 percent as per the last labour force survey). Manufacturing sector employed 15.3 percent of the labour force, followed by construction, wholesale and retail, transport and community service. Except for agriculture, all other sectors featured high ratio of male workers. The informal sector accounted for more than seven-tenth (72.6%) of non-agricultural employment, more in rural (76.1%) than in urban areas (69.2%). Formal sector activities were concentrated more in urban areas (30.8%) than in rural areas (23.9%). Formal sector registered an increase (26.4%, 27.4%) while informal sector decreased (73.6%, 72.6%) in year 2014-15.

Only one percent of Pakistan's total labour force was organised. Lack of unionization contributed in compromising labour rights. Workers from various sectors strived against measures that violated their rights. The main manifestations of their struggle are presented below:

Government employees

The struggles of government employees were mainly directed at delay in salary release, denial of promotions and non-regularization of services and privatisation.

In the Punjab, teachers followed continuous strike calls against the government's inaction on upgrading their pay scales and promotions. Clerks in government departments too demonstrated regularly to seek better pay. Young doctors' struggles for reforms in service conditions also continued, often also at the expense of patients. Revenue workers in Sindh organized protests to demand promotions and time-scale allowances. Workers associated with the All Punjab Water Management Employees Association, Agriculture Water Management Department and workers of Zakat and Ushr Department, Sindh, launched struggles for regularization of services.

The Fishermen Cooperative Society (FCS) Sindh and teachers at Workers Welfare Fund schools in Khyber Pakhtunkhwa also pursued public protests against non-payment of salaries. Lady Health Workers, who, since 2010, are organized under the All Pakistan Lady Health Workers' Welfare Association, continued their struggle for payment of wages and job security. Delayed payment of LHWs' salaries is rooted in the government not budgeting those in the Schedule of New Expenditure (SNE). The All Pakistan Lady Health Workers' Welfare Association also filed a petition in the Supreme Court to bring about a change in the SNE.

The organized workers in the government sector received little support from political forces or public representatives. There was no expression of solidarity other than a couple of instances when (in September 2016), the Senate of Pakistan passed a resolution to regularise the service of daily wage teaching staff in government schools and colleges, responding to the protests of teachers in Islamabad, or senators walking out of a session of the upper house of parliament over non-payment of salaries to teaching staff of the Workers Welfare Fund schools.

Privatisation

Privatization, which typically results in job loss for workers, was one of the major resistance agenda for government workers associated with the power and energy sector, the national airline and the Pakistan Steel Mills. The state's move to privatise these entities for years has met much resistance from the workers. However, in 2016, things reached a boiling point, especially on Pakistan International Airlines' privatization (more on that later).

Attempts to privatise Water and Power Development Authority (WAPDA), after having failed in 2012, were relaunched in 2015.



Privatization was a major resistance agenda for government workers associated with the power and energy sector, the national airline and the Pakistan Steel Mills

Wapda workers -- primarily organized as Pakistan Wapda Employees Pegham Union and All Pakistan Wapda Hydro Electric Workers Union -- across the country resisted the selloff move from Peshawar to Faisalabad, to Hyderabad. Workers also carried out protests against what they described as plans to privatise the Faisalabad Electric Supply Company (Fesco), Jamshoro Power Company-1 (Genco-1) including Jamshoro Power House, Kotri Power House and Hyderabad Electric Supply Company (Hesco). These protests took the form of rallies, day-long shutdowns of offices and announcements of hunger strikes.

Pakistan Steel Mills (as well as WAPDA and other entities) were listed in the 69 state-owned enterprises that the government had decided to privatise through a formal announcement in October 2013. PSM employs 13,000 workers and there is a long history of workers' resistance against the privatization of the entity. In response to these resistance efforts, a powerful demonstration of which was witnessed in 2006 when, taking a suo motu notice of the then military government's privatization bid the Supreme Court had reversed the decision of the privatization of the then profit making entity.

The Pakistan Steel Mills losses stand at Rs 400 billion and it has been nonoperational since June 2015 when the gas supply was disconnected by the Sui Southern Gas Company over nonpayment of dues of Rs 35billion.

The workers of PSM had not received their salaries since May 2016. The gratuity and provident funds payment of retired employees stood pending since 2013 and 2015 respectively. In September 2016, the finance minister approved the payment of salaries for April and May 2016, amounting to 760 million rupees. He also approved the payment of gratuity and provident funds for some of the retired employees, amounting to Rs 322.021 million. However, this provided no relief to the 13,000 workers who were living off on loans even from the local groceries stores. PSM workers lodged protests in August-September 2016 demanding the release of their salaries, improvement in medical facilities and the clearance of post-retirement dues, among others. The privatisation of PSM was at a standstill because of its loss-making status at the yearend. A Joint Employees Action Committee of Pakistan Steel Mills, comprising the representation of employees, management, unions, political parties unions and others attached to the PSM, said they now wanted to work towards the restoration of PSM and resumption of its operations.

Pakistan International Airlines

The privatization of PIA is also a part of the same package that sought the sale of state-owned entities announced in 2013. The government promulgated the Pakistan International Airlines Corporation (Conversion) Ordinance 2015 in early December 2015 turning PIA into a public limited company with the provision of offering 26 percent of

its shares to “strategic investors”. A strong political reaction to the ordinance ensued as the treasury and the opposition entered into a fierce confrontation over the issue. The Senate of Pakistan disapproved the Bill thereby forcing repeal.

In late January 2016, PIA workers started protesting against the privatization move, closing down booking offices and PIA Headquarters. They also announced plans to suspend flight operations. On February 1, the government imposed the Essential Services Maintenance Act (ESMA), 1952. By way of the Act, the various rights of PIA employees, including that of strike stood abolished. Opposing the imposition of the Act, the workers announced the continuation of their ongoing protest against privatisation and vowed to go ahead with their scheduled plan to bring flight operations to a halt on February 2.

On February 2, workers gathered at the Karachi Airport's old terminal to formally agitate against the ESMA. The police and Rangers resorted to baton charge, tear gas and water cannon use to disperse them. During the confrontation, bullets were fired, killing two workers. Workers and Rangers accused each other of pulling the trigger. HRCP voiced grave concern over the killing and urged the government to resolve the issue in an expeditious and amicable manner, taking into account the PIA employees' concerns.

A national crisis also emerged as flight operations were suspended by the PIA staff, causing a loss of billions of rupees and distress to hundreds of stranded passengers. The workers continued to boycott the flight operations till mid-February, eventually calling it off after the Punjab chief minister curiously played the role of the mediator. He assured the workers of the protection of their rights in case of privatization of PIA.

However, a day after the Joint Action Committee of PIA called off the protest, PIA sacked 11 employees and issued show-cause notices to more than 165 others on the charges of violating the Essential Services Maintenance Act.

In April, the privatization of PIA was eventually held off when the parliament passed the Pakistan International Airline Corporation (Conversion) Act 2016 that provided for converting the airline into a limited company but barred the government from giving up its management control.

In October, the government again announced the privatization of PIA with the bidding process due to be completed by 2017 as per its commitment with the IMF. It also set various deadlines in 2016-17 to complete the privatization process of the Pakistan Steel Mills, Kot Addu Power Company (KAPCO), FESCO, IESCO and LESCO by the end of FY 2016/17.

Okara peasants

The 15-year-old struggle by peasants in Okara for ownership rights of the land they had been tilling for generations again came in the spotlight as members of the resistance group, Anjuman-e-Muzaraeen Pakistan (AMP) sought to mark the International Day of Peasants' Struggle on April 17, 2016. In the run-up to the Day, the administration, on the pretext of security against the backdrop of a bomb blast in Lahore, imposed Section 144 and launched a massive crackdown, arresting and harassing the AMP workers and so, creating an environment of fear. The action was described as a part of the National Action Plan to stop terrorist activities in the country.

Thirty-five people including four women - two of them differently-abled - were arrested. These workers were booked under terrorism offences. As they were produced before the Anti-Terrorism Court, the public prosecutor's argument that five of the arrested peasants should be charged under anti-terrorism laws was refused by the courts. The judge ordered that the Anti-Terrorism Act (ATA) charges be deleted from the FIR and asked the Okara police to present them to the local judge.

Apart from the arrests, there was widespread propaganda projecting the AMP members as criminals and extortionists. Police registered 26 criminal cases against the AMP Secretary General Mehar Sattar who was later arrested. Despite the crackdown, AMP workers held protests in Lahore and Islamabad in late April.

The National Commission for Human Rights (NCHR) undertook a mission to Okara "to assess the situation....and to highlight the urgency to not only address the issue of arrest of tenants but also promote efforts to suggest a permanent solution to the dispute that is acceptable to all the stakeholders."

The team met AMP leaders, civil society members, DCO, DPO, Okara Military Farms Commandant and the Awami Workers Party leadership. Excerpts from the observations submitted in their report, released in June 2016, are being produced below:

- The restrictions imposed on the peaceful gatherings of AMP by the local authorities in Okara since mid-April 2016 appear to be arbitrary and not constitutional;
- The version of events presented by the local authorities making a link between action against AMP's leadership and the National Action Plan (NAP) against terrorism is not based on good motives and is draconian. Particularly the use of Section 7 of Anti-Terrorism Act, 1997 against AMP members/leaders, does not make sense;
- The use of heavy military vehicles and show of weaponry

against common citizens, particularly in a settlement which already has heavy military presence, reflect an excessive use of force, which can jeopardize the interest of the country as well as tarnish the image of the security establishment;

- In three cases registered against a leader of AMP Mr Mahr Abdul Sattar in past several years, he was proven innocent during investigation which suggests that the police and local administration may have grossly overreacted against AMP and its leadership;
- The AMP has sizeable following reflected in the voting for the candidates of AMP in Local Bodies and General elections, therefore, the possibility of some political interest exploiting the situation against AMP cannot be ruled out.

HRCP expressed serious concern over the administration denying peasants associated with Anjuman Muzaraeen Punjab (AMP) their right to peaceful protest and holding a convention aimed at drawing attention to the long struggle for their right to the land they have been cultivating for decades. It urged the authorities not to deal with the peasants under the anti-terrorism framework and to respect their right to peaceful protest and the freedom of assembly.

Though the issue was raised in the Senate, there was no respite for the AMP workers who continued to face violence as a response to a fair demand of ownership of the cultivated land.

Karachi's Cantt Station porters

In April 2016, porters at Karachi's Cantt Railway Station rose up against the exploitative contract system that forced them to pay 40 percent of their earnings -- Rs 30 to 40 per 40KG of luggage or at max, Rs 500 per day -- in addition to Rs 750 per month to the contractor, as an employment condition. The porters stopped working. A clash ensued with the contractor and his men, followed by use of force by the police that arrested at least eight protestors and filed FIRs under Section 147 and Section 148, for rioting with deadly weapons. Under a previous system that remained in force until the year 2000, the coolies were given individual licenses, and were required to pay an annual fee to their contractor, rather than a daily deduction from their earnings.

Despite being an integral part of the railways services, the coolies are not recognized as railway workers by the Railway Administration and Service Rules. They remain informal labourers. Apart from the daily contractor's fee, they pay Rs 1000-3000 for registering as a coolie, Rs 60 for their token and badge, Rs 250 for uniform, and Rs 60 for their orange pagri (turban). Being daily wage earners, their earnings are strictly linked to the services rendered. There is no concept of pensions, gratuities, or insurance. The only "privileges" they are entitled to are travel passes for self and spouse, outpatient medical

facilities at railway hospitals, and access to coolie shelters for rest.

The tense environment lasted several days. Workers were supported by civil society activists that included human rights defenders, legal professionals, civil society activists and others. As workers were released on bail, a court case was also filed.

There was much scope for a collective movement against the thekedari system after the April 2016 episode. However, the movement lasted for a few weeks only before it was cut off by workers' split, coercion by the contractor and an eventual reconciliation pact between the two parties. The contractor too withdrew the decision to impose an additional fee on the porters.

Farm workers

This year too demands for farmers' package, subsidies, support price and other incentives remained feeble due to the absence of organization.

The Sindh government extended the right to unionization to the agriculture sector, under the Sindh Industrial Relations Act 2013. However, a support mechanism to facilitate the realization of this right to the workers who were neither registered nor backed by any documentation was not established. Agriculture workers received much support from broader civil society such as political parties, alliances and NGOs etc, for mobilization and capacity building. The Sindh Agricultural General Workers Union, Agriculture Workers Union Mirpurkhas and Agriculture Workers Unions Sukhio Mirjat and Jamaladahri (only women workers mainly working as cotton pickers) were also functioning because of the provision related to agriculture workers in the Sindh Industrial Relations Act 2013.

In 2016, no reform was noted in institutions, mechanisms and provisions that would affect day-to-day life of agriculture workers, including long pending land reforms, access to minimum wages and social security, improved working conditions, hari courts, eradication of the condition of bonded labour and the right to unionization for agriculture workers across the country.

The HRCP office in Hyderabad focused on assistance, including legal aid,

District	Labourers released
Umerkot	793
Mirpurkhas	866
Badin	470
Sanghar	493
Tando Allahyar	251
Nawabshah	22
Shikarpur	16
Hyderabad	86
Tando Muhammad Khan	17
Khairpur	182
Tharparkar	241
Thatta	156
Noushero Feroz	11
Total	3604

aimed at winning freedom for victims of debt bondage. It also documented the statistics for the people released from debt bondage. In 2016, as many as 3,604 bonded labourers were released in Sindh on district courts' orders.

Bonded labourers freed in Sindh - 2016

Overseas workers

According to the Bureau of Emigration and Overseas Employment (BEOE), 8.6 million Pakistani workers went abroad for employment between 1971 and October 2015. Out of these 50 percent went to Saudi Arabia.

Around 8,000 Pakistani workers were stranded in Saudi Arabia for several days in 2016 when construction companies in the Kingdom cut jobs citing a slowdown in Saudi Arabia's economy. Despite Saudi Arabia being Pakistan's closest trade and strategic security partner, these workers stayed stuck for several weeks till the government arranged the return for them.

An ILO report on migrant workers' access to justice in Pakistan and Gulf countries noted that "the Government of Pakistan has no migration policy, which is important for setting a direction for the institutions, organizations and individuals in the governance of labour migration in Pakistan. Consequently, there is no strategy to address the problems of migrant workers. Nor is there any plan of action to resolve many of the issues facing migrant workers in a holistic manner. Clear policy guidelines would enable greater coherence among government agencies and other stakeholders, and allow the Government to negotiate or renegotiate the terms of export of Pakistani human resources when discussing MoUs with countries of destination."

Key developments in legislation, petitions and lobbying, impacting workers

Legislation and rights

The parliament at the federal level pursued no specific legislation on labour rights during the year. However, some laws adopted by the provincial assemblies during the year under review addressed important aspects of workers' rights and welfare. These included:

Sindh

The Sindh Companies Profits (Workers Participation) Act, 2015

The Sindh Terms of Employment (Standing Orders) Act, 2015

The Sindh Factories Act, 2015

The Sindh Shops and Commercial Establishment Act, 2015

The Sindh Employees Social Security Act, 2016

The Sindh Workers Compensation Act, 2016

The Sindh Minimum Wages Act, 2015

Balochistan

The Balochistan Child Protection Act, 2016

The Balochistan Industrial Relation (Amendment) Act No. 15 of 2015

The Balochistan Protection Against Harassment of Women at Work Place Act No 1 of 2016

Punjab

The Punjab Prohibition of Child Labour At Brick Kilns Bill 2016

Khyber Pakhtunkhwa

Khyber-Pakhtunkhwa Boilers and Pressure Vessels Act 2016 (tighter safety regulations)

Child labour in brick kiln sector

The brick kiln sector, largely present in the Punjab is synonymous with bonded labour. If the official definition of bonded labour, as cited in Pakistan's bonded labour law "Bonded Labour System Abolition act 1992" is followed, the workers in the brick kiln sector are essentially bonded labour, as they render their labour and forfeit their freedoms, in return for a peshgi or an advance sought by him or his family, to their creditors. The low wages, currently set at Rs 1,036 per 1,000 bricks, in addition to acute poverty and inaccessibility to basic services such as healthcare and housing, force the workers, mainly working as family units, to seek substantial loans as advances.

In the year 2016, the Punjab government sought to introduce selective measures in the brick kiln sector focusing on child rights, formalizing work relationship between the brick kiln workers and owners, and setting a limit of Rs 50,000 on advance (peshgi) given to a worker.

These measures were brought in as a part of the legislation "The Punjab Prohibition of Child Labour at Brick Kilns Bill 2016" earlier promulgated as an ordinance in January 2016 and later passed as a bill by the provincial assembly in August 2016. The bill "bars employment of a child, below 14 years of age, at brick kilns. A person violating the law will undergo punishment ranging between seven days and six months and a fine from Rs 50,000 to Rs 500,000."

For the implementation of the bill, the Punjab government claimed to have stepped up its labour inspection system. According to officials, 8,000 inspections were carried out at brick kilns all across the province and more than 500 brick kiln owners were arrested for violating the Punjab Prohibition of Child Labour at Brick Kilns Act. Of those, 213 had been convicted and penalised by the courts.

The move was fiercely resisted by brick kiln owners who accused the government of maligning their reputation. They said that using children as labour in brick production was the choice of the family of

the workers and they could not be held responsible for the practice. The Punjab government maintained that since the promulgation of the bill, the incidence of child labour at brick kilns had dropped from 28 per cent to less than 2 per cent.

There was no independent research or survey tracking the implementation or impact of the law. However, other than this law, there was no major concrete effort to reform the brick kiln sector that was riddled with exploitative relationship between employers and employees. In the Punjab, brick kiln workers, organized in the form of Bhatta Mazdoor Union, launched a series of protests to demand the implementation of the government's notification of minimum wage of Rs1,036 per 1,000 bricks for the brick kiln workers. The year 2016 too passed without any action taken against the owners for the illegal detention of brick kiln workers and the state usually remained concerned with only freeing of the labour.

An HRCP workshop on child labour, attended by civil society organizations and government representatives said that despite some positive measures by the government; provision of educational subsidies, efforts to remove child labour from brick kilns – much remains to be done.

The critical areas where HRCP sought governmental focus and intervention were:

- A comprehensive survey of child labour needs to be carried out. Unlike earlier survey this should be inclusive of agricultural and domestic workers, who constitute a significant portion of child labour.
- Article 25 A of the Constitution, the right to education, needs to be implemented in both letter and spirit.
- Legislation entailing the registration and documentation of street children need to be formulated and facilities for their shelter provided.
- The role of public education should be to provide a plausible alternate to child employment.
- The government should be cognizant of the fact that, child labour constitutes an integral part of Generalised Scheme of Preference (GSP+) regime and needs to be addressed if economic benefits through trade with the European Union are to be retained.

Social security and pensions

No steps were taken for universalizing social security in 2016. The EOBI's coverage stood at 7,099,221 insured persons, according to its website as it had more than 78,000 active employers registered. Workers Welfare Fund's (WWF) website provides a list of benefits extended to workers. However, it would be useful to carry out an assessment of the services of the WWF. The Supreme Court declared

the collection of Workers Welfare Fund from employers by the FBR as a non-tax item and sought to establish clarity on its purpose. The FBR collects Rs 20 billion as WWF payment from employers all across Pakistan. After the 2010 devolution, WWF was supposed to have become a provincial subject but this had not materialized by the year end.

The Supreme Court took suo motu notice in late October 2016 over nonpayment of pensions to the retired employees of the federal and provincial governments. The notice came on the back of a number of developments that included a case in the Lahore High Court about non-payment of due double pensions to elderly pensioners. A retired KMC employee in Karachi took his life after being repeatedly denied payment of pension on the pretext of incomplete papers.

The court sought to approach pension as a fundamental right describing the irresponsible attitude of the federal and provincial government towards nonpayment and delayed payment as a right violation. The government, on its part, responded to the issue as an individual case explaining that the lapse pertained to administrative and paperwork hurdles.

Early in the year, the court also upheld its 2011 judgment on granting of pensions and other benefits to the former state-owned enterprise Pakistan Telecommunication Company Limited (PTCL) that was privatized in 2006. In its short order, the bench ruled that the Telephone and Telegraph (T&T) employees' service rules had legal protection and this right was available to the employees at the time of privatization.

Health and safety

Pakistan's Labour Force Survey 2014-15 notes that "about one in twenty five (4.0%) employed persons report some sort of occupational injury/disease in the 12 months preceding the date of enumeration that resulted into the loss of working time or consultation with a practitioner." The Survey notes that "mainly the sufferers belong to agriculture (48.0%), construction (16.3%), manufacturing (15.9%), transport/storage & communication (7.5%) and wholesale & retail trade (7.1%). Females are about twice (86.0%) as exposed to risk as males (43.8%) in agriculture. Contrarily, males are more vulnerable in the remaining groups."

It is difficult to list down each and every case of workplace accidents in 2016 for two reasons: There is no official documentation of workplace accidents, injuries and deaths. These are only reported in the media. Secondly, media search cannot be exhaustive enough as there are various accidents that are strictly reported in local media and never make it to the national press. There cannot be a source of reliable data on health and safety till the government makes an initiative to register each and every case of workplace accident.

According to the data assessment gathered from the news items posted on HRCP website, related to the situation of labour rights from 1 January 2016 – 31 December 2016, key workplace accidents took place in the mines sector (Nowshehra, Banda Daud Shah, Lasbela, District Loralai and Orakzai Agency) with 10 workers being killed in just one mining accident on March 12 at the Al-Hussaini coal-mine in the Doli area of Orakzai region, in Khyber Pakhtunkhwa province, electricity sector (according to LESCO workers, 120 workers had lost their lives in the line of duty from January to October 2016), water and sanitation workers, construction sector (two major accidents were reported in the Orange Line Project) and workers engaged in chemical handling in the textile sector. The biggest accident was reported at Gadani where MT Aces, a Japanese-built, 24,000-tonne oil tanker caught fire in late October 2016. The cause of the fire was attributed to the non compliance of safety regulations. Around 300 workers, all daily wage earners, were engaged in dismantling of the ship that, violating the safety regulation, was not drained of oil. The ship caught fire because of heat and welding activity. As informed by workers to the media, “the owner wanted the ship to be scrapped as soon as possible so that they could get their returns.” This was the violation of the safety protocol that requires complete drainage of oil from the ship as the first step, followed by inspection/review by government agencies, customs, Environmental Protection Agency and Balochistan Development Authority that after inspection clears the dismantling activity. The accident killed 26 workers while the ship continued burning for more than 48 hours.

Following the accident (and even prior to that) extensive details were reported in the media about the conditions of workplace safety and labour rights in Gadani. Workers were found to be not only exploited by way of low wages (Rs 500-800 per day), poor working conditions and heavy handed response to unionization, there were also no social services such as decent accommodation, clean drinking water and hospitals. Following the accident, injured workers had to be brought to Karachi. Absence of functional healthcare facilities was especially ghastly since workplace accidents are a daily occurrence at the ship breaking yard because of the presence of heavy objects placed in precarious positions, and the disregard for health and safety measures by contractors and ship owners. As workers are hired through contractors, there is no compensation or insurance in a job that carries maximum exposure to the risk of accident. The state is as much a party to the criminal regime. Not only has the provincial and the federal government completely refused to protect the workers, they are also the biggest beneficiary of the system. The Balochistan Development Authority is the single largest owner of the shipping yard with 34 out of 134 yards under its possession. All have been rented out to private ship breaking firms.

Apart from industrial workers, media workers (journalists, reports,



Two million children are working at brick factories Pakistan. Their salary is cut in half when it rains. They have no employment safety, no health care

camera persons, crew members) too are peculiar by the threats they face in the course of their work and the extreme insecurity that also stems from lack of protection extended by the employers. In 2016, according to the International Federation of Journalists, five media personnel lost their lives in the line of duty. These included Muhammad Umar, Mehboob Shah Afridi (Aaj TV), Shahzad Ahmed Aaj TV, Mehmood Khan (Dawn News) and Khurram Zaki (blogger or Let Us Build Pakistan).

Legislation and government action on improving health and safety conditions

The government hardly seems in control of the deteriorating health and safety system as its approach has been erratic law making, ad hoc collaboration with donors for extending health and safety training (area selected mainly on the basis of the interests of donors) and the announcement of compensation after every accident.

In terms of actions, the Punjab government issued an Action Plan in January 2016 with the objective to prevent industrial accidents. This was in response to the 2015 accident at the Sundar Industrial Estate where a factory collapse led to the death of 46 workers and injured 100 others. The Action Plan featured structural stability certificates from all existing industrial units, capacity of Building Control Division for each industrial estate, amendment to the Boiler and Pressure Vessels Act and Rules and mandatory group insurance for workers of all factories. A help line 0800-73774 was also launched.

The Sindh Assembly, in February 2016 passed the Sindh Workers Compensation Bill, 2015. The law set compensation ranges for workers affected by workplace injuries. It made employers liable to payment of compensation.

Following the 2012 Baldia Factory Fire, the Sindh Labour Department, with assistance from ILO-Pakistan, devised a Joint Action Plan for Promoting Workplace Safety and Health in Sindh (2013-2016). There was no formal announcement of its performance as the term of the plan came to an end in 2016. A draft Health and Safety Act 2015 had been prepared but no follow-up was reported.

Khyber Pakhtunkhwa passed the Khyber Pakhtunkhwa Minerals Sector Governance Act, 2016 in December. The Act allowed the authority to recommend standards for safety in mines. However, there were at least a dozen different acts regulating the mining sector and protection of workers in the field. Repeated accidents and loss of lives continued, reflecting lack of implementation of safety mechanisms and the very nature of precarious work in mines.

No law or administrative action was initiated by the Balochistan government covering health and safety provisions, despite the tragic Gadani accident.

A national consultation on mining arranged by the HRCP in September said the regulation of the mining industry in all parts of Pakistan needed to be urgently looked at in order to prevent injury and loss of lives among mine workers, mitigate hazards to the environment and minimize mining-related displacement and its impact.

The consultation made the following recommendations:

- Immediate estimation and documentation of the actual workforce employed in the mining sector;
- Extension and effective enforcement of the regulatory regime



There was no official documentation of workplace accidents, injuries and deaths

- to all workers employed in the industry, including the small-scale mining, across the country;
- Compensation and benefits in the mining industry must be commensurate with the difficulty and hazards in relation to the work, even as meaningful efforts must be made in consultation with the workforce to systematically mitigate risks;
- Inspection and other regulatory functions of the government needed to be strengthened, and greater transparency, accountability and regular information sharing ensured;
- The existing penalties, for failure to comply with prescribed standards and other offenses by mine owners/operators, must be made harsher to deter recurrences;
- Environmental impact must be assessed independently and in a transparent manner, and infractions penalised;
- Conservation and recycling of important resources, especially water, needed to be made mandatory and must also be enforced;
- Displacement of communities must be minimised and adequate compensation, going beyond mere land value, paid to avoid marginalising affected populations;
- Mining operations must be prevented from affecting archeological and cultural heritage.

Compensation for Baldia Factory fire victims and families

Following four years of the tragic Baldia Factory Fire incident, that killed 255 workers and injured 57 others, the lead sourcing Germany based firm KIK paid the final round of compensation of US\$ 5.15 million to the victims' families under an arrangement that is to be implemented, administered and governed by the ILO. This is on top of US\$ 1 million already paid by the KIK in year 2013 and compensation extended under various laws and institutions of Pakistan.

The agreement was reached following three years of international lobbying and legal battle led by the Pakistan Institute of Labour Education and Research, the NTUF and other civil society organizations of Pakistan.

A proxy wage of Rs 25,525 was set as the reference wage to calculate benefits (since the actual wage records were not available). "The amount each claimant will receive will differ according to each individual's financial situation and number of dependents."

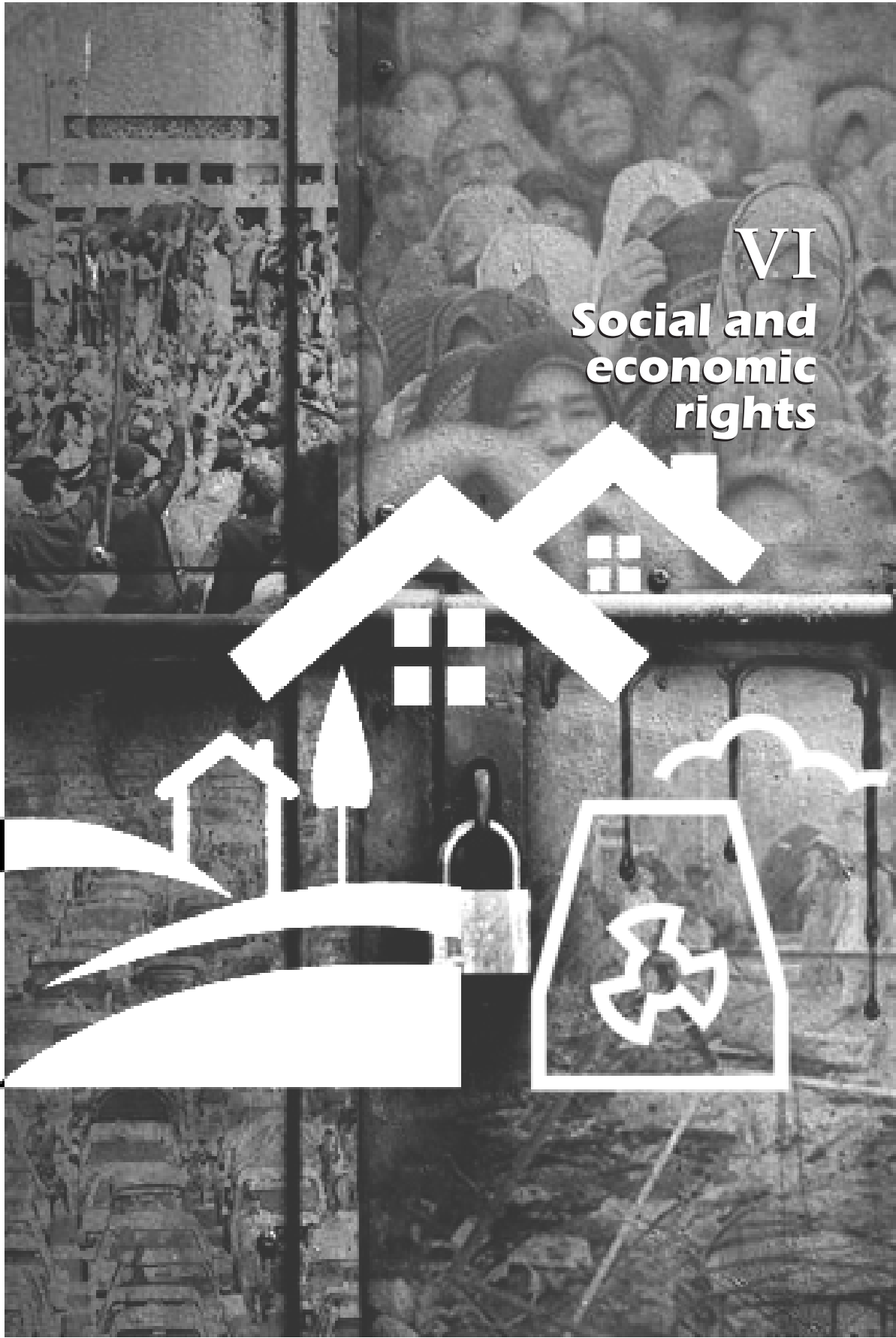
Payment of fair compensation marked the success of the civil society and the legal activism involved in realizing the goal. Critical lapses on the part of the key parties, such as the role of owners in denying safety exits to workers at the time of the fire, and the clean chit provided by the social auditors RINA declaring the factory operations as compliant to laws, and the total failure of the state inspection system that facilitated the negligence took a backseat.

The year 2016 also witnessed acceleration of the US\$46 billion Chinese led development under the China Pakistan Economic Corridor (CPEC) deal. The package centres on massive development undertaking in infrastructure, economic zones and power generation. CPEC involves a 3,000-kilometer network of roads, railways and pipelines to transport oil and gas from southern Pakistan's Gwadar Port to China's Xinjiang region covering all four provinces of Pakistan. Promising 2.3 million jobs, most of which should be concentrated in the construction sector, there were concerns regarding the deal for workers as the development activity would pick pace. Construction is the least protected sector in terms of labour rights. Construction workers - largely employed through informal contract system - are neither covered by labour inspection to monitor workplace safety nor are accident insurance or social security schemes made available to them. The work arrangement is highly insecure.

CPEC could have been an opportunity for a tripartite labour conference to assess the ongoing conditions of workers and redraft a framework for workers protection against the backdrop of the specific nature of the agreement that involves heavy supervision of the Chinese in all aspects of project execution. But there was no debate on specific provision for labour rights under CPEC.

Recommendations

- A labour framework, based on constitutional rights, national legislation and international labour standards, must be devised and a statutory/constitutional mechanism put in place to ensure that provincial laws adhere to it.
- Occupation safety and health laws must be given priority and harmonised across provinces. Data on accidents and casualties should be shared with the parliament and put on the website. Labour inspection system in the provinces must be strengthened through increased budgetary allocation and enhanced training to labour inspectors.
- Trade union federations should merge for strength. The government must regularly hold tripartite labour conferences.
- Minimum wages for unskilled workers are inadequate to guarantee a decent living for an average family. Minimum wage enforcement mechanism should be evolved. Non-payment of minimum wage should be declared a criminal offence.
- Bonded labour laws should be implemented. In order to eradicate child labour from all sectors, a survey on the prevalence of child labour should be conducted and free and compulsory education law implemented.
- There should be a document on the employment arrangement and work conditions in CPEC projects.



VI
**Social and
economic
rights**

Education

**Social and
economic
rights**

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

...remove illiteracy and provide free and compulsory secondary education within minimum possible period.

Constitution of Pakistan
Article 37-b

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.

Constitution of Pakistan
Article 19-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 civilisations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the 260 State of Human Rights in 2014 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 recognise 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 recognise that, with a view to achieving the full realisation of this right:

o. Primary education shall be compulsory and available free to all;

o. 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;

o. 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

The year 2016 witnessed what could be termed minor improvements in a few areas of the education sector, but continued to see a decline in many. According to official figures, the number of out-of-school children decreased from 25 million to 24 million and the adult literacy rate went down from 58% to 56.4%. There were only moderate improvements in the learning outcomes score –from last year's 52.33% to 54.78% this year. A huge number of schools failed to get basic facilities. The most disturbing news of the educational year was that the federal and two provincial governments – Punjab and Balochistan – cut their budgetary allocations for the sector, despite showy claims of giving education a priority.

Alarming reports on education in Pakistan

The United Nations Global Education Monitoring Report 2016, released in September, claimed that Pakistan was 50+ years behind in its primary and 60+ years behind in its secondary education targets. So the country is set to miss by more than half a century the deadline for ensuring that all children receive their primary education. The report said Pakistan had the most absolute number of children out of school anywhere in the world, including 5.6 million out of primary schools, around 5.5 million out of secondary schools (48% of lower secondary school age children), and a staggering 10.4 million adolescents out of upper secondary school. The report reveals that 40% of the world's students, including those in Pakistan, are being taught in a language that is not their mother tongue.

According to the report, there is a wide gap between school completion rate and education attainment between the rich and poor; urban and rural based and between boys and girls. Poor rural males have a literacy rate of 64% (official data, though educationists have always doubted these figures), but their female counterparts pale in comparison with only 14%.

According to the US-based Wilson Centre report, issued in July 2016, more than half of eight-year-olds have learnt nothing despite spending three/four years in schools. The report says that despite the budget growing twofold to \$7.5 billion in the last six years, literacy and dropout rates remain abysmal and “ghost schools” persist.

The government informed the Balochistan provincial assembly in May 2016 that there was no record of 15,000 teachers, 900 ghost schools with almost 300,000 fake registrations of students.

A study titled 'Pakistan's Education Crisis: The Real Story' notes that the United States, Britain and the World Bank have poured money into the country's stagnating public education sector, but the number of children out of school today is second only to Nigeria.

The data collected by the Wilson Centre shows that teacher absenteeism has dropped from 20% to 6% in Punjab during the past five years.

The Khyber-Pakhtunkhwa province has around 28,000 schools and most of them lack facilities. The Khyber-Pakhtunkhwa Independent Monitoring Unit said in its May 2016 report that 26% of the government schools did not have portable water facility, and 10% had no boundary walls, despite the province facing sensitive law and order situation. Also, 11% schools have no toilets and 34% have no electricity connections.

Budgetary allocations

In the financial year 2016-17, authorities in Pakistan again failed to fulfil their promise of allocating at least 4-6% of their GDP and at least 15-20% of the public expenditure for education. The average spending on education budget in Pakistan has hovered around 2% of the GDP, and in 2016, the federal and provincial government allocated Rs. 84.19 billion to education. This amount becomes 2.83% of the GDP. The federal government's share of the education budget is less than half that allocated to Punjab and Rs 70 billion less than that allocated to Sindh.

Provincial allocations

All main political parties in Pakistan claim giving education a priority. But their actions in the form of budgetary allocations for the sector fail

to match their word. A cursory look at the provincial governments' allocations for education in the year 2016-17 amply proves the hollowness of their claims.

Punjab: Pakistan Muslim League-N government in Punjab has religiously followed in the footsteps of the PML-N federal government in slashing allocations for education. By decreasing the education budget in the fiscal year 2016-17, it has also maintained its previous years' trend of lowering the budgetary allocations for one of the most important sectors.

The finance bill presented in the Punjab Assembly showed that in its ninth consecutive budget, the PML-N's provincial government allocated Rs 323 billion for education, which is 19% of the total budget of Rs 1,681 billion, in the current fiscal year.

The budget documents say that the education budget is 58% of the annual development programme (ADP), allocated for the current year. Last year, it was 77% of the total ADP, hence a 19% reduction in allocation.

The budget also includes Rs 12 billion for the Punjab Educational Foundation (PEF), Daanish Schools and Endowment Fund; otherwise, it is just around Rs 312 billion, slightly more than the last year's budget. Last year the education allocation was Rs 310 billion, out of the Rs 1,447 billion Punjab budget.

In 2015-16, Rs 310 billion earmarked for education constituted about 21% of the total provincial budget for the province, which was 24%



Fata, Balochistan and Sindh performed consistently poorly in education and infrastructure indices

less than the allocations made in 2014-15. The percentage share of education in Punjab's overall budget has seen a downfall from 26% in 2013-14 to 19% in 2016-17.

However, the provincial education minister has a lot many plus points to boast about. He said Rs 15 billion had been allocated in ADP 2016-17 for the provision of 12,500 additional classrooms in order to eliminate multi-grade and overcrowding. "In addition to this, 11,000 classrooms are being provided through Rs 17.6 billion funding from the Department for International Development (DfID), the UK."

In a media talk, the minister said the provincial government would recruit 49,000 teachers for its primary schools.

He said that the provincial government had allocated Rs 50 billion to provide missing facilities in all government schools. An allocation of Rs 8 billion has been made in the ADP 2016-17 for rehabilitation/reconstruction of 4,063 dilapidated school buildings. As many as 6,313 scholarships will be provided in 2016-17 on the basis of Punjab Education Commission results. Also, 500 new primary schools will be established in the next year.

The minister said that funds had also been allocated for providing Early Child Education in additional 1,000 primary schools. The Punjab Education Foundation has been assigned the task to enrol 2.8 million children by 2019 under the expansion plan of Chief Minister's Education Roadmap.

Also, an allocation has been made in ADP 2016-17 for the establishment of new universities in Sahiwal, Okara, Vehari and Jhang. An allocation has also been made for the establishment of Government College University, Faisalabad, sub-campus at Toba Tek Singh and Jaranwala. An IT and Engineering University will be established in Rahim Yar Khan to cater to the educational needs of southern Punjab. Rs 4 billion have been kept for the provision of 400,000 laptops to shining students.

The provincial government allocated Rs 6.5 billion to technical education, which is two% of the education budget. Almost 50 years ago, the budget for technical education accounted for 13% of the education budget, during General Ayub era.

To promote education, a huge sum of Rs 14 billion has been allocated for school councils. The minister boasts of an increase of 71% in development budget for education. This includes all the foreign funding for the sector to show inflated figures. Rs 56.76 billion have been allocated for development of the sector which, the minister believes, would help achieve 100% enrolment in schools and provision of missing facilities.

However, every year a large part of the ADP for education and health remains unutilised. More than Rs 23 billion, Rs 22.74 billion of the development budget and Rs 380 million of the non-development budget remained unutilised during the previous year. The provincial government had allocated Rs 42.98 billion for the higher education, school education and special education sectors. Of this, Rs 42.315 billion was allocated for development and Rs 658.6 million for non-development. Of the Rs 9.11 billion allocated for higher education development, Rs 3.63 billion remained unused. Of the Rs 32.84 billion allocated for school education development, Rs 18.92 billion remained unutilised. Of the Rs 365 million allocated for special education development, Rs 190 million remained unused. Of the Rs 325 million for higher education non-development, Rs 209 million remained unused. Of the Rs 295 million allocated for school education non-development, Rs 162 million remained unutilised. Of the Rs 38.6 million special education non-development allocation, Rs 9.1 million remained unspent.

A study, conducted by a non-governmental organisation (NGO) in Punjab in January 2016 and released in April, revealed that almost 72% of the public sector schools in Punjab face a shortage of teachers. There are hundreds of primary schools in the province with only one teacher. The Centre for Peace and Development Initiative (CPDI) disclosed that at least 2,611 government high schools were working in the province without any administrative heads for years.

However, the minister for education in Punjab told the media that the Punjab government had initiated a process to recruit 40,000 teachers during 2016. However, till the end of the year, that process was incomplete, or at least the media was not informed about the completion of that process.

Khyber-Pakhtunkhwa: The provincial government allocated Rs 143 billion to education. The share of school education was increased from Rs 104 billion in 2015-16 to Rs 119 billion in 2016-17, representing an increase of Rs 15 billion. The budget for Elementary & Secondary Education Department (E&SED) was increased by 14%.

Rs 12.453 billion were given to 72 education projects, Rs 10.030 billion to 64 ongoing projects, and eight new projects were allocated Rs 2.422 billion. New projects included 200 smart schools, first-ever Girls Cadet College at Mardan, Cadet College at Swat, 1,300 girls community schools, 160 new primary schools, 500 IT Labs in high and higher secondary schools, up-gradation of 50 primary, 50 middle and 50 high schools on need basis, and standardization of 200 higher secondary schools. However, sadly, the development budget for E&SED was revised from Rs 16 billion to Rs 11.5 billion in 2015-16.

Allocations were also made in the education budget for converting 100 madrasas into primary schools. A big chunk of Rs 1970 million was

reserved for human resource and technical education. The provincial government caused a controversy when it allocated Rs 300 million to Darul Uloom Haqqania for “construction and rehabilitation” of the madrasa.

Rs 8,000 million were allocated for providing for missing facilities in the government schools, and Rs 6 billion for the creation of 16,960 posts in the education department to improve access to and quality of primary education.

Allocations for higher education were increased from Rs 4 billion in 2015 to Rs 6 billion in 2016-17. Around 800 new teachers were recruited for new colleges.

Sindh: The provincial government allocated Rs 160.7 billion to education in 2016-17, 19.22% of the budget. However, the budget for pre-primary and primary education was decreased from Rs 60.6 billion to Rs 55.3 billion, and only the secondary education budget was increased by 31% from Rs 36.6 billion to Rs 48 billion. The budget under tertiary education almost remained unchanged with a slight decline of 0.2% -- from Rs 28.5 billion to Rs 28.04 billion. The salary component was increased by 7.4%, and the non-salary component by 23.8%.

The breakdown of key allocations in the non-salary budget was: Rs 4.68 billion for school specific budget, Rs 5.5 billion for school infrastructure development and "renovation of schools and colleges", one billion rupees for education management organisations, Rs 1.5 billion for school management committees, Rs 1.8 billion for school consolidation grants, Rs 2 billion for free textbooks, Rs 1.5 billion for girl stipends, Rs 27.3 million for energisation of schools, and Rs 500 million for introducing innovative initiatives.

The ADP allocation for education sector was increased to Rs 17.2 billion, including Rs 3 billion kept separately for boards and universities, one billion rupees for TEVTA and Rs 0.2 billion for special education. Rs 2.8 billion were allocated for foreign-funded projects.

Last year (2015-16), the total volume of the provincial ADP (including allocations for district governments) was Rs 162 billion. The update appearing on the official website of the Sindh Finance Department on June 17, 2016, showed an expenditure of Rs 100 billion only. That means that the provincial government was able to spend just 61% of the allocated/announced budget. The Foreign Project Assistance depicted even a more dismal picture. Against an allocation of Rs. 27 billion, only Rs 2.85 billion, or only 10.5% of the total funds, were spent.

Balochistan: The provincial government drastically decreased allocations for education development in 2016-17, and allocated only

17% of the total provincial budget for education, the lowest percentage share of its budget to education, i.e. Rs. 49.1 billion, out of total Rs. 289 billion, in comparison with other provinces of the country.

It is a mere increase of 2%, compared with the budget of Rs. 48.3 billion in 2015-16. A breakdown of the allocations shows that non-development expenditure for education is Rs 42.67 billion and development expenditure is Rs 6.65 billion, which is 9% of the development budget. A comparison with figures of the last year shows that non-development expenditure increased by 15% and development budget decreased by 40%.

In 2015-16, Rs 7.5 billion were apportioned for the development of schools. But in 2016-17, the development budget for this area was slashed by 42% to Rs. 4.4 billion. Out of the recurrent education budget, Rs 37.4 billion was apportioned for salaries and related expenditure in 2016-17. This constitutes 88% of the recurrent education budget. The salary budget increased by 15% owing to salary increase and new appointments. The non-salary budget (used for daily expenditures of schools and operation and maintenance of the department's offices) was reduced by 9% i.e., from Rs. 5.8 billion in 2015-16 to Rs. 5.3 billion in 2016-17.

In the year 2015-16, the non-development budget for higher education was Rs. 7.6 billion, which has increased to Rs. 13.7 billion this year, representing an 80% increase. Similarly, the non-development budget for schools sections in 2015-16 was Rs 29.5 billion, which has now reduced by almost 2% to 28.9 billion. Therefore, it shows that the government has increased its focus on higher education in terms of non-development expenditure. Development budget for higher education has increased from Rs. 3.7 billion in 2015-16 to Rs 4.7 billion in 2016-17, marking an increase of 28%.

However, the development budget for schools was reduced from Rs 7 billion in 2015-16 to just Rs 1.6 billion in the budget 2016-17. This is a reduction of almost 77%.

Gilgit-Baltistan: The Gilgit-Baltistan government allocated one billion rupees to education, only 8% of its budget for the fiscal year 2016-17. The Public Sector Development Programme had an outlay of Rs 2 billion including schemes for education and other sectors. Rs 949,670,000 were allocated to the sector, suggesting spending on 73 ongoing and 42 new projects including construction of new buildings of schools, boundary walls, upgrading of schools and provision of missing facilities in educational institutions.

Districts performance

In Balochistan, according to a report, released by the Academy of Educational Planning and Management (AEPAM), a federal government institution, more than 1.8 million children are out of

school. The official data show that there are 13,279 government schools in Balochistan. Of these 84% are primary schools with only 16% schools offering middle and higher education to students. Almost 54% of the total primary schools operate with only one teacher. Almost 26% government schools in Balochistan function with only one classroom. And across Balochistan, the condition of 83% of government primary schools buildings is 'unsatisfactory'.

According to non-governmental education initiative Alif Ailaan, a staggering 75% of girls aged between 5 and 16 are out of school, compared with 65% boys in the same age bracket in Balochistan. Girls continue to suffer severe disadvantage and exclusion in the province. The Alif Ailaan findings revealed that only 25% females have ever been to school, compared with 60% males.

Every year 130,000 students get enrolled in schools but only 61,000 appear in matriculation examinations, and out of which only 30,000 are able to pass the exams. At the university level, the number further goes down and only 3,000 pass out the universities annually. Of the 32 districts in Balochistan, 23 districts have an education score of less than 50%.

Gilgit-Baltistan is a mountainous area, but has better enrolment position than other provinces. 85% of children are enrolled in G-B schools, compared with 81% enrolment rate at the national level in Pakistan. The proportion of out-of-school children decreased compared with 2015 in G-B. In 2015, 15% of children were reported to be out of school. Around 12% of the children had never been enrolled in school and 3% had dropped out for various reasons.

In terms of enrolment in early years schooling to class 10, gender parity and parental education district Hunza-Nagar topped the list among all the seven districts of G-B with a 97.6% enrolment rate. Then comes district Ghizer with 96.9% enrolment, followed by district Astore with 92.8% enrolment rate in class 1 to 10. However, in Diamer district, enrolment is highly skewed in favour of boys as the out-of-school children are more than in-school children in class 1 to 10 and only 16% of girls from these enrolled students can read at least a sentence. In early childhood education (ECE) class, only 9% children are enrolled whereas, 91% of ECE level kids are out of school in Diamer.

Misplaced priorities

Billions of rupees were spent on Prime Minister's National Laptop Scheme, and 100,000 machines, worth over Rs4 billion, were distributed among students in the first phase. In the second phase, 25,867 laptops were given to students in February-March, 2016, further adding to the phase-one cost.

On the other hand, according to UNESCO and World Bank reports, a

staggering 24 million children are not in school currently, 50% of schools still lack all four basic facilities (Alif Ailaan's District Education Rankings 2016); there are more than 15,000 teachers and 900 ghost schools only in Balochistan, and what not.

According to independent data, only 5.1% of people aged 17-23 years actually pursue higher education in Pakistan. How is it wise to spend four billion rupees on something other than basic education and, that too, for only a small percentage of the youth? Has the government ever thought about the rest?

Legislation

Pakistan's Constitution recognises free primary education as a fundamental right. After the 18th Amendment, education has been devolved to the provinces. Under the law, the four federating units and other territories are bound to legislate on Right to Education (RTE) in pursuance of Article 25-A. However, despite the passage of more than five years, the process of legislation has not been completed. Either the provinces have failed to legislate on the right to free and compulsory education for children or implement the legislation in letter and spirit.

Islamabad Capital Territory: After being passed by the Senate and National Assembly, the Right to Free and Compulsory Education Act 2012 for Islamabad Capital Territory (ICT) was signed by the President on December 19, 2012. The Act makes all five- to sixteen-year-old children residing in the ICT eligible for free and compulsory education by law – implementation of which will be dependent on Rules of Business, which still need to be formulated.

Punjab: The Punjab governor promulgated the Punjab Free and Compulsory Education Ordinance 2014 on May 13, which was later introduced in the Punjab Assembly. Subsequently, the ordinance was referred to the Standing Committee on Education for consideration. The ordinance was passed on November 10, 2014, implementation of which will depend on the Rules yet to be formulated.

Khyber Pakhtunkhwa: The “Khyber Pakhtunkhwa Right of Children to Free and Compulsory Education Act 2014” drafted by the provincial government was under review by the provincial assembly by the year-end.

Sindh: After being passed by the provincial assembly, the Right of Children to Free and Compulsory Education Bill 2013 for Sindh was ratified by the governor on March 6, 2013. Implementation of the Act is dependent on the Rules of Business, which still need to be formulated.

Balochistan: The governor of Balochistan approved the Ordinance on Free and Compulsory Education for Balochistan on March 12, 2013. The Act titled Balochistan Compulsory Education Act 2014

was passed on February 6, 2014. Its Rules of Business still need to be formulated.

The free and compulsory education law for Federally Administered Tribal Areas (FATA), Gilgit-Baltistan, and Azad Kashmir is still pending.

NEP 2009 Review Committee: The National Education Policy 2009 Review Committee met on June 25, 2015 and approved formation of Focus Group by all federating units to submit 'concrete recommendations for additions / deletions in NEP 2009, in pursuance of the 18th Constitutional Amendment, Article 25-A of the Constitution of Pakistan, Education Vision 2025, Pakistan's international commitments, set global trends and Sustainable Development Goals (SDGs). A revised NEP-2009 was set to be announced in January, 2016. But by the end of the year it could not be introduced.

District Education Rankings 2016

The fourth edition of the annual Pakistan District Education Rankings 2016 was launched in May 2016, which covered all 151 districts in the country to assess their education scores – based on levels of enrolment, retention, learning, gender parity and school facilities.

According to the report, around 48% of schools in the country do not have toilets, boundary walls, electricity and drinking water while Punjab and Khyber-Pakhtunkhwa (K-P) are ahead of the other two provinces – Sindh and Balochistan – on various educational parameters.

The top 22 districts are all from Punjab with the K-P's District Mardan breaking in at the 23rd rank. FR Lakki Marwat stands on the bottom-most rung with 146th rank. A new index for school completeness shows that only 52% of all government schools in the country have all four facilities – toilets, boundary walls, running electricity and drinking water. Only 24 of the 146 ranked districts scored more than 90 in school infrastructure score.

It also shows that a whopping 81% of all government schools are primary schools which imply that after the primary education, children in the country have limited opportunities to continue their education. All provinces have generally declined in retention of students and gender parity except for Punjab, which has kept improving. However, district Lahore, regarded as the ruling party's bastion, has gone down to 22nd rank as compared to its third position in 2015.

The district-wise ranking reflects that Islamabad and various districts of Punjab and the K-P all have relatively improved on the education and infrastructure indices. However, the Federally Administered

Tribal Areas (Fata), Balochistan and Sindh are performing consistently poorly.

Individually, some districts have shown improvements; however, there is little to indicate any major nationwide improvement in either education quality or the quality of school infrastructure. The federal capital is leading among all the provincial and regional rankings, as well as the district rankings for the first time with increased learning and enrolment scores.

Likewise, although Punjab's education score decreased due to a decline in the retention score, it scored highest in gender parity. Last year the education score of the province suffered a drop in learning outcomes. However, three districts at the bottom half of the ranking are all from South Punjab – Dera Ghazi Khan, Muzaffargarh and Rajanpur.

While the K-P demonstrated improvements in both enrolment and gender parity scores, the retention rate of the province has declined, consequently affecting the overall education score. On the other hand, the province is ranked higher at third in school infrastructure score, which indicates significant improvement. However, 50% of its schools still lack the provision of all four basic facilities.

Balochistan and Sindh continue to manifest the lowest education and infrastructure scores. Balochistan's education score has dropped. Except for Quetta (which is amongst the top 50), almost half of the districts of Balochistan rank outside the top 100. Sindh has the lowest learning outcomes this year. Moreover, only six of its districts are in the top half of the rankings table. Once again, Karachi is the only district in the top 50. The state of school infrastructure also continues to suffer, where only 23% schools could be considered complete, having all four basic facilities.

Although Gilgit-Baltistan's progress has been stagnant over the past four years given the numerous challenges, the region still managed to show relative improvements with increased education score of 3%. Fata has demonstrated improvement in its education score by three% enabling it to outrank Balochistan.

Gender disparity

Gender disparity in education persists all across the country. According to Alif Ailaan District Rankings 2016, the total number of schools for boys in the country is 96,365, and for girls only 57,779, though the ratio of women is higher in the country compared with men.

For these schools, there are 407,795 male teachers and 286,832 female teachers. The percentage of out-of-school boys is 43% and that of girls is 52%, showing a clear discrimination against the girls in the field of education. The dropout rate among boys is 40% and among girls 42%.

The percentage of the males who never attended a school is 31%, and that of females is as high as 55%.

The situation is the worst in Balochistan, the resource-rich province of the country. The total number of schools for boys in the province is 9,399 and for girls, there are only 3,880 schools, almost one-third less than those for boys. Gender disparity is quite visible in the number of teachers as well. There are 30,594 male teachers in the province and only 15,287 are females. The Alif Ailaan report shows that 70% of the number of school-age children was out of school and the ratio of girls stood at 75%. Dropout rate among boys is 71% and 73% among girls. The ratio of the population never attending a school is very high among girls, 83%, and among males, it stands at 46%.

In the Federally Administered Tribal Areas, the total number of schools for boys is 3,560, and for girls, 2,451. Out of the total number of teachers, 13,033 are males and only 6,417 are females. The ratio of out-of-school boys is 45%, while that of girls is as high as 75%. Dropout rate among boys is 67%, and amongst girls, it is 72%.

In Gilgit-Baltistan, the total number of schools for boys is 859, and for girls only 416, though the boys and girls ratio is almost the same. The number of male teachers in the territory is 4,458 but the female teachers' number stands at 2,269. The percentage of out-of-school boys is 46% and that of girls is 53%.

In Punjab, the most resourceful and prosperous province of the country, the number of male teachers is 162,117 and female teachers 158,947, though the number of schools for girls is higher than those for boys. The ratio of out-of-school girls is higher - 46% -- than that of boys, 42%. The total number of children, who never attended school, was recorded 40%, with 30% males and much higher ratio, 49% females.

The report shows a wide gender disparity in schools of Khyber-Pakhtunkhwa also. There are 17,649 schools in the province for boys, while only 10,529 are for girls. These schools have 80,027 teachers for boys, but for girls, there are only 43,264 teachers. Since there is a difference in the head count, the dropout rate is also more for boys (25%) as compared to girls' (46%) at a primary level.

The second worst affected province is Sindh as far as the issue of gender disparity is concerned. The total school for boys is 35,551, and for girls, it is 10,488, almost one-third of the schools for boys. The number of male teachers in the province is 99,493 and females' number stands at 44,677. The percentage of out-of-school boys is 51% and that of girls is 61%. The dropout rate among boys is 49% and among girls is 50%. The ratio of males who never attended a school is 31%, and of that of females is 54%.

Higher education

Since the passage of the 18th Amendment in April 2010 and devolution of the education sector to provinces, higher education seems in a serious crisis in the country. Punjab Higher Education Commission (PHEC) and the Federation of All Pakistan Universities' Academic Staff Association (FAPUASA) remained at loggerheads throughout the year 2016. Balochistan universities had a long list of complaints against the Higher Education Commission (HEC), and the Khyber-Pakhtunkhwa Higher Education Commission was yet to take any shape.

Under the 18th Amendment, the provincial governments were supposed to establish their own higher education commissions (HECs). But, despite the passage of more than six years, only Punjab and Sindh had established their own HECs, while Balochistan, Khyber-Pakhtunkhwa and Gilgit-Baltistan failed to make any substantial progress on this front.

The latest QS (Quacquarelli Symonds) higher education institution rankings 2016-17 showed Pakistan at the bottom of the table. The country doesn't have a single university ranked among the top 500 of the world in the latest Times Higher Education (UK) rankings.

Educational facilities for the disabled

There was no change in the conditions for the physically challenged students in the country in 2016 compared with 2015.

On the International Day of Persons with Disabilities on December 3, Prime Minister Nawaz Sharif, pledged to make all possible efforts to ensure a dignified life for the special persons, in his message. He promised to promote empowerment, provision of opportunities and equal participation for the persons with disabilities. However,



No change was witnessed in the conditions for the physically challenged students in the country

practically nothing was done for them during the year. No new educational institutions were opened for them, no special persons specific facilities were provided in already working institutions, etc. In the second week of January, the visually-impaired persons staged protest demonstrations in Lahore against the government authorities, calling for education facilities for them and implementation of 3% job quota reserved for the disabled, and regularisation of their jobs in letter and spirit.

According to conservative estimates, there are more than eight million special children in the country, most of whom do not have access to either inclusive or special schools due to limited capacity in existing facilities. The physically challenged people strongly feel that their fundamental right to education is being denied due to the exclusionary system. Article 25-A of the Constitution guarantees the fundamental education right to all children from age five to 16 without any discrimination on special needs. But no special arrangements have ever been made for educating the physically challenged children, which is a clear violation of their fundamental human rights.

It is also a violation of the Convention on the Rights of Persons with Disabilities (CRPD), which had been signed by 153 countries, including Pakistan, on July 5 last year. Pakistan is one of 107 countries to have ratified the Convention. The most fundamental principle of the Convention is to change society by making it more inclusive, barrier-free and rights-based.

People with disabilities are routinely denied access to health, education and social services in Pakistan. They are often excluded from opportunities to participate in their communities and are more vulnerable to violence and abuse. An ordinance was promulgated long ago during General Zia-ul-Haq era, in which it was proposed to take initiatives to rehabilitate the disabled persons and provide social protection to them. But, the law was never made functional.

According to conservative estimates, only 4% of children with special needs have access to schools in Pakistan. 66% of the disabled people in Pakistan live in rural areas, and 34% in urban areas, and 58% of them are males. According to estimates, 1.50 million children of school age (4-16) are suffering from mild disabilities, who can be admitted to ordinary schools. However, identification and main streaming of children with mild disabilities is a challenging job and nothing was done in this regard in 2016.

Corporal punishment in schools

A video clip depicting a terrified, crying student went viral on social media in the second week of December. The scene was of a class, or maybe many classes, being conducted in the open in a rural area. The child appeared to be six or seven years old; his teacher was not seen in

the clip, but his voice was clear and audible. He was telling his student that he was going to hang him upside down from a tree with a rope tied to his foot.

The student was standing in front of the teacher, crying, wailing and begging for mercy. Other students sitting or standing in the background appear to be enjoying the situation, some laughing and some carrying out acts ordered by the teacher to avoid his wrath, apparently.

The anchorperson in a Geo News programme showed the clip, and disclosed that the recording was done with a cell-phone, most probably in a school in the suburbs of Kasur, in the end of November. Watching the two minutes and 50-second clip may help partially provide an answer to the vital question: "What are reasons for very high dropout rate among school children?"

The teacher is apparently making fun of the child only for his perverse enjoyment but the way he is terrifying the child is very cruel. Anyone watching the clip would agree that sooner or later that child would flee his school, or may be his home as well, if his parents would have forced him to go to school.

The dialogue also depicts a culture prevalent in village schools, and even in those in small cities and towns of Pakistan. Seeing his teacher considering a harsher punishment, the child himself offers that he should be made a "murga" as a punishment. This is a common punishment in Pakistan and other countries in the subcontinent.

Finding his teacher not satisfied with the degree of punishment, he asks him to beat him with a pipe, or with a rod, after making him a murga, but not to hang him upside down. The child also offers 20 rupees, and lastly an egg to escape the punishment. The child is a minor and his offers to the teacher show that he must have seen all this going on as a normal practice in his school. The teacher also demands the student bring an egg for him, many a time.

One of the main reasons for a high dropout rate among school children is corporal punishment in schools, though a law in this regard is pending passage in the parliament for years. The Sindh Prohibition of Corporal Punishment Bill 2013, the Punjab Prohibition of Corporal Punishment Bill, the Khyber-Pakhtunkhwa Prohibition of Corporal Punishment Bill and Prohibition of Corporal Punishment Bill at the federal level are in the pipeline for years now. The bill at the federal level, the Prohibition of Corporal Punishment Bill 2013 was passed by the then National Assembly of Pakistan on its last day in Session on March 12, 2013; however, the bill has lapsed as per Article 76 (3) of the Constitution of Pakistan; it wasn't passed by the Senate of Pakistan before the dissolution of the National Assembly.



Torture by teacher in Larkana leaves student mute and paralysed

Another incident making headlines in the national media recently was of paralyzing of a student in a Sindh cadet college due to alleged torture by his teacher. Muhammad Ahmed, 13, a student of Cadet College Larkana, was rendered disabled and paralyzed due to the torture. After being throttled, Ahmed broke several sensitive bones of his neck. The once brilliant student lies bedridden, as his future seems bleak. At the time of compilation of the report, Ahmed was awaiting a call from a US hospital for treatment at the Sindh government expense.

Madrassa reforms under NAP

Almost no progress on madrasa reforms – an important point under the National Action Plan (NAP) – could be made during the year 2016. It appeared the government continued shying away from the issue on one pretext or the other. Scrutiny of madrasas and their activities remained non-starter throughout the year.

According to an official document shared with the lower house of parliament, the government said that Punjab had closed only two madrasas despite having well over 10,000 seminaries. However, Sindh shut down 167 seminaries which were suspected to have links with militants.

In Khyber-Pakhtunkhwa, where the Pakistan Tehreek-e-Insaf rules in coalition with the Jamaat-e-Islami and the Qaumi Watan Party, 13 madrasas were shut down.

Under the 20-point NAP, which was unanimously adopted following the 2014 terrorist attack on the Army Public School in Peshawar, the government had decided to reform madrasa education, in addition to

launching a programme to register and regulate every seminary in the country and to crack down on those which have ties to militants.

Despite the passage of more than two years, while the interior ministry has some details on efforts to map seminaries, it remained silent on monitoring and regulation. The subject of reforms was left untouched.

According to official record, Punjab has completed the work of mapping 13,782 seminaries in the province. Sindh and Balochistan lag far behind, having completed only 60% of the exercise. However, no data was made available about these two provinces by the federal government in this regard.

Curriculum reforms

In the third week of November 2016, the US Commission on International Religious Freedom (USCIRF) recommended a review of the Pakistani textbooks, insisting that overemphasis on Islam as being the "only correct" faith in textbooks was against the Constitution of Pakistan as well as the ideals of the Quaid-e-Azam. On August 11, 1947, three days before the announcement of independence of Pakistan, the Father of the Nation Mohammad Ali Jinnah, said in his speech:-

"You are free; you are free to go to your temples, you are free to go to your mosques or to any other place or worship in this State of Pakistan.

"You may belong to any religion or caste or creed – that has nothing to do with the business of the State ... We are starting in the days where there is no discrimination, no distinction between one community and another, no discrimination between one caste or creed and another.

"We are starting with this fundamental principle: that we are all citizens, and equal citizens, of one State..."

The Sindh Textbook Board has included this part of Quaid-e-Azam's speech in eighth and ninth graders syllabus also. But practically the very province, where Quaid's birthplace is also situated (Karachi), and the province of Balochistan, are blamed the most for teaching objectionable materials in their schools.

The report titled 'Teaching Intolerance in Pakistan – Religious Bias in Public School Textbooks', claimed that the foremost reoccurring trend in textbooks from all grade levels is an overemphasis on the glorification of war and war heroes.

Pakistani historian and author Dr Mubarak Ali agreed with the report findings. He says that Pakistani textbooks mostly refer to centuries of "Islamic rule" and "jihad" in the Indian Subcontinent. But, he adds: "It is wrong to say 'Islamic rule' or 'Hindu rule.' The Indian wars were political conflicts and not religious conflicts.

“The political conflict in the Indian Subcontinent is seen as a religious conflict, which is why history is described in a binary opposition. We want to see history in black and white, while multiple facts decide one incident,” he believes.

National Commission for Justice and Peace (NCJP) says that the government has failed to keep its promise to eradicate religious "hate material" from textbooks used in schools. The commission's report, *Freedom from Suffocating Education*, says that no curriculum reforms have been adopted at the school level, aside from the production of a few booklets.

The report, which focused on textbooks used in the 2015-16 school year, noted that "hate material" previously identified had not been removed from the curriculum. The NCJP study cited several passages from textbooks that teach falsehoods about other religions, or criticise or encourage animosity toward them:

“Islamization” policies introduced by General Ziaul Haq also included a complete revision of the curricula so that the entire content could be reorganised around a certain variant of Islamic thought to supposedly inculcate Islamic ideology in the young generation. Though the educational system of Zia era has severely been criticised by political analysts for creating bedrock for militant extremism, no later administration showed any resolve to address the problematic content.

Teachers protest

In May 2016, more than a thousand teachers, coming from all districts of the province, spent two days and one night in the open, in sweltering heat, in front of the Punjab Assembly in Lahore. They were protesting against the proposed 'privatisation' of schools. The teacher representatives told the media that handing over of the public sector primary schools to the private sector under the "pretext of poor performance" was a conspiracy against education in the province. They said the Punjab government had decided to hand over 1,000 primary schools to the private sector through the Punjab Education Foundation (PEF). Also, the government wanted to run 5,000 primary schools under the public-private partnership.

In March 2016, Sindh Professors and Lecturers Association (SPLA) staged protest demonstrations against the delays in promotions of professors and lecturers across the province. The police dispersed them with water cannons and batons causing injuries to some of them.

In Balochistan province, teachers of the Balochistan Residential Colleges (BRC) schools in Turbat, Khuzdar, Loralai, and Zhob protested in November 2016 against non-payment of their salaries for months.

Recommendations

- The federal and provincial governments will have to take extraordinary measures to meet their millennium development goals in education.
- Laws and regulations intended to ensure that all children attend school must be enforced or, where necessary, put in place. Provinces must legislate on the right to free and compulsory education in pursuance of Article 25A of the Constitution.
- International guidelines regarding the budgetary allocation of at least 4 percent of GDP for education will need to be followed.
- The gender disparity in education must be brought to an end in order to meet educational needs.
- Adult literacy campaigns are required to bridge the gap and empower people through education.
- The content of all textbooks needs to be reviewed and, where necessary, revised to remove bias based on belief or distortions in history intended to promote a particular ideological perspective.

Health

Social and economic rights

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)

Provision of quality preventive and curative healthcare – a constitutional right -- to the people is a state's responsibility. But most people have either to depend on the costly private health services or be at the mercy of quacks. A significant portion of the incomes of the poor is spent on preventable diseases caused by contaminated water and unsanitary living conditions. In the rural areas, people live far from hospitals and basic healthcare units. Even those who live close are not served as these facilities are ill-equipped and, in many instances, not even functional, illegally occupied by local influentials and used as cattle pens or political offices.

The public health indicators in the country are not encouraging at all. Life expectancy at birth is 59 years, lower than the average for other comparable countries, which is 61 years. According to Unicef, despite significant improvements over the past two decades, Pakistan ranks towards the bottom in infant and neonatal mortality. Pakistan's ranking in the Maternal Mortality Ratio Index has slipped from 147 in 2014 to 149 in 2015, recording 276 deaths per 100,000 births. It also has the third highest rate of infant mortality in the world: 95 per thousand as compared to 60 in other countries. About 44pc of the children are stunted. About 9.6 million experience chronic nutrition deprivation.

Pneumonia kills about 92,000 children annually in the country. The challenges to mother and child health stem from abject poverty, lack of resources and qualified human resource at the disposal of the government, and malnutrition.

The federal government has launched a national health insurance programme. Called the Prime Minister's National Health Insurance Scheme, the initiative covers the cost of medical treatment of seven major diseases of eligible families up to Rs 300,000. While the government is upbeat about the benefits of the scheme, critics believe it will create a huge demand for free medical services and the possibility of submitting fake medical bills to get false claims. Instead, the critics say, the government must focus on improving the conditions of the health facilities for an equal access to quality healthcare. However, a mere 0.9 per cent of the GDP is being spent on health, a ratio lower only than the ones in Democratic Republic of Congo and Bangladesh. Summing up the state of health in the country the National Health Services, Regulations and Coordination junior minister said during an event in Islamabad: "Developed countries are introducing robotic surgery. But here pneumonia, diarrhea and polio are still taking lives of children. We should first ensure the provision of healthcare facilities to these children before going for the option of benefitting from modern techniques."

Federal government

In the budget for fiscal 2016-17, Rs 22.4 billion were set aside for health, compared to Rs 11 billion in the previous year. Though after the 18th Amendment, health has become a provincial subject, the federal government continues to support the provinces for vertical programmes.

The last national health policy was approved in 2001. A draft policy was developed in 2010 but was not approved because of devolution. The federal and provincial governments agreed on a common National Health Vision (NHV) that provides a roadmap to improve the health of all Pakistanis – particularly women and children – by improving universal access to essential health services. It aims at bringing the country's provincial and federal health policy frameworks in line with the international health treaties, commitments and regulations, to which Pakistan is a signatory. The vision also includes a provision for monitoring and evaluation conducted through an inter-provincial health and population council.

The federal government launched the Prime Minister's National Health Insurance Scheme under which the eligible poor families will be able to get treatment for certain diseases up to a certain limit from the designated government and private hospitals. As

provincial governments' financial support is also required for rolling out of the scheme, it has not taken roots in Sindh and KP provinces that are reluctant to join it. (Details under the PM Health Insurance Scheme).

46 new hospitals

On August 26, Prime Minister Nawaz Sharif approved plans for building new hospitals across Pakistan, including three in Islamabad, by the federal government.

Punjab

The Punjab government earmarked Rs 43.8 b for health – Rs 24.5 b for specialised healthcare and medical education; Rs 18b for primary and secondary healthcare; and Rs1.3b for population planning -- 43 percent more than the previous fiscal.

In the specialised healthcare sector, the government set aside Rs 4b for the establishment of Pakistan Kidney and Liver Institute (PKLI), Lahore; and Rs 2b for the revamp of four tertiary care hospitals in the province. Around Rs4.31 b were allocated for upgrading DHQ hospitals to teaching hospitals at Gujranwala, Sialkot, Sahiwal and DG Khan. Under this plan, these hospitals were to be provided ICUs, dental units, burns units and physiotherapy units. Rs 3.7 b were to be spent on revamping all DHQ hospitals and Rs1.5 b on 15 big THQ hospitals in the province.

Prioritising preventive healthcare, the government set aside Rs2.5b for Integrated Reproductive Maternal Newborn & Child Health (RMNCH) and Nutrition Programme, Rs1b for Expanded



The challenges to mother and child health stemmed from abject poverty, lack of resources and qualified human resource at the disposal of the government, and malnutrition.

Programme for Immunisation (EPI), Rs500million for prevention and control of Hepatitis in Punjab, and Rs400 million for Infection Control Programme. The government was also to spend Rs1b on the purchase of mobile health units.

At the time of budget announcement, the Punjab finance minister said 88 per cent more funds -- Rs 30 b -- had been allocated for providing clean drinking water.

Besides, a federal and provincial joint programme for the launch of Rs 3 b 100-bed mother-child hospital was also announced. Punjab had to provide Rs 450 million for the project.

So, Punjab's non-development allocation for health during the year was Rs 70.1 billion and development one Rs 42.5 billion. Health's share in the development expenditure was 7.7 per cent. The primary and secondary health care component in Punjab constituted 42.4 per cent of the allocation for health.

Khyber Pakhtunkhwa (KP)

The Khyber Pakhtunkhwa (KP) government allocated Rs21.576 b for healthcare with Rs11 b for the ongoing and new schemes, 18.29 per cent more than the last year's. The ongoing health schemes included the establishment of the accident and emergency department at the Khyber Teaching Hospital, Peshawar, and District Headquarters Hospital, Nowshera. Rs 340.069 million were earmarked for the establishment of the Gomal Medical College, Dera Ismail Khan, work on which had got underway the previous year at a cost of Rs 2.551 billion. The construction of operation theatres and mortuary at the Khyber Girls Medical College for Rs 56.572 million was also part of this fiscal.

A sum of Rs12.9 billion will be transferred to the district health offices. 338 posts of various categories were created in different health institutions costing Rs36 million. 14,942 posts -- 13,119 of LHWs and 1,088 of Primary Health Care vaccinators (multi-purpose) -- were to be created costing Rs3.1 billion.

The government also planned to create 36,232 jobs. Health insurance was to be expanded to all areas of the province with an estimated cost of Rs3b to benefit 10 million poor households. Under the scheme, health insurance cards were to be issued to 1.8 million households covering hospital services normally provided at the secondary and tertiary level such as the provision of medicines, general surgery, gynaecology and obstetrics, ophthalmology and ENT etc. The pre- and post-hospitalisation care up to one day prior to hospitalisation and up to five days from the date of discharge from the hospital would be part of the initiative. In case of death of a patient in a hospital, Rs 10,000 would be paid as funeral charges. Rs 1,000 would be paid in

case of pregnancy or delivery as traveling allowance under the scheme.

Sindh

The Sindh government increased the allocation for health by 7.7 percent to Rs 14 b in the Annual Development Plan (ADP) for 2016-2017 as against Rs 13 b in the outgoing fiscal year.

The current revenue expenditure for health including medical education was increased by 13.8 percent from Rs 57.9 b last year to Rs 65.9 b this fiscal year.

Rs 1.8 billion were allocated for foreign-funded projects, the Nutrition Support Program of Sindh (Rs.1.4 billion; IDA) and the Establishment of Child Health Care Institute at Sukkur (Rs 400 million; Korea).

The government said it had enhanced resource allocations for operational expenses, including medicine, diagnostic and hospital supplies to DHQ, THQs, RHCs, BHUs and dispensaries on the basis of costing tools developed by the Health Department with the assistance of USAID, using District Health Information System and catchment population of the health facilities.

The allocations for medicine was increased on the need basis, and that of diagnostic, surgical instruments, oxygen gas, consumables, x-ray films, and dietary charges of patients was increased by 35 percent. The allocation for the repair of teaching hospitals was doubled.

The Sindh government could use only 31 per cent of the amount allocated for health in the last year's budget. The Punjab government spent 80 per cent, KP 85 per cent to 90 per cent while Balochistan spent 35 per cent of their health budget. So, the problem is not just small allocation for health but also the government negligence in failing to use the allocated money.

Balochistan

Balochistan kept a sum of Rs 17.36 b for development and non-development expenditures in health. New health centers were to be established while hospitals and basic health centers were to receive machinery and medicines. Rs 1.57 billion were to be spent on the provision of free medicine to the poor and needy patients. The previous year, the Balochistan government had allocated Rs 15.482 billion to the health sector.

The health indicators in Balochistan in infant and mother mortality are poorer than in any other province. Water-related diseases are common and major causes include lack of water supply and sanitation facilities, the absence of proper sewerage disposal, waste mismanagement and

contaminated water.

UNICEF has declared that half of all children in Balochistan suffer from effects of malnutrition, while infant and mother mortality remains unmatched by any other Pakistani province. According to UNICEF, 16 percent of the children in Balochistan are malnourished, 52 percent are stunted and 39.6 percent are underweight. Nearly 63 percent of households in the province are food insecure. The provincial government supports the malnourished children, pregnant women and lactating women to prevent stunting and micronutrient deficiencies in the nine districts but poor security situation in the province and the scattered population make the issue more complex.

Under the Prime Minister's Health Insurance Scheme, special priority was given to the province. The scope of the scheme would be expanded to the maximum possible number of districts in Balochistan.

National health insurance scheme

The Prime Minister's Health Insurance Scheme will provide insurance for healthcare to the deserving at government and designated private hospitals. As per the initial plan, from 2015 to 2018, the premium cost of the scheme to be launched in 23 districts would be Rs9 billion. Later on, its scope will be expanded to several other districts across the country.

The scheme provides coverage for hospitalization for several diseases and the government will provide loans on soft terms to the hospitals involved to update healthcare facilities.

The programme's director said this initiative gave the poor beneficiaries a choice either to visit public healthcare facilities or empaneled private healthcare facilities. He said the designated hospitals had already submitted package rates to the PMNHP and could not charge more than that. He said they stopped payments to hospitals that charged more or tried to do tempering.

The plan is to provide health insurance cover to poor families, earning Rs200 or less a day. The beneficiaries are selected using the data of Benazir Income Support Programme (BISP). If a person wants to check his or her eligibility for the programme, he or she can send his or her CNIC number at 8500 and get a reply within no time. The State Life Insurance Company (SLIC) is providing health insurance. The selected beneficiaries are issued health cards to be produced at hospitals.

A family having a Pakistan Sehat [Health] Card can use up to Rs 50,000 for secondary health services and Rs 250,000 for priority healthcare services in a year. The cash limit of Rs 50,000 could be used for in-patient services (all medical and surgical procedures), emergency

treatment requiring admission, maternity services (normal delivery/c-section), maternity consultancy (up to four times before and once after delivery), fractures/injuries, post-hospitalisation, local transportation cost of Rs 350 (thrice per year) etc.

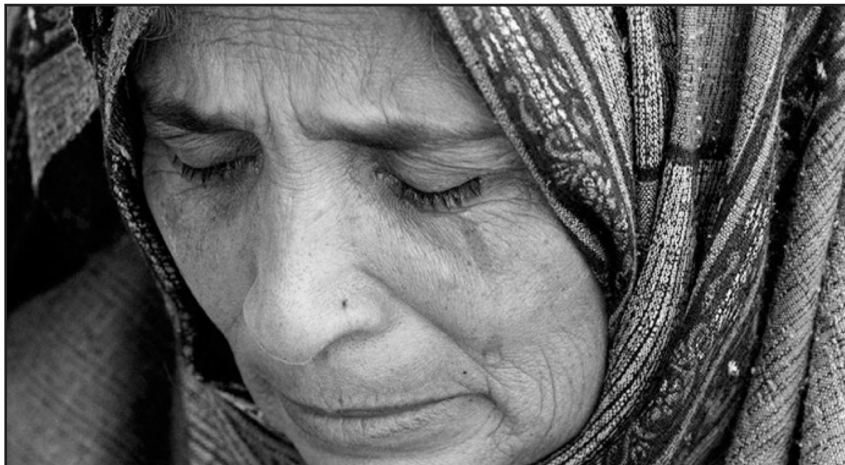
The priority treatment cover of Rs 250,000 could be used to cover expenses related to seven diseases/ailments, namely heart diseases (angioplasty/bypass), diabetes mellitus, burns and road traffic accidents (RTA) i.e. life and limb-saving treatment, implants, prosthetics, end stage kidney diseases/dialysis, chronic infections (Hepatitis/HIV), organ failure (liver, kidney, heart, lungs) and cancer (chemo and radiotherapy, surgery).

Mental health

Mental health is a neglected issue in Pakistan. A few of those suffering from psychological problems are able to get treatment. Around 50 million people in the country have various psychological problems but, according to the figures quoted by the World Health Organisation (WHO), the country has only 320 psychiatrists and only five psychiatric hospitals.

Depressive and anxiety disorders are high, followed by bipolar disorder, schizophrenia, psychosomatic disorders, obsessive-compulsive disorder and post-traumatic stress disorder. People suffering from mental health disorders also face stigmatisation and alienation. About 75 per cent of people identified with serious mental health conditions in Pakistan receive no care.

According to the Department of Psychiatry at the Aga Khan University (AKU) mental illness affects 15 to 35 million adults in the



Around 50 million people in the country have various psychological problems but, according to the WHO, the country has only 320 psychiatrists and only five psychiatric hospitals

country, which is approximately 10 to 20 per cent of its population. Additionally, approximately 20 million children, or over 10 per cent of the population, need attention from mental health practitioners.

Postgraduate training and education in psychiatry is available in certain teaching hospitals, but with no recognised sub-specialties such as child, forensic, geriatric and rehabilitation psychiatry and little exposure to the rural population.

Malnutrition and stunting

Nearly 10 million children in Pakistan are suffering from stunted growth due to poor nutrition and hygiene, according to the World Health Organisation (WHO).

Pakistan has been struggling to lower the malnutrition rate for many years. But a large number of children in the country do not get to eat even one meal a day. Today, more and more children are dying due to starvation. Globally, nearly half of all deaths (approximately 2.7 million) annually among children, under the age of five, are attributable to malnutrition. Pakistan bears the burden of six per cent of all global cases. Chronic malnutrition can be devastating for growing children, who have lower IQs, weak immune systems and are at a greater risk of diabetes and cancer as adults.

According to national nutrition survey 2011 highlights five key issues. First, about 30 percent of the population lives below the poverty line, leaving many households unable to afford nutritious foods. Second, women give birth 6.8 times in their lives on average, indicating high fertility rates and a lack of birth spacing. This, combined with the poor nutritional status of women, results in an inter-generational cycle of malnutrition where malnourished women give birth to malnourished babies. Third, malnutrition contributes to almost 35 percent of deaths in children under five years of age. Fourth, about 15 percent of children under the age of five suffer from acute malnutrition whilst 44 percent suffer from chronic malnutrition. Fifth, around 42 percent of households in Pakistan are food-insecure and 18 percent of women of reproductive age are underweight (with a BMI below 18.5).

Polio

Pakistan continues to be affected by endemic transmission of wild poliovirus type 1 (WPV1) with 20 cases reported in 2016. Pakistan is one of just three countries in the world, along with Afghanistan and Nigeria, that have endemic polio, a once-common childhood virus that can cause paralysis or death.

Punjab and Gilgit Baltistan recorded no polio case during 2016. Out of a total of 20 cases, eight each were reported from KP and Sindh and two apiece from FATA and Balochistan. However, Punjab found 10 positive environmental samples in 2016 with three each from



Pakistan continued to be affected by endemic transmission of wild polio virus type 1 (WPV1) with 20 cases reported in 2016

Lahore and Rawalpindi and Faisalabad, two from Multan and one from DG Khan.

Pakistan carried out special polio immunisation campaigns and the target for the last one were 37.2 million under-five children across the country. Intense cross-border coordination was also launched with the cooperation of Afghanistan, to address the joint epidemiological transmission corridors affecting both countries.

Technology to fight polio

In Punjab, the Punjab Information Technology Board (PITB), introduced mobile apps for vaccinations such as polio, dengue and many other diseases. With the help of these apps, area in-charges could monitor the efficacy of polio campaigns on the go and report using smart phones and Geographic Information System (GIS)-based micro mapping.

The GIS aims to guide the teams on their area jurisdictions as well as to ensure that all children in the mapped areas are covered. With this application, the location of the polio workers can also be traced and timely help can be provided to them.

Safety of polio workers

The propaganda against polio vaccination seemed to fade away. Due to enhanced awareness about the benefits of polio vaccination, the demand for oral polio vaccine (OPV) among parents increased.

Suspected militants have killed 39 polio workers since 2013. In 2016, 19 policemen guarding the vaccination staff were gunned down in two attacks.

On January 13, a suicide blast near a polio vaccination center killed at least 14 people including 12 policemen and injured more than 10 in Satellite Town, Quetta. The policemen had gathered outside the centre for the security of polio workers. On April 21, terrorists shot dead seven policemen guarding a polio vaccination team in Karachi.

Polio-related travel restrictions

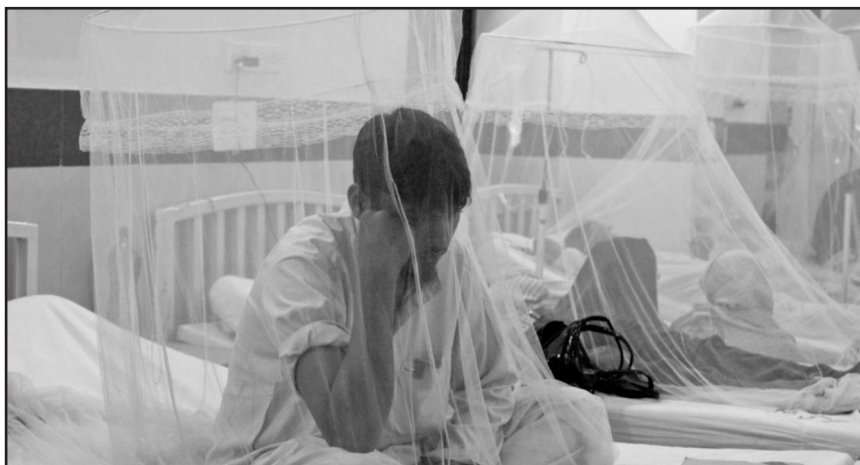
All Pakistani residents and visitors staying in Pakistan for more than four weeks, have to receive a dose of either OPV or IPV between four weeks and 12 months prior to international travel. Polio vaccine is administered at the vaccine counters at all major hospitals, EDO offices, health offices, DHQ hospitals and airports. The vaccine and certificate are provided free of cost. The private medical practitioners and clinics cannot provide vaccine and certificates. Valid certification has to be made on the government vaccination card, or in the WHO/IHR "yellow booklet."

Hygiene and safe sanitation

Pakistan loses four percent of its Gross Domestic Product (GDP) because of sanitation and water related issues and 39,000 children die every year due to poor sanitation, acknowledges the government.

Against this backdrop, the government launched Saaf Sehatmand Pakistan's (Clean Healthy Pakistan) nationwide campaign in 2016 to promote healthy living by empowering members of the society with knowledge to change harmful practices linked with water, sanitation, and hygiene (WASH).

Plan International says Pakistan is among the top five countries in the world with the highest rate of diarrheal deaths. Every year, 53,000



In 2016, the country faced a renewed attack of dengue

children die solely from diarrhea -- a disease which is directly linked to poor quality water, sanitation and hygiene especially hand washing -- and 60 percent of infant deaths occur because of poor sanitation, which to be honest is easily preventable.

According to the Pakistan Demographic and Health Survey conducted in 2013, almost 53,000 children under five years of age die because of diarrhea. Out of every 1,000 live births, almost 104 children die before reaching their fifth birthday. Lives can be saved by improved water, sanitation and hygiene facilities and provision of access to health services.

Dengue

In 2016, the country faced a renewed attack of dengue as all the four strains of the dengue virus were found circulating in the previously hit regions and outbreaks of the viral disease were reported in new areas, according to a study by the Punjab University, Lahore.

Due to heavy rains, the breeding of dengue larvae had risen manifold in indoor water tanks, room coolers and rooftops and at open spaces with stagnant water, and in wildly grown grass spread over the old graveyards. Tyre shops were another source of dengue larvae breeding.

During 2016, 3,340 cases of the viral fever were reported in Rawalpindi's hospital, while seven related deaths took place. This, officials said, was down from 5,000 cases and 10 deaths in 2015.

The sanitary patrol teams working in Lahore city checked 334,000 households during the monsoon season. The dengue larvae were detected at 4,000 houses and were eliminated.

As many as 2,452 dengue fever cases were reported in Sindh in 2016, out of them 1,984 were detected in Karachi alone, while dengue claimed three lives, said the Prevention and Control Programme for Dengue in Sindh's annual report.

Hepatitis

Around 20 million Pakistanis are affected by Hepatitis -- an infection of the liver. Types B and C -- viral blood borne infections -- are the most serious. For hepatitis C, there is no vaccine and the main cause of its high prevalence in Pakistan is unsafe blood transfusions.

According to Pakistan Young Pharmacists' Association (PYPA), owing to unavailability of medicines, more than 4,000 Pakistanis are killed every day by Hepatitis-C and more than 20 million Pakistanis are infected by the virus, out of which 6 million could be labelled as having serious liver disease and 1.2 million are at a greater risk of developing liver cancer.

The treatment of Hepatitis has been very expensive. But the price of its

medicine has come down significantly. It was the Supreme Court of Pakistan (SCP) that had taken suo motu action on extremely expensive hepatitis-C medicines and directed the government to ensure supply of medicines for Hepatitis patients at an affordable cost.

The Hepatitis patients in Pakistan can now buy the miracle drug Sovaldi that costs Rs 32,000 as well its generic version for around Rs 5,000. New and much improved Hepatitis C treatments have become available over the last two years, which can cure hepatitis C in 12 weeks, and involve taking just one pill a day.

Malaria

About 177 million Pakistanis are at the risk of malaria and around 3.5 million are hit by malaria cases annually. Pakistan is among the four countries of the world that have accounted for 81 per cent of estimated deaths globally due to *P. vivax* malaria in a year, the World Health Organization (WHO) said.

The country has launched a nationwide programme to tackle this disease but the results are far from satisfactory. The Pakistan Medical Association (PMA) blamed bad planning, mismanagement and the lack of political will for the spread of malaria in the country. The association said Pakistan had the second highest number of reported malaria cases every year, with an estimated 1.6 million cases reported each year. Of these 60 per cent are not confirmed as their samples are not sent to laboratories for testing.

Malaria in Pakistan is typically unstable and major transmission period is post monsoon i.e. from August to November. Major vector species are *Anopheles culicifacies* and *A. stephensi*, both still susceptible to the insecticides currently being used. The widely distributed causative organisms are *Plasmodium falciparum* and *Plasmodium vivax*. *Vivax* malaria still dominates the transmission though a significant rise in the more lethal form *falciparum* is observed in Balochistan and Sindh.

The key underlying risk factors for malaria outbreaks in Pakistan include unpredictable transmission patterns, low immune status of the population in high-instance areas, poor socioeconomic conditions, mass population movements within the country and across international borders with Iran and Afghanistan, natural disasters including floods and heavy rain fall in a few areas, lack of access to quality assured care at the most peripheral health settings, low antenatal coverage and internally displaced population (IDPs) crisis in the agencies and districts along western border.

TB

Annually, around 430,000 people including 15,000 children contract Tuberculosis (TB) in Pakistan. About 70,000 deaths every year can be attributed to this disease in the country. Pakistan ranks 6th globally among the 22 high TB burden countries and contributes an estimated 43 per cent of the disease towards the Eastern Mediterranean region of the World Health Organisation. Pakistan is also estimated to have the fourth highest prevalence of multi-drug resistant TB (MDR-TB) globally. Globally 9.6 million fall ill and 1.5 million die due to TB every year. Over 95 per cent of TB deaths occur in low and middle-income countries.

In Pakistan, a large number of people, though infected with the TB bacilli, do not get diagnosed, either because of poverty, or lack of awareness about the seriousness of the disease. Moreover, public sector hospitals do not properly implement the Directly Observed Treatment Short Course (DOTS) to support tuberculosis patients. Left untreated, one person with active TB can infect 10 to 15 people in a year.

Pakistan is pursuing a National TB Programme (NTP) with an aim to reduce by 50 per cent the prevalence of TB in the general population by 2025 in comparison with 2012. The National TB Control Program is integrated with Primary Health Care (PHC) system implemented by the district health authorities with the support of Provincial TB Control Programs (PTPs).

HIV AIDS

Pakistan is among the 11 countries in Asia that have a high instance of HIV Aids. There are around 98000 HIV cases in Pakistan. A majority of these people are under the age of 25, both males and females. The disease is incurable and has to be managed with medicines and proper diet. The medicines are expensive and most of the patients cannot afford to cover these expensive.

The responsibility of providing these medicines lies with the government that seeks help from donors. To stem the spread of HIV/Aids in Pakistan, the Geneva-based non-profit Global Fund earmarked \$18.75 million for the year 2016-17 - over \$2 million more than the country had demanded.

There has been an 11 per cent increase in mortality rates from HIV/AIDS in Pakistan, whereas, worldwide, deaths from HIV/AIDS declined at a rate of 1.5 per cent between 2000 and 2013. AIDS has killed about 6,000 people in Pakistan so far. The government has established 21 treatment centres as well as community and home-based care and support centres in remotest areas of the country to provide treatment to people at their doorsteps.

According to UN estimates, there are 97,000 to 125,000 HIV positive persons in Pakistan, about 50,000 from the Punjab province. According to the Sindh AIDS Control Programme an estimated 45,000 HIV/AIDS patients belong to Sindh. The major high-risk groups include long-distance truck drivers, female sex workers, transgender sex workers, men having sex with men (MSMs), injecting drug users (IDUs), jail inmates, children born to infected parents, street children and victims of unsafe medical procedures.

From 2005 to 2014, the country averaged a 16 per cent annual increase in the rates of new HIV/AIDS infections, ultimately rising from less than 1 case per 100,000 to 6.7 per 100,000. The number of infected persons may run in millions in Pakistan if proper screening is carried out.

There are several risk factors such as having unprotected sex, use of unsterilized medical instruments, re-use of used syringes and needles, sharing contaminated needles and syringes, quackery, community dental clinics, street barbers, commercial sex, sex of men with men, labour migration, rising number of drug addicts, low condom use rates etc that may result in rapid spread of HIV in Pakistan.

The federal and provincial governments of Pakistan launched awareness drives to educate people on the disease.

Cancer

About 300,000 new individuals suffer from cancer every year in Pakistan that adds up to the millions of cancer patients already under treatment. Cancer kills about 100,000 people in Pakistan every year. Pakistan tops the list of breast cancer patients in Asia. According to the World Health Organisation (WHO), one in every eight women is suffering from breast cancer in Pakistan. Studies show that lung cancer claims more Pakistani lives than any other cancer followed by breast cancer, esophageal cancer, lymphoma, liver cancer, mouth cancer, bladder cancer, leukemia, colorectal cancer and stomach cancer.

Radiologists say breast cancer is diagnosed late and affects younger women. Roughly, 50 per cent of the women with breast cancer in Pakistan die without seeking treatment. Around 90,000 cases are reported every year in the country out of which 40,000 women die of this disease.

The College of Physicians and Surgeons Pakistan highlights the dearth of cancer care facilities in Pakistan, saying every year 300,000 patients need treatment against cancer but the country has facilities for only ten per cent of them. Others die in pain. There are limited capacities for palliative care, cancer emergencies and bone marrow

transplants that leave the majority of patients without access to proper treatment or care. No centre offers bone marrow transplants except for an Armed Forces Institute. The international practice is that there should be a cancer hospital for every 5 million people in a country. In Pakistan, there are only two proper cancer hospitals for a population of around 200 million -- one in Lahore and another in Peshawar. There are limited facilities at some government hospitals but services available there are far from adequate.

In Pakistan, a large number of cancer patients come to know about the disease at an advanced stage due to lack of awareness. About one-third of the cancer burden could be decreased if cases were detected and treated early. Some of the most common cancers – including breast, colorectal, oral cancer and cervical cancer – have high cure rates when detected early and treated.

Family planning and primary healthcare

Family planning has been a contentious issue in Pakistan, the sixth most populous country in the world – home to an estimated population of 192 million, growing at the rate of 1.92 per cent. At this rate, the population is expected to reach levels as high as 343 million by 2050, rendering the future of its populace vulnerable in the wake of shrinking resources.

About 60 per cent of the total population of Pakistan, mostly rural, is covered by the family planning and primary healthcare programme with more than 90,000 LHWs all over the country. LHWs' services have a visible impact on the health status of women and children in particular through improved hygiene birth spacing, iron supplementation, greater immunization coverage and through ante-natal and post-natal coverage of the pregnant women.

Expanded Program of Immunization (EPI):

EPI program provides immunization against the seven vaccine-preventable diseases i.e. childhood tuberculosis, poliomyelitis, diphtheria, pertussis, neonatal tetanus, measles and hepatitis B to children under one year of age. New vaccines like Pentavalent vaccine have been introduced with the help of United Nations Children Fund's (UNICEF). During the year 2015-16, 7 million children of 0-11 months and 6.5 million pregnant women were immunized against 7 deadly diseases and tetanus toxoid vaccine.

Public healthcare infrastructure

The healthcare system in Pakistan has expanded gradually with a large network of health facilities, workforce and services across the country. The public health care system comprises 1167 hospitals, 5695 dispensaries, 5464 basic health units, 675 rural health centers, 733 mother and child health centers and allied medical professionals i.e.

doctors, nurses, midwives and pharmacists. As of FY2016, there are 184711 doctors, and 16652 dentists and 118,869 hospitals in the country. The ratio of one doctor per 1038 person, one hospital bed for 1613 person and one dentist for 11513 persons is quite inadequate.

Fake and counterfeit medicines

The medicines industry and trade in Pakistan has been badly regulated with the inspection system being faulty and hardly reliable. Fake, substandard and counterfeit medicines are available in the market and have resulted in the death of countless patients.

According to the Pakistan Pharmacist Association, there are approximately 4,000 licensed pharmacies in Pakistan, but also as many as 100,000 illegal merchants selling medications.

All the provinces are working on how to tackle this menace. For example, the Punjab government has declared sale and manufacturing of fake medicines a non-bailable crime and set up special teams to round up the culprits. FIA has also been engaged in this regard.

Recommendations:

- Provinces must increase their budgetary allocations for health with the focus primarily being on prevention educating people on adopting a healthy lifestyle and creating awareness about saving themselves from an attack of a disease. Safe drinking water, pollution-free air and non-adulterated food should be in the access of each and every citizen. The local government representatives must monitor the provision of quality health services and supervise fumigation and polio vaccination in their areas for achievement of targets.
- People's screening for different diseases should be done in order to provide medical treatment to them well in time. The governments should build new hospitals and add enough beds to accommodate a large number of patients. Primary health units, basic health units and district headquarter (DHQ) hospitals must be revived and provided with proper staff and equipment. Qualified doctors and paramedics should be appointed at healthcare facilities in rural areas offering them incentives. The government must adopt a zero tolerance policy towards quacks. Policies should also be adopted to stop qualified doctors from proceeding abroad for jobs.
- Proper mechanisms should be put in place to stop manufacturing and sale of fake, substandard, counterfeit and smuggled medicines. The government must ensure medicines' availability in the market at any cost.

Housing

**Social and
economic
rights**

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 well being 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)

No change was witnessed in the state of housing in 2016, though many administrative and political changes took place, during the year, which had the potential to bring about desirable change. The long-awaited local government elections were held towards the close of 2015. Municipal and local governments were appointed, albeit with very limited financial and administrative powers. The Karachi Development Authority, which had been defunct for all practical purposes since 2002, was revived. Provincial governments in Sindh, Punjab and Balochistan continued to keep the administration and management of local affairs mostly in their hands. However, despite the political claims the real benefit to the poor and the marginalized was largely absent. The real-estate markets continued gobbling up more urban, peri-urban and regional lands for real estate ventures. Many projects, undertaken at the cost of centuries-old rural habitats, proved detrimental to environmentally sustainable livelihoods of local farmers, orchard owners and livestock rearing communities.

2016 was the year when the United Nations Conference on Sustainable Urban Development convened in Quito, Ecuador, during the third week of October. As a signatory, the government of Pakistan, through the Ministry of Climate Change, prepared a national report on habitat

issues of the country. The report identified many important issues that awaited response and action from the national, provincial and local governments. The report also addressed other stakeholders concerning matters of; access to land, credit for housing, consolidation and regularization of informal settlements, regulatory control on ongoing urban densification in major cities and safeguards for peri-urban lands, essentially meant for agriculture. However, the report did not cover core problems of land grabbing, causes leading to informal settlements in cities and peripheries, breakdown of civic services, misplaced priorities of the federal government on mega projects especially urban transportation, and attempts by the provincial administration towards creating parallel local institutions. Another important element missing in the report was the prolonged absence of a comprehensive census covering population levels, housing, livestock, enterprise and agriculture: an exercise essential for efficient allocation of resources and planning, especially in context of housing and urban development. The slated census in March, 2017 would go a long way in addressing these issues.

Many major scams related to real estate development and issues surrounding urban informal settlements in different forms and formats continued and were widely reported by the media.

Land grabbing

Many incidents of land grabbing were reported during the year. Bahria Town Karachi (BTK) is one important example. The project is located opposite to DHA City Karachi, at the edge of Karachi Division. Its extent can be gauged by - the project's boundaries extending all the way to Jamshoro district. A newspaper report highlighted numerous irregularities associated with the real estate venture. BTK falls in the jurisdiction of Malir Development Authority (MDA). Originally, much of this territory constituted of agricultural land containing many date palms and fruit orchards. Since the time of the Raj, agricultural leases were periodically extended to maintain the land use. After Pakistan came into being, revenue officials continued with the same practice. As the top soil was sufficient in quantity and quality, rain-fed agriculture continued; vegetables, fruits and other agricultural products found an ever growing market in Karachi which created a useful complimentary relationship between producers and consumers. The urban master plans prepared for the city also recommended conservation and promotion of agriculture in this area.

The 1974-85 Karachi Development Plan proposed development of water harvesting mechanisms to ensure stable agricultural land use. Unfortunately, unscrupulous government officials in collusion with realtors began an enterprise of land expropriation, creating half prepared parcels of land for allotments and transactions. Those who resisted were dealt by the 'strong arm tactics of law'. For instance, Kanda Khan Gabol - a local farmer - was taken into custody by the



Police personnel oversee the beginning of construction work to counter resistance by villagers at a town.

police several times to coerce him into selling his lands. A case under the anti-terror law was also registered to force him to change his mind in favour of the realtors. Many villagers were uprooted from their ancestral abodes with little or no compensation. Date and fruit trees were ruthlessly uprooted to make way for asphalted roads and gate complexes for the BTK. According to the Dawn report, the BTK is spread over 93 sq. km. or 23,300 acres.

To understand the scale, consider that Karachi District Central is spread over 69 sq. km. The Bahria Town said it had formally acquired only 7,631 acres of land. The Malir Development Authority consolidated this land without ascertaining legal expropriation of the land from owners. Another flagrant violation of procedure is that the MDA is only authorized to consolidate land for public housing schemes; meant for benefitting the local people and contributing to their socio-economic development. BTK fulfilled none of the criteria. Besides, in the name of development, many important historic sites and structures had been ruthlessly destroyed. The project also affected the city's water supply. According to a KWSB official, four pipelines, each three inch in diameter, had been diverted from the main conduit that supplied water to Karachi. The BTK's administration also dug deep tube wells depleting the local aquifers beyond the scale of re-charging. The poor that resided in the adjacent hutments in villages complained that the water levels had gone down to dangerous levels. The Sindh High Court prohibited such reckless extraction of water. Perween Rahman, of Orangi Pilot Project (OPP), had begun documentation of villages, in the periphery of Karachi, in a bid to get them regularised. OPP managed to document 1131 villages of which 817 lay in Gadap area alone. 518 villages were regularized. After

Perween's assassination in March 2013, this process considerably slowed down.

HRCP demanded an urgent and thorough investigation into the land acquisition practices in Karachi by the largest real estate developers in the country and expressed concerns over reports of use of the state's coercive powers to deprive rightful owners of their land.

The commission said: "The state's inability, and to a great extent, its lack of interest in addressing the housing needs for the poor is already well established. It would be a tragedy if it turns out that it is outsourcing its muscle to grab land to be developed for housing the affluent at the cost of local residents' ruin and displacement.

"The sordid affair should train the spotlight on the state's supposed role as a regulator that should watch out for citizens' interest. The available complaint and redress mechanism must also be looked at to understand why illegal practices went on unchecked."

Qayyumabad was another example of illegal land grabbing, under the garb of an official takeover, by a management agency. The area is a typical service sector settlement that evolved during the 1960s, at the edge of Phase I and II of the Defence Housing Authority in Karachi. Most residents comprise of labourers and domestic service providers. It encompasses 109 acres that accommodate more than 70,000 people – one of the densest locations in the city. Much of the land consists of informally developed high-density housing with virtually no space for educational, healthcare and recreational facilities. The records, however, stipulate a provision of about 30.32 acres of land for common amenities. According to media the amenity spaces were legitimately a part of the Qayyumabad area but KMC was unable to develop these amenities for a long time. Eventually, DHA Karachi was able to gain control of the area as per the 'adjustment' of allocation and leasing battles between various stakeholders. To thwart any possibility of area residents of Qayyumabad ever claiming the amenities, the DHA built a wall that obstructed people from crossing over into the affluent housing society. As a consequence, Qayyumabad dwellers were forced to live in extremely congested conditions.

Evidence of land grabbing and depriving the vulnerable of their abodes was not confined to Karachi. In Lahore, the LDA city was dubbed as the initiator for land expropriation under the Land Acquisition Act. The development has many dimensions including a diplomatic enclave comprising 2000 kanals of land. Land acquisition bordering 70,000 kanals is also planned for private housing schemes, ring road, graveyards, army holdings, and 58,000 kanals of precious farmland. The possibility of the poor benefitting from the LDA city was minimal, given the process of land delivery and financing mechanisms. Already the brokers and agents had fenced in the more lucrative investment options, leaving little for the common people.

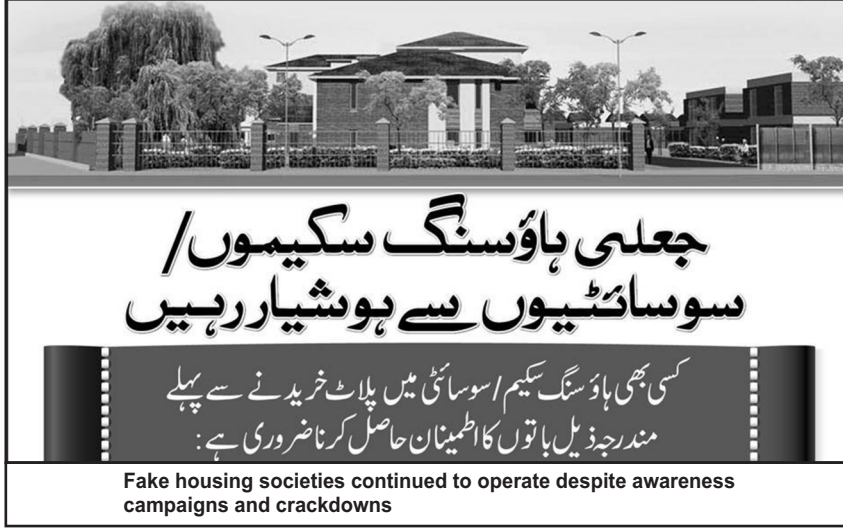
Orange Line Metro Project, too, was in the news for many months. The Christian community of Lahore lodged a strong protest in May against attempted expropriation of about three kanals of land was owned by the Cathedral. The Christians refused to part with the land announcing that the place of worship was extremely sacred and essential for the community and it was highly inappropriate for the administration to deprive them of their rights as a citizen of Pakistan. Displacements, interruption in commercial activity and access to residential areas remained a key concern due to the Orange Line Metro Train Project.

Similarly, the Sikh community cited its grave concern on the burning of records of Evacuee Trust Property Board in Nankana Sahib, during May. It was feared that land mafia might move in to deprive the community of its rights to several of the holy sites. The community also lodged appeal to the prime minister and the Punjab chief minister to take notice of the situation.

The infamous trend of 'China cutting' – that had been an integral part of the city over the past two decades – had slowed down since the Karachi operation began in 2013. However, the new chief minister of Sindh said the menace of China cutting still existed. In working terms, China cutting is defined as the illegal subdivision of government land for residential or any other usage, through the collusion of government functionaries and area influentials. This process was attributed to the workers of political parties that dominated the city's political landscape. In the Karachi unrest case, the Supreme Court mentioned elements belonging to Muttahida Qaumi Movement (MQM), Jamaat-e-Islami and Peoples Party as party to this enterprise. The chief minister said efforts were being undertaken to curb this menace. He made the local station house officer responsible for any land grabbing incident reported in their areas. The surveys of various government lands and amenity plots in the planned neighborhoods, showed that a sizable number of parks, playgrounds and lots for schools and dispensaries had been taken over and converted into residential developments. P & T Colony near Gizri, lands behind Aziz Bhatti Park in Gulshan-e-Iqbal and stretches of land along railway tracks in different parts of the city were some examples.

Fake societies

Fake housing societies and fraudulent real-estate projects continued to grow in other cities of the country such as Rawalpindi where nearly three dozen illegal societies continued to operate in the year 2016. The Rawalpindi Development Authority (RDA) said lack of workforce hampered its crackdown on the illegal societies. "There is no judicial magistrate to deal with the cases of fake societies. The staff of the enforcement cell is also insufficient. It does not have the police support either," a director of the authority was quoted in the newspapers as saying. Besides publishing the names of illegal societies in the print



media, the RDA also advised people to approach it first to get correct information about any society before purchasing a plot.

Police registered a case against the chief executive officer of Multan Electric Power Company (Mepco) for illegally using logo of Multan Development Authority and allegedly defrauding public at large.

The complainant said a public notice published by the management of the housing society carried the MDA logo, implying that the MDA approved the phase-III. "The phase III (of the society) is an illegal scheme. The society is defrauding people by illegally using the logo," the FIR stated.

After registration of the case, the MDA decided to include WECHS (Phase III) in the list of illegal schemes and run a campaign to alert the public.

Evictions

Evictions continued in many urban and peri-urban locations during 2016. The evidences from Bahria Town and Qayyumabad in Karachi have already been presented. The study of Gujjar Nala is another illustrative example. The 13-km stretch of the natural water drain runs through the central part of the city. Over time, the banks of the nala transformed into informal settlements of various density and spread. Most of the residents are wage labourers and work in informal enterprises. Anti-encroachment drives would always result in the eviction and dislocation of one set of settlers and re-settling of another under the influence of law enforcement personnel and local political activists. A large anti-encroachment drive that began in 2015, continued in 2016, with greater intensity to forestall the approaching

monsoon rains. In many cases, the drive was shoddily managed and inappropriately conducted. Many people lost their lives or were injured. For instance, in July 2016, the Karachi Metropolitan Corporation (KMC) launched a nullah cleaning exercise with the use of heavy machinery. Due to improper planning and implementation, the vulnerable structures on the banks collapsed. One such house belonged to the household of a painter. When he was leaving for work in the morning, he warned the KMC staff about the structural weakness of his abode. The staff assured him that they would be careful. However, when the work began, part of his house collapsed under the vibration caused by the excavator and led to a woman and her three-year-old daughter drowning. The original average width of the nullah used to be 210 feet. The KMC intends to restore it to the arbitrary width of 60 feet. Many houses that were provided with lease rights alleged to be illegal, were being cancelled. About 30,000 households, with a population size of 240,000, would be evicted once the eviction drive's objectives are met.

Encroachment and land grabbing remained prevalent in most parts of the country, in addition to creation of slums and katachi abadis to accommodate the poor. The Capital Development Authority (CDA) moved an application in the Supreme Court of Pakistan seeking permission for demolishing the construction of shelters being carried out illegally to establish katchi abadi on its land. In August, the top court had restrained CDA from demolishing any house already existing in a katchi abadi. The main growth in these slums and katachi abadis was taking place in Muslim Colony, Bari Imam, Dhoke Tahili, Mohallah Dori Bagh G-7/3-2, G-6/2, G6/1-4, F-8, F-7, G-7 Markaz, G-8 Markaz, Miskeen Colony, H-9, I-12, H-10, I-9 Esa Nagri and Model Village Saidpur.

Flagrant building codes and violations were also witnessed. Nearly three months after a court verdict, a clampdown by the Capital Development Authority (CDA) against businesses violating the authority's building by-laws was limited only to small violators while many of the big fish continued to flout the rules. The Building Control Section (BCS) had sealed 376 buildings in the capital till December. Still, there were 591 nonconforming properties in the capital.

Housing finance

The housing finance portfolio showed a meager growth of 0.23 percent during the first quarter of current fiscal, while year on year, housing finance portfolio showed an impressive growth of 13.48 percent, as reported by the State Bank of Pakistan (SBP).

The gross loan amount outstanding as on September 30, 2016 of all banks and development finance institution (DFIs) stood at Rs 65.85 billion as compared to the previous quarter, it showed an increase of Rs 0.15 billion or 0.23 percent.

House Building Finance Company Limited (HBFCL) remained the largest shareholder, in terms of gross loan amount outstanding, with the share of 22 percent. However, based on category, Islamic banks remained the largest players with 39 percent share in gross loan amount outstanding. Fresh disbursement for the quarter amounted to Rs 4.12 billion with 851 borrowers. Non performing loans (NPLs) decreased to the level of Rs 11.28 billion compared to previous quarter's Rs 12.75 billion; a significant decrease of 11.53 percent during the quarter.

HBFCL, being the largest player in the housing finance market, accounted for 42 percent of new borrowers and contributed 14.50 percent to the new disbursements equivalent to Rs 597 million. Islamic bank's disbursal amounted to Rs 1.83 billion.

Outright purchase of houses was 66.16 percent of gross outstanding loan amount; while construction and renovation products were 23.30 percent and 10.54 percent respectively.

Islamic and private banks remained active in extending housing finance, a reflection of efforts to create enabling environment for housing finance in Pakistan.

This will be instrumental in increasing economic growth through positive changes in 40 industries allied to housing sector. Housing finance in Pakistan is gradually growing. The share of private banks, Islamic banks and HBFCL in the gross outstanding loans was 31, 39 and 22 percent respectively at the end of the quarter.

IBDs and IBs had 15 percent and 85 percent share respectively in gross



Slum eviction drives only exposed the housing crisis Pakistan faced

outstanding portfolio of Islamic banking industry. Compared to previous quarter, market share of conventional banking decreased and that of Islamic banking increased by percent and stood at 54 percent and 46 percent respectively.

The formal banking sector said the housing finance slightly improved than the previous calendar year. As per the statistics released by the State Bank, some 67,625 new borrowers were issued loans in 12 months that ended on 31 March 2016. This makes an abysmally low figure when compared with the net need of housing of 10 million nationwide, as per the central bank's own admission. The central bank also extended awareness support to the sector by organizing seminars to spread understanding about housing loans and the mechanics of their disbursement. Despite these efforts, the value of the mortgage to GDP ratio remained at less than one percent. According to experts at least Rs 300 billion needed to be disbursed to meet the current housing demand. An additional Rs 250 billion would be needed per year to clear the backlog. The HBFC usually extended loans to projects initiated by builders and developers who were members of Association of Builders and Development (ABAD). Commercial banks usually extended loans to high-end customers such as those extending their bungalows or renovating existing housing.

In June, the State Bank set up Pakistan Mortgage Re-Finance Company (PMRC) to facilitate housing finance institutions and commercial banks to extend their activities in this sector. to low-income groups.

Investment dynamics in housing

For the past several years, there has been a major investment in housing, real estate and raw urban land. Many large and medium scale investors made windfall profits by strategically investing in this sector. According to a news report, the overall volume of housing and real estate market was Rs 7 trillion. However, the overall contribution of this sector to the generation of jobs and direct taxes was low when scaled against the actual value of transactions. The federal government took a number of important decisions in 2016. The Finance Bill 2016 aimed at revising the ages-old property valuation system to obtain fair market figures for different properties. Previously a conservative benchmark of such values was used as the yardstick called as DC or Deputy Commissioner's list. The DC of every district used to issue a list to establish market prices. This used to be very low and led to high profits for investors. The taxation rates also used to be very low. The FBR, in consultation with stakeholders, now revised this. Some believed that this move would generate Rs 70 billion revenue for the government. It was also likely to discourage investment of black money in this sector. The availability of land for housing the urban poor might also emerge as a possibility, if the policy makers decided to venture in this direction.

Accidents and fires

Many unfortunate incidents marred the housing scene in the country. A fire erupted in an informal settlement in Block 19, Gulshan-e-Iqbal in Karachi on March 03. Many huts were gutted in the blaze though no loss of life was reported. A woman was injured on September 21 in Usman Town- Faisalabad when a gas cylinder exploded. This led to multiple explosions and caused panic amongst the shopkeepers and residents. In low to lower-middle-income neighborhoods, many hazardous trades continued to operate unabated in almost all the cities in the country. Gas depots were common sights in such localities where filling of smaller cylinders with larger ones continued despite strict warnings against it by the government agencies. On October 24, an oil tanker met with an incident in Rawalpindi that led to the gutting of several buildings, including residential flats. The fire could only be controlled after several hours by the firefighters but only after a significant damage to the houses and other property. It was found that many incidents of hutment fire, bursting of stoves, cylinder blasts and other events were not reported. A visit to any low-income settlement unveils numerous hazards associated with fire risk.

Hindus' place to pray

In December, the Capital Development Authority approved land in Islamabad for the construction of a Hindu temple, a community centre, and a cremation ground.

There are around 800 Hindus living in Islamabad, and in the absence of a temple, they were forced to celebrate Diwali and other religious festivities at home. As there was no crematorium in the federal capital, they also had to take the bodies either to Rawalpindi or to their hometowns for cremation. The only large temple in the twin cities is Krishna Mandir in Kabari Bazaar, Saddar, although a few smaller ones exist in residential parts of Rawalpindi cantonment.

The CDA allocated the plot in H-9/2 close to one that had already been allocated to the All Pakistan Buddhist Society.

Graveyards

According to a newspaper report, among 237 graveyards in Karachi, the Karachi Metropolitan Corporation (KMC) lost control of some 224 cemeteries over the years to "self-proclaimed administrators, land mafias and encroachers" prompting the civic administration to propose a ban on further burials in the city graveyards and making six new ones along three major highways.

The growing control of 'mafias' on the city graveyards was not only a nuisance for Karachiites, but it had also led to encroachments and illegal plotting, better known as 'China-cutting', said an official.

Referring to the recently-compiled data, the minister for local bodies



Graves built in multiple layers due to shortage of land for burial grounds

also hinted at setting up new graveyards on the outskirts of Karachi and proposing a ban on burials within the city.

Regulating graveyards

Some progress was made towards creating an independent authority to regulate graveyards and protect them from illegal encroachment. An authority will establish new specialized graveyards on a request by the local council concerned or by itself. The graveyard scheme will be designed with a specific architectural, administrative and horticultural plan. It will provide funeral services to communities of all religious denominations. The IT wing will maintain database, the help line and the website for Shehr-i-Khamoshan graveyards across Punjab. The enforcement wing will appoint inspectors to guard against encroachments on graveyard property as well as enforcing the remaining provisions of the law which criminalized any encroachment, illegal commercial activity or damage caused to any property in the graveyard zone, with a three-month imprisonment or a fine of Rs100,000.

The first model graveyard costing Rs155 million was scheduled to be inaugurated in Lahore in 2017. The Shehr-i-Khamoshan graveyards in Multan, Sargodha and Faisalabad were under construction. The authority is expected to construct graveyards and provide funeral services in all the 36 districts in Punjab.

Recommendations

- A land and housing appraisal in the districts to act as the baseline inventory of housing situation and initiation of Housing Price Index (HPI) and Housing Access Index (HAI) through the assistance of Pakistan Bureau of Statistics.

- An overhaul of HBFC to make it a potent and creative organization. Extension of support to less privileged groups. 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 neighborhoods, initiation of urban re-development on the pattern of mixed land use and revitalization of already launched low income schemes are some possibilities.
- Research on construction of different forms and scales of housing to examine its suitability and relevance to housing demands in the country.
- Coordination among civic agencies such as the fire department and rescue squads and the need for public buildings to be constructed to at least some modicum of safety standards, with much stricter regulation.

Environment

Social and economic rights

All human beings have the fundamental right to an environment adequate for their health and well-being. States shall conserve and use the environment and natural resources for the benefit of present and future generations.

States shall establish adequate environmental protection standards and monitor changes in and publish relevant data on environmental quality and resource use.

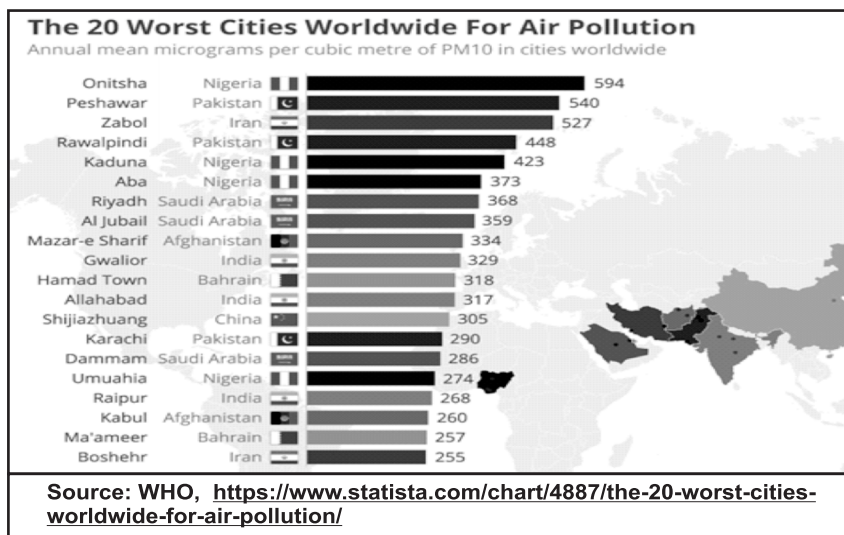
Proposed Legal Principles for Environmental Protection and Sustainable Development
Article 1,2,4

The federal and provincial governments took several steps to conserve the environment, but a plethora of growing environmental issues continued to plague the residents of Pakistan during the year under review. Many experts were of the opinion that climate change was the biggest threat faced by Pakistan.

Rapid changes in climate are bound to affect our economy, settlements, crop yields, access to safe drinking water, livelihoods and vulnerable communities. German watch's Global Climate Risk Index 2017 ranked Pakistan 7th among countries most vulnerable to climate change. According to a 2015 World Bank study, Pakistan is losing 9% of its GDP annually due to damages by environmental issues.

Pakistan ratified the Paris Agreement on Climate Change in November. The signatories of this agreement were obliged to keep global warming below two centigrade. However, the verdict was still out on whether we would be able to amend our policies and take the necessary steps before it is too late.

Residents of Pakistan were still struggling to gain access to basic rights and necessities like access to safe drinking water, clean air and proper sanitation. A Senate hearing in September revealed that 80% of Pakistanis were consuming water that was contaminated or unsafe. A report by Water Aid ranked Pakistan among 10 countries where most urban residents lacked access to proper sanitation. A 2016 World Health Organization report ranked Peshawar and Rawalpindi 2nd and 4th, respectively, in the list of cities with the most air pollution.



Climate change

While climate change continued to affect all nations across the globe, people in developing countries, especially those belonging to vulnerable communities experienced its most devastating effects. 2016 was the hottest year in recorded history and scientific studies indicate that we should expect even higher temperatures in the coming years. The United Nations considered this issue so important that 45 out of the 169 targets it set in the Sustainable Development Goals (SDGs) were related to environment.

Experts stressed that Pakistan needed to take this rapidly growing problem more seriously than most of the other countries. A recent study by German watch indicated that Pakistan ranked 7th among countries that were most vulnerable to the effects of climate change. Studies also indicated that the changing weather pattern were affecting sowing and reaping cycles in the country.

Climate change also affected other aspects of development. According to the UNDP MDGs report 2013, one of the reasons for Pakistan's inability to give due attention to the goals was that funds had to be relocated for disaster management. A 2015 World Bank study revealed that Pakistan was losing around 9% of its GDP because of environmental issues.

The first big warning came with the super floods in 2010 that affected millions of people. The prolonged drought in Tharparkar, Sindh and unusual heat waves in various parts of the country were other symptoms of climate change.

There was a strong consensus in the scientific community that human activity, primarily burning of fossil fuels, had been playing a pivotal



role in the global warming we were experiencing. Mercury was rising with an unprecedented acceleration wreaking havoc across the globe. Even if the global temperature increase by a few degrees, devastating climatic events like floods, droughts, forest fires, landslides, melting glaciers and sea level rise begin to take place.

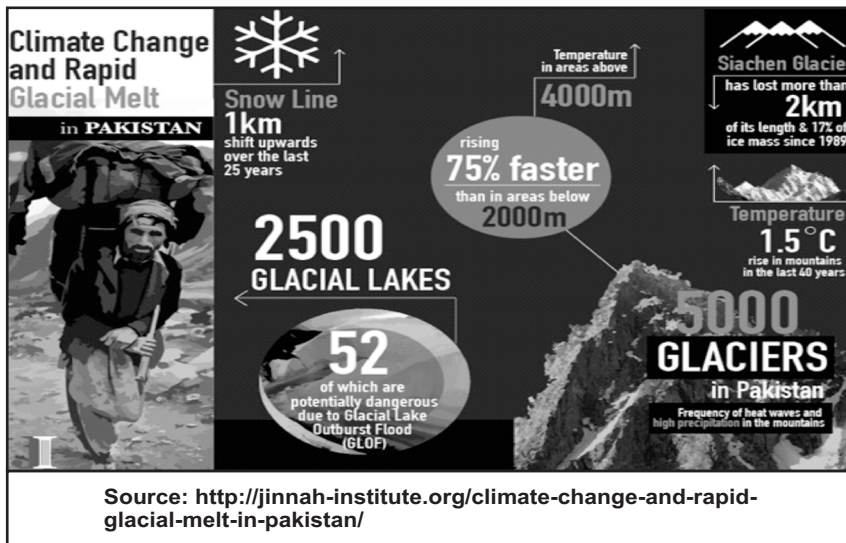
Some commendable steps have been taken by the government with regard to tackling climate change, through much more needed to be done. Pakistan was the first country in South Asia to establish a dedicated Ministry of Climate Change. In December, the Standing Committee of the National Assembly on Climate Change passed the Pakistan Climate Change Bill 2016. It's purpose was to establish the Pakistan Climate Change Council, Pakistan Climate Change Authority and Pakistan Climate Change Fund to tackle the effects of climate change. If passed by both houses, it will make Pakistan one of the five countries with a dedicated law on climate change.

In November, Pakistan became the 104th country to ratify the Paris Agreement on Climate Change, which aims to keep global warming below two centigrade.

Pollution

From smog to a wide variety of diseases, Pakistanis suffered many consequences of pollution during the year under review. A 2016 report by the World Health Organization named Peshawar and Rawalpindi among the world's most polluted cities. According to this report Onitsha, Nigeria has the dirtiest air in the world, following closely by Peshawar. Overall, Pakistan was ranked fourth among countries with the most air pollution.

Levels of air pollution have become so high in Pakistan that it has become one of the leading causes of death in the country.



Approximately 59,000 people die because of air pollution every year. Air pollution can cause lung cancer, heart disease, asthma, premature deaths, stroke and many respiratory diseases.

Smog in Lahore

Towards the end of October, thick smog engulfed Lahore and some other parts of the Punjab. While the National Aeronautics and Space Administration (NASA) identified burning of crop stubbles as the major reason for the smog, air pollution caused by activities in Lahore also played a big role in its formation.

To tackle this thick smog, which can cause many respiratory and eye diseases, the provincial government rolled out some initiatives. Steps were taken to stop people from bringing smoke emitting vehicles to the road. The City District Government Lahore (CDGL) also launched a campaign against factories that were polluting the environment. All such factories were ordered to install emissions control equipment within two months. The CDGL shut down dozens of factories that were burning coal power and other harmful materials.

However, some of these were short-term initiatives and we have yet to see how effective they will prove to prevent the formation of smog in the years to come. In addition, many experts are of the opinion that we cannot take measures to prevent smog until we have the resources and tools to accurately gather data on the prevalent types of pollutants and pollution levels.

A media report revealed that the Marine Pollution Control department acknowledged that approximately 350 million gallons of raw sewage and untreated industrial waste flowed into the harbour from Karachi every day. Almost 12,000 tons of solid waste produced

by the residents of Karachi is dumped into the sea daily. This combined with the practice of overfishing had devastating effects of the marine life along our coastline. Fishermen find it difficult to catch fish near the coastline and have to venture far to cast their nets. A comparative study by the Institute of Marine Sciences (IMS), Karachi University, found significant concentrations of heavy metals. The study indicated that metallic pollution had been increasing over the years.

The Sindh government had been struggling to keep the biggest city in the country clean. Residents of Karachi had criticized the government for its inability to tackle the numerous piles of garbage in the city. Following in the footsteps of Lahore, which had awarded the cleaning contract to a Turkish company, the chief minister of Sindh reached out to an offshore company in China. The Chinese firm planned to begin cleaning Karachi in February 2017.

In March, the Supreme Court said that it was not satisfied with the environmental reports submitted by the federal capital and provinces. The apex court ordered them to submit progress reports again.

Safe drinking water & sanitation

According to the UNDP Pakistan MDGs Report 2013, Pakistan was on-track to meet the indicator related to access to improved water sources. However, in September, the Senate was informed that 80% of the residents of Pakistan consumed water that was contaminated or unsafe. While addressing the Senate and answering questions put forward by the lawmakers, the Minister for Science and Technology shared some findings of the Pakistan Council for Research in Water Resources (PCRWR).

Studies indicated that the major pollutants in drinking water were bacteria, arsenic and other toxic metals, suspended and dissolved solids, as well as nitrates and fluorides. Bacteriological contamination in drinking water was found to be as high as 69%. These contaminants can cause a plethora of diseases including, diarrhoea, cholera, typhoid, hepatitis, hypertension, cancer, birth defects, diabetes, as well as diseases of skin, kidney and heart.

In a country where most people can't afford bottled water, these levels of contamination are a serious problem. Even bottled water wasn't a reliable source of safe drinking water in Pakistan. Another study by the PCRWR listed more 100 brands of bottled water that were not safe for consumption.

WaterAid's report entitled 'State of the World's Toilets: Overflowing cities' counted Pakistan among 10 countries most urban residents lacked access to proper toilets. According to this report, around 12 million urban residents lived without proper sanitation in Pakistan. However, the number of people without proper sanitation in Pakistan had halved since 1990.

Status	National value (2013)/Target	MDG & Indicators
		Goal 7: Ensuring Environmental Sustainability
? Off track	? 5.2/6	? Forest Cover (percent)
? On track	? 11.6/12	? Land Area Protected for Conservation of Wildlife (percent)
? On track	? 26543/28000	? GDP (in 1980-81 Rs.) per ton of oil equivalent (energy efficiency)
? On track	? 0.6/0.5-0.25	? Sulfur Content in High Speed Diesel
? On track	? 89/93	? Proportion of Population with Access to Improved Water Sources
? Off track	? 72/90	? Proportion of Population with Access to Sanitation
? Off track	? na/95	? Proportion of Katchi Abadies Regularized

Source: UNDP Pakistan MDGs Report 2013

Wildlife

With so many other problems, people often don't give much attention to the plight of other living creatures in the country. A joint biennial Living Planet report by WWF and the Zoological Society of London revealed that human are responsible for wiping out three fifths of all vertebrates since 1970s. In Pakistan, habitat loss, illegal activities and climate change for creating challenges for many animals.

A recent WWF-Pakistan report highlighted the prevalence of illegal wildlife trade in Pakistan. According to the report, a lot of trafficking of wild animals goes on undetected in the country due to poor management and weak law enforcement. In addition, there are established networks of poachers and dealers.

Environmentalists have raised their voice many times against the hunting of houbara bustards, which are rare migratory birds that have been placed on the red list of threatened species by the International Union for the Conservation of Nature (IUCN). However, hunting licences were still being issued to some Arabs and residents of the Middle East. In December, the KP government announced a complete ban on their hunting in the province.

In March, under the Green Pakistan Programme approved by the Prime Minister, Zoological Survey of Pakistan was directed to do an inventory of endangered wildlife species across Pakistan. The programme has been launched to improve wildlife and forestry sectors in the country.

Fossil fuels

While many Scandinavian countries like Sweden were becoming

10 countries with the most urban-dwellers without safe, private toilets



Source: <http://dailytimes.com.pk/sindh/16-Nov-16/12m-urban-dwellers-in-pakistan-living-without-proper-sanitation-reveals-report>

fossil fuel free nations, Pakistan still relied on fossil fuels to meet its growing energy demands. Since most Pakistanis lived in urban areas, they were leaving a big carbon footprint.

Pakistanis had to face long power outages of more than 12 hours due to insufficient energy, especially in rural areas. The power sector was experiencing an average shortfall of 4,000 megawatts and the resulting power outages cost the economy Rs. 14 billion in 2015. In addition, household energy consumption was growing by 10 percent every year.

Most energy experts are of the opinion that solar and wind power can help Pakistan overcome its power shortfall and climate change woes. Pakistan has the potential to generate around 2.3m megawatts of energy every year. The Quaid-e-Azam Solar Park was built in 2015 and within months it began contributing 100 megawatts of solar power to the national grid. The government plans to expand its capacity to 1,000 megawatts, which would make it the world's largest solar park. In November, it was announced that Pakistan will install its first wind power project next month.

Another productive step taken by the government is the development and expansion of mass transit systems in some areas. Pakistan's consumption of fossil fuels will decrease significantly if most people in the country start using mass transit systems.

Deforestation

One of the key goals set by the MDGs and SDGs was to curb and reverse deforestation. Pakistan seemed unlikely to meet the forest cover target when UNDP published its MDGs report in 2013,

but we've come a long way since then. The first impactful step in this regard was taken by the KP government when they launched the 'billion tree tsunami' campaign. Since its launch, around 0.75 billion trees had been planted in the province. A complete ban on cutting of trees in reserved forests had also been imposed to curtail activities of the timber mafia. In addition, the trees will be monitored using GPS technology.

In March, the federal government launched a similar 'Green Pakistan Programme', which aims to plant 100 million trees in the country in the next five years. It's inspired by the 'Great Green Wall Programme' in China. From plantations in Chichawatni to mangrove forests in Karachi, the programme covers many areas across Pakistan.

Internationally recognized wildlife habitats, including Khunjab National Park (GB), Khirtar National Park (Sindh), Hingol National Park (Baluchistan), Chitral Gol National Park (KPK), Lal Suhanara National Park and Salt Range area (Punjab), Machiara National Park (AJK) and Margalla Hills National Park (ICT), will be revived and managed under this programme. A 'Report on State of Forestry in Pakistan' will be produced on a periodic basis.

Half the funding for these initiatives will come from the federal government, whereas the other half will be contributed by the provinces where trees will be planted. These efforts can help in combating climate change and preventing natural calamities like flash floods.

Recommendation

- Environmental agencies should be equipped with the latest tools to gather accurate data about various pollutants.
- More legislation is urgently needed to conserve the environment and curb all types of pollution in Pakistan.
- Public awareness campaigns should be launched across Pakistan to help people learn more about how they can play a part in conserving the environment.
- There is an urgent need to improve access to safe drinking water and sanitation for all residents of Pakistan.
- Pakistan should strive to become less dependant on fossil fuels to meet its energy needs and invest in setting up plants that use renewable energy. We need more wind and solar power plants like the one established in Bahawalpur.
- The government should update its policies to include climate change and budgetary allocations need to be made accordingly.
- Large scale awareness campaigns must be launched to help people understand their role in combating climate change and environmental degradation.

Refugees

Social and economic rights

Everyone has the right to seek and to enjoy in other countries asylum from persecution.

Universal Declaration of Human Rights
Article 14 (1)

No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Article 3

2016 was a year of returns for a large number of victims of forced migration, both internally displaced persons and refugees. In terms of refugees, the year represented both a continuation of trends from previous years and departure from those.

As far as past trends went, repatriation in the year under review continued to remain the only real option available to Afghan refugees; deadlines for voluntary repatriation of registered Afghans were extended this year too; Pakistan did not sign up to the 1951 refugee convention or its 1967 protocol; and the refugees' fate continued to be determined not on the basis of the refugee law principles or the principle of non-refoulement, but through a trilateral arrangement among the UN refugee agency, Pakistan and Afghanistan.

The most apparent among new trends was greater anxiety among a large number of Afghans who had for decades felt that living in Pakistan—from one repatriation deadline to another over the last decade—was better than returning to their conflict-ravaged country. That seemed to change from mid-2016 onwards, as the number of registered Afghans in Pakistan returning to Afghanistan became the highest for any one year over the past decade.

During the year, the deadline for voluntary return of registered refugees was extended twice. There were many reports of refugees facing harassment from police and a generally inhospitable environment amid claims of some involvement of Afghan nationals in acts of terrorism in Pakistan and souring relations between Kabul and Islamabad on border management and anti-terrorism.

Although a large number of internally displaced persons (IDPs) returned in 2016 to their native areas, almost entirely in the Federally Administered Tribal Areas, the challenges they faced did not end with their return. Destruction of or damage to houses, livelihoods and unduly long delays at security checks points made travel to and from the region and life in general very difficult. Education, healthcare and other infrastructure was yet to be restored even to the inadequate pre-displacement stage.

HRCP emphasized the need for Pakistan to adopt specific legislation to deal with the challenges of internal displacement but no change in the law or policy occurred during the period under review.

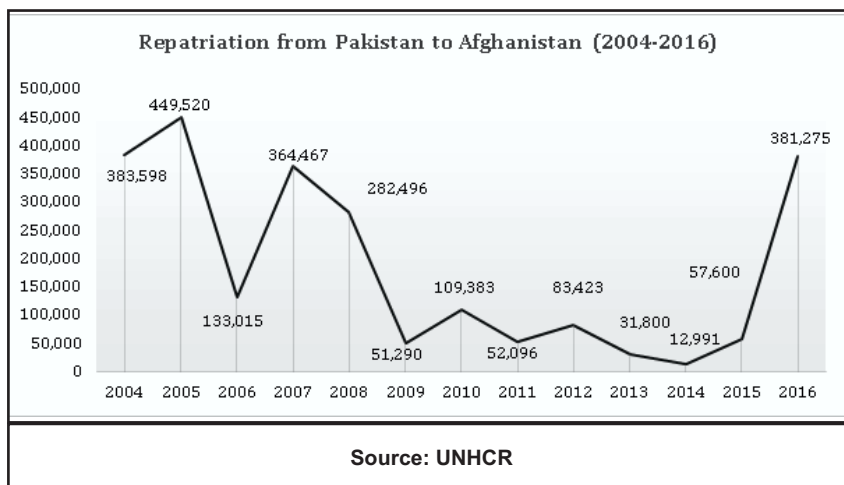
The affected population, women and vulnerable groups in particular, continued to be excluded from the decision-making process prior to or during IDP returns.

No progress was made on repatriating to Pakistan around a quarter of a million Pakistanis stuck in Bangladesh since 1971.

Refugees

Pakistan has for decades been one of the main refugee hosting countries in the world. The refugee population consists almost entirely of Afghan nationals, who have sought to escape conflict and successive waves of violence in that country over four decades. Some Afghan refugees have been sheltering in Pakistan since first fleeing over the border after the Soviet invasion of 1979. Many have been born in Pakistan to refugee parents.

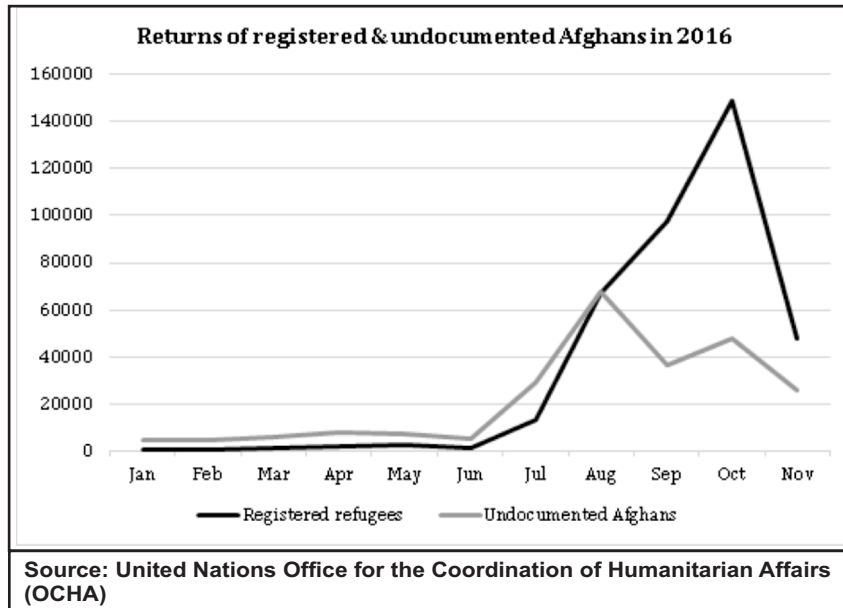
Since the year 2002, around 4.2million Afghan refugees had returned from Pakistan with UNHCR's assistance. In the last several years, the number of Afghans repatriating with UNHCR's assistance had decreased substantially.



Proof of registration

In 2006-07, a one-off exercise for registration of Afghans in Pakistan was conducted. The Afghans who registered with National Database and Registration Authority at the time were given a Proof of Registration (PoR) card, an identity document that provided temporary legal stay and freedom of movement for Afghan refugees in Pakistan. The PoR card holders were facilitated by the UNHCR during their stay in Pakistan and assisted in voluntary repatriation to Afghanistan. They were also protected against expulsion. Non-registered Afghans were not entitled to any such assistance or protection. The names of children younger than five were entered on their parents' cards. Children who reached five years of age were entitled to their own PoR cards. The only new registration since 2006-07 has been for children born to registered Afghans.

The number of returning Afghans, both registered and undocumented ones, rose sharply in 2016. Compared to 12,991 registered Afghan refugees returning to their homeland in 2014 and 57,600 in 2015, as many as 381,275 registered refugees opted to go back to Afghanistan with UNHCR assistance in 2016. Since 2006-07, the UNHCR only facilitates return of registered refugees. The numbers were even higher if 241,745 undocumented Afghans were counted, who went back home in 2016 with support from International Organisation of Migration (IOM).



The spike

The number of Afghan returnees began to rise sharply in July and over a four-month period ending November 361,000 registered Afghans and 177,706 undocumented Afghans returned home. Supported returns were suspended for the winter season from December 1 and were likely to resume in April 2017.

Repatriation of registered Afghans from Pakistan – (2014 to 2016)

Month	2014	2015	2016
January	165	3,879	325
February	447	3,939	263
March	550	5,227	901
April	1,326	9,560	1,948
May	2,531	12,658	2,607
June	2,336	9,431	1,250
July	273	1,518	12,962
August	1,629	5,402	67,058
September	1,314	2,434	97,808
October	1,193	2,405	148,692
November	786	1,147	47,458
December	441	0	0*
Total	12,991	57,600	381,275

Source: UNHCR
***UNHCR-assisted returns were suspended for the winter season from December 1.**

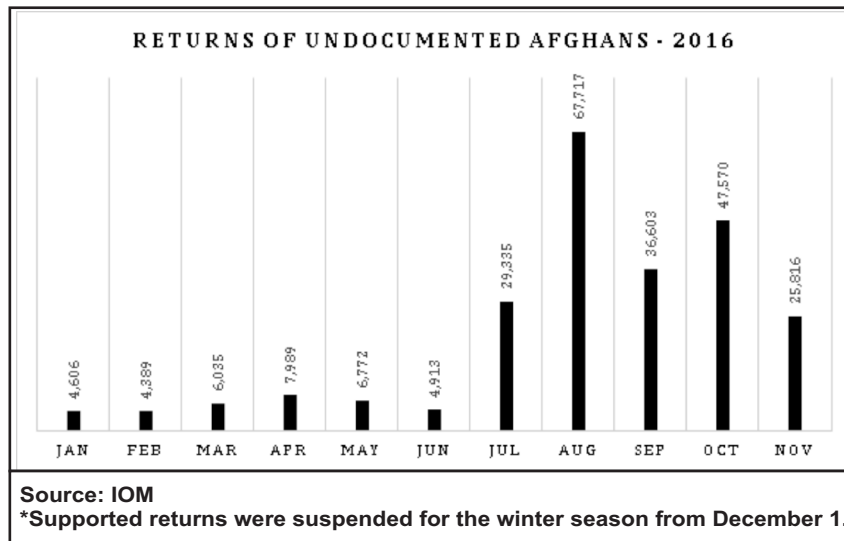
Based on trends from previous years, UNHCR had estimated just 50,000 registered refugees would return in 2016, according to a spokesperson for UNCHR. In October alone some 148,000 registered refugees returned, which was the highest number of returns in one month since August 2005. At one point, UNHCR was processing an average of 5,500 returning refugees per day. The UN refugee agency extended the working days and hours for its Voluntary Repatriation Centre (VRC) in Peshawar to cope with the increasing number of returning Afghans.

In late September, UNHCR opened a second voluntary repatriation center in Kyber Pakhtunkhwa. The new center, opened in Azakhel in Nowshera district, enabled the UN refugee agency to facilitate the return of up to a higher number of refugees every day through the Torkham border crossing.

The largest flow of registered refugees from Pakistan to Afghanistan occurred from Khyber Pakhtunkhwa where returns of 308,171 Afghans were recorded in 2016. The second highest number of registered Afghan returnees was from Punjab (36,300), followed by Balochistan (28,136), Islamabad (5,473) and Sindh (2,690).

As many as 91% of registered refugee returnees and 87% of the undocumented Afghans crossed into Afghanistan through Torkham, while 9% registered and 13% undocumented returnees used the Chaman border crossing, in Balochistan province, to return home.

As of 31 October 2016, there were 1,347,645 registered Afghan



refugees in Pakistan. According to UNHCR figures, there were another 582 refugees from other in Pakistan on 30 September 2016.

The numbers of undocumented Afghans returning in the early part of the year were higher than those of registered refugees and their returns from July onwards matched the spike in returns of registered Afghans. According to IOM figures, between 150 to 266 undocumented Afghans were returning each day in the first half of 2016. The number of daily returns increased to 946 in August, and on average 2,184 undocumented Afghans were going back a day in September.

The pull and push factors

In 2016, Afghans in Pakistan appeared to suffer because of deteriorating relations between Kabul and Islamabad on security-related issues. Many somewhat related factors, a number of them occurring in or around mid-2016, could help explain the sharp rise in the number of Afghans voluntarily repatriating to Afghanistan.

The increase in returns coincided with the introduction of documentation requirement for visits to Afghanistan and tighter controls at the Pak-Afghan border in the beginning of June. Earlier Afghans did not need visas in order to enter Pakistan. That policy changed on June 1.

Fears of a crackdown on refugees in Pakistan and general uncertainty about their future in the country also fueled movement of Afghans to their homeland. There were also complaints of police harassment of Afghans. UNHCR Pakistan referred to the wider security context contributing to an increase in the numbers of registered Afghan refugees opting to return since July. It said that an increase in the



Long queues of Afghan refugees stretch out near the UNHCR repatriation center outside Peshawar.

number of security operations against undocumented foreigners, including undocumented Afghans, also impacted the decision-making of Afghans in Pakistan.

There were also reports about increased negative attitudes of the community towards Afghan nationals due to perceptions that some of them were involved in crime and acts of terrorism.

The increase in UNHCR's voluntary repatriation and reintegration cash grant was also believed to have significantly contributed to the increase in registered refugees' return. The cash grant was doubled from \$200 to \$400 per individual in June.

Some of the factors in Afghanistan that apparently continued to dissuade the repatriation process of Afghan Refugees included lack of peace, stability and law and order in Afghanistan; human rights violation and lack of land / property or economic opportunity.

Refugees preferred to stay in Pakistan because of better economic conditions as well as on account of the fact that they had established businesses in Pakistan and felt that they had access to better social services, education and health facilities and employment opportunities compared to those in Afghanistan.

A campaign launched in July 2016 in Pakistan by the Afghan Ministry of Refugees and Repatriation to encourage Afghans to return home was also linked to an increase in the numbers of people opting to return home. The campaign represented the first major proactive effort by the Afghan government to persuade Afghans to come back to their country and take part in the nation-building process.

Piecemeal extensions

Registered Afghan refugees hold Proof of Registration (PoR) cards that allow them to legally reside in Pakistan. Pakistan has set in

previous years a number of deadlines for the repatriation of registered Afghans. The dates have been extended a number of times, often quite close to the deadline. The deadline for repatriation of registered refugees was extended twice in 2016.

In June, the prime minister extended the period of the PoR cards till December 31, 2016. In September, the federal cabinet decided to extend the stay of registered Afghans until the end of March 2017. The refugees had requested more time to return, citing difficulties in wrapping up their businesses and leaving within the Dec 31, 2016 deadline. The UNHCR spokesperson in Pakistan welcomed the federal cabinet's decision, saying the extension would bring much-needed relief to the anxious Afghan refugees.

At the cabinet meeting in September where the decision to extend refugees' stay was announced, the prime minister also touched upon refugees' concerns about harassment by law enforcement agencies. He stated that “[a] dequate and concrete steps will be ensured for facilitation of Afghan refugees living in Pakistan.”

“We would not allow Afghan refugees living in Pakistan to be harassed in any way. They are our guests and their return plans would be decided in a way that does not create any negative impression in the minds of people living on both sides of the border,” an official statement quoted the prime minister.

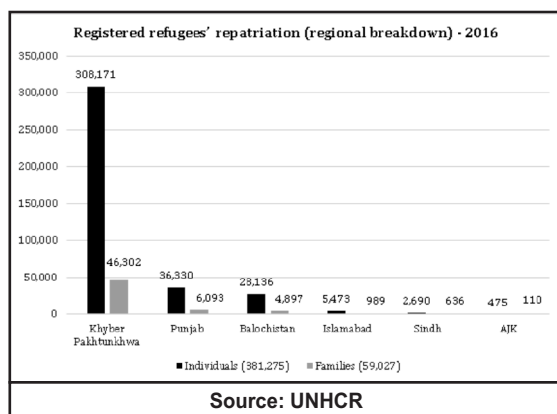
The prime minister was reported to have directed the Ministry of States and Frontier Regions to hold broad-based consultations with the leadership of mainstream political parties and Afghan representatives for addressing the concerns of Afghan refugees.

The details of the cabinet meeting's agenda issued by the prime minister's office said the extension in stay of Afghan refugees was proposed till December 31, 2017 but the cabinet only gave the approval till March 31, 2017, in view of the reservations of security agencies, the

federal interior ministry and the Khyber Pakhtunkhwa and Balochistan provincial governments.

Harassment

Numbers alone did not capture the magnitude of the challenges the refugees faced. There were reports of police harassment, threats, and extortion among



In October, the news media highlighted the call by a Pakistani man married to an Afghan woman for some 30 years asking the government to unblock the identity card of his wife as it was creating problems for her and their children. The woman's name had apparently been on the voters' list for long and she had cast her vote in four elections in Pakistan.

In November, Pakistan deported Sharbat Gula – the iconic green-eyed Afghan girl whose face on the cover of June 1985 issue of National Geographic came to represent the plight of Afghan refugees – for allegedly acquiring a Pakistani CNIC through deception.

Pakistani women married to Afghan men also held demonstrations outside the Peshawar Press Club, asking the authorities to allow their husbands to stay with them in Pakistan.

At a protest in Peshawar in September, Pakistani women spoke of how the repatriation of their Afghan husbands had divided their families. Some said that some of the returning Afghan men had also taken their children along with them.

A group of Pakistani women protesting in Peshawar in November appealed to the government to approve Pakistani nationality for their spouses, who were Afghan nationals, so that they could return to Pakistan. The women said that they and their children did not wish to go to Afghanistan because of the militancy there.

The affected individuals also started moving courts in the last few months of the year to seek a solution to their grievance. On a petition filed by a Pakistani woman and her Afghan husband against the Pakistan Citizenship Act 1951, the Peshawar High Court sought a response from the federal government in October. The couple argued that the law discriminated against women and sought the court's orders for the federal government to issue a Computerised National Identity Card to the woman petitioner and give her husband Pakistani citizenship. The petitioners had reportedly married in 2009 and when the woman petitioner contacted the authorities to get a CNIC, she was asked to produce CNIC of her husband, which she did not have. The matter was apparently not decided until the end of the year.

Greater vulnerabilities and challenges

Women and child refugees routinely faced greater difficulties than the overall group. For the women, that was the case not only through the various stages of repatriation and an overall lack of certainty of what the future held, but more generally because of absence of consultation and lack of a decision-making role even within the family. Registered female-headed household accounted for 10% of the families going back to Afghanistan.

A report by the Norwegian Refugee Council indicated alarmingly low

other complaints by refugees. Some statements by senior officials raised concerns of restrictions on the rights of Afghan refugees, including their right to the freedom of movement. There were concerns that such statements would not only heighten the fears of refugee families, but could also encourage abusive actions by law enforcement officers.

In September, a UNHCR spokesperson said the UN refugee agency recognised that in many cases, unlawful police actions against Afghan refugees had been the acts of individuals who took matters into their own hands. She welcomed an initiative of the Khyber Pakhtunkhwa police chief to set up helpline numbers for refugees to report incidents of harassment. The need for more assertive actions to prevent unlawful and discriminatory treatment of Afghan refugees at the hands of law enforcement personnel was emphasized.

When, the government extended registered Afghan refugees' PoR cards for six months, until the end of 2016 on June 29, Human Rights Watch said the decision sent "an important signal to police and local officials that they should not harass or coerce Afghan refugees to leave." However, it called on the government, on July 1, to prevent rights violations against Afghan refugees by extending their legal residency status until at least December 31, 2017. The international human rights organization said that an extension till the end of 2017 would allow more time for the situation in Afghanistan to stabilise, making it more feasible for the refugees to return in safety and dignity.

Identity crisis

Many Pakistani nationals, whose spouses were Afghan, as well as their children, were also caught up in the repatriation surge. Groups of affected Pakistani citizens staged protests and moved courts to prevent their families from being torn apart.

In August, the interior minister informed the National Assembly that the children of Afghan refugees in Pakistan could not be issued Pakistani citizenship documents. The minister said that the children of Afghan refugees were Afghans and not entitled to the privilege, even if their mothers were Pakistani citizens.

After the head of the Afghan Taliban, who was killed in Pakistan in an apparent US drone strike in May, was found to have a Pakistani Computerised National Identity Card (CNIC), the interior minister ordered a crackdown on those who had fraudulently obtained Pakistani identity cards and a nationwide CNIC verification drive followed.

In September, a senior Pakistani official said that under its international obligations the country had to contact Interpol to inform it of Afghan refugees who had obtained Pakistani passports using forged CNICs.

enrolment rates for Afghan refugee children attending primary school in Balochistan. It showed that nearly half of the Afghan refugee children that enrolled in primary education dropped out before starting secondary school.

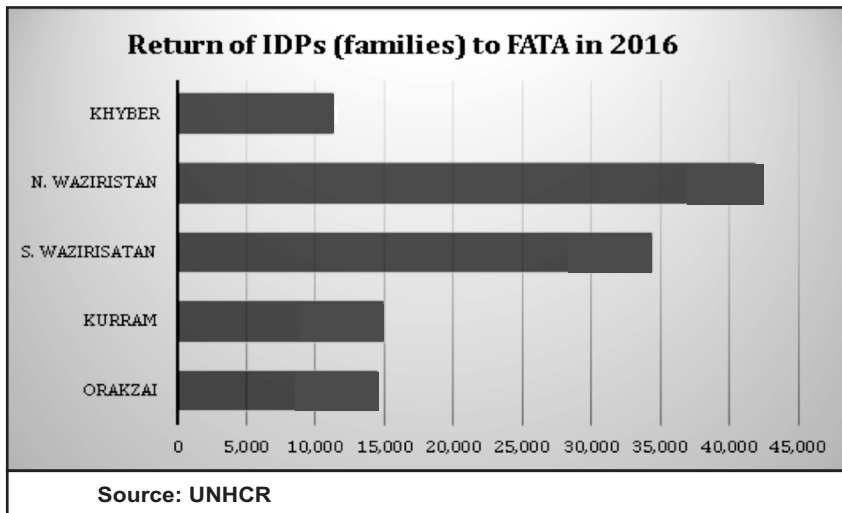
Late in the year, the news media reported that University of Peshawar refused to issue degrees to those Afghan students who had graduated from affiliated institutions of the university but could not produce their PoR cards or Afghan passports. Two seats for Afghan students were reserved in the university and any other Afghan student applying for admission had to demonstrate through documents that they were in the country legally.

Internal displacement

Although there was small-scale and short-term displacement on account of torrential rains and floods, conflict remained the main cause of continued dislocation in the country in 2016. The overwhelming proportion of conflict-induced displacement in Pakistan was concentrated in Federally Administered Tribal Areas (FATA). A total of 5.3 million residents of FATA have been displaced since 2008, some of them multiple times. Of those, 4.8 million had returned until the end of 2016.

The government of Pakistan had declared 2016 the year of returns and at least 700,000 displaced individuals went back to their native areas during the year under review. A total of 114,511 displaced families returned in 2016, while as many as 76,507 families remained in situations of displacement. According to figures compiled by UN Office for the Coordination of Humanitarian Affairs (OCHA), based on data by government, UN programmes, and international bodies.

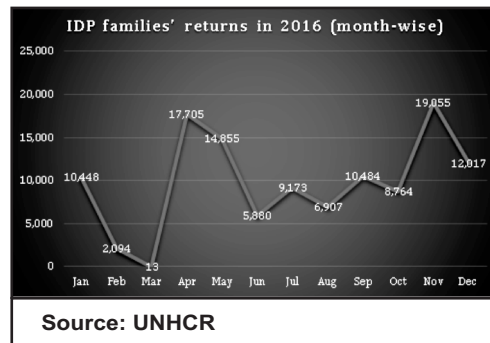
It was understood that the returning IDPs will continue to require



humanitarian support, but the focus of activities was to shift to the return areas. HRCP monitors on the ground reported numerous complaints from returning communities that such support, crucial for ensuring sustainable returns, was largely absent or extremely inadequate in most cases.

According to the UNHCR, during 2016, a total of 117,280 internally displaced families returned to the various FATA districts. IDP figures in the charts did not reflect unregistered returnees facilitated by the government.

Despite the large number of returns and continued displacement for tens of thousands of families, the internal displacement crisis did not feature much in the national discourse. The media coverage generally went no further than stating the officially released figures and destinations of the returning IDPs. Parliamentary discussions or government policy also failed to cater the displaced persons' needs as well as lack of a specific framework to address those needs. Little attention was paid to the fact that the IDPs were returning to houses, infrastructure, livelihoods and an overall local economy that had been destroyed.



According to UNHCR figures, over 15 percent of the returning families were headed by women. The highest proportion of women-headed households was from the tribal districts of South Waziristan (22%), North Waziristan (23%) and Kurram (17%).

Pressing needs

The government was to provide returning registered IDP families with 25,000 rupees for immediate needs, 10,000 rupees for transport and up to 400,000 rupees for house reconstruction based on an assessment of damages.

UN OCHA highlighted, based on a multi-cluster assessment of 2,674 household of IDPs and returnees in Khyber Pakhtunkhwa and FATA, the pressing needs for livelihoods and basic social service. Out of the surveyed households, 18.6% were families with a member with a disability. As many as 74% stated that shelter/roof in the return areas were fully or partially damaged. Of the children under five, 19% had global acute malnutrition (GAM). In terms of major protection problems, 81% identified lack of livelihood opportunities, as well as lack of basic facilities (81%) and lack of services for persons with disabilities (40%).

As many as 69% of girls and 29% boys were out of school. 58% returnees only had access to unsafe drinking water; 58% lacked access to primary healthcare and 23% households were found to be food insecure.

The survey findings offered a snapshot into the challenges for the people in need in displacement and return areas, and indicated the challenges that were ahead in terms of rehabilitation of the affected communities and making returns sustainable.

A constant concern was the exclusion of women, girls or vulnerable groups from consultation on the decisions affecting their lives.

Report of a UN OCHA field mission to Kurram Agency in April 2016 aimed at better understanding the immediate humanitarian needs of returned IDPs highlighted a number of aspects that needed attention. The mission found IDPs primarily concerned about health, education, shelter, water and livelihoods, noted their anxiety about the unavailability of these services in return areas. The schools the mission visited needed extensive repairs including temporary roofs and repair of water sanitation and hygiene (WASH) facilities. Almost all houses visited in the return areas were completely damaged with collapsed roofs, walls and damaged floors. People were concerned that they may only receive tents and shelter material some days after their return following initial assessments. They requested that tents should be provided to all returning IDPs at embarkation points. The visiting mission noted absence of women doctors at the health facilities in New Durrani camp. Lady health workers provided medical advice and distributed medicines to women patients there, with more serious issues referred to male doctors.

In terms of livelihood opportunities, the mission mentioned a bustling market in the town of Sadda (Upper Kurram) and noted that the political agent's offices was supporting some small scale vocational training and there was a bustling market. Seeds were needed to replant fields in order to revive agriculture in return area. Some seeds and livestock restocking assistance had been provided, although more funding was stated to be required.

The long wait

For tens of thousands of families return to their native areas still remained a remote possibility at the end of 2016. Many IDPs expressed their frustration over the authorities' failure to keep them informed about the progress on or time frame of their return.

Hundreds of displaced families from Tirah valley in Khyber Agency were awaiting announcement of a plan for their repatriation in December. More than 1,800 families from the Kukikhel tribe complained that they had not been registered since their displacement in 2012.



Children play outside their damaged house after returning to their village post-displacement

Officials of the political administration said that the Kukikhel areas were yet to be de-notified by the security forces despite the announcement of end of the Khyber-2 ground operations in the region early in 2016.

Around 1,200 families from Bar Qambar khel tribe were awaiting return to their homes after being assured a number of times that their area, which had a common border with Kurram tribal region, had been cleared of militants. The affected families said that no one had given them any specific reason for the persistent delay in their return.

The families said that FDMA had suspended the monthly rations for Bar Qambar khel families from Jutt Dara, Owch Naw, Tajju and Yagu Mela at the start of 2016. Afterwards, it closed down the New Durrani Camp near Sadda in Kurram Agency where most of the Bar Qambar khel people were residing after most of these families were issued Voluntary Returns Forms (VRF). The families stated that all official assistance to them had been suspended after they were issued VRFs. The affected families also expressed concern that a large number of their houses had been affected due to rains and snowfall since their displacement. The IDPs staged several public protests to bring attention to their woes.

Attabad disaster affectees

Around 3,000 people displaced in Gilgit Baltistan since January 2010 spent the sixth straight year in around half a dozen IDP camps.

These people had been displaced when a massive landslide into the Hunza River resulted in the formation of Attabad lake and the rising water inundated five villages.

An HRCP fact-finding mission met with the Attabad Lake affectees in their IDP camp in Aliabad, in Hunza in August. The IDPs spoke of the issues they continued to face as they waited for the government to compensate them for the loss of their houses and lands.

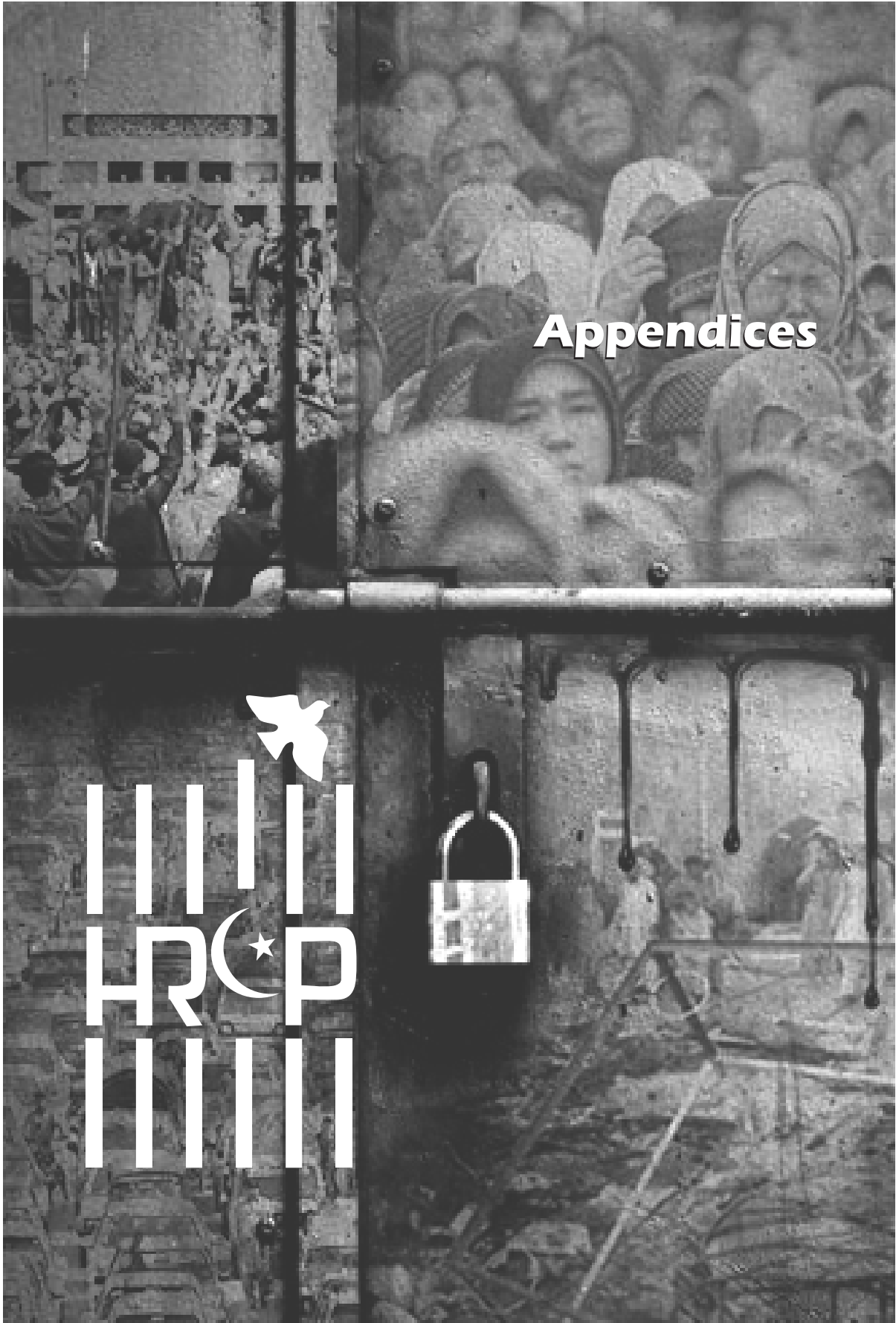
The living conditions in the camp in Aliabad were miserable. No medical facilities were available to the IDPs at the campsite. The IDPs were not sure when they might be able to move out of the camp.

Stranded Pakistanis

There was little progress to end the plight of around a quarter of a million Pakistanis stuck in Bangladesh since 1971. Also known as Biharis, they were part of Urdu-speaking community in former East Pakistan who had opposed separation from the western part of the country in 1971. Many in the new country consequently considered Biharis traitors because of that stand and because of their insistence that they were Pakistani citizens, not Bangladeshis, and that they should be repatriated to Pakistan. Pakistan has taken back some of them but has refused to take back the majority. In 2016, there was little effort in Pakistan to find a solution to their protracted predicament.

Recommendations

- The authorities should immediately act to protect registered refugees from all manners of harassment and mistreatment by law enforcement agencies and ensure that they are treated with dignity in accordance with due legal process.
- Pakistan should, in collaboration with the UNHCR, Afghanistan and the international community, actively work for durable solutions for Afghan refugees and make sure that all returns to Afghanistan Pakistan are voluntary without exception.
- Instead of relying on ad-hoc measures, Pakistan should introduce a specific legal framework to deal in a more systematic manner with the challenges related to internal displacement. As far as possible, the framework should focus on preventing internal displacement, and, where displacement becomes inevitable, mitigating its impact. UN Guiding Principles on Internal Displacement should be incorporated into domestic law and policy.
- Humanitarian planning must be done in a joint, inclusive and holistic manner, in consultation with the affected communities, in order to restore the infrastructure and make returns sustainable. Decisions must be made through active consultation with the IDPs regarding all decisions affecting their lives, including return to their homes. The views of vulnerable segments of the IDP population should be sought in particular and their concerns addressed.
- The protracted statelessness of Pakistanis stranded in Bangladesh since 1971 should be immediately addressed. The wishes of all the stranded individuals should be ascertained and those who wish to be citizens of Pakistan should be repatriated without further delay.



Appendices


HRCP



HRCP activities

Appendix-I

HRCP continued to monitor and document human rights situation and raise its views and concern through media statements, publications and communications to the authorities.

The main HRCP activities during the period included i) workshop on the question of census; ii) workshop on women's right to property; iii) four provincial workshops to motivate women to take part in local government affairs; iv) meeting of HRCP expert group on vulnerable communities on sectarianism and how to counter it; v) meeting of HRCP expert group on offences relating to religion; vi) workshop on child labour; vii) national consultation on mines, working conditions, forced labour, wages and health hazards; viii) consultation on the need for a legal framework on internal displacement; ix) consultation on FATA reforms; x) meetings with business community on GSP+ and promotion of human right; xi) fact-finding mission to Gilgit-Baltistan; xii) fact-finding mission to assess the rights situation in Balochistan; xiii) consultation on internally displaced persons; xiv) workshop with representatives of minority communities to work out guarantees of security for their places of religious significance. HRCP took cognizance of the problems, limitations and colossal constitutional rights' violations caused by and/or resulting from the recently enacted cyber law.

Campaigns and rallies on key human rights days were organised by HRCP offices across the country. HRCP chapter offices across Pakistan organised a campaign for implementation of the Convention against Torture (CAT), which included demonstrations and consultations. A postcard addressed to the President of Pakistan with seven key demands regarding CAT was disseminated. HRCP offices held seminars and demonstrations calling for an end to enforced disappearances. HRCP offices across Pakistan held demonstrations and disseminated postcards addressed to the President as part of a campaign calling for abolition of death penalty and until then suspension of executions. To mark Human Rights Day, HRCP organized a conference entitled 'no right without the right to freedom of expression', in Lahore, followed by a demonstration. HRCP chapter and task force offices held rallies, vigils and meetings to highlight human rights issues.

The commission also prepared and disseminated brochures on common legal issues faced by members of the minority communities. Legal assistance was provided to around 50 members of religious minority communities facing challenges on account of their faith. The commission broadcast human rights messages and programmes through radio and web TV.

A breakdown of HRCP's main activities during the year follows:

Workshops/seminars/meetings

Jan 4, Hyderabad: Lecture on religious extremism by Dr Ayesha Siddiq

Jan 12, Multan: Human rights awareness meeting for brick kiln workers and brick kiln owners at Mukhdoom Rasheed, district Multan

Jan20, Karachi: UDHR session at Govt Primary & Secondary School Hawke's Bay students

Jan 21-22, Lahore: Consultation with key media stakeholders from across the country – including Pakistan Electronic Media Regulatory Authority (PEMRA), Pakistan Broadcasters' Association (PBA) Council of Pakistan Newspaper Editors (CPNE), All Pakistan Newspapers Society (APNS), Press Council and Pakistan Federal Union of Journalists (PFUJ) – to understand the prevalent standards aimed at countering faith-based hate speech through the print, electronic and social media. The consultation also brainstormed ideas for developing a model code of conduct to check hate speech through media.

Jan 25, Hyderabad: Meeting with transgender people and artists.

Feb-Sep, Karachi: Nine seminars in Women and Empowerment Seminar Series

Feb 18, Karachi: UDHR session at Nayab Memorial School in Yousafabad Phase-1, Sector 7-A, Surjani Town

Feb 22, Karachi: Understanding of UDHR session at High Secondary School, H# B-6, Sector 4-A, Surjani Town

Feb 26, Karachi: Training Of Trainers to teach human rights to students.

Feb 26, Islamabad: HRCP members' meeting and discussion on Katchi Abadis

March 1, Karachi: UDHR session at Zubair Public School, SR-26, R55, Sector-C, Surjani Town

March 7, Islamabad: Three-day media campaign to celebrate the International Women's Day

March 7, Islamabad: Conference on 'Women in public life: Breaking the barriers'



**Conference on 'Women in public life: Breaking the barriers'
Islamabad on 7th March 2016**

March 8, Multan: Seminar on International Women's Day

March 8, Gilgit: Exhibition of literature produced by HRCP on human rights and women rights

March 11: International Women's Day workshop

April 1, Islamabad: Launch of annual report, 'State of Human Rights in 2015'

April, Islamabad: Capacity-building workshop for South Punjab District Monitors

April 7, Karachi: Training for HRCP monitors from Balochistan and Interior Sindh on how to safely monitor human rights violations and crimes from their respective districts

April 09-10, Moro: Two-day training workshop on upholding humanitarian values to counter extremism

April 11, Islamabad: Refresher training for HRCP district monitors on safe monitoring and documentation of human rights violations

April 11-12, Halla: Two-day training workshop on upholding humanitarian values to counter extremism

April 14-15, Ghotki: Two-day training workshop on upholding humanitarian values to counter extremism

April 17-18, Kashmir: Two-day training workshop on upholding humanitarian values to counter extremism

April 17, Quetta: Meeting on CPEC and people of Balochistan

April 27, Hyderabad: Rally for recovery of an abducted girl

April 29 – 30, Wadh: Promoting human rights education & research to realize pluralist ideals at Sardar Munir Mengal High School, Wadh

April 29, Islamabad: Discussion on domestic violence

April 30, Hyderabad: Dialogue on rights of rural women cotton pickers

May 1-2, Soorab: Promoting human rights education & research to realize pluralist ideals at Social Welfare Hall, Soorab

May 3, Multan: Dialogue on labour rights

May 4, Hyderabad: Presentation on land rights and land grabbing

May 7, Multan: Seminar on second death anniversary of human rights defender Rashid Rehman

May 7-8, Banda Dawood Shah, Karak: Promoting human rights education and research to realize pluralistic ideals

May 10-11, Topi, Swabi: Promoting human rights education and research to realize pluralistic ideals

May 13-14, Ghalanai, Mohmand Agency: Promoting human rights education and research to realize pluralistic ideals

May 14, Hyderabad: Meeting on 'Senior Citizens Welfare Bill 2016'

May 16-17, Matta, Swat: Promoting human rights education and research to realize pluralistic ideals

May 19-20, Havelian, Abbottabad: Promoting human rights education and research to realize pluralistic ideals

May 19-20, Lahore: Two-day workshop with representatives of minority communities to work out guarantees of security for their places of religious significance

May 20, Quetta: Debate at Sardar Bahadur Khan Women University on: Should human rights education be included in curriculum?

May 21, Quetta: Debate at University of Balochistanon: Should human rights education be included in curriculum?

May 30, Gilgit: Awareness session on “how to create a conducive environment for working women in GB”

May 30, Hyderabad: Discussion on informal labour in construction sector

June 2, Multan: Dialogue on drinking water

June 2, Karachi: Workshop on health and safety of laborers at the workplace

June 2, Peshawar: Local government system in Khyber Pakhtunkhwa: A review

June 3, Gilgit: Debate on “Should human rights education be part of our curriculum? at Karakoram International University, Gilgit

June 4, Quetta: Seminar on the role of Balochistan youth in politics

June 5-6, Gilgit: Two-day training workshop on upholding humanitarian values to counter extremism

June 5, Hyderabad: Seminar on World Environment Day

June 12, Hunza: An awareness session for the youth of upper Hunza on “Human Rights, democracy and peace

June 16, Islamabad: Consultation on Domestic Child Labour in Pakistan

June 22, Hyderabad: Peasant movement leader Mai Bakhtawer remembered

June 24, Islamabad: Consultation for reviewing State compliance with the Convention against Torture

June 27, Quetta: Consultation on International Day in Support of Victims of Torture

June 28, Karachi: Expert Group Meeting on Communities Vulnerable Because of Their Belief

July 18, Lahore: Training workshop on 'analysing local government law and effects of amendments'

July 19, Lahore: Workshop on 'motivating women to take part in local government affairs'

July 20, 21, Karachi: Workshop to analyse local government law in the province and effect of amendments and; to discuss means to motivate women's participation in local government affairs in Sindh

July 23, Islamabad: National Consultation on Census

July 25, Islamabad: Consultation on Cyber Crime Bill



Consultation on socio-economic and political issues concerning the people of Khyber-Pakhtunkhwa and FATA: Internally Displaced Persons (IDPs): Seeking equitable and democratic solutions

July 26, Peshawar: Local government laws in Khyber Pakhtunkhwa: A review

July 27, Peshawar: Workshop on encouraging women's participation in local government affairs

July 28, Karachi: Tribute to philanthropist Abdul Sattar Edhi

July 29, Karachi: Memorial reference for veteran politician and labour leader Meraj Muhammad Khan at Art council Karachi

July 29, Quetta: Workshop on motivating women to take part in local government affairs in Balochistan

July 30, Quetta: Workshop on analysis of local government law in Balochistan and effects of amendments

Aug 5, Karachi: Legal literacy on key human rights issues



Symposium on how civil society organizations can engage with the UN Committee against Torture and other Cruel, inhuman or degrading treatment of punishment (CAT)

Aug 12, Turbat: Seminar on tolerance and peace

Aug 16, Islamabad: Discussion on Child Protection

Aug 20-21, Thatta: Two-day training workshop on upholding humanitarian values to counter extremism

Aug 24-25, Sajawal: Two-day training workshop on upholding humanitarian values to counter extremism

Aug 26-27, Khairpur Nathan Shah: Two-day training workshop on upholding humanitarian values to counter extremism

Aug 30, Quetta: Discussion on international day in support of victim of enforced disappearances

Aug 30, Gilgit: Consultation in connection with "International day of the victims of enforced disappearances"

Oct 10, Peshawar: Consultation to observe the World Day against Death Penalty

Oct 11, Makran: Workshop on extremism and human rights

Oct 18, Charsadda: Debate on "Should human rights education be part of the curriculum or not?" at the Bacha Khan University

Oct 19-20, Charsadda: A two-day workshop on 'Upholding Humanitarian values' at the Bacha Khan University

Oct 22, Islamabad: Consultation on Internally Displaced Persons (IDPs): Seeking equitable and democratic solutions

Oct 24, Peshawar: Workshop at Bacha Khan Education Trust School



A workshop on 'Upholding Humanitarian values' at Bacha Khan University, Charsadda

Nothia, Peshawar for the promotion and awareness of human rights and democratic principles among students of 7th and 8th grades

Oct 25, Peshawar: Workshop at Bacha Khan Education Trust School Mathra, Peshawar for the promotion and awareness of human rights and democratic principles among students of 7th and 8th grades

Oct 26, Mansehra: Workshop at Akhtar Memorial Public High School Baffa, Mansehra for the promotion and awareness of human rights and democratic principles among students of 7th and 8th grades

Oct 26, Peshawar: Debate on "Should human rights education be part of the curriculum or not?" at the University of Peshawar

Oct 27, Akora Khattak, Noshehra: Workshop at Sir Syed Public School Akora Khattak, Nowshera for the promotion and awareness of human rights and democratic principles among students of 7th and 8th grades

Oct 27, Abakand, Dir Upper: Workshop at Hira Public School Abakand, Dir Upper for the promotion and awareness of human rights and democratic principles among students of 7th and 8th grades

Oct 27, Abbottabad: Workshop at Bright Hall Education System, Abbottabad for the promotion and awareness of human rights and democratic principles among students of 7th and 8th grades

Oct 27, Toba Tek Singh: A short multiple choice quiz on democracy and human rights awareness at convent of Jesus and Merry School

Oct 28, Peshawar: Workshop at Academy of Modern Studies (AMS) Palosi, Peshawar for the promotion and awareness of human rights and democratic principles among students of 7th and 8th grades

Oct 28, Mansehra: Debate on "Should human rights education be

part of the curriculum or not?" at the Hazara University, Mansehra

Oct 29, Charsadda: Workshop at Leads English Medium School Sirdheri, Charsadda for the promotion and awareness of human rights and democratic principles among students of 7th and 8th grades

Oct 8-9, Panjgur: A two-day workshop on 'Promoting human rights education to realize pluralist ideals'

Oct 10, Peshawar: Meeting to observe World Day against the Death Penalty

Oct 10, Quetta: A consultation on World Day against the Death Penalty

Oct 11-12, Turbat: A two-day workshop on 'Promoting human rights education to realize pluralist ideals'

Oct 14-15, Khuzdar: A two-day workshop on 'Promoting human rights education to realize pluralist ideals'

Oct 18-19, Taftan: A two-day workshop on 'Promoting human rights education to realize pluralist ideals'

Oct 21, Multan: Dialogue on 'Child Labour Laws'

Oct 21-22, Mashkial: A two-day workshop on 'Promoting human rights education to realize pluralist ideals'

Oct 24, Peshawar: Programme on "Promoting Democratic Ideas and Human Right Awareness among School Children" at Bacha Khan School Nothia

Oct 25, Peshawar: Programme on 'Promoting Democratic Ideas and Human Right Awareness among School Children,' at Bacha Khan School Mathra

Oct 26, Mansehra: A programme on 'Promoting Democratic Ideas and Human Right Awareness among School Children' at Akhtar Memorial Public High School Baffa

Oct 7, Karachi: Discussion on how local government can cope with sectarianism

Oct 10, Gilgit: Consultation on World Day against the Death Penalty

Oct 13, Gilgit: Quiz competition at Quaid-e-Azam School and College Ghakuch, Ghizer

Oct 14-15, Hyderabad: Workshop on 'bonded labour laws and rights' to sensitize peasants and workers about their rights

Oct 16-17, Hyderabad: Workshop on "religious minorities' representation in local government"

Oct 17, Gilgit: Quiz competition at Elysian Higher Secondary School Daniyor, Gilgit

Oct 26, Peshawar: Debates competition on 'Should the human rights

education be made part of the curricula,' at the University of Peshawar

Oct 27, Dir Upper: A programme on 'Promoting Democratic Ideas and Human Right Awareness among School Children' at Hira Public School Abakand

Oct 27, Abbottabad: A programme on 'Promoting Democratic Ideas and Human Right Awareness among School Children' at Bright Hall Education System

Oct 27, Nowshera: A programme on 'Promoting Democratic Ideas and Human Right Awareness among School Children' at Sir Syed Public High School, Akroa Khattak

Oct 27, Karachi: Workshop on harassment at the workplace

Oct 28, Peshawar: A programme on 'Promoting Democratic Ideas and Human Right Awareness among School Children' at Academy of Modern Studies, Palosi

Oct 28, Mansehra: Debates competition on the topic 'Should the human rights education be made part of the curricula' was organized at the University of Hazara

Oct 29, Charsadda: A programme on 'Promoting Democratic Ideas and Human Right Awareness among School Children' at Leads English Medium School, Sardheri

Oct 29-Dec 2, Karachi: Film screenings

Oct 31, Hyderabad: Workshop on 'Women's Participation in the Political Process'

Nov 2, Khairpur: Debate at Shah Abdul Latif University on: Should human rights education be included in curriculum?



Debate at Shah Abdul Latif University, Khairpur

Nov 4, Kalat: Quiz at Govt Boys High School, Mughalzal, Kalat, to promote human rights education in schools and sensitize students about human rights issues.

Nov 5, Bolan: Quiz at Govt Boys Model School, Bolan

Nov 8, Kali Sharafabad: Quiz at Govt Girls High School

Nov 8, Bahawalpur: Debate on inclusion of human rights education in curriculum at Islamia University

Nov 10, Rawalpindi: Debate on inclusion of human rights education in curriculum at Arid Agricultural University

Nov 10, Naseerabad: Quiz at Govt Boys High School, Shori Data, Naseerabad

Nov 11, Islamabad: Debate at Quaid-e-Azam University on inclusion of human rights education in curriculum

Nov 11-12, Hyderabad: Workshop on religious minorities' representation in local governments

Nov 12, Hyderabad: Talk on "Crimes in rural Sindh and the writ of Government."

Nov 13, Hyderabad: A study tour to a heritage site near Jamshoro under the banner - "Save Heritage - Save History" was organized jointly with Writers and Thinkers Forum.

Nov 14, Baghbana: Quiz at Govt Boys High School

Nov 15, Killa Saifullah: Quiz at Govt Girls High School

Nov 16, Kachi Beg: Quiz at Govt Model School

Nov 17, Quetta: Debate at Balochistan University of Engineering, Technology and Management Sciences on 'Should the human rights education be made part of the curricula'

Nov 18, Charsadda: Debate on 'Should the human rights education be made part of the curricula' at Bacha Khan University

Nov 18, Killi Yaqoob: Quiz at Govt Girls Model School

Nov 19, Jampur: Quiz on democracy and human rights awareness at Al Huda Public School

Nov 19, Mandi Bahauddin: Quiz on democracy and human rights awareness at Iqbal Public High School

Nov 19, Lodhran: Quiz on democracy and human rights awareness at Qutub Bukhari High School

Nov 19-20, Charsadda: Workshop on 'Promoting Human Rights Education and Research to realize pluralist ideals'

Nov 23-24, Killa Saifullah: Two-day workshop on 'Promoting human rights education to realize pluralist ideals'

Nov 25-26, Bashore: Two-day workshop on 'Promoting human rights education to realize pluralist ideals'

Nov 28, Chaman: Quiz at Govt Girls High School, Killi Rozi Khan, Azizabad, Chaman

Nov 28-29, Naushki: Two-day workshop on 'Promoting human rights education to realize pluralist ideals'

Nov 28-29, Multan: Task Force team attended the annual staff capacity building workshop held at Lahore office

Nov 29, Tando Jam: Debate at Sindh Agriculture University on: Should human rights education be included in curriculum?

Dec 2, Karachi: Discussion on women in politics

Dec 5, Quetta: Discussion on 'CPEC and the people of Balochistan'

Dec 5-9, Islamabad: Training workshop for HRCP district monitors from South Punjab, FATA, Khyber Pakhtunkhwa and Gilgit-Baltistan

Dec 6, Islamabad: A symposium on how civil society organizations can engage with the UN Committee against Torture and other Cruel, inhuman or degrading treatment of punishment (CAT)

Dec 8, Karachi: Panel discussion on the Supreme Court upholding a death sentence awarded to a person diagnosed with Schizophrenia

Dec 8-9, Arifwala: Training workshop on upholding humanitarian values to counter extremism

Dec 10, Lahore: Seminar to highlight civil society concerns over curbs on freedom of expression and censorship

Dec 10, Quetta: Discussion to observe the International Human Rights Day



Participants of a school quiz on human rights

Dec 12-13, Lahore: Training workshop for religious minority members elected on the reserved seats in the local government elections in the province of Punjab

Dec 13-14, Chichawatni: Two-day training workshop on upholding humanitarian values to counter extremism was attended by journalists, labor leaders, lawyers and students.

Dec 15-16 Pakpattan: Two-day training workshop on upholding humanitarian values to counter extremism was attended by journalists, labor leaders, lawyers and students.

Dec 16, Hyderabad: Workshop for elected women councilors

Dec 16, Muzaffargarh: Dialogue on “Violence against Women”

Dec 15, Jhang: Quiz competition on democracy and human rights awareness at Chenab College. Fifty students attended the programme

Dec 19, Karachi: Debate at Muhammad Ali Jinnah University on: Should human rights education be included in curriculum?

Dec 19-20, Karachi: HRCP-ICJ project training workshop with participants from Sindh and Balochistan

Fact-finding missions

Jan 15, Hyderabad: Fact-finding of forced displacement of Kolhi community of Badin

March 10, Larkana: Fact-finding mission on rape of a 13-year-old girl by Murad Pandrani and Shanil Khoso from Larkana

April 15, Multan: Fact-finding mission on a girl's murder

April 19, Multan: Fact-finding mission on a girl's rape by police

April 30, Okara: Fact-finding mission to Okara on mistreatment of tenants

April, Karachi: Fact-finding on coolies' working conditions at City Station and Catt Station

May 3, Hyderabad: Fact-finding mission on Advocate Kehar Ansari who was thrown from a vehicle by unknown persons in a critical condition near Petaro Toll Plaza, Jamshoro

May 21, Mandi Bahauddin: Fact-finding mission to village 44 in district Mandi Bahauddin to collect facts on an alleged blasphemy case

May-June, Karachi: Fact-finding mission on a rape allegation

May, Karachi: Fact-finding mission on workers deaths in Korangi Industrial Area due to inhaling toxic fumes while cleaning an underground tank



Fact-finding mission on the human rights situation in Balochistan

July, Karachi: Fact-finding mission on Cold storage workers' deaths

July 29, Multan: Fact-finding mission on model Qandeel Baloch's murder in the name of honour

Aug 6-9, Gilgit: A fact-finding mission led by human rights campaigner Asma Jahangir visited Gilgit. The mission met various stakeholders in Gilgit and Hunza

Sep 3, Lahore: Fact-finding mission to Sargodha to know details of the forcible closure of an NGO's office

Nov 03-05, Multan: A fact-finding mission along with Mukhtar Mai, chairperson of Mukhtar Mai of Women's Organization, visited a torture victim

Nov 7, Islamabad: A fact-finding mission led by Safdar Chaudhary visited Rawat Police Station and the kidney Center, Morgah Rawalpindi for updates on a case of sale of kidneys in Pakistan and other countries

Nov 17, Layyah: A fact-finding mission visited Layyah to investigate police torture case

Dec 30, Quetta: HRCF fact-finding mission visited Quetta to know human rights situation in Balochistan

Demonstrations/rallies/visits

Jan 26, Karachi: Rally against illegal detentions

Jan 29, Hyderabad: Rally for protection of freed bonded labourers

Feb 6, Karachi: Rally to show solidarity with PIA employees

Feb 6, Hyderabad: Rally against killing of on PIA protesters.

Feb 16, Hyderabad: Rally for the rights of bonded labour in agriculture and brick kiln sectors

Feb 16, Islamabad: Candlelight vigil in memory of 150 members of Hazara community killed in a blast in Quetta in 2013

March 7, Hyderabad: Women's rights rally

April 17, Hyderabad: Rally on International Peasants Day

April 28, Hyderabad: Rally on disappearances in Sindh

May 6, Sukkur: Rally against honour killing

May 7, Hyderabad: Sit-in for the recovery of a 14-year-old Hindu girl Leelan Jogi

May 11, Islamabad: Vigil in remembrance of human rights defender Khurram Zaki

June 7, Hyderabad: Hunger strike to seek justice for victims of human rights violation

June 21, Hyderabad: Rally for the recovery of abducted girl Jaiwanti

June 26, Peshawar: Rally on International Day in Support of Victims of Torture

June 27, Islamabad: Rally on International Day in Support of Victims of Torture

June 27, Hyderabad: Rally on International Day in Support of Victims of Torture

June 27, Multan: Rally on the International Day in Support of Victims of Torture

June 27, Gilgit: Rally on International Day in Support of Victims of Torture



Rally in support of victims of torture

June 27, Karachi: Rally on International Day in Support of Victims of Torture

June 27, Sukkur: Rally on International Day in Support of Victims of Torture

July 29, Hyderabad: Solidarity sit-in for peasant activist Veeru Kolhi

Aug 9, Hyderabad: Rally to observe International Day of Indigenous People

Aug 12, Hyderabad: Rally against lawyers' massacre in Quetta

Aug 30, Sukkur: Rally on the day against enforced disappearances

Aug 30, Lahore: Rally to show solidarity with victims of enforced disappearance

Aug 30, Multan: Rally to show solidarity with victims of enforced disappearance

Aug 30, Hyderabad: Demo on International Day of Victims of Disappearance

Aug 30, Islamabad: Demo to observe International Day of the Victims of Enforced and Involuntary Disappearances

Aug 30, Peshawar: Demo to observe International Day of the Victims of Enforced and Involuntary Disappearances

Oct 10, Islamabad: Rally against death penalty

Oct 10, Lahore: Rally demanding abolition of death penalty

Oct 10, Multan: Rally on the World Day against the Death Penalty

Oct 10, Hyderabad: Rally to observe World Day against the Death Penalty

Oct 17, Gilgit: Rally to observe the International White Cane Safety Day

Nov 16, Hyderabad: Rally to express solidarity with the victims of Gadani Shipyard fire

Dec 9, Islamabad: Rally for observing the Human Rights Day

Dec 10, Multan: Rally to observe World Human Rights Day

Dec 10, Peshawar: Rally to observe the Human Rights Day

Dec 12, Hyderabad: Rally to observe Human Rights Day

Complaints Cell

HRCP received 1500 complaints during the year of police /administrative excesses, violation of women's rights and domestic violence. A significant number was from Pakistanis residing abroad

Internship Programme

Nine interns from Pakistan and abroad joined the HRCP Internship Programme in 2016 summer. The interns, their institutions and research topics were:

- **Jamal Ali Magsi**, University of Osnabruck, Germany. 'Informal Legal Systems and "Honor Killings" in Jaffarabad, Balochistan'
- **Asma Piracha**, New York University, Research on 'Issues with the Anti-Terrorism Structure in Pakistan'.
- **Khadija Tahir**, Lahore Grammar School, Database entries for 2016, 2015 and 2014 on human rights violations recorded from 60 selected districts of Pakistan
- **Ameera Mehmood**, Kinnaird College, Media monitoring of the nature and frequency of attacks on shrines, prayer houses, properties and lives of Ahmadis, Christians, Hindus, Parsis, Sikhs, Shias and other minority groups
- **Taskeen Zahra**, Kinnaird College, Media monitoring of media's treatment of hate speech
- **Hiba Asim**, LUMS, Media monitoring of the nature and frequency of forced conversions of Hindu, Christian and other minority members, especially women
- **Muhammad Ghazi Abid**, Lahore School of Economics, Media monitoring of examples of pluralistic thought, religious tolerance, and inter-faith harmony in mainstream print and electronic media in all languages, and in the country
- **Hassan Masood**, Lahore School of Economics, Media monitoring of media's treatment of hate speech
- **Misbah Islam**, FC College, Transcription of AGM seminar reports

Publications

HRCP undertook the following publications during 2016:

- HRCP Annual Report: State of Human Rights in 2015 (English/Urdu)
- Jehd-e-Haq: 12 monthly issues (English/Urdu)
- Insani Huqooq ka Aalami Nizaam (Urdu)
- Aqaliyyati hamlon kizad main (Urdu)
- Gilgit-Baltistan: Report of an HRCP fact-finding mission (English)
- Horror Gadani: Report of an HRCP fact-finding mission (English)

Radio broadcasts

HRCP aired its first broadcast in 2015 from nine Radio Pakistan stations. Its reach expanded in January 2016 to 25 stations across the country. During 2016, HRCP contributed to greater social awareness and promotion of human rights in the country by producing and airing **one play, 40 spots, 24 programmes, five documentaries, 10 talks and two songs on human rights, peace, tolerance, environment, and democracy.**

Web TV

HRCP initiated a web TV in May 2016 with the aim to promote human rights activism, education and to highlight violation reported by field volunteers. HRCP produced 102 video documentaries and reports. These documentaries/reports are bilingual and can be viewed at *hrcpforrights.tv*.

HRCP Stands

Appendix – II

The Human Rights Commission of Pakistan (HRCP) continued to publicly comment on the issues and events affecting the rights of people. Excerpts from the stands taken by HRCP in 2016 follow:

Rule of law

March 30: HRCP expressed grave concern over a report about deterioration of mental health of Dr Asim Hussain, a former federal minister, and his treatment in the custody of paramilitary forces in Karachi.

The Commission said: “Dr Hussain's mental state is the result of the manner he was treated in custody. ... HRCP believes that the circumstances warrant an immediate and transparent inquiry into how Dr Hussain reached his current deplorable mental state and to make sure that effective safeguards are introduced to ensure compliance with Pakistan's obligations under the UNCAT.”

December 13: Following the adoption by the United Nations Human Rights Committee of a document raising a multiplicity of concerns about Pakistan's human rights record, the International Commission of Jurists (ICJ) and HRCP urged the Pakistani authorities to fully engage with the UN human rights body by answering its questions comprehensively.

In November 2016, during its 118th session, the Human Rights Committee adopted a document known as a “List of issues” in relation to Pakistan's compliance with the International Covenant on Civil and Political Rights (ICCPR), in which the Committee asked multiple questions about the country's human rights record, including:

- Fair trial concerns as a result of the expanded jurisdiction of military courts following the introduction/adoption of the 21st Amendment to the Constitution, including the criteria for and the process of selecting cases to be tried by military courts, the qualifications of judges presiding over those courts and their proceedings;

- Reintroduction of the death penalty and the wide scope of its application, including the mandatory death sentence for “blasphemy”;
- Broad and vaguely defined “blasphemy offences”, their disproportionate use against individuals belonging to religious minorities; the large number of “blasphemy” cases instituted on the basis of false accusations; and the lack of mechanisms to protect judges who hear “blasphemy” cases and those accused of blasphemy from intimidation and threats;
- Rights of Ahmadis, including their “right to profess, practice and propagate” their religion without interference;
- Repatriation of Afghan refugees, including information on the adoption of a draft national refugee law and a comprehensive policy on the voluntary repatriation and management of Afghan nationals;
- Rights of women, including steps taken by the Government to prevent and punish persistent violence (sexual and otherwise) against women, including so-called honour killings;
- Torture and other ill-treatment, extrajudicial killings, and enforced disappearances, including steps taken by the Government to implement the Supreme Court's judgment in the Muhabbat Shah case, which held military authorities responsible for the enforced disappearance of at least 28 people from a Malakand internment centre.

Enforcement of law

Jan 21: Strongly condemning the Charsadda terrorist attack on the Bacha Khan University, HRCP called for a critical reappraisal of the operations against terrorists and a more stringent implementation of the National Action Plan, especially the agenda for dealing with centres and organizations responsible for the training of and assistance to terrorist groups.

The commission said: “All parties must wholeheartedly join the struggle against terrorism. ... While the security forces' prompt response to the Charsadda attack is heartening, a critical reappraisal of the military operation against the terrorists cannot be deferred.”

March 28: HRCP strongly condemned brutal bombing in Lahore's at Gulshan-e-Iqbal Park and expressed grave concern over the militants' ability to launch devastating attacks despite the ongoing crackdown. HRCP also expressed alarm over a violent crowd arriving unhindered in the federal capital from Rawalpindi and staging a sit-in in a high security zone near parliament.

The Commission said: "The government would be well advised to take stock of the elements lacking in the strategy to fight terrorism and extremism that made the appalling attack in Lahore and the frenzied

charge on Islamabad possible. ... The protesters' actions and some of their demands are reminiscent of the Lal Masjid episode a few years earlier. The reprehensible events that unfolded in Lahore and Islamabad, as well as in Karachi, on Sunday require a thorough assessment of all efforts aimed at bringing the state to its knees through mindless violence and massacre of innocent citizens."

April 12: HRCP showed distress at reports emerging from Johan, Kalat, and Isplingi, Mastung, indicating a high number of civilian casualties during an alleged army operation in these areas. HRCP called upon all authorities to ensure that the use of force is not indiscriminate or excessive.

April 18: HRCP expressed serious concern over the administration denying peasants associated with Anjuman Muzaraeen Punjab (AMP) their right to peaceful protest and holding a convention aimed at drawing attention to the long struggle for their right to the land they have been cultivating for decades.

The Commission advised the government against employing harsh and authoritarian actions, and throwing the book at the peasants. It called for the authorities to engage the peasants in constructive talks to find a solution to the prolonged wrangling between the AMP peasants and the military, which claimed entitlement to the land AMP peasants had been tilling for generations. HRCP strongly urged the authorities not to deal with the peasants under the anti-terrorism framework and to respect their right to peaceful protest and the freedom of assembly.

May 6: HRCP strongly condemned the brutal killing of a 16-year old girl following a jirga's decision to punish her for her supposed role in helping a couple find happiness together.

The Commission said: "Such brutalities can occur only in a society that treats women as chattel, not just of the family but of the larger community. ... The authorities should atone for their inaction by seeing to it that justice is done in this case and conditions that allow such incidents to take place are confronted."

June 22: HRCP strongly condemned an assistant political agent's decision in Khyber Agency to acquit, based upon a Jirga verdict, two men who had confessed to killing their maternal uncle and their sister-in-law in a so-called honour crime.

The Commission said: "We call upon the government to immediately issue clear directions to judicial and quasi-judicial officials in the tribal areas to absolutely disregard the so-called Riwaj in trying criminal cases. ... HRCP demands immediate overhaul of the system that allows and enforces such travesty of justice and discriminates against the long-suffering residents of FATA. There is no justification for

having one 'legal' standard for FATA and another for all other areas that constitute the country."

June 24, 2016: HRCP, in collaboration with the World Organization against Torture (OMCT), organized a consultation for reviewing State compliance with the Convention against Torture, which Pakistan signed in 2010.

The consultation aimed at mobilizing stakeholders, including civil society organizations, legal community, policymakers, national human rights institutions, media and State authorities, and generating recommendations and political will for anti-torture reforms.

Participants came up with a set of recommendations for the government, the parliament, the civil society and the media.

Recommendations for the government

- hold public debate on the draft bill against torture
- fully empower and strengthen the already established National Commission on Human Rights instead of making a new panel under the executive
- reform the Council of Islamic Ideology
- provide trainings and access to modern and scientific methods of investigations to law enforcement agencies and the judiciary and shift away from inhumane methods of investigation and extraction of confessions
- establish rehabilitation centers for torture victims
- ensure state compensation for torture victims through a mechanism
- include civil society in the state reporting procedure by inter alia holding round tables with the stakeholders for a comprehensive state report
- introduce a system of democratic accountability for state personnel involved in torture.
- ratify the Optional Protocol to the Convention against Torture
- establish an independent body that investigates and prosecutes police officers accused of torture and other forms of ill-treatment
- ensure access to rehabilitation on the basis of physical and medical examination and not necessarily on a court judgment
- revise, amend and reform the Police Order
- introduce jail reforms and ensure protection of women and members of religious minorities in prisons against abuse and torture, separation of jail administrations for male and female prisoners
- guard against misuse of anti-terror laws against political opponents
- allow local governments to control police

Recommendations for the parliament

- criminalize torture in accordance with the Convention

- against Torture
- enact a bill on the right to be free from torture that includes a clear definition on torture, in compliance with the Convention against torture, that criminalizes torture, that provides remedies and reparation to torture victims especially medical and psychological rehabilitation, and that include non-state actors accountability
- enact a witness protection act

Recommendations for civil society and media

- Build a broad anti-torture coalition with a collective strategy in order to campaign for the implementation of the Convention against Torture
- build capacity of media persons for better portrayal of torture
- control portrayal of torture in films and plays
- invest in awareness rising campaigns such as social engineering on the importance of the prohibition against torture in school and the society at large
- gather and share data of torture cases to be used in advocacy activities
- engage with legislators at all stages of advocacy to raise strong voice in the parliament and at political parties' level to lead to a tolerant and true democratic society
- initiate societal debate and political discourse on the importance of the eradication and absolute prohibition of torture in order to denounce the general believe that torture is admissible and effective
- establish strong relations with media to prepare collective strategy with a visible activism through social media, web sites and emailing groups
- use Pemra's public service messaging funds to build print, online, broadcast campaigns against torture
- report on cases of torture including torture inflicted on women and children and incidences in remote areas
- educate members of the bar and establish an effective legal aid system at the bar council
- hold consultations with police authorities on the prohibition of torture

July 22: HRCP expressed concern over moves to revive the Protection of Pakistan Act (POPA), which had expired on July 15, and urged the government to avoid resorting to laws that violate the fundamental rights enshrined in the Constitution.

The Commission said: "We urge the government to drop the idea of reviving this draconian law and instead rely on measures that do not violate the fundamental rights enshrined in the Constitution. We also demand that the deliberations on the future of POPA must not be held behind closed doors and the concerns from all stakeholders must be considered and addressed. We call upon lawmakers, especially

members of the Senate, to do their duty to safeguard the law and the rights of the people.”

August 6: HRCP expressed grave concern over the suspected enforced disappearance of social activist Abdul Wahid Baloch who was travelling from Mirpur khas to Karachi on July 26.

The Commission said: “Abdul Wahid is a social activist, who has organized several Balochi literary, musical and cultural events. HRCP has grave concern for his safety and urges his immediate recovery. If there is any reason for proceeding against Abdul Wahid, or any citizen for that matter, it must be done in accordance with the law. If indeed there is evidence of any wrongdoing against him, it must be produced in a court of law and due process ensured.

“The continued reports of citizens being whisked away by law enforcement personnel are exceedingly worrisome for the people and must be brought to an end forthwith. HRCP believes that the despicable practice can be ended only by taking away impunity for the perpetrators.”

August 8: HRCP strongly condemned two attacks targeting lawyers in Quetta in which at least 53 people were killed. It has also slammed the authorities' inability to protect citizens through effective counter-terrorism measures.

The Commission said: “HRCP urges the government to ensure that the public resources are used for securing the lives of all citizens.”

August 11: HRCP voiced grave concern over a bomb blast in Quetta that sought to target a judge of the Federal Shariat Court. It demanded prompt action to ensure protection for lawyer and judges.

The Commission said: “Amid the prevailing fear of violence among lawyers and judges in the provincial capital of Balochistan, it is difficult for them to carry out their functions independently and impartially, or even to move around.”

Fundamental freedoms

March 5: HRCP expressed grave alarm over attack on media organisations and journalists by mobs protesting the execution of former Punjab governor Salmaan Taseer's murderer.

The Commission demanded that all those who had instigated and carried out the violence to intimidate the media must be brought to justice. “HRCP is strongly opposed to any attempt by state or non-state actors to influence or harass the media into submission. ...Steps to ensure security for media from such attacks must also be taken in consultation with media and journalists' organisations.

May 04: HRCP expressed grave alarm over law enforcement personnel abducting and detaining without any charge for 10 days Kehar Ansari advocate, a political activist of Jeay Sindh Qaumi Muhaz (JSQM) from Naushero Feroze, as well as over the death of Muttahida Qaumi Movement (MQM) worker Aftab Ahmed, who had been in Rangers' custody.

The Commission said: "We strongly condemn such actions by those supposed to protect and uphold the law. The authorities have a duty to ensure that those involved are identified and brought to justice.

"The circumstances of Aftab Ahmed's death, and why a number of apparently healthy people in Rangers' custody develop serious health conditions or even die, must not go uninvestigated any longer. It is vital that the action supposedly initiated in a bid to confront lawlessness does not start mimicking the tactics of those it was supposed to bring to justice."

August 30: Large-scale enforced disappearances in South Asia can only be addressed if all the region's governments immediately criminalize this serious human rights violation, said lawyers and activists from Bangladesh, India, Nepal, Pakistan, and Sri Lanka during a Conference on Enforced and Involuntary Disappearances, organized by the International Commission of Jurists (ICJ) and HRCP on the eve of the International Day of the Victims of Enforced Disappearances.

"Sri Lanka's ratification of the Convention on Enforced Disappearance and its pledge to criminalize the practice is a welcome step," said I. A. Rehman, Secretary General for the Human Rights Commission of Pakistan. "Other States in the region should now follow suit and show that they are serious about their commitment to human rights by making enforced disappearance a specific crime in their domestic law."

"Despite thousands of cases of enforced disappearance across South Asia, the governments have failed to follow their legal obligation to treat these crimes as the serious human rights violation they are," said Sam Zarifi, ICJ's Asia Director. "South Asian governments have done very little to support the victims and survivors of enforced disappearance, or to ensure the rights of their family members to truth, justice and reparation."

A comprehensive set of reforms, both in law and policy, is required to end the entrenched impunity for enforced disappearances in the region -criminalizing the practice would be a significant first step, said ICJ and the HRCP.

September 15: HRCP called upon the government to implement the recommendations made by the United Nation's Working Group on Enforced or Involuntary Disappearances. The commission also asked

the authorities concerned to pay due attention to the working group's latest report to the UN Human Rights Council.

October 07: HRCP called upon the authorities and the political and religious parties to take effective steps to stop the faith-based violence and bloodletting in Balochistan.

The Commission said: "HRCP has serious concerns over the recent attack in Quetta where four women from the Hazara community were killed in an attack on their bus, and violence in Panjgur where several worship places of the Zikri community were torched.

"Such attacks are just the latest evidence of the authorities' failure to arrest the mindless bloodletting by extremist elements.

"The extremist violence in Balochistan, especially against the Hazara Shia in recent years, has dispelled any illusions about the perpetrators' moral compass. But the attack on the bus carrying Hazara women proves that no depth is too low for the killers and those who control them.

"HRCP also urges the political and religious parties to take up the cause of the long-suffering segments of the populace by unambiguously condemning this brutality and playing their role in promoting sectarian and religious harmony. They must also exert and sustain pressure on the government to do its duty to protect the lives and religious freedoms of the people"

October 11: HRCP demanded that all curbs on journalist Cyril Almeida travelling abroad must be immediately withdrawn and any grievance that the authorities might have against him must be dealt with in accordance with the law, due process and universally acknowledged freedoms of opinion and expression.

The Commission stated: "Barring Cyril Almeida from travelling abroad and the apparent pressure on his employers, the highly respected Dawn newspaper, will cause distress to all those, at home and abroad, who believe in the freedom of expression and the rights of journalists. This is not the time to turn the international journalist community against Pakistan.

"HRCP calls upon the authorities to immediately remove Cyril's name from the ECL and refrain from harassing him and intimidation of his employers. We must also stress that whatever matters are of concern to the establishment must be dealt with in accordance with the law, freedom of expression and other rights of citizens, particularly with regard to the due legal process."

October 25: HRCP strongly condemned attack on the police academy in Quetta and demanded reassessment of the counter-terrorism

strategy to put an end to the blood-letting.

The Commission said: "Terrorism cannot be overcome by reliance only on security operations. No state, however mighty, can fight terror without people's support. Addressing the public alienation and winning their trust is vital in this fight. Despite much talk of developing alternative narratives on restoring peace to society there has been little action on that account. That needs to change without any further delay."

October 27: HRCF urged the authorities to halt the imminent execution of a mentally challenged death row prisoner who is scheduled to be hanged in Vehari on November 2.

In a communication, HRCF brought to President Mamnoon Hussain's attention the disposal by the Supreme Court of a plea regarding the death row prisoner, Imdad Hussain. The court concluded that simply because schizophrenia was a "recoverable disease", it did not fall within the definition of "mental disorder" under the Mental Health Ordinance, 2001.

It said that in reaching this conclusion, the Supreme Court had disregarded universally recognised diagnostic tools, including the Diagnostic and Statistical Manual of Mental Disorders (DSM-5) and jurisprudence under Pakistani case law on mental health, and instead relied upon Indian case law, in particular on a judgment by the Indian Supreme Court on the Hindu Marriage Act regarding dissolution of marriage.

It called upon the president to urgently intervene to ensure that Imdad's imminent execution is halted and the pursuit of hanging mentally challenged persons is abandoned.

November 4: The Senate Functional Committee on Human Rights referred the case of suspected enforced disappearance victim, Abdul Wahid Baloch, to the National Commission on Human Rights (NCHR). The Senate committee had requested the HRCF team to brief it on a fact-finding conducted in the case by HRCF's Sindh chapter.

November 7: HRCF called a smear campaign on the conventional electronic and social media against noted author and analyst Dr. Ayesha Siddiqi a disgraceful spectacle at odds with the values of a democratic and tolerant society.

The Commission said: "Granted that Pakistan is in difficult straits and finding itself challenged on many fronts, but that should not be an invitation to abandon tolerance, decency or deny citizens freedom of expression and thought. The authorities who have been overly concerned of late regarding the use of the cyber space should take notice. Public condemnation of such vilification tactics is also vital to

challenge this assault on reason and freedom of expression.”

November 30: HRCP welcomed criminalization of forced conversion by the legislature in Sindh and urged the authorities to ensure that the law is enforced.

The Commission said: “In adopting Sindh Criminal Law (Protection of Minorities) Bill the Sindh Assembly has responded to an oft-voiced concern of members of religious minority communities, especially Hindus, against forced conversion, mainly of girls and young women in the province.

“We hope and expect not just civil society organisations but also religious groups and parties to appreciate the legislation, because we are certain that even the latter do not have any interest in a person converting to Islam where the convert's decision is swayed by anything other than a voluntary desire to choose the faith.

“We call upon the provincial government to not to bow to pressure by some elements and ensure that the law is implemented and the citizens are protected from the practice of forced conversion.”

December 10: To mark the international day for Human Rights, HRCP organized a conference entitled 'no right without the right to freedom of expression', at the press club of Lahore; followed by a demonstration outside the club. The speakers at the conference included Ms. Asma Jahangir, Dr. Mehdi Hassan, Mr. Ahmed Rashid, Mr. Saroop Ijaz and Mr. I.A. Rehman, In a paper distributed among the media representatives the HRCP said: Intimidation and curbs on the media and civil society organisations in Pakistan today deprive a democratic society of the benefits that their actions can have in the form of ensuring transparency, accountability and fighting corruption. These threats do not all emanate from non-state actors. Many times, they come from agents of the State.

The widespread impunity for perpetrators of violence against journalists, media organisations and human rights defenders remains as well entrenched as ever. Violence against journalists and rights defenders not being probed, at least not in a meaningful manner, is intended to scare people into silence and to exercise self-censorship. The authorities must wake up to the State's obligation to protect journalists and rights defenders from violence and threats related to their work, provide meaningful compensation for victims of violence and bring to justice perpetrators of acts such as targeted attacks, enforced disappearances, extra-judicial executions, etc.

Demonstration of non-governmental organisations and imposition of arbitrary and utterly unnecessary restrictions on their operations, activities and meetings are exceptionally alarming and unfortunate and clear attempts to gag them and prevent them from educating the

people about their rights and highlighting problematic aspects of official actions.

It is distressing and most reprehensible that in many parts of Pakistan citizens are being asked to get permission and no-objection certificates (NOCs) from the authorities for the exercise of their right to peaceful assembly to discuss human rights and other related issues. This represents a grave denial of freedom of expression also. While such behaviour might not be too out of place in autocratic rule, democratic societies do not operate in this manner.

Legislation such as the cyber crime law legitimizing surveillance / invasion of privacy, as well as journalists not being able to operate in or report freely from several parts of Pakistan has vital implications for the freedom of expression, the right to know, and to access and disseminate information.

Arbitrary and inconsistent actions and inaction, by regulatory bodies like the PEMRA and contempt of court proceedings by the judiciary must at all time be compatible with international standards on freedom of expression.

HRCF is aware that under the strain and very unhelpful environment, the media can also sometimes lose its way and become party to censorship and persecution. The media will lose its case if it does not maintain the highest standard of unity, integrity and propriety.

On Human Rights Day, HRCF also wishes to emphasise the significance of the right to information (RTI) laws in Pakistan. It urges civil society to commemorate the day with the resolve to assert this right and test and expand the openings offered through the effective use of RTI laws.

There is a general intolerance of those in positions of power of views contrary to their own. Pakistan today needs, more than ever, to guard against McCarthyism.

December 14: HRCF expressed grave concern over the deteriorating treatment of Ahmadi citizens both at the hands of those tasked with security as well as the zealots. It demanded a thorough investigation into a raid in Rabwah and attack on an Ahmadi worship place in Chakwal.

The Commission said: "Both incidents constitute a failure on the part of the authorities to ensure protection of citizens' rights enshrined in the constitution and under international human rights law. It is doubly frustrating when such denial occurs at the hands of agents of the state."

Democratic development

March 6: HRCP said that under-representation of women in parliament in this day and age was a poor reflection on the promise of gender equality and parity in the country and the government and all political parties needed to realise their responsibility in addressing that imbalance.

The Commission said: that women continued to experience significant discrimination related to their participation in public and political life in most domains of the public sphere. The reasons for the under-representation of women in power and decision-making were multifaceted and complex, and stemmed from economic, social and cultural issues, as well as from negative stereotypes about women and entrenched gender roles.

HRCP urged the government to fulfill Pakistan's obligations to remove the barriers to women's full and active participation in the public sphere and advance women's equality and effective representation, doing away with the so-called glass ceilings, especially in top governance positions.

April 3: Ubiquitous militarisation of all sectors of civilian authority is damaging the democratic system and adversely affecting human rights and fundamental freedoms, which are being restricted in the name of security, HRCP said.

A statement issued at the conclusion of the HRCP Executive Council and annual general meetings said: "Freedom of speech and media, protest, movement and assembly are being violated and curbed on the pretext of 'national security' or 'national interest'. Even expression of genuine apprehensions over development plans or commitments made by the government are being rubbished as being against 'national interest'.

"In particular, the China-Pakistan Economic Corridor (CPEC) has acquired an aura of such official sanctity that any information sought on its details or airing reservations over its implementation are being denounced as acts of flagrant anti-nationalism. Smaller provinces and Gilgit Baltistan have voiced numerous reservations, including with regard to issues of CPEC's impact and discriminatory application in various federating units of the country: these merit urgent consideration. HRCP also demands an immediate and thorough environment impact assessment of the CPEC project. The impact on the people being dislocated and the economic benefits to the local people should also be assessed.

"In Balochistan, development of the Gwadar port has deprived thousands of fishermen of their livelihood and shelter. The local population is intimidated when they express their concern over the development policy in Gwadar.

“In the Federally Administered Tribal Areas (FATA), the security forces are reported to have taken over private property of the locals with impunity. Reports of the use of excessive force in some villages are harrowing, where no house has been left standing and the population has had to escape the onslaught.

“It is of utmost importance that the security forces are not given a carte blanche and their operations have strict oversight to prevent excesses and ensure accountability. All incidents of death in custody, the so-called encounters and killings by the security forces should be investigated by oversight committees that must also comprise recognised representatives of civil society institutions.

“Important aspects of the counter-terrorism strategy devised after the APS attack in December 2014 have not been implemented. There has been no progress on activating NACTA and undertaking police, judicial and madrasa reforms. There has not been any meaningful review of the curriculum so far. Action against hate speech remains a largely pick-and-choose affair.

“All allegations of torture should be investigated by judicial forums and judges should inspect prisoners once they are presented before them, in order to ensure that they do not suffer torture at the hands of the security forces.

“HRCP has serious reservations over the manner of holding elections on reserved seats for minorities and women. The present scheme of representation is unfair to those selected and the electorate that they theoretically represent. Parliamentarians should amend the law to devise a formula for special seats that is both representative in character and based on the choice of the electorate, rather than that of the leaders of the political parties.

“HRCP demands that discrimination against those living in FATA should come to an end without further delay. The jurisdiction of superior courts should be extended to FATA and its citizens should be able to secure their fundamental rights.

“HRCP condemns growing overt and covert restrictions and attacks on the news media and hopes and expects that media organisations and journalists would protect their professional integrity and independence, and resist all attempts aimed at manipulating the media.

“In the name of student unions, violent right-wing elements have been unleashed on the educational institutions, where they have been allowed monopoly while others are not given freedom of association. The student unions must be revived and violence in campuses curbed. “The work environment has grown progressively insecure for human rights defenders, not least because of demonisation of civil society

organisations and on account of failure to take very obvious corrective measures by the authorities. Civil society organisations in Pakistan today manage to operate not because of authorities' action, but despite it. Besides new requirements for registration process the CSOs routinely face harassment, and threats.

“The continuing plight of internally displaced persons in the country has been all but forgotten. No efforts have been made to adopt a proactive policy or a long-term strategy to address the challenges associated with internal displacement.

“HRCP slams the inability of the authorities, at times despite prior knowledge, to ensure that women are not prevented from voting in elections. Asking women who dare not vote because of various threats and fears to move superior courts is a contradiction of expectations. The state should not shirk its obligations and must ensure that such blatant discrimination is effectively confronted without waiting for petitioners to come forward.

“HRCP demands that the government make the required resources available to the National Commission of Human Rights to enable it to do its work effectively.”

October 3: HRCP called intimidation of civil society organisations (CSOs) and the civilian government allowing important matters to slip out of its hands regrettable developments, which would have grave implications for the country's democratic future.

The HRCP executive council, which met in Karachi to consider the human rights situation in the country, said: “The authorities' systematic attempts to try and harass HRCP, other civil society organisations and educational institutions through visits by intelligence and security agencies' personnel and other ploys have led to a general climate of fear and intimidation. The agencies would do well to spend their energies in ensuring safety and security for the citizens, instead of harassing the civil society organisations and rights defenders.

“HRCP has been greatly perturbed by numerous concerns in the context of internal displacement from North Waziristan Agency. There are many reports of citizens' rights being violated, particularly with respect to repatriation of displaced citizens. Insensitive handling of the repatriation exercise has fuelled hopelessness and anger. These matters need to be investigated and things set right.

“FATA reforms have been a longstanding demand of citizens. However, it is shocking that the body formed to consider such reform has no representation from FATA and there are no women on the

committee either. The efforts to give primacy to Rewaj and empower jirga does not augur well for rule of law and due process rights. HRCP vehemently rejects any attempt to deny fundamental rights to some citizens of the country on the basis of their domicile.

“An HRCP fact-finding mission to Gilgit-Baltistan has noted arbitrary decisions being taken there and activists and journalists being harassed. There is widespread misuse of anti-terror laws. The people there are frustrated that their demand for a clear constitutional status, either as part of Pakistan or as a region with a special status, remains unfulfilled.

“These are pressing matters in need of urgent attention. We hope the government will not waste any more time in beginning an earnest effort to address these.”

Rights of the disadvantaged

January 15: HRCP expressed great disappointment and concern over the National Assembly Standing Committee on Religious Affairs rejecting a proposal to raise the minimum marriage age for girls to 18 years, the same as boys, after several committee members declared such a change 'un-Islamic'.

The Commission said: “It seems that the Quaid-e-Azam's struggle to have minimum age of marriage prescribed for Muslim girls through the 1929 law has no relevance to all those who claim to have inherited his ideology.

“The move also compromises Pakistan's position on key human rights instruments which it is a party to and which uphold equal rights for men and women, children's rights and rights in marriage.

The decision by the standing committee should only stimulate the women of Pakistan and their justice-loving supporters among men to keep the fight on and follow Sindh's example which has through law prescribed that the minimum marriage age for both boys and girls would be 18.”

February 2: HRCP voiced grave concern over the killing of a Pakistan International Airlines (PIA) staff member and injuries to four other persons after law enforcement personnel resorted to violence against employees protesting against the airline's privatization near the Karachi airport.

The Commission said: “Every citizen is entitled to the freedom of peaceful protest. HRCP condemns unreservedly the violence that resulted in the killing and calls for a prompt and credible investigation by a superior court judge to assign responsibility and bring those involved to justice. HRCP urges the government to make all possible

efforts to resolve the issue in an expeditious and amicable manner, taking into account the PIA employees' concerns. After all the blind push for privatization of the airline and other public utilities is being opposed not only by the employees concerned but also by independent economists of standing. Every effort must be made to ensure that differences over the issue do not lead to any further violence or confrontation."

February 25: HRCP welcomed the passage of the Protection of Women against Violence Bill 2015 in the Punjab Assembly and expressed the hope that efficient enforcement would help protect women from violence and ensure that the culprits do not escape justice.

The Commission said: "The obligation of the state in the circumstances includes not abandoning whatever little positive change is brought forth, and raise awareness about the importance of the legislative measure in question. There is onus also on civil society organisations and the media to assess the law, the pace of implementation and also the impact it has on protecting women from violence. We hope that the new measure would facilitate the enforcement of law to protect women in the whole country and ways will be found to push through the central bill that has been pending for a long time in order to protect women in the federal capital too."

March 4: HRCP stressed the urgent need for addressing the severe under-representation of women in the higher judiciary.

As part of HRCP's media campaign, ahead of International Women's Day (March 8), the Commission drew attention towards women's under-representation in Pakistan's legal profession, particularly in the superior judiciary. It noted that only 5.8% of high court judges in the country were women, and to date, no woman had been appointed as a judge of the Supreme Court or as chief justice of any of the high courts. Women also remained under-represented in positions of status and influence in others fields of the legal profession, including offices of bar associations and the office of the attorney general. Since 1947, there had been only one female president of the Supreme Court Bar Association. These numbers were the lowest in the region, if not the world over, HRCP said.

HRCP urged the government to fulfil Pakistan's obligations to address the barriers to women's full and active participation in the public sphere and advance women's equality and effective representation in the legal profession, particularly judiciary.

May 19: A workshop by the Human Rights Commission of Pakistan (HRCP), on Child Labour, attended by prominent civil society organizations, focusing on the rights of children, activist and representing the government Child Protection and Welfare Bureau

(CPWB) came up with these recommendations:

- A comprehensive survey of child labour inclusive of agricultural and domestic workers needs to be carried out capturing actual hubs where child labour is engaged.
- Article 25 A of the Constitution, the right to education, needs to be implemented in both letter and spirit.
- Legislation entailing the registration and documentation of Street children need to be formulated and facilities for their shelter provided.
- The current state of public education, especially the depleted condition of schools, needs review by the government. The role of public education should be to provide a plausible alternate to child employment.
- The government should be cognizant of the fact that, child labour constitutes an integral part of Generalised Scheme of Preference (GSP+) regime and needs to be addressed if economic benefits through trade with the European Union are to be retained.

May 20: An HRCP consultation on the GSP + regime made these recommendations:

An intuitive understanding by all stakeholders, businesses, government and workers, the importance of GSP+ regime in driving sustainable economic growth.

Focused efforts by the government in implementing the underlying conventions to GSP+, of which Pakistan signatory to most, in addition to existing laws, especially those connected with trade.

Despite the textile sector being the main driver of exports currently, other sectors falling under the GSP+ need to be developed as alternate export hubs.

The underlying regulatory and taxation mechanism for the industry, which encourages industry to operate on an informal basis, needs to be revisited by the government.

The applicable legal anomalies, specifically pre-existing stamp papers should be registered and those unregistered declared null and void.

Trade unions activity needs to be encouraged in all industry to ensure protection of worker's rights.

The overall declining exports situation and adverse trade balance needs rectification.

May 27: HRCP condemned the Council of Islamic Ideology (CII)

recommendations that called for violence against women, among other regressive, illegal or redundant advice contained in a 'model' law purportedly designed to protect women's rights.

The Commission said: “Apparently in a bid to balance things, the 'model' draft pronounces that women should not be murdered in the name of honour. It also 'allows' them a say in whom they marry, to own property and to transfer the same to others. It also 'permits' them to participate in politics. These provisions have already, and correctly, been pointed out as unnecessary, because they are covered by criminal law and constitutionally acknowledged human rights provisions for decades. The women in Pakistan should count their blessings that they did not have to look toward the CII for getting these rights. There are other provisions in the draft that are no less ridiculous.

“The 'model' draft is apparent payback for the women protection bill adopted by the Punjab legislative assembly. The 'advice' exposes the mindset of the zealots occupying the CII, who should be removed from their posts immediately. In fact, the body itself is redundant in the presence of adequate constitutional provisions that rule out the enactment of laws contrary to Islam. It is time it was disbanded.”

September 30: The regulation of the mining industry in all parts of Pakistan needed to be urgently looked at in order to prevent injury and loss of lives among mine workers, mitigate hazards to the environment and minimize mining-related displacement and its impact. This was the consensus of a two-day national consultation on concerns regarding the mining sector organised by the Human Rights Commission of Pakistan (HRCP).

HRCP's 'National Consultation on Mining, Environment and Workers' Rights' brought speakers together from all the provinces as well as Gilgit-Baltistan and Federally Administered Tribal Areas (FATA).

The consultation concluded with the following recommendations:

- Immediate estimation and documentation of the actual workforce employed in the mining sector;
- Extension and effective enforcement of the regulatory regime to all workers employed in the industry, including the small-scale mining, across the country;
- Compensation and benefits in the mining industry must be commensurate with the difficulty and hazards in relation to the work, even as meaningful efforts must be made in consultation with the workforce to systematically mitigate risks;
- Inspection and other regulatory functions of the government needed to be strengthened, and greater transparency, accountability and regular information sharing ensured;

- The existing penalties, for failure to comply with prescribed standards and other offenses by mine owners/operators, must be made harsher to deter recurrences;
- Environmental impact must be assessed independently and in a transparent manner, and infractions penalised;
- Conservation and recycling of important resources, especially water, needed to be made mandatory and must also be enforced;
- Displacement of communities must be minimised and adequate compensation, going beyond mere land value, paid to avoid marginalising affected populations;
- Mining operations must be prevented from affecting archeological and cultural heritage.

Social and economic rights

April 19: HRCP demanded an urgent and thorough investigation into the land acquisition practices in Karachi by the largest real estate developers in the country and expressed concerns over reports of use of the state's coercive powers to deprive rightful owners of their land.

“The state's inability, and to a great extent, its lack of interest in addressing the housing needs for the poor is already well established. It would be a tragedy if it turns out that it is outsourcing its muscle to grab land to be developed for housing the affluent at the cost of local residents' ruin and displacement.

“The sordid affair should train the spotlight on the state's supposed role as a regulator that should watch out for citizens' interest. The available complaint and redress mechanism must also be looked at to understand why illegal practices went on unchecked.”

July 23: An HRCP National Consultation on Census made the following recommendations:

The government should announce a firm schedule for holding the census as soon as possible.

The political crisis that is preventing the census from being held should be decided on the highest available constitutional forum which is the Council of Common Interest (CCI).

Modern technology, methodology and the experience of other countries should be utilized in improving the way census is conducted.

Census should be held regularly.

Census should not be politicized.

It should be ensured that Internally Displaced People (IDPs) are not left out of any format that is decided for census.

October 1: HRCP expressed grave apprehensions over the prevailing human rights concerns in Karachi being aggravated by new problems. The Executive Council of the Commission said: "Three years of the Rangers operation in Karachi have been completed. There is no doubt that the incidents of targeted killing and extortion have fallen significantly; however, cases of extrajudicial killing and torture continue to be reported.

"Complaints of enforced disappearance in the city are on the rise, with many people targeted because of their political affiliation. Even the figures released by the officially constituted commission of enquiry into enforced disappearance indicate the extent of the problem in this part of the country. The report of the UN Working Group on Enforced and Involuntary Disappearance (WGEID) has also cited complaints of enforced disappearance, especially of those believed to be associated with the Muttahida Qaumi Movement (MQM).

"Our concerns have risen greatly over an increasingly expanding role of the Rangers in the city's political affairs, particularly the tactics used to push MQM against the wall.

"The militant wings of political parties, MQM included, seem to have been silenced for now, but not brought to justice. How and when the next episode of factional fighting unfolds might well determine the scale of any recurrence in large-scale violence in Karachi.

"The people are justified in inquiring how any gains made through the Karachi operation could be sustained. In that respect, it is vital that details regarding prosecution of suspects and conviction rates are shared. HRCP is disappointed that efforts have not been made to strengthen civilian policing capacity in the city. We implore the authorities to start remedying that even at this late stage.

"Lack of representative and responsible governance in Karachi, as indeed in other major cities of the country, is having an adverse effect on the basic entitlements of the people. This state of governance has also affected the functioning of the local government in the city. Sanitation has been grossly ignored. Traffic disorder is getting worse by the day. At the same time, the people's problems of unemployment, food, health and security are aggravating.

"Overall, a display of responsive governance and enabling the local government to operate effectively is vital to stem the rot and lead to due attention being paid to people's problems." sustain pressure on the government to do its duty to protect the lives and religious freedoms of the people"