

Is Sindh Falling Through The Cracks?

An HRCP Fact-Finding Report



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Human Rights Commission of Pakistan

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Acronyms and Abbreviations

APMSO	All Pakistan Mohajir Student Organization
COIED	Commission of Inquiry on Enforced Disappearances
CSO	civil society organization
FIR	first information report
HRCP	Human Rights Commission of Pakistan
IJT	Islami Jamiat-e-Talaba
KDA	Karachi Development Authority
KMC	Karachi Metropolitan Corporation
MQM	Muttahida Qaumi Movement
NOC	no-objection certificate
PPHI	People's Primary Healthcare Initiative
PPP	Pakistan People's Party

Acknowledgments

The Human Rights Commission of Pakistan (HRCP) is grateful to the following Council members and general body members for being part of this fact-finding mission and for their input to this report: Dr Naazir Mahmood, Mr Husain Naqi and Mr I. A. Rehman. HRCP would also like to thank its staff at the head office in Lahore, and regional offices in Karachi and Hyderabad, for helping organise the mission and prepare the report. We are also grateful to Mr Taj Joyo and Mr Ayub Leghari for acting as focal persons in interior Sindh.

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Introduction

Is Sindh falling through the cracks?

The barometer for this is the state of its most vulnerable communities – from peasants relegated to *hari* camps in the interior to religious minorities who feel compelled to accept their second-class status to small urban vendors uprooted from Karachi's markets. It also means ascertaining honestly the state of civil and political liberties in Sindh. The practice of enforced disappearances, allegedly by state agencies and in contravention of international human rights standards, continues. That certain communities tend to be targeted, such as the Shia community or Sindhi nationalists, must be taken seriously by the state because it represents a disturbing pattern: the exclusion of certain discourses and certain differences.

The casual use of discriminatory material at the level of school textbooks means that bias is entrenched young. It is, then, not surprising that the rights of religious minorities, from the right to fair wages to the right to profess one's faith freely, are accorded such little space. Despite its significant Hindi minority, the fact remains that the Sindh government has yet to criminalize forced conversions: all attempts thus far have been scuttled.

In many ways, civil and political liberties in Sindh have been curtailed in the same way as in other provinces. The perception among civil society organizations is that the state is trying to micromanage their development and advocacy work – work that, in many cases, reaches communities who have little access to the state. The media, too, is under severe pressure in the shape of self-censorship, overt intimidation and a financial squeeze that is linked directly to the stories that journalists attempt to cover. While the Sindh Assembly's recent unanimous resolution to lift the ban on student unions by introducing a code of conduct to help avoid conflict between rival student groups is welcome, such measures must not become alternative means of hyper-regulation. The needless policing of ordinary student activities by state personnel, ostensibly there to ensure security, must cease.

It was heartening for HRCP to hear Mr Veerji Kolhi, Special Assistant to the Chief Minister of Sindh for Human Rights, assure the team that the Sindh government was committed to improving the state of human rights in the province, but the report's findings reflect just how deep these efforts must go for the poor and marginalized to feel they have any possibility of protection or redressal. Mr Kolhi has said that the provincial government has established 24-hour compliance cells and plans to institute district vigilance committees and legal aid cells across the province.

As always, HRCP is grateful to all those persons who were willing to speak to the team on human rights issues they felt needed reiterating – issues that appear in the press and are debated regularly enough in civil society circles, but which have perhaps become part of the everyday when we speak of the state of human rights. This should not be the case: no human right should ever fall through the cracks.

The Mission

In August 2019, the Human Rights Commission of Pakistan (HRCP) conducted a fact-finding mission to Sindh to examine the overall situation of human rights in the province. Specifically, the mission set out to investigate:

- The state of *hari* camps near Hyderabad, especially their access to social, economic and environmental rights.
- The incidence of enforced disappearances.
- The right to freedom of religion or belief in the context of Sindh’s significant Hindu population and apparent rise in the number of forced conversions reported in 2019.
- The right to earn a decent livelihood, in the context of the recent anti-encroachment drive in Karachi.
- People’s access to the right to healthcare and clean water in interior Sindh, especially for children.
- The right to freedom of assembly and association, including constraints to student and civil society activism.
- The right to freedom of expression, given the undeclared curbs on the electronic and print media.

In addition, the mission investigated cases involving the custodial torture and death of two young Hindu boys in Mirpurkhas and the alleged gang-rape of a ten-year-old girl in Larkana.

The team that visited Karachi during 17–18 August comprised Mr I. A. Rehman (Honorary Spokesperson, HRCP), Dr Naazir Mahmood (HRCP member) and Mr Husain Naqi (HRCP member). The team that visited Hyderabad, Mirpurkhas, Mithi and Larkana during 17–22 August included Mr Harris Khaliq (Secretary-General, HRCP), Dr Imdad Chandio, Ghufrana Arain and Danyal Anwar Khan (HRCP staff members), and Taj Joyo and Ayub Leghari (focal persons).

The fact-finding mission had the opportunity to meet a wide range of stakeholders, including university faculty and students, civil society organizations, victims of enforced disappearance and their families, journalists, members of the Hindu community, small business owners and vendors affected by the anti-encroachment drive in Karachi, *hari* labourers, government representatives, human rights defenders and victims of other human rights abuses. Many respondents wished to remain anonymous. HRCP is grateful to everyone who took the time to speak at length to its teams in Karachi and Hyderabad.

The *Hari* Community's Access to Social and Economic Rights

The HRCP team visited two *hari* camps in Hyderabad – Sikandarabad and Baba Salahuddin – on 17 August 2019. The most common complaint was that *hari* camps had little or no access to facilities such as clean water, drainage, electricity or roads – and that this was because the local *waderas* (landlords) wanted the camps displaced.

Activist Punhal Sario felt that Sindh was marked by the worst forms of class oppression and bonded labour. Bonded labour is not limited to farms, he added, but also extends to mills and even factories. He alleged that 62 people had recently been released from bonded labour by order of a sessions court, but that four of them were still missing. Another respondent, a bonded labourer and activist, Raja Bheel, said that the state tended to stereotype bonded labour cases as being 'false', but that it was the state's responsibility to investigate every case and then judge whether it was false or genuine. In such a situation, added Raja Bheel, 'The *hari* is helpless.'

Residents of Baba Salahuddin camp said that it comprised around 200 households, whose inhabitants hailed from the Hindu, Muslim, Sulangi and Machi communities. Manu Bheel, a bonded labour rights activist, said that the camps were often flooded with dirty water. 'We have asked the government to provide us the facilities we need,' he told the team, 'but nobody helps.' Specifically, residents alleged that the camp was often flooded by irrigation water spilling over from the adjacent army farms. The standing water, which remained there for weeks at a time, was responsible for the spread of disease through the camp.

The state tends to stereotype bonded labour cases as being 'false', but it is the state's responsibility to investigate every case and judge its legitimacy fairly.

Residents from religious minorities complained that they found it difficult to be admitted to the local *taluka* hospitals: doctors would often tell them to go to the civil hospital in Hyderabad, which was farther away. Women respondents said that, in delivery cases, they were often prescribed medication they simply could not afford.

Religious freedoms are curtailed to the extent that Hindu residents of Baba Salahuddin said they had not been allowed to construct a temple at the camp. Whenever they had tried, they had received threats from the area's politically influential families. Residents of Sikandarabad echoed this allegation, adding that it was a way of 'controlling' the land on which the camp was situated. They had not even been allowed to build a playground.

The Sikandarabad camp, which comprises 1,500–1,600 households, also has little to no access to clean drinking water, electricity and drainage. Many residents said they did not even have CNICs. After nine years, said one resident, only two households had managed access to electricity and gas because they were close to the local *waderas* and political leaders. Purchasing a water tanker cost over Rs 4,000, which is often well beyond what most residents can afford. The only option is to use the few water pumps that exist. This carries an additional hazard because it often falls to children to collect water for their families. 'Our children have to cross the road to get to the pump. A few months ago, a young child died in a road accident [while crossing the road to collect water], but nobody has been arrested,' said a respondent. Access to justice is difficult to come by: respondents claimed that at least eight people – including a young child – had been killed in such road accidents in the last two months alone, but there had been no arrests.

In Sikandarabad, in nine years, only two households out of almost 1,600 have access to electricity and gas because they are close to the local waderas.'

The camps' access to education remains poor. In Sikandarabad, there is only one school that is administered by an NGO. It charges a minimal fee of Rs 100–200 and has at least 250 students enrolled. The state appears to play no role in providing education in this area.

Many camp residents felt they were easy targets of false cases registered by the police, often on charges of drug possession or peddling. 'If we barely have enough money to eat,' asked one resident, 'how can we be running a drugs business?'

Enforced Disappearances

As of end-September 2019, the Commission of Inquiry on Enforced Disappearances (COIED) had received 1,580 cases of enforced disappearance in Sindh alone. Of these, 583 persons were reported to have returned home, 30 were traced to internment centres and 234 to prisons, while 336 cases had been deleted from the commission's files. In addition, 51 bodies had been found. As of October 2019, the COIED reports that 346 cases are currently under investigation in Sindh. Reports on the ground and HRCP's own investigations suggest this number is far likely higher and that many cases are not reported to the COIED because victims' families fear reprisal.

Hyderabad

The respondents whom HRCP met in Hyderabad on 17 August 2019 felt very strongly that Sindhi nationalists were being targeted disproportionately as victims of enforced disappearance. Rights activist Punhal Sario claimed that, of 52 persons who had gone missing over the last several years, 22 had been released on 14 August 2019 in Badin and Nawabshah – after bringing them into '*qaumi dhara*' or mainstream politics. In all the cases described below, the persons missing were or are either political activists associated with nationalist parties or who have aired 'nationalist' views in public or social spaces.

Political activist Sabir Shah informed the delegation that he was abducted on 25 April 2017, along with his friends, Muhammad Alam and Mahboob Shah, and his cousin Ibrahim Chandio. The abduction occurred near Khairpur, in Nathan Shah in the district of Dadu. They were on their way to attend the death anniversary of nationalist leader G. M. Syed. Muhammad Alam and Mahboob Shah were released the same day, while Ibrahim Chandio was released 49 days later. Sabir Shah's mother filed a petition with the Larkana High Court. He was finally released on 30 May 2019. He informed the team that, while in custody, he had been subject to physical and mental torture: he was not allowed to sleep for periods at a stretch and he was kept malnourished. His father died while he was still in custody; his mother is prone to severe depression.

Many forcibly disappeared persons are either political activists associated with nationalist parties or people who have aired 'nationalist' views in public or social spaces.

Murtaza Solangi, another political activist, is still missing. His mother informed the team that, prior to his disappearance, he had had a kidney operation and was on bedrest. On 23 March 2017 at 0400, she claims, at least 30 army vehicles cordoned off the area and arrested her son. Since then, his whereabouts remain unknown. His older brother, who was following the case, is now in hiding after having received threats from unknown persons, presumably to intimidate him into giving up his attempts. Murtaza Solangi has five children; his eldest daughter has a heart condition. Although his wife filed a petition with the high court, the family received subsequent threats and gave up.

Murtaza Junejo has been relatively fortunate. He says he was abducted on 7 May 2017 from his home in the village of Mandhara, in the district of Larkana. His wife filed a petition and he was finally released on 14 May 2019. He alleges that army personnel transported him to a police station, where five 'false' cases were registered against him. The court has acquitted

¹ Since its inception in 2011.

² An enforced disappearance means that a person has been 'picked up' or taken into custody by any law enforcement or security agency working under civilian or military control, in a manner that is contrary to the provisions of the law. Persons who have gone missing in cases of kidnapping for ransom, personal enmity, or for their own reasons, do not fall within the ambit of enforced disappearances.

him in three of these cases. However, Murtaza Junejo claims that he was subjected to physical torture, which has affected his ability to walk normally.

Shahid Junaijo, a small-time contractor, has been missing since 5 August 2017. His brother alleges that 25 armed men broke into the house and abducted Shahid. He claims that, although Shahid had no overt political connections, he was politically aware and did not shy away from discussing his views openly. He has four young children. His mother died within two months of the incident. Shahid's brother says that he filed a petition with the high court, but to no avail. He also claims having been told that, if he were to withdraw the case, his brother would 'soon be back'.

A week after his abduction, Aqib Chandio's family received a distressed call from him, telling them not to worry, but also saying that they should not pursue the matter in court. He has not been heard from since.

Khadim Hussain, an employee of the Sindh Government Food Department, was abducted from Hyderabad on 17 April 2017 en route to work with his nephew, Shayan Areejo. Shayan was released within three days, but Khadim Hussain remained missing till 21 August 2019. His daughter filed a petition with the Hyderabad High Court. Khadim says that, after being released, five 'false' cases were registered against him. He has been acquitted in two cases, under which he had been charged with destroying a KV transmission line; three cases are pending.

Professor Ghulam Shabir Kaloroo said that he was abducted on 8 September 2018 and remained in custody for 8 months and 11 days, after which he was released. However, he was abducted again on 18 May 2019 at 0300, while with a friend. He was reluctant or unable to give any further details: 'We don't know why we were abducted.'

Insaf Dayo's mother, who attended the meeting, said that her son was abducted on 29 May 2017 from his tailor shop in Larkana and was still missing. She claims that five people in a black Vigo – three persons in civilian clothes and two in police uniform – abducted him at gunpoint. Since then, the family has heard nothing. His mother has suffered two heart attacks in this time. Insaf Dayo's family members say that, although the court had formed several joint investigation teams, no results have been forthcoming.

Murtaza Solangi's father informed the HRC team that, on 22 November 2017, his son was abducted by a station house officer (SHO) named Khadim Hussain Magsi in a white car. Although the family has filed a case against the SHO, there has been no progress since.

Aqib Chandio, a tenth-grade student who was due to get married in several weeks, received a call ostensibly from a friend's number on 30 May 2018, asking him to meet them nearby. The family says that, according to witnesses, he was abducted there. Aqib's mother has two other children. Her husband, a government-employed driver, died two years ago on duty in a road accident. The family's total income, she says, is about Rs 15,000. A week after the abduction, the family received a call from a distressed-sounding Aqib, who said they should not worry and that he would be home soon. He asked his family, however, not to pursue the matter in court. This was the last they have heard from him.

The physical trauma that accompanies an enforced disappearance is self-evident in most cases. One respondent, a psychologist, explained that the emotional trauma must not be overlooked. In his professional experience, a patient who had 'gone missing' but been released subsequently continued to suffer severe derealisation and depersonalization as a symptom of post-traumatic stress disorder. Family members of forcibly disappeared persons, he said, are vulnerable to a different kind of trauma. The families attending the meeting agreed, one expressing the situation thus: 'Something is missing inside me'.

Karachi

On 18 August 2019, the HRCP team consulted a group of respondents who alleged that family members had been forcibly disappeared. Some of these cases are detailed below. It is worth reiterating that these cases represent merely a sample of what HRCP sees as a worrying pattern.

The family of Rashid Hussain, a worker in the UAE, complained that he was arrested in the UAE and brought to Pakistan in June 2019. His arrest was announced in July 2019. Since then, he has not been presented in any court of law and his family has been unable to ascertain where he is being detained.

An employee of the Jang media group contends that he was 'disappeared' because he reports on issues relating to Gilgit-Baltistan, including that of enforced disappearances.

Matloob Hussain, an employee of the Jang media group, informed HRCP that he was picked up from his home in Salman Fars Society on 30 March 2019. He said he was detained in a small cell and then produced in court on 2 May 2019, charged with possession of illegal weapons. The police informed the court that Mr Hussain was arrested in Sohrab Goth en route from Khairpur. He was remanded to police custody for four days and sent to a lock-up. On 6 May, he was sent to jail. On 3 June, he was presented in court again. Finally, on 12 June, he was released on bail. Mr Hussain's contention is that he is a resident of Gilgit and that the likely reason he was 'disappeared' was that he reports on issues relating to Gilgit-Baltistan, including that of enforced disappearances.

A family from Liaquatabad complained that their 19-year-old son had been picked up by the Rangers during his commute to work. He was beaten black and blue. The family reported this incident to the police station, but the police registered a first information report (FIR) that charged the son with being involved in making explosives. The son works at a purse-making cottage industry; his mother works as domestic help at local households. His case was referred to the Anti-Terrorism Court. The family say they have no association with any political parties.

Discrimination Against the Hindu Community

Much of the Hindu community in Sindh is concentrated in Hyderabad, Mirpurkhas, Tharparkar and Umarkot. Most Pakistani Hindus belong to the Scheduled Castes, which have traditionally been relegated to janitorial and sanitation work; many are also poor agricultural workers or bonded labourers. Pakistan's Hindu minority does not enjoy equal citizenship at a social, economic or constitutional level. Although a Supreme Court ruling makes it mandatory for government departments to reserve a 5 percent quota for religious minorities, this is rarely implemented and there is no effective mechanism to monitor implementation. The Hindu community remains vulnerable to allegations of blasphemy, most often rooted in petty disputes or claims to property. Despite the number of cases of forced conversion and forced marriage in 2019 alone – in which victims are almost always young girls from low-income communities – the Sindh government has yet to pass a bill criminalizing forced conversions.

Hyderabad

On 17 August 2019, the HRCP team held meetings with activists and members of the Hindu community in Hyderabad to discuss the issue of forced marriage and forced conversions. While the Sindh Child Marriages Restraint Act 2013 effectively prohibits forced marriage, making it illegal for children under 18 to contract a marriage, this has not deterred cases of forced marriage and conversion: young girls may be forcibly converted in Sindh, but taken to bordering southern Punjab (where the legal age for marriage is 16) to have their marriages solemnized. Respondents at the meeting claimed that the 2013 act was poorly implemented, allowing perpetrators to escape justice. The Sindh Hindus Marriage (Amendment) Act 2018 also makes underage marriage among the Hindu community illegal, but as one respondent pointed out, its rules and regulations have yet to be issued. Rights activist and Special Assistant to the Chief Minister Veerji Kolhi assured the team that the Act's rules and regulations had been drafted and would be passed at the next Cabinet meeting.

'If we go to the police to register an FIR against a feudal landlord or an 'influential', the police often refuse to address our grievances. And yet, when an 'influential' makes a telephone call to the police, we are the ones that get arrested.'

Rights activist Punhal Sario alleged that, when 'influential' people were involved in a forced conversion, nobody was willing to act. Representatives of the Bheel and Kolhi tribes said that women and girls from their communities were most vulnerable to being kidnapped and forcibly converted to Islam. As a respondent pointed out, 'No one is ready to give us our rights, including the people we vote for. If we go to the police to register an FIR against a feudal landlord or an 'influential', they often refuse to address our grievances. And yet, when an 'influential' makes a telephone call to the police, we are the ones that get arrested.'

Karachi

On 18 August 2019, the HRCP team met members of the Hindu community in Karachi, where an important concern was that, in addition to bias at the level of the courts and government departments, social discrimination had become more entrenched. Respondents complained that it was now increasingly difficult for non-Muslims to rent premises because many landlords simply refused to rent their property to non-Muslim tenants.

In the face of rising unemployment, one respondent said that it was not uncommon for higher-caste Hindus to claim they belonged to the Scheduled Castes merely to obtain work in the waste and sanitation sector. Even low-paid positions, such as those of lady health workers and vaccinators, were difficult for non-Muslims to obtain. At best, well-educated Hindus still

earned less than their Muslim counterparts. Increasingly, government employment was offered on a contractual rather than permanent basis – many respondents said that even work in the sanitation sector carried daily wages and no pension. Lower-level non-Muslim employees who were entitled to a pension said that it was common for their pensions to be siphoned off by the department's staff, and that there was little they could do about it. A Hindu aircraft cleaner employed at Jinnah International Airport said that, although his shift was supposed to be 12 hours long, it was often extended to 15 hours without overtime. 'We are asked to work on public holidays,' he claimed, 'and cannot refuse for fear of being dismissed.'

Textbook chapters and passages that harp on 'defeating' and 'vanquishing' 'infidels' can only be expected to encourage discrimination and even aggression among children towards non-Muslim classmates.

Religious minorities' sites of worship draw scant public respect. A representative of the Pakistan Hindu Sewa complained that their places of worship were invariably in danger of being desecrated. In one example he gave, the community found that camels and cows intended for slaughter at the time of Eid-ul-Azha had been assembled on the premises of a temple. The Hindu community did not complain, for fear of blasphemy accusations.

By far, the most common complaint related to hate material in educational curricula. Respondents said that the constant use of words such as '*kafir*' and '*kufri*' in relation to non-Muslims in school textbooks strongly coloured Muslim children's perception of their non-Muslim peers. As one respondent said, textbook chapters and passages that harped on 'vanquishing infidels' could only be expected to encourage discrimination and even aggression among children towards non-Muslim classmates.

Violence Against Children

A recurring theme during the mission was the incidence of violence against children. The HRCP team in Hyderabad investigated two cases, one involving the custodial death of two young Hindu boys in Mirpurkhas and the other, the rape and murder of a ten-year-old girl in Larkana.

Mirpurkhas

The respondents HRCP spoke to said that, on 27 July 2019, the body of an eight-year-old boy was found dumped in a sugarcane field in the taluka of Shuja Abad.³ He was identified later as Naresh, the son of Ramo Kolhi. On the same night, the police arrested three young boys – Warjag, Lakshman and Pappu – in connection with the incident. When some villagers attempted to intervene, protesting that the boys were innocent, the police said that they were taking them in for ‘questioning’. The boys were kept in custody for three days. On 30 July, the boys’ parents received an anonymous call from Tando Adam to say that there had been a ‘road accident’ – Pappu was alive, but the other two boys were dead. On rushing to the scene, the victims’ parents found the three boys in a damaged vehicle in a roadside ditch. The survivor, Pappu, alleged that all three boys had been subjected to intimidation and torture in custody – he showed the HRCP team his fractured arm and signs of cigarette burns on his body, including sensitive areas. ‘I was given a cup of tea by a police officer. I don’t remember anything after that,’ he said, implying that he had been drugged.

The survivor alleged that all three boys had been subjected to torture in custody – he showed the HRCP team his fractured arm and signs of cigarette burns.

The incident sparked widespread protest, with residents blocking the Hyderabad–Mirpurkhas road and accusing the local police of having perpetrated the torture and murder. An FIR was registered against six police officers, including Abid Hussain, Inayat Ali Zardari and Akbar Marri. However, according to the residents the team spoke to, the police subsequently registered an FIR against the 100 protestors.

It is worth noting that, according to respondents, only six children in this village go to school. The victims were three of the six. Lakshman was a ninth-grade student and Warjag had just sat his intermediate examinations.

Larkana

On 24 July 2019, ten-year-old Zara Mangi was found dead in an orchard in Moriya Fakir village in Larkana.⁴ She had gone to the local shops to purchase milk but failed to return. Her body was found stuffed into a sack. Thirteen-year-old Shiraz Morio, who had allegedly sold her the milk, was arrested for her murder.

The HRCP team met the DIG Larkana, Irfan Baloch, who was pursuing the case. He said that, in addition to Shiraz Morio, two other men had been arrested. The first post-mortem did not reveal evidence of rape; the family protested, maintaining that their daughter had been raped. The two doctors responsible were charged with not having carried out a post-mortem at all. A second post-mortem carried out by a medical board set up by the Director General Health for Sindh indicated that the victim had in fact been raped multiple times. Mr Baloch was of the view that Shiraz Morio himself was a victim of sexual abuse.

³ <https://www.dawn.com/news/1497511>

⁴ <https://www.thenews.com.pk/print/515033-zara-rape-murder-case-criminal-proceedings-begin-against-medical-officers>

Karachi's Anti-Encroachment Drive: Targeting the Poor?

In November 2017, the Supreme Court of Pakistan directed the Karachi Development Authority (KDA) to cancel some 35,000 illegal allotments of amenity plots and remove any encroachments. Subsequently, in February 2018, the Supreme Court acknowledged reports submitted by the KDA and Karachi Metropolitan Corporation (KMC), indicating that over 1,500 illegal structures had been removed. The court directed that the November 2017 orders be extended to the entire city. In June 2018, the Supreme Court directed the Sindh advocate general to conduct enquiries against public officials who had not only allowed encroachments on public land, but had also profited from them. The Sindh chief secretary was directed to initiate disciplinary proceedings and criminal and civil action against the public officials concerned.

Press reports and HRCP's own sources suggest that most of the shopkeepers, hawkers and kiosk owners said to be occupying land illegally had either been paying rent on the property to the KMC or had leased the property from the KMC, to their knowledge, 'legally'. In most cases, they were not aware that the documents they possessed had no legal standing. Many of these markets were established as early as the 1960s, allowing shop-owners to operate across generations and build vibrant communities around these markets. Unfortunately, no substantial inquiry or disciplinary proceeding have been initiated against any officials responsible for effectively defrauding people into occupying and thus encroaching on this land.

On 18 August 2019, the HRCP team consulted a group of activists and people affected by the ongoing anti-encroachment drive in Karachi. An important complaint was that, following the court's orders, the Sindh Kutchi Abadi Authority had halted the regularization of 80 *kachhi abadis* – accounting for over 50,000 households. Of these, the regularization process for 23 settlements had been completed by up to 50 percent or more. The team was told that the Supreme Court had passed further orders in October 2018, taking notice of footpaths, parks and public spaces across Karachi that hosted encroachments, and ordered the KMC to clear Empress Market, its adjacent areas, including Saddar, and all public parks of encroachments in three weeks' time.

No fact-finding exercise has been conducted by the authorities to assess the impact on vendors whose livelihoods depend on their access to markets that many have serviced for several generations.

Respondents say that official estimates put the number of affected persons – those identified as occupying or encroaching on illegally allotted land – at about 100,000 people. They contend, however, that over 50,000 households stand affected: if the census average household size is 6.5 persons per household, this would imply that the number of affected people lies between 300,000 to half a million. The commercial entities affected include over a dozen markets; the tally of demolished units has already crossed 5,000 in the district of South Karachi alone. Yet the proposed rehabilitation plan submitted by the KMC extends to only about 1,500 of the demolished units.

Respondents' gravest concern is that neither the Sindh government nor the KMC has finalized any resettlement plan or policy. Similarly, people affected by the Karachi Circular Railway project complain that, in November 2018, the Supreme Court directed the divisional superintendent of the Pakistan Railway and Karachi Urban Transport Corporation to develop an action plan for the removal of encroachments from the right-of-way area of the project. They allege that no such action plan has been put into effect.

Given that many *kachhi abadis* were regularized before the anti-encroachment drive, respondents said that they had relied on this occurring in their case, which would have afforded some measure of relief. Instead, most demolitions have been conducted haphazardly

and with little notice given to vendors. Respondents from the Zoological Garden Market reported having received 30 days' notice, whereas those from Lea Market had received only three days' notice. No fact-finding exercise had been conducted by the authorities to assess the impact on vendors whose livelihood depended on their access to markets that many had serviced for several generations. 'We were informed of the proposed demolition through a loudspeaker announcement two days before it happened,' said one respondent, 'leaving many of us unable to move our belongings or the contents of our shops in time.'

Health and Environmental Rights in Interior Sindh

Earlier this year, close to 1,500 farmers marched from Kharo Chan on the Indus delta coast to Thatta to protest against acute water shortages. This is not the first time that farmers and other citizens have tried to draw public attention to their situation. Yet, access to clean water, much less clean air, is rarely seen as a human right in Pakistan, and what should be a self-apparent relationship between the right to health and the right to a liveable environment needs urgent attention as the country's environmental crisis mounts.

Between 18 and 21 August 2017, the HRCP mission visited Hyderabad and Mithi to assess people's access to healthcare as well as their right to a habitable environment.

Hyderabad

Abdul Majid Chandio, an academic from Hyderabad, felt that the district of Kachho in Dadu, which consists of four tehsils, needed urgent attention in terms of access to clean water. 'People have to travel 10–12 km at a time to collect water,' he said, adding that a woman and her child had recently died for lack of water. 'The government has no presence in that area,' he pointed out. Another respondent, Ishaq, said that residents of Hyderabad and Kotri who could afford to do so, purchased water for drinking, although there were three water channels that should be developed as sources of potable water for all residents. Respondent Shaukat said: 'Even the residents of the chief minister's village do not have clean water to drink. So, what is there left to say about the situation of other places?... The government of Sindh should adopt the *changa pani* model to address the scarcity of water.'

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Many respondents were aware that the use of contaminated water for agriculture had had an adverse effect on people's health. In the words of one respondent, Faheem, 'the water of the Sindhu River that passes through Kotri Barrage is a wastewater drain – and it is our primary source of water for agriculture. The link channels are our primary source of drinking water – and a source of various forms of hepatitis infecting people from Hyderabad to Badin.'

The recent outbreaks of HIV in Larkana have triggered considerable alarm, with one respondent predicting that 'this doesn't just affect families, it will destroy cities [if it is not contained].

Mithi

The HRCP team met a group of residents of Mithi to discuss the perceived impact of the Thar Coal Project from a human rights perspective. Respondents were divided on the issue: some felt it would bring them access to better facilities – including better roads and a reliable electricity supply – and a rise in employment. However, others were apprehensive about the project's environmental impact and said that it stood to affect groundwater levels and air quality.

At a meeting with the district health manager of the People's Primary Healthcare Initiative (PPHI) on 18 August, the HRCP team was told that over 400 health facilities had been established in the province. Of 325 in Tharparkar, the PPHI was responsible for administering 49, spanning a third of the area's population. Sixteen facilities worked around the clock and assisted various initiatives such as Engro Mother Care, which provides prenatal services. Other respondents said that the PPHI-administered facilities only provided primary healthcare, to which the district health manager responded by explaining that complicated cases were referred to the taluka hospitals and the civil hospital in Mithi. The Government of Sindh also ran a nutrition support program for mothers and under-five children.

The team also raised the issue of child mortality. Most respondents were inclined to think that the number of deaths reported in the media had been exaggerated. The PPHI district health manager also explained that there was no mechanism for reporting births and neonatal and infant deaths separately. They agreed, however, that Tharparkar's overall health situation needed attention in areas such as the ratio of lady health workers, malnutrition among children, underweight births, and awareness of modern healthcare.

Underweight births remain a problem, with mothers in Tharparkar giving birth to children with birth weights as low as 0.9–1.5 kg.

It is still common for rural households to rely on traditional healers rather than using the government facilities available – this, in turn, is part of the reason for poor health indicators and child mortality. Another factor, explained respondents, was the distance to the nearest health facility: if a child fell ill, the family would first need to arrange enough cash (by selling livestock, for example) to make the journey to the health facility, by which time the child might be in critical condition and beyond saving.

Underweight births remain a problem, with mothers in Tharparkar giving birth to children with birth weights as low as 0.9–1.5 kg (2.5 kg is considered a healthy weight). However, doctors at the government-run facilities have tried to give mothers greater incentive to visit for regular pre-delivery check-ups and vaccinations by offering a pick-and-drop service at the time of delivery. Maternal nutrition tends to be poor: many rural households that own livestock are likely to sell the milk (and use what is left for guests) – mothers do not use this source of nutrition and are, therefore, often anaemic. Moreover, it is considered customary even for expecting mothers to eat after the rest of the family has eaten, leading to under-nutrition in most cases.

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Respondents said that the effectiveness of the Expanded Program on Immunization had been compromised by two factors: delays in staff salaries and the lack of vaccination carriers. In some cases, staff had not received salaries for eight months. Vaccination tends to occur depending on the availability of carriers rather than based on need. One respondent said that the lack of electricity meant that vaccinations were stored in solar-powered refrigerators. However, staff were not trained to replace batteries, rendering some vaccination units non-operational. In such cases, the local taluka hospital would have to provide vaccination services.

Allegations of corruption have led to medical procurement committees being headed by the local district and sessions judge. However, respondents said this tended to cause delays, given that the judges were often too busy to oversee the committee's procurement.

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Students' Freedom of Assembly and Association

Historically, Karachi's robust tradition of student activism has played a key role in politics at the national and provincial levels. The students' movement during the 1950s and 1960s was an important component of the pro-democracy movement against the military dictatorship of General Ayub Khan. This was followed by the emergence of the People's Student Federation, the student wing of the Pakistan People's Party (PPP), in the 1970s. Student activism remained largely progressive until the late 1970s, when under General Zia-ul-Haq's martial law regime, the Islami Jamiat-e-Talaba (IJT), a highly conservative, reactionary student association, took root on campuses across Pakistan, particularly in cities such as Karachi and Lahore.

The early 1980s also saw the rise of the All Pakistan Mohajir Student Organization (APMSO) at the University of Karachi, deepening ethnic divides. This was accompanied by increasingly systematic armed violence on campus. Inclusive student activism declined rapidly. Security concerns led to the Rangers, a paramilitary force, being deployed – supposedly temporarily – to quell clashes between different student political groups and 'restore peace'. In 1984, student unions were banned by the state. More than 30 years later, the Rangers remain deployed on campus at the University of Karachi.

Karachi University 'presents the picture of a security garrison' instead of a centre of higher learning.

A student to whom the HRCP team spoke said that the institution 'presents the picture of a security garrison' instead of a centre of higher learning. Security personnel are 'visible in nearly every nook and corner of the university' said another student, and this has led to persistent fear among students and teachers alike. Students reported that, whenever they had tried to hold meetings, security personnel would intrude and disperse the gathering. It is worth noting, however, that student groups associated with the IJT and other religious outfits, appear to enjoy a privileged position on campus: their meetings are seldom dispersed.

Cultural events, such as those organized by students from the Baloch and Hindko communities, tend to be cancelled by the administration or disrupted by students associated with conservative parties. Worryingly, students say that the faculty and administration are unable to protect them in such cases unless it is at the behest of the security personnel on campus.

Citing the case of academic Dr Zafar Hasan Arif, a politically active professor of philosophy at the University of Karachi who died in mysterious circumstances in 2018 (allegedly at the hands of security agencies), a faculty member said: 'If you treat your professors in this manner and kill them for their political views, how can you cultivate a culture of harmony and tolerance in society?'

In the absence of student associations and unions, students tend to identify with ethnic and religious groups.

A group of social sciences students complained that freedom of expression had been curbed to the extent that discussions on enforced disappearances were not tolerated. Ironically, as one student pointed out, 'You can't discuss the imposition of unofficial censorship on the media even in a mass communication class.' On being asked if they had attempted to stage protests to demand their rights to freedom of association and expression, the response was: 'If they don't allow cultural programmes and study circles, how can they allow any protests?' Students say that even a gathering of 8–10 people to stage a peaceful protest at the university is cause for harassment or arrest by the authorities. The flip side is that student associations that may be officially banned are allowed to function selectively: members of the APMSO were reportedly abducted when they refused to join Mustafa Kamal's Pak Sarzameen Party, which broke away from the Muttahida Qaumi Movement (MQM) in 2016.

In the absence of student associations and unions, students tend to identify with ethnic and religious groups. They have no legitimate representation that would allow them to negotiate their problems with the university administration. Key issues, such as fewer scholarships and the lack of transport and hostel facilities, go unresolved. Students have not been allowed to assemble to demand that the university's shuttle service be resumed, that women students be provided sports facilities or that the Rangers cease to occupy the men's hostel. At present, the university cannot offer male students accommodation because 'security' concerns dictate that the Rangers be allowed to occupy the hostel.

Women and men who happen to sit together on campus are approached by the IJT or the Rangers and ordered to sit separately.

Healthy intellectual discourse, say students, is missing from the university. One student said that a faculty member consistently tried to prove that General Pervez Musharraf was 'the best ruler Pakistan has ever had.' The dogmatism present in class is compounded by a strong conservative streak: female students say they have been prevented from playing cricket or football by the IJT, the Rangers and the university administration. Women and men who happen to sit together are approached by the IJT or the Rangers and ordered to sit separately. Yet such high-handedness on the part of the IJT goes ignored by the Rangers as well as the university administration.

On visiting the Sindh Madressatul Islam, the HRCP team found the situation similar: no study circles or cultural activities are allowed and students say that support staff are used to inform on students and teachers. The number of scholarships has been reduced. Students who raise their voice against such instances are threatened with expulsion.

Pressure on Civil Society Organizations

The HRCP team noted that there is growing pressure on civil society organizations (CSOs) in Karachi to refrain from advocacy on human rights. CSO representatives report that it is common practice for security agencies to approach organizations planning to hold a conference, seminar or workshop at a public venue: the CSO is expected to 'share' the event's agenda, although this is not something the organization is likely to have any reason to hide. If the event relates to human rights or democratic politics, it may be closely observed and the organizers dogged with questions.

Respondents say that repeated visits by security personnel to CSO offices are a hindrance to their work: many are asked to provide organizational documents again and again. Most CSOs are concerned about repeated visits by people who claim to represent 'the agencies' and ask for the organization's work plan, financial details, bank account numbers, the details of their signatories and even their employees' resumes.

CSO events related to human rights or democratic politics may be closely observed by state agency officials and the organizers dogged with questions.

Almost all respondents complained that the registration process had become more cumbersome. New CSOs are not easily registered and established CSOs are required to submit extensive documentation, which can include audit reports, work plans, employee details and even travel documents. While banks will not open accounts without evidence of a legal income source, new CSOs are often unable to provide proof of regular income.

The space available to CSOs has contracted in a literal sense too. Foreign donors have either closed their offices or are in the process of ceasing operations because they have been denied no-objection certificates (NOCs) to work in certain districts, particularly in areas bordering India and in coastal areas, where several CSOs have worked actively with marginalized fisher-folk communities.

Even projects related to health and education are now closely monitored and face undue state interference.

Some respondents also pointed out that even projects related to health and education were now closely monitored and faced undue state interference – not only from state agencies, but also from Government of Sindh officials who were wont to interfere in hiring practices, putting forward candidates of their choosing irrespective of merit. Virtually all respondents agreed that the aid and development sector, including human rights work, had contracted significantly, with adverse implications for Sindh's development indicators.

Curbs on Freedom of Expression

Karachi

On 17 August 2019, the HRCP team visited the Karachi Press Club and met representatives of the electronic and print media, who shared their concerns over what has been termed ‘undeclared’ curbs on freedom of expression. Many journalists said they felt more vulnerable now than before, especially if they attempted to report on excesses perpetrated by intelligence agencies, the police or the Rangers. The extent to which they are ‘allowed’ to cover certain news stories is limited, particularly reports on Balochistan. Several respondents said they had received threats of abduction, allegedly from state agencies, on attempting to cover such stories.

Unofficial restrictions appear to exist on Balochi and Sindhi news publications, with some media houses forced to submit dummies and unable to circulate their newspapers if they have been critical of state institutions. Journalists felt that both the ISPR and the Rangers exert undue influence over the electronic and print media in Sindh, one respondent terming it the ‘hyperactive role’ of state institutions. In one instance, a respondent said that his colleague had tried to investigate allegations that state agency personnel were extorting money from animal sellers and buyers in the name of ‘security’ – the journalist, he said, ‘was beaten black and blue’.

Unofficial restrictions appear to exist on Balochi and Sindhi news publications: some cannot circulate their newspapers if they have been critical of state institutions.

Job losses and salary cuts and delays by media house owners have cast a pall over the media industry nationally. Respondents estimate that as many as 4,000 to 5,000 workers have been dismissed by media houses in Sindh alone, with salary cuts ranging from 40 to 80 percent – many said that it had become difficult to pay their children’s school fees.

The closure of the *Daily News* and *Awam* newspapers by the Jang Group, the *Herald* by the Dawn Group, and the Waqt News channel by the Nawa-e-Waqt Group are alarming reflections of the crisis in the media industry. Some journalists feel that, over and above cuts in government advertisements to some publications, even large private companies and real estate businesses are being actively discouraged from releasing advertisements to channels and newspapers that are critical of the government and/or the state.

Hyderabad

At a meeting at the Hyderabad Press Club on 17 August 2019, journalists echoed much of what their peers in Karachi had said. Raja Anwar Chandio reiterated that, in interior Sindh, journalists faced pressure not only from law enforcement agencies, but also from *waderas* and other ‘influential’ people. ‘We take risks to highlight the people’s issues, but no one is willing to highlight ours, he added. As in Karachi, a respondent claimed that lack of support from media house owners meant that many reporters faced financial pressure – many were underpaid; some had not been paid in three months. Many Sindhi press journalists have been part of progressive movements and strong advocates of the *hari* movement, for example, as journalist Ayub Leghari pointed out, but the only outcome, he felt, was that the *thekedar* (contractor) had replaced the feudal.

Journalists Mahesh Kumar and Irshad Channa pointed out that the media needed greater awareness of human rights. ‘The scope and intensity of activism have decreased,’ they said, adding that more rigorous fact-finding exercises were needed to highlight Sindh’s problems.

Conclusion and Recommendations

Many of the key themes that emerged during this fact-finding mission prevail across Pakistan: custodial torture, violence against children, discrimination against religious minorities, curbs on freedom of expression and association, and deteriorating environmental resources. A common thread, however, is the state's absence, at best its ineffectiveness. While the concerns raised by *haris* at the camps that HRCP visited reflect those of ordinary citizens – access to justice, the right to health, education, shelter and a habitable environment – their vulnerability is compounded by their status as landless tenants subject to a formidable feudal structure and, in many cases, by their status as members of a religious minority. It is safe to say that the state – including the people for whom *haris* say they have voted – has simply not done enough to protect their fundamental rights. Similarly, the state has much to answer for in terms of its inability – or unwillingness – to curb enforced disappearances and protect people's right to due process.

The state appears to have fared somewhat better in its attempts to improve the healthcare infrastructure in Tharparkar – it is interesting that respondents felt that health indicators here were as good or as bad as in any other province, despite media reports to the contrary. While the sample of respondents to whom HRCP spoke cannot be considered representative, there is at least hope that the right to health has gained some political priority.

Based on its findings, HRCP recommends the following:

The Hari Community

- The district vigilance committees originally instituted to monitor instances of bonded labour – most of which are currently dysfunctional – must be reinvigorated in terms of human and material resources to enable them to operate effectively and regularly.
- Since these committees include members of the district administration, part of their mandate should include regular, independent assessments of *hari* camps' access to public services and infrastructure, so that the provincial government is compelled to act.
- The undue influence that local political elites wield over the *hari* community must be curbed. This is linked directly to the absence of land reforms, which the state must eventually institute if it is to make any serious progress towards reducing socioeconomic inequality.

Enforced Disappearances

- No person should be detained by any state agency unless they are charged with a recognizable offence. If thus detained, their fundamental rights – including the right to due process and freedom from cruel, inhuman or degrading treatment – must be respected and protected.
- The government must expedite the passage of legislation criminalizing enforced disappearances.
- The government should ratify and implement all international conventions related to this practice, particularly the International Convention for Protection of All Persons from Enforced Disappearance.
- All allegations of enforced disappearance should be promptly and independently investigated, preferably by a strong, independent judicial tribunal, which may prove more effective than the COIED.
- No pressure should be exerted on the families of forcibly disappeared persons. They should be allowed to protest in public, register complaints or seek legal advice from civil society members and national or international human rights organizations.

Religious Minorities

- The 5 percent government employment quota allocated to non-Muslims by order of the Supreme Court of Pakistan must be enforced.
- Jobs for non-Muslims should not be confined to janitorial and sanitation work: they should be considered eligible for all jobs at various levels or grades in accordance with their education and experience. At the same time, their access to better opportunities for education should be improved.
- The rules and regulations governing the Sindh Hindus Marriage (Amendment) Act 2018 must be passed and implemented.
- A provincial curriculum review committee should be formed to scrutinize textbooks for hate material. Any chapters related to Islam should be confined to Islamiyat textbooks alone. Other subjects, such as Urdu and the social sciences, should be free of any religious bias.

Custodial Torture

- There must be greater social debate and political discourse on the importance of eradicating and prohibiting torture under all circumstances to refute the general belief that it is an admissible and effective means of interrogation or punishment.
- Law enforcement agencies need greater support in terms of training, resources and access to modern, scientific methods of investigation to replace the prevailing culture in which the means are seen to justify the end. At the same time, there must be a system of democratic accountability for state personnel involved in torture.
- The government should ratify the Optional Protocol to the UN Convention Against Torture and establish a corresponding national preventative mechanism.

Violence Against Children

- The FIR registration process must be made easier for complainants; police should be sensitized to dealing with complaints relating to missing children.
- Post-mortem procedures, especially in cases of alleged sexual assault, must be standardized and carried out correctly to establish forensic evidence of the crime.
- Security cameras should be installed in areas where such incidents have been known to recur.
- Schools, colleges, madrassas and mosques should be used as platforms to raise awareness of child sexual abuse and to suggest measures for protecting children.

Anti-Encroachment Drive

- An immediate inquiry into the arbitrary and indiscriminate demolition of residential settlements and commercial establishments in Karachi must be sanctioned to assess the social and human rights cost of the anti-encroachment drive.
- Inquiries should be initiated against any officials responsible for defrauding people into occupying and thus encroaching on the land.
- The fundamental rights of all those affected, including their right to earn a livelihood, must be protected. Small vendors must be given alternative spaces in which to operate and compensated fairly for the time it will take to re-establish their businesses in a new location.
- All compensation and resettlement plans must involve those affected by the anti-encroachment drive, especially small vendors, small shop-owners and their employees.

Health and Environment

- The government should establish clean water schemes in areas that have little or no access to potable water, and ensure that all existing water treatment plants are functional.
- Industrial or agricultural projects that are likely to affect people's access to clean water must be preceded by environmental impact assessments that account for the right to water as a human right.
- The distance between many rural households and the nearest medical facility implies that the government should expand the number of mobile facilities and medical first-responders.
- Rural households that are inclined to rely on traditional healers must be given greater incentive to use modern medical facilities in the form of transport for follow-up visits.
- The effectiveness of the Expanded Program on Immunization should be improved by ensuring that vaccination units have sufficient carriers and a reliable power supply.
- Local political elites must not be allowed to influence the use of medical resources at the expense of ordinary citizens.

Freedom of Assembly and Association

- Students must be allowed to form associations and freely contest union elections. Any codes of conduct for regulating student unions should be prepared in close consultation with student bodies – and ideally, by the unions themselves.
- The security forces deployed on campus at universities should be removed or at least minimized to create a safer academic atmosphere that protects students' right to freedom of assembly. The men's hostel at Karachi University should be restored for use by students alone.
- University administrations and faculty should not police student discussions and must respect their right to freedom of expression and opinion.
- Cultural and sports facilities, and other extracurricular activities, are an integral part of campus life, and should be available to all students without discrimination or fear of harassment, intimidation or persecution.
- The restrictions on CSO registration and operation should be eased. Those working in advocacy, education, health, human rights, legal aid and women's empowerment should not be harassed constantly for information, or their outreach affected by cumbersome NOC requirements.
- The government should facilitate legitimate new CSOs in opening bank accounts.

Freedom of Expression

- The public's right to information must be asserted over and above the opinion of state institutions.
- Unofficial censorship must end and all undue restrictions on the electronic and print media lifted. This includes the withdrawal of advertisements, on which the media depends.
- The government should ensure that journalists can perform their duty freely and are not harassed on various pretexts when investigating stories that are deemed 'harmful' to the 'national interest'.
- Physical attacks on journalists must be investigated swiftly and thoroughly, and the perpetrators held to account.