



Human Rights  
Commission of Pakistan

# STATE OF HUMAN RIGHTS IN 2019



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of Pakistan



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## NOTE ON SOURCES

Sources, where not quoted in the text, are 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 such as UNDP, ILO, WHO, UNICEF, UNFPA, and the World Bank.

Considering the limitation of official reports, press accounts and sample surveys conducted by NGOs, the figures and assessments offered here may not always represent the full or exact picture. They should be taken as a reflection of the trend during the year.

Images have been taken from national and regional newspapers and other online sources.



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# ABBREVIATIONS

AAG	Additional Advocate General	CPNE	Council of Pakistan Newspaper Editors
ACE	Anti-Corruption Establishment	CRC	Child Registration Certificate
AF	Aurat Foundation	CrPC	Code of Criminal Procedure
AGP	Attorney General for Pakistan	CRSS	Centre for Research and Security Studies
AJK	Azad Jammu and Kashmir	CTD	Counter-Terrorism Department
ANP	Awami National Party	DAC	District Assessment Committees
APNS	All Pakistan Newspapers Society	DC	Deputy Commissioner
APSAA	All Parties Social Activist Alliance	DCS	Direct Credit System
ASI	Assistant Sub-inspector	DDWP	Departmental Development Working Party
ASP	Assistant Superintendent of Police	DEO	District Education Officer
ATA	Anti-Terrorism Act	DEPD	Department of Empowerment of Persons with Disabilities
ATC	Anti-Terrorism Court	DFI	Development Finance Institution
BAP	Balochistan Awami Party	DFID	Department for International Development
BDA	Balochistan Development Authority	DG	Director General
BECS	Basic Education Community School	DGHS	Directorate General Health Services
BHC	Balochistan High Court	DGRE	Directorate General of Religious Education
BHRO	Balochistan Human Rights Organisation	DHA	Defence Housing Authority
BINUQ	Balochistan Institute of Nephrology and Urology Quetta	DHS	Demographic and Health Survey
BISP	Benazir Income Support Programme	DIG	Deputy Inspector General
BIWRMD	Balochistan Integrated Water Resources Management and Development Project	DOC	District Oversight Committee
BLA	Balochistan Liberation Army	DPP	Plant Protection Department
BMC	Bolan Medical Complex	DRC	Dispute Resolution Council
BNPMC	Balochistan Nutrition Programme for Mother and Children	DRF	Digital Rights Foundation
BNP	Balochistan National Party	EAD	Economic Affairs Division
BRAS	Balochistan Raaji Ajoin-R-Sangar	ECL	Exit Control List
BRT	Bus Rapid Transport	ECNEC	Executive Committee of National Economic Council
CAI	Commission on Access to Information	ECP	Election Commission of Pakistan
CCHF	Crimean-Congo Haemorrhagic Fever	EMT	Emergency Medical Technician
CDA	Capital Development Authority	EOBI	Employees Old-Age Benefit Institution
CEC	Chief Election Commissioner	EOC	Emergency Operations Centre
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women	EPD	Environment Protection Department
CII	Council of Islamic Ideology	EPI	Extended Programme of Immunisation
CJ	Chief Justice	ESEF	Elementary and Secondary Education Foundation
CM	Chief Minister	FAFEN	Free and Fair Election Network
CMEC	China Machinery Engineering Corporation	FAO	Food and Agriculture Organization
CNIC	Computerised National Identity Card	FATA	Federally Administered Tribal Areas
COAS	Chief of Army Staff	FATF	Financial Action Task Force
COIED	Commission of Inquiry on Enforced Disappearances	FC	Frontier Corps
CPEC	China Pakistan Economic Corridor	FDE	Federal Directorate of Education
CPIO	Chief Public Information Officer	FEF	Frontier Education Foundation
		FEHF	Federal Employees Housing Foundation
		FIA	Federal Investigation Agency
		FIDH	International Federation for Human Rights

FIF	Falah-i-Insaniyat Foundation	LEA	Law Enforcement Agency
FIR	First Information Report	LESCO	Lahore Electric Supply Company
FOS	Federal Ombudsman Secretariat	LHC	Lahore High Court
FWO	Frontier Works Organisation	LHW	Lady Health Worker
GB	Gilgit-Baltistan	LJCP	Law and Justice Commission of Pakistan
GBLA	Gilgit-Baltistan Legislative Assembly	LoC	Line of Control
GDA	Grand Democratic Alliance	MCAC	Model Civil Appellate Court
GHA	Grand Health Alliance	MCI	Metropolitan Corporation Islamabad
GHQ	General Headquarters	MCTC	Model Criminal Trial Court
GLOF	Glacier Lake Outburst Flood Association	MERC	Medical Emergency Response Centre
GTA	Government Teachers Association	MI	Military Intelligence
HBW	Home-Based Worker	MICS	Multiple Indicators Cluster Survey
HBWWF	Home-Based Women Workers Federation	MoU	Memorandum of Understanding
HCC	Health Care Commission	MPO	Maintenance of Public Order
HDP	Hazara Democratic Party	MQM	Muttahida Qaumi Movement
HEC	Higher Education Commission	MTMC	Model Trial Magistrate Court
HRCPC	Human Rights Commission of Pakistan	MWM	Majlis Wahdat-e-Muslimeen
HRD	Human Rights Defender	MYEP	Minority Youth Exposure Programme
IB	Intelligence Bureau	NA	National Assembly
ICCP	International Covenant on Civil and Political Rights	NAB	National Accountability Bureau
IESCO	Islamabad Electric Supply Company	NACTA	National Counter Terrorism Authority
IG	Inspector General	NADRA	National Database and Registration Authority
IHK	India-Held Kashmir	NAO	National Accountability Ordinance
ILO	International Labour Organization	NAP	National Action Plan
IMF	International Monetary Fund	NCDA	National Coastal Development Authority
IMRF	Implementation of Minority Rights Forum	NCHR	National Commission of Human Rights
INGO	International Non-governmental Organisation	NCSW	National Commission on the Status of Women
IPI	International Press Institute	NFRO	Naval Families Rehabilitation Organisation
ISA	Information Service Academy	NGO	Non-governmental Organisation
ISI	Inter-Services Intelligence	NHS	National Health Services
ISPR	Inter-Services Public Relations	NJPMC	National Judicial (Policy Making) Committee
JeM	Jaish-e-Muhammad	NNS	National Nutrition Survey
Ji	Jamaat-i-Islami	NOC	No-objection Certificate
JIT	Joint Investigation Team	NP	National Party
JKNSF	Jammu Kashmir National Students Federation	OMCT	World Organisation against Torture
JPP	Justice Project Pakistan	PAC	Public Accounts Committee
JTI	Jamiat Tulaba Islam	Pak-EPA	Pakistan Environment Protection Agency
JuD	Jamaatud Dawa	PAM	Primary Amoebic Meningoencephalitis
JUI-F	Jamiat Ulema-e-Islam	PAMHI	Pakistan Association for Mental Health
KIU	Karakorum International University	PBC	Pakistan Bar Council
KMC	Karachi Metropolitan Corporation	PBM	Pakistan Bait-ul-Mal
KMC	Karachi Municipal Corporation	PBS	Pakistan Bureau of Statistics
KP	Khyber Pakhtunkhwa		
KPCSW	KP Commission on the Status of Women		
KPSRA	KP Private Schools Regulatory Authority		
KUJ	Karachi Union of Journalists		
LDA	Lahore Development Authority		

PCLS	Punjab Child Labour Survey	RTSMS	Real Time School Monitoring System
PCMLF	Pakistan Central Mines Labour Federation	SAP-PK	South Asia Partnership Pakistan
PCMR	People's Commission for Minorities' Rights	SBP	State Bank of Pakistan
PCP	Press Council of Pakistan	SC	Supreme Court
PCTB	Punjab Curriculum and Textbook Board	SCSW	Sindh Commission on the Status of Women
PDMA	Provincial Disaster Management Authority	SDMA	State Disaster Management Authority
PECA	Prevention of Electronic Crimes Act	SED	Punjab School Education Department
PEMRA	Pakistan Electronic Media Regulatory Authority	SHC	Sindh High Court
PFUJ	Pakistan Federal Union of Journalists	SHCC	Sindh Healthcare Commission
PHC	Peshawar High Court	SHO	Station House Officer
PIC	Punjab Institute of Cardiology	SIA	Supplemental Immunisation Activity
PIMH	Punjab Institute of Mental Health	SIMS	Services Institute of Medical Sciences
PIMS	Pakistan Institute of Medical Sciences	SJC	Supreme Judicial Council
PINS	Programme for Improved Nutrition in Sindh	SKAA	Sindh Katchi Abadi Authority
PIPS	Pakistan Institute of Peace Studies	SNA	Sindh Nurses' Alliance
PIT	Provincial Inspection Team	SOP	Standard Operating Procedure
PkMAP	Pakhtunkhwa Milli Awami Party	SPH	Sandeman Provincial Hospital
PLRA	Punjab Land Record Authority	SSDO	Sustainable Social Development Organisation
PMDC	Pakistan Medical and Dental Council	SSGC	Sui Southern Gas Company
PMDC	Pakistan Mineral Development Corporation	SSP	Sehat Sahulat Programme
PML-N	Pakistan Muslim League (Nawaz)	SSP	Senior Superintendent of Police
PNA	People's National Alliance	TCF	The Citizens Foundation
POC	Provincial Oversight Committees	TCV	Typhoid Conjugate Vaccine
PoR	Proof of Registration	TTP	Tehrik-e-Taliban
PPC	Pakistan Penal Code	UDHR	Universal Declaration of Human Rights
PPHI	People's Primary Healthcare Initiative	UNDP	United Nations Development Programme
PPP	Pakistan People's Party	UNESCO	United Nations Educational, Scientific and Cultural Organization
PSP	Police Service of Pakistan	UNHCR	United Nations High Commissioner for Refugees
PSPA	Punjab Social Protection Authority	UoB	University of Balochistan
PTA	Pakistan Telecommunication Authority	USF	Universal Service Fund
PTCL	Pakistan Telecommunications Company	UTP	Under-trial Prisoner
PTEF	Pak-Turk Education Foundation	VAW	Violence against Women
PTET	Pakistan Telecommunication Employees Trust	VBMP	Voice for Baloch Missing Persons
PTI	Pakistan Tehreek-i-Insaf	WAPDA	Water and Power Development Authority
PTM	Pashtun Tahafuz Movement	WEP	Women Empowerment Package
PU	Punjab University	WFP	World Food Programme
PWDs	Persons with Disabilities	WHO	World Health Organization
QWP	Qaumi Watan Party	WPC	Women Parliamentary Caucus



[Terms commonly used in discourse on rights and laws]

abadi:	settlement; habitation; also population
asnad:	certificates awarded by educational institutions, especially religious schools. [singular sanad]
amici curiae	adviser to the court
amir:	literally, leader. Frequently used to refer to leaders of Muslim groups
Assalam-o-Alaikum:	"May peace be upon you." Muslim greeting
ameen:	righteous
azaan:	the Muslim call to prayers
azad:	free
baitul mal:	originally the state treasury in an Islamic state. In Pakistan it mainly disburses zakat
baitul zikr:	house of prayers. Ahmadis have been using this term for mosque since April 28, 1984, when they were barred from using Islamic terms
baradari	brotherhood, often associated with parties and political alliances
basant:	spring kite-flying festival
begar:	forced labour
benami:	without name. Refers to a property transaction where identity of the purchaser is not revealed
bhatta:	protection money
bheel:	one of the 'lowest' 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
chador and char diwari:	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 by just a number and a letter of the alphabet
challan:	the police's prosecution brief or charge-sheet. There are two categories: the first is based on a preliminary (first information) report, and the second, which is more formalised, follows on from early investigations; also a traffic ticket
chapatti:	flat and round bread made from wheat flour
Chaudhry:	a common surname in the Punjab; in its original sense, it describes the head of a village's foremost landed family
chauni	camp
cheera:	from the word meaning 'tearing up'. It is a common method of third degree torture in which the victim's legs are spread apart to the maximum and kept in that position. The pain generally makes the accused 'confess'.

chehlum:	a Shia procession taken out forty days after Ashura.
china cutting	term used for illegal occupation and carving up of land into plots for sale
deh:	a small village [plural: dehaat]
dera:	extended residential site of an influential figure; also a farmhouse
diyat:	the financial compensation paid to the victim or heirs of a victim in cases of murder, bodily harm, or property damage
ehtisab:	accountability
Eid-ul-Fitr:	festive occasion which marks the end of the Muslim month of fasting (Ramazan)
fatwa:	religious ruling
fiqah:	Muslim jurisprudence
gaddi nashin:	custodian of a shrine
gherao:	laying a kind of siege to someone important to pressure him into acceding to your demands (literally, 'to surround')
goth	village in Sindhi language
guzara	livelihood
hadd:	Islamic punishment (plural: hudood)
hari:	Sindhi peasant, tenant or farmhand
hujra:	retiring room of an imam or any religious person; outhouse
iddat:	in Islam, the period of time during which a divorced woman or a widow cannot remarry, originally observed in order to ascertain if a child was conceived prior to divorce or widowhood (and as a mourning period in the latter instance)
iftar:	breaking of fast
ijtihad:	the process in Islamic law of making a legal decision by independent interpretation of the legal sources, the Qur'an and the Sunnah
ijtima:	congregation; gathering
imam:	prayer leader
imambargah:	Shias' place of congregation
isha:	the fifth of the five daily Islamic prayers, due about 90 minutes after nightfall
irga:	a gathering of elders, especially in tribal societies, which settles disputes, decides criminal cases, etc.
kalima:	the Muslim declaration of faith; shahadah
karo kari:	'karo' and 'kari' were originally terms for 'adulterer' and 'adulteress', but this term is now used for multiple forms of perceived immoral behaviour. It describes a traditional custom whereby a woman and a man found in, or more often suspected of, an illicit relationship are killed by family members to restore family honour.
Khasadar	paramilitary law enforcer

katchi abadi:	a settlement or shanty town where poor people live in makeshift shacks
Khan:	a term often used to refer to an influential feudal landowner in the area. Khan is also a common surname
khateeb:	person who delivers religious sermons before Friday prayers; also an orator
khidmat committees:	community service organisations, comprising government nominees, required to check failures of public institutions and officials
khula:	divorce obtained on wife's initiative. The procedure for this differs from talaq, the divorce pronounced by the husband.
kutchery:	a court of law. The khuli kutchery is the audience given by ministers or officials to resolve grievances of the public
lathi	a heavy stick used by police
Levies	paramilitary law enforcer
magrib:	the Muslim prayer due at dusk
madrassah:	a religious school [plural: madaaris]
mahram:	group of permitted escorts for a Muslim woman when travelling
Malik:	a tribal chief. Other variants are Sardar and Khan
marla:	a unit of area that is one 160th 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
moharrar:	police clerk who records complaints and crime reports
Muharram:	the Muslim month of mourning, especially for Shias
mukhtiarkar	revenue administrator
murtad:	apostate
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
nikahkhwan:	a mullah who is authorised to solemnise marriages
nikahnama:	marriage certificate
nohas:	a Shia lament
panchayat:	a gathering of elders
patharidar:	an influential landowner in Sindh who harbours criminals
pesghi:	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 or segregation of women
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
quo warranto:	a writ (order) used to challenge another's right to either public or corporate office or to challenge the legality of a corporation's charter
Ramazan:	the Muslim month of fasting
sadiq:	truthful
sangchatti:	Sindhi term for swara
shalwar	baggy trousers
shamshanghats	cremation platform
suo motu	when a court takes cognisance of a case or controversy on its own initiative and commences proceedings
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
taaleem:	education
taluka:	an administration division (also known as 'tehsil'
tazia:	replica of Imam Hussain's mausoleum displayed during Muharram processions
ulema:	persons learned in Islamic practices [singular: aalim]
ushr:	Islamic land tax
vani:	a cultural custom in parts of Pakistan, called swara in KP, where young girls are forcibly married as part of the 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 jirga, a council of tribal elders
wadera:	a big landowner; jagirdar; powerful feudal lord
watta satta:	the swap system of marital alliances in which a brother and sister of one family are married to the siblings of another.
yatree	pilgrim
Youm-e-Ashur:	the tenth day of Muharram.
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 Imam Husain's sacrifice at Karbala
ziarat:	pilgrimage
zina:	adultery; fornication. Rape is zina-bil-jabr



## INTRODUCTION

This year, for the first time, HRCP's annual report on the state of human rights in Pakistan reflects the realities of provincial autonomy and federalism as enshrined in the Constitution of Pakistan. Each federating unit and the Islamabad Capital Territory have been given their own standalone section, followed by chapters on the administered territories of Gilgit-Baltistan and Azad Jammu and Kashmir. The chapters have been ordered according to the strength of population in each province, followed by the administered territories as per their legal status. The choice of cover illustration reflects HRCP's overarching concern for the rights of children across the country.

There is much to be said, in human rights terms, for the federal government to issue centralised guidance on certain laws and policies—after all, it does have responsibility for a collective response on the country's compliance with international commitments and treaty obligations. However, the 18th Amendment to the Constitution empowers provinces to deal with issues in their own areas, of which only they are acutely aware and for which they can be held accountable. We see it as a progressive step.

A looming cause for concern at the national level is the status of the National Commission for Human Rights (NCHR) which has been dysfunctional since June 2019. Established in compliance with the provisions of the Constitution and various international instruments to which Pakistan is state party, the NCHR has played a key role in investigating human rights violations. Most recently, the NCHR had been looking into the National Accountability Bureau (NAB)'s alleged misuse of powers. And yet this same Commission has fallen victim to what has been highlighted again and again—the yawning gap between enactment of legislation and its implementation.

One thing has, however, become startlingly clear. Despite the apparent willingness of provincial governments to enact legislation that upholds the fundamental rights of citizens—and some provinces have been more prolific than others—none of them have demonstrated any understanding of how to put such legislation into practice.

The state of human rights across the country is indeed dire. The provinces need to dig deep to bridge the gap between acknowledging the existence of violations—some of them perpetrated by institutions themselves—and taking meaningful, concrete steps to eradicate them. Failing that, they will be seen as simply paying lip service to the tenets of the law and of humanity itself.

Internally, the year 2019 saw some changes at HRCP. Harris Khaliq

joined as the secretary-general after the position had remained vacant for some time. Farah Zia joined as the director later in the year. In addition to completing planned activities, we successfully updated our institutional policies and procedures, and restructured our administrative, operational and financial systems. We continue to bring about further improvements to make our work more efficient and impactful in an increasingly difficult environment.

In the end, I must acknowledge the effort put into compiling and editing this report by Maryam Hasan along with the designer Rida Fazal, and contributors including, but not limited to, Dr Mahvish Ahmad, Aziz Ali Dad, Zafarullah Khan, Dr Naazir Mahmood, Ershad Mahmud, Shabbir Mir, Shujauddin Qureshi, and Adnan Rehmat. Maheen Pracha played an important role in helping assemble this document and collecting statistical data with support from Adeel Ahmed, Maheen Rasheed and Minahil Khan. Besides her writing and editorial contribution, Farah Zia supervised the process from beginning till end, with input from members of HRCP's Policy and Planning Committee, particularly I. A. Rehman, Zohra Yusuf and Harris Khaliq.

HRCP vows to continue its struggle for the realisation of human rights for all Pakistani citizens and residents without any distinction or discrimination on grounds of gender, race, religion, sect or belief, ethnicity, area of origin, disability, sexual orientation, or socioeconomic status.

**Dr Mehdi Hasan**  
Chairperson

## A tough year for the people

With the onset of 2019, the PTI-led coalition government at the centre – formed a few months earlier in the preceding year – was firmly in the saddle. The party and its coalition partners were also ruling three out of four provinces, including the largest province, Punjab. Furthermore, from the highest echelons of power, it was asserted time and again during the year that there remained no historical civil-military cleavage in policy formulation and implementation. We were told that all who hold the fate of this country in their hands were on one page.

The edifice of a new idea of Pakistan, pushed to the electorate in 2018 by the ruling party, was built on these foundations: bringing an end to corruption in the economy and politics, and justice for all, irrespective of their political or social status. Needless to recall, the elections were marred by accusations of pre-poll manipulation through encouraging or pressurising various electable candidates from diverse political backgrounds to join the PTI. Besides, irregularity in polling was reportedly observed in some areas by the authorities administering the process on election day.

Nevertheless, there were many rational critics who understood that a nascent democracy – constrained by the colonial structure of the state – has to navigate turbulent waters in order to evolve. Therefore, people had little choice but to accept the legitimacy of the new dispensation and give it an even chance to translate its rhetoric into reality. Even the main opposition parties were cautious and thought that rejecting the results of the elections outright would be tantamount to throwing the baby out with the bathwater. They feared that their non-cooperation might bring an end to the democratic process altogether.

The incumbent government began with an edge over the last two governments since the restoration of democracy in 2008. The conditions were not only comparable but better than those inherited by Zulfikar Ali Bhutto's PPP government in 1972 and Nawaz Sharif's PML government in 1990, when they formed governments with the state establishment firmly on their side.

But as 2019 came to an end, not only did the ruling party's commitment to improving the economy and governance remain unfulfilled, there also seemed to be no clear direction for developing an economy that would benefit people at large. The rhetoric of curbing corruption and ending financial debt was turned upside down much sooner than imagined. The compromises made with favoured politicians and big businesses were huge and palpable.

The lack of understanding and therefore weak performance of the government's first economic team had them ousted unceremoniously within months. They were replaced with new people who included old faces from previous regimes and professionals approved of by the International Monetary Fund (IMF).

A desperate loan agreement with the IMF—entered into late, given the government's earlier rhetoric of discouraging borrowing because it would increase the debt burden—not only left Pakistan in a tight spot, but also meant that the IMF had decisive domination over the country's financial and monetary decision-making.

To fully comply with the conditions set forth by debt-providing international financial institutions, the government adopted a policy of austerity measures—introducing major cuts in public expenditure on development, and increasing tax rates and levying new taxes without any proper preparation in a largely undocumented economy. Consequently, growth was stifled, the currency was devalued substantially, the stock exchange plummeted, and businesses slowed down. We witnessed neither an increase in productivity and exports as a result of these policies, nor did we see any comprehensive agricultural, industrial or infrastructure plans.

Hyperinflation and unprecedented power and energy price hikes, coupled with a sharp decline in income among the middle, lower-middle and working classes, brought about extraordinary hardships for ordinary people. Poverty indicators soared and unemployment rose to new levels. The major cuts in spending on health and education hit underprivileged citizens—a large part of Pakistan's population—directly.

The inherent structural issues of Pakistan's economy and polity, which have led to widespread social and economic marginalisation—particularly of the poor and dispossessed—continued to haunt us even more in 2019.

The weakest segments of society remained invisible, unheard, neglected, and undermined when it came to the real priorities of the state. Be it children who were malnourished, subjected to hazardous labour, sexually abused, physically tortured and murdered. Or women who continued to face violence and discrimination at home, at the workplace and in public spaces. Or prisoners in the country's overpopulated jails, who have long been relegated to subhuman level.

Pakistan continued to bear a dismal human rights record in terms of complying with the constitutional guarantees to its own citizens and the international obligations to which it is a state party. There were no

significant developments during the year in the administration of justice, maintaining law and order, criminalising enforced disappearances, improving the status of women, transgender persons and sexual minorities, ending child abuse, ceasing the shabby treatment of citizens from minority faiths, or addressing the dire socioeconomic problems faced by labourers, miners, farmers, sanitation workers, media persons, nurses, teachers, and fisherfolk.

The year 2019 will be remembered for the systematic curbing of political dissent by various means, constraints to the freedom of the mainstream media, digital surveillance, and the over-regulation of social media spaces. Interviews with opposition leaders were taken off air during broadcast. The government decided to put a squeeze on independent and critical voices, particularly targeting premier newspapers such as *Dawn* and muffling voices on many television channels, including Geo News and Aaj TV. Several thousand journalists, photographers and other categories of media persons lost their jobs, and a number of newspapers and magazines ceased to publish because government advertisements were blocked and dues to media houses remained unpaid.

At the time of writing this overview, Pakistan is well into 2020 and suffering at the hands of the global Covid-19 pandemic. This health emergency only confirms what we have inferred from the experience of 2019.

The government needs to undertake critical introspection with a view to realising the social and economic rights of its citizens—be it investing in the public healthcare system or creating opportunities for decent livelihoods. Pakistan needs to eliminate poverty not only through effective and universal social safety nets in the short run, but also by developing a people-centred economy where market forces are subservient to citizens' welfare.

The government needs to reorient the economy towards increased productivity and gainful employment for all. It must reprioritise public spending in favour of health, education and fundamental municipal services. Much can be delivered through elected local governments, which must be restored and empowered immediately.

Finally, the government must appreciate the importance of civil and political rights, and respect the freedoms of expression, association and assembly for all: common citizens, political workers, professionals, labour, farmers and students. The protection of these rights is a prerequisite to creating a healthy society and sustainable polity. If we recall Pakistan's political history—however chequered—the muffling of voices eventually leads to an unmanageable dissonance in the body politic, which in turn erodes the very base of government.

We look forward to the state and the incumbent government correcting the course by demonstrating their allegiance to the federal and democratic character of the constitution, with civilian supremacy ensured through Parliament. We also demand a commitment to creating equal citizenship rights for all without prejudice.

**Harris Khaliq**  
Secretary-General

### Laws and law-making

- A total of 107 Acts were passed by Parliament and the provincial assemblies: six federal Acts and 101 provincial Acts. The Khyber Pakhtunkhwa (KP) Assembly passed 45 Acts – more than any other provincial assembly this year.
- Eleven presidential ordinances were rushed through Parliament, attracting widespread criticism from human rights observers. Mercifully, these ordinances were withdrawn by the government in November.
- The Senate Functional Committee on Human Rights unanimously passed a bill in January to amend the Child Marriage Restraint (Amendment) Act and raise the marriageable age to 18.
- In January, the Supreme Court of Pakistan held that the system of *jirgas* and *panchayats* was in violation of the country's international commitments, and that any order or decision issued by such bodies was illegal and unconstitutional.
- In April, the Zainab Alert, Recovery and Response Bill 2019 was sent to the National Assembly Standing Committee on Human Rights and presented to the house; as of December, it was still pending.

### Administration of justice

- By year end, there were close to 1.8 million cases pending in the judiciary, as against 1.9 million in 2018.
- In June, following the 2017 decision to establish model criminal trial courts to dispose of cases more swiftly, the Chief Justice of Pakistan approved the establishment of another 57 model courts at the tehsil level. However, observers have questioned their performance, especially in the context of the long-awaited reform of the criminal justice system.
- While the National Accountability Bureau (NAB) received over 51,000 complaints in 2019, with a total of 1,275 corruption references at different stages of hearing in the courts, its activities drew considerable criticism. It was seen as being selective and highhanded in dealing with cases pursued against members of the political opposition, while the National Commission for Human Rights held that NAB had violated the law by not allowing the former access to its detention centres.
- Rani Bibi, who was convicted wrongfully of murder when she was 14 and spent 19 years in prison, was acquitted by the Lahore High Court, but received no compensation for the miscarriage of justice.
- Six Counter-Terrorism Department officials implicated in the killing of a family in Sahiwal, Punjab, in a so-called police encounter, were acquitted by an anti-terrorism court in October.

## **The death penalty**

- The death penalty was awarded in at least 584 cases in 2019, while 15 people were executed, 12 of them in Punjab. As of December 2019, at least 17 people convicted of blasphemy were still on death row.
- In December, a Multan district and sessions court handed down a death sentence to academic Junaid Hafeez on charges of blasphemy. The decision dismayed human rights observers, given that Mr Hafeez has already spent six years in solitary confinement.
- According to a report submitted to the Law and Justice Commission, the Supreme Court had overturned the death penalty in 78 percent of 310 judgments between 2010 and 2018 – either acquitting the accused, commuting the sentence, or ordering a review.

## **Pakistan and international human rights mechanisms**

- In May, Pakistan submitted a delayed report to the United Nations (UN) Human Rights Committee, following the latter's concluding observations on the country's implementation of the International Covenant on Civil and Political Rights. The Committee deemed much of the report unsatisfactory, especially in the context of extrajudicial killings, enforced disappearances, and the use of the death penalty.
- Requests for country visits from UN Special Rapporteurs—on extrajudicial executions; the situation of human rights defenders; the promotion and protection of human rights while countering terrorism; freedom of religion or belief; and torture and other cruel, inhuman or degrading treatment or punishment—remain pending.
- Pakistan has ratified eight fundamental ILO conventions, but has yet to implement these effectively: the right to collective bargaining is poorly enforced and the country has yet to eliminate the worst forms of child labour, forced labour, and discrimination in employment.

## **Constitutional compliance**

- On 17 December, Pakistan witnessed the first-ever conviction of a former military ruler, General Pervez Musharraf, on the count of high treason under Article 6 of the Constitution.
- The Council of Common Interests held only one meeting instead of the four quarterly meetings envisaged under Article 154 (3).
- There was no tangible progress on the long overdue National Finance Commission Award under Article 160.
- Article 140-A has yet to be implemented effectively: although local governments completed their terms in Balochistan, KP and the cantonment boards, their tenure was cut short in Punjab and there has been a prolonged delay in holding local body elections.

## **National human rights institutions**

- The National Commission for Human Rights has been dysfunctional since May, pending the appointment of a new chairperson and six of its seven members.

- The post of chairperson of the National Commission on the Status of Women has lain vacant since 1 November 2019.

### **Law and order**

- As in previous years, there was a steady decline in conflict-related deaths, but the number of casualties of terrorist attacks and counter-terrorism operations in Pakistan is still significant at 1,444 compared to 2,333 in 2018.
- Reports of police extortion, refusal to register first information reports, and custodial torture emerged in all provinces. In a widely publicised case, Salahuddin Ayubi, died in police custody in Punjab – forensic reports suggested that he had been badly tortured.
- ‘Honour’ crimes continued unabated, with Punjab accounting for the highest proportion reported overall. Afzal Kohistani, a whistleblower in KP who had fought the legal battle for five young women killed for ‘honour’ in Kohistan in 2012, was gunned down in March.
- Investigators revealed that 629 women had been trafficked as brides to China between 2018 and early 2019.
- Child protection laws have yet to take effect in the areas of domestic labour and child marriage.
- Despite legislation, violence against the transgender community continued during the year. Local transgender community groups said that at least 65 transgender persons had been killed across KP since 2015.
- Cybercrime and online harassment across Pakistan rose exponentially. Cases of women being blackmailed with personal – and in many cases, fake – videos or photographs were reported through the year.

### **Jails and prisoners**

- Prisons in Pakistan remain appallingly overcrowded, with an occupancy rate of 133.8 percent.
- The proportion of pre-trial detainee/remand prisoners relative to the total prison population is 62.1 percent.
- Overcrowding, unhygienic conditions and poor medical facilities for prisoners remained constant concerns, increasing their vulnerability to tuberculosis, HIV/AIDS and hepatitis, among other diseases.
- In Punjab alone, an estimated 188 prisoners on death row suffer from mental illnesses.
- According to the Interior Ministry, close to 11,000 Pakistanis were in overseas jails in 2019.
- Internment centres remained operational even after the controversial KP Actions (In Aid of Civil Power) Ordinance 2019 had expired. The Supreme Court continued to hear petitions calling for these centres to be abolished, as well as government appeals against the Peshawar High Court ruling that these centres were unconstitutional.

## **Enforced disappearances**

- Pakistan has yet to criminalise enforced disappearances even after a commitment to this effect made by the incumbent government on several occasions.
- Since the inception of the Commission of Inquiry on Enforced Disappearances, KP has topped the list in the numbers of missing persons. At end December 2019, the total number of cases registered in KP stood at 2,472.
- People continued to be reported ‘missing’ during the year—either for their political or religious affiliations, or for their defence of human rights. In southern Punjab, Ahmad Mustafa Kanju, a political party worker, was abducted allegedly by state agencies in January. In KP, human rights activist Idris Khattak has been missing since November.
- The Commission of Inquiry on Enforced Disappearances falls short of being an effective agency to provide relief to the citizens, apportion responsibility and bring perpetrators to justice.

## **Democratic development**

- On 20 July, the first-ever elections were held for seats from the merged tribal districts in Khyber Pakhtunkhwa assembly, as stipulated in Article 106 (1A) of the 25th Constitutional Amendment.

## **Freedom of movement**

- The excessive and arbitrary use of the exit control list to prevent dissidents and members of the political opposition from traveling abroad continued to feature prominently in the news.
- Official restrictions on movement were imposed on people attending political and protest rallies.
- The visa-free Kartarpur Corridor connecting Gurdwara Darbar Sahib in Pakistani Punjab to Dera Baba Nanak in Indian Punjab was opened in November.

## **Freedom of assembly and association**

- Workers and supporters of social movements—including some with political affiliations—were subjected to intimidation or detention on charges of sedition and terrorism.
- Barriers to setting up trade unions, the creation of categories of workers prohibited from joining unions, limitations on and methods used to break up certain types of strikes, and the possibility of dismissal have discouraged the unionisation of labour at all levels. As a result, the space for collective bargaining for decent wages and safe working conditions remained limited.
- The Registrar of Trade Unions banned 62 labour unions in Balochistan, following a decision by the Balochistan High Court.
- After banning 18 international NGOs in 2018, the government continued to impose restrictions on NGO registration and made it more difficult to acquire NOCs. Increased harassment and investigations

made it difficult for local and international NGOs to carry out their work effectively and efficiently.

- Although some provincial assemblies announced that they would restore student unions, this longstanding issue remains pending.

### **Freedom of expression**

- Curbs on freedom of opinion and expression continued to escalate. Journalists in Balochistan and KP in particular reported that it had become even more difficult to speak or write openly – if at all – on ‘sensitive’ issues such as enforced disappearances, or to criticise state policy or security agencies in these areas.
- In October, Steve Butler of the Committee to Protect Journalists was denied entry to Pakistan to attend the Asma Jahangir Conference.
- After media organisations rejected a proposal to establish one regulatory authority across the media, the government announced that special tribunals would be set up to hear complaints against the media. Journalists’ bodies and human rights organisations condemned this as a means to gag the media further.
- Pakistan’s internet freedom ranking declined even further in 2019, attributed to a problematic cybercrime law, internet shutdowns, and cyber-attacks against political dissenters, justified on the grounds of national security.
- Strong-arm tactics employed allegedly by state agencies forced many journalists to resort to self-censorship or even resign from their posts.
- Several thousand media persons lost their jobs and a number of newspapers and magazines shut down, largely due to the financial squeeze imposed when government advertisements were withdrawn and previous dues withheld.
- Concerns over a concerted campaign against *Dawn* resurfaced when a mob besieged the newspaper’s offices in Karachi and Islamabad, chanting slogans in favour of an intelligence agency.
- The right-to-information laws have remained underused, without yielding the larger public good they were aimed at.

### **Religious minorities**

- Religious minorities remained unable to enjoy the freedom of religion or belief guaranteed to them under the constitution. For the Ahmadiyya community in Punjab, this included the desecration of several sites of worship.
- Both the Hindu and Christian communities in Sindh and Punjab continued to report cases of forced conversion. In Punjab, girls as young as 14 were forcibly converted and coerced into marriage. In Sindh, the case of two Hindu girls whose families claimed they had been kidnapped for marriage and converted forcibly, drew widespread attention when the Islamabad High Court ruled that the girls were not minors at the time of marriage and allowed them to return to their spouses.

- In January, the Supreme Court created a one-person commission to report on the implementation of the 2014 judgment on the protection of minorities' rights and promotion of a culture of religious and social tolerance.
- The 22-member parliamentary committee to protect minorities from forced conversions was finally notified in November and tasked with framing legislation against forced conversions.
- The job quota for religious minorities has yet to be implemented.
- The ordeal of Aasia Bibi, who was convicted of blasphemy in a high-profile case in 2010 and then acquitted in 2018, finally ended in January when the Supreme Court threw out a review petition against her acquittal. She left the country in May to be reunited with her family.

### **Women**

- In December, Pakistan was ranked at 151 out of 153 by the World Economic Forum on the Global Gender Gap Index.
- Despite the legislation enacted to protect and promote women's rights in recent years, violence against women has escalated.
- Women continued to face discrimination in employment, financial inclusion, political representation, and access to connectivity and education.
- In its second year, Aurat March gave women across Pakistan a public space to articulate their issues, but not without inviting undue criticism and harassment.
- Among numerous reports of sexual harassment at educational institutions and workplaces, women students at the University of Balochistan accused the administration of using CCTV cameras to film students in potentially compromising situations.
- As of June 2019, there were government-run women's shelters in all 36 districts in Punjab, as well as a violence against women centre in Multan. However, there were only five darul-amans in Sindh, five in KP, and only two in Balochistan.

### **Children**

- At least 2,846 cases of child abuse were documented, according to one estimate, although the number is likely higher. Incidents of child abuse ranged from reports of child labourers being sexually abused in mines in Balochistan to children as young as 13 being drugged and gang-raped in Sindh.
- In a case that spurred national outrage, ten-year-old Farishta was abducted and murdered in Islamabad; the police initially refused to register a case when she was reported missing by her family.
- Although the National Commission on the Rights of the Child Act was passed in 2017, the Commission has yet to be constituted.

- Despite legislation against the employment of minors, the practice persists in industries and homes; cases of abuse among child domestic workers continued to surface through the year.
- Only 4 percent of children in Pakistan receive a ‘minimally acceptable diet’, according to a UN report.
- The National Nutrition Survey reveals a high percentage of children who are stunted and suffer from wasting.

### **Labour**

- At least 160 mine-related deaths took place in 2019, even as mines continue to be operated by people who lack the financial resources and technological skills to provide for operational safety or to deal with emergencies. There is no evidence of progress in the implementation of safety and health standards in this sector.
- The implementation of labour laws is still deficient with virtually no site inspections or enforcement of fundamental health and safety measures, particularly in the case of informal labour.
- Only a small percentage of the labour force is unionised—an estimated 2 to 3 percent—and there is little pressure for the implementation of labour laws, living wages and decent working conditions.
- Although the Sindh Assembly passed the Sindh Home-Based Workers Act in 2018, progress on its implementation—as with many such laws—remained slow.

### **Education**

- According to UN estimates, Pakistan has the world’s second-highest number of out-of-school children, with an estimated 22.8 million children aged 5–16 not attending school, representing 44 percent of the total population in this age group.
- Disparities based on gender, socioeconomic status, and domicile are significant; in Sindh, 52 percent of the poorest children (58 percent girls) are out of school, and in Balochistan, 78 percent of girls are out of school.
- Budgetary allocations for education fell significantly during the year, both at the federal and provincial levels.
- Cases of corporal punishment continued to be reported across the country.

### **Health**

- The country’s spending on health is still less than 1 percent of its GDP, whereas the World Health Organization (WHO) recommends an allocation of about 6 percent.
- The unsatisfactory quality and coverage of public health services means there is high dependence on the more costly private sector, putting adequate healthcare out of reach for thousands of households.

As a result, many people are driven to consult unqualified medical practitioners, often with dire consequences.

- Depression rates have risen, according to the Pakistan Association for Mental Health. There is no evidence that Pakistan has developed a coordinated national strategy to achieve the objectives of WHO's comprehensive mental health action plan (2013–20).
- The control of communicable diseases remained cause for serious concern. Additionally, the incidence of non-communicable diseases—heart disease, stroke, diabetes, hypertension, and various cancers—has risen.
- Between April and June 2019, a total of 30,192 people in Larkana, Sindh, were screened for HIV, of which 876 were found positive; 82 percent were below the age of 15 years.
- At 135, the number of confirmed polio cases continued to rise and the main reason is said to be the refusal of parents to have their children immunised.

### **Environment**

- In September, people in more than 20 cities across the country took part in a climate march to demand that the government develop an action plan for climate change as early as possible.
- According to the World Air Quality Report for 2019, Pakistan is ranked second among the world's most polluted countries in terms of the presence of PM 2.5 in the atmosphere. In December, Lahore was among the world's ten cities with the worst air quality.
- Pakistan was ranked among the top ten countries most affected by climate change, with wide-ranging impacts on the population and economy due to extreme weather fluctuations over the last two decades.
- The lack of adequate planning, policies, and laws to protect the environment has left local communities in Gilgit-Baltistan particularly vulnerable to natural hazards, with scores of casualties reported during the year.
- Sindh witnessed acute water shortages linked to rapid urbanisation, poor water management, and climate change. In July, some 1,500 people marched from Kharo Chan to Thatta to demand that the government resolve the water crisis.

# PUNJAB



## HIGHLIGHTS

- By December, the Lahore High Court was reported to have 181,999 pending cases, while the district judiciary had 1,113,948.
- Legislation has failed to deter or reduce the abhorrent ‘honour’ killings which continue throughout the province.
- A spate of custodial deaths and reports of ‘torture cells’ exposed the futile attempts to eliminate this form of law enforcement abuse.
- Six CTD officials implicated in the shocking killing of a family in Sahiwal, in a so-called police encounter, were acquitted by an anti-terrorism court in October. The Punjab government challenged the acquittals even as the relatives of the deceased were reported to have accepted the court’s decision, despite having earlier complained of intimidation.
- The increasing militancy of a section of the legal fraternity came to a head in the violence at Lahore’s Punjab Institute of Cardiology.
- Forty-one Punjab jails are housing over 47,000 prisoners against a capacity of 32,477.
- Allegations of being ‘anti-state’ are levelled against civil society and the media, and arrests on such grounds are commonplace. No differentiation is made between legitimate expressions of opinion or factual reporting and actual incitement to hate and violence.
- The shockingly high acquittal rates in cases of gender-based violence point to poor implementation of legislation and lack of effective prosecution.
- Shocking cases of violence against children are reported on a daily basis, and child pornography is increasing. Child protection laws have yet to take effect in the areas of domestic labour and child marriage.
- Stunting, identified by the Prime Minister as one of the biggest challenges facing the country, affects almost every third child under five years of age in Punjab – most of them from 11 districts of southern Punjab.
- The implementation of labour laws is still deficient with virtually no site inspections or enforcement of fundamental health and safety measures, particularly in the case of the unregulated labour force.
- Some policies for senior citizens and people living with disabilities have been announced, but the absence of accurate and comprehensive data collection hinders the implementation of any far-reaching initiatives.
- Protests and strikes by medical staff severely affect patients and the functioning of health services.
- There was a resurgence of polio in the province and a sharp spike in HIV/AIDS cases was reported.
- In the year that the poverty alleviation plan Ehsaas was launched, spiralling inflation and rocketing food prices added to the misery of poor people.
- The lack of any regulatory framework has allowed illegal housing societies to proliferate and there is a lack of building inspections in the construction industry. Numerous deaths and injuries have resulted from the collapse of unsafe and badly constructed homes.
- The air pollution in urban areas has risen to alarming levels, particularly in Lahore, with citizens suffering multiple health issues.

## Laws and law-making

The complete consensus given in March to the bill aimed at increasing the financial perks and privileges of all Punjab assembly members, including the chief minister, ministers, speaker, and deputy speaker, proved how legislation can be expedited when it is for a common cause. The bill was as speedily withdrawn after the Prime Minister expressed his displeasure.

The legislative process is often far more cumbersome and prolonged. This would not be so contentious if it resulted in well-considered, watertight legislation that took into consideration adherence to the country's Constitution as well as international instruments and commitments.

The Legislative Drafting Manual launched for the Punjab in July 2019 will hopefully achieve more than just the improvement of style and language.

The passage of the bills is not the only issue. The accompanying Rules are often left pending for a considerable length of time, delaying implementation of the laws and giving rise to the perception that some have been passed in order to be seen, on paper at least, as fulfilling commitments at an international level.

### Laws passed in Punjab

See Appendix 2.



*The Punjab Assembly was forced to withdraw a bill increasing the salary and perks of members.*

# Administration of justice

## **Judiciary – pending cases etc.**

The challenge of clearing the backlog of cases persists in the province. As at 21 March 2019, it was reported that the Lahore High Court (LHC) had 165,202 cases pending while 23,408 had been decided.

By the end of August, according to Law and Justice Commission figures, the number of pending cases was 169,887. By December, the total stood at 181,999. The district judiciary had 1,113,948 pending cases.

Model criminal trial courts (MCTCs) were introduced in the Punjab to deal with the backlog, and given greater administrative and technological facilities, with a timeline and monitoring built in. The process of disallowing adjournments which contribute to the backlog has the potential to significantly improve the legal system.

By June, 36 model courts in the Punjab had decided 660 murder and 1,475 narcotics cases. These figures have, however, been greeted with scepticism by some who have closely observed the workings of the model courts. They claim that cases nearing decision were moved to the model courts where they could be swiftly processed, thus improving the statistics.

The provincial government's initiative of weekly open courts in districts to address public complaints and ensure immediate remedial measures has had mixed success.

The inconsistency in judgments meted out by various courts remained a feature of the system. In hearing an appeal in March 2019, the Chief Justice of Pakistan (CJP) regretted that the trial court and High Court had ignored the fact that bail could not be denied inailable cases. He noted that even the Punjab inspector general of police had recently authorised the station house officers (SHOs) to grant bail to the accused inailable cases.

Flaws in police investigations have resulted in a very high acquittal rate in the courts, particularly murder trials, a fact acknowledged by the CJP.

Analysed data shared by the Inspector General of Police (IGP) Punjab from district assessment committees (DACs) for the period 1 January to 31 July 2019 found a 31 percent conviction rate and 69 percent acquittal rate in the total number of decided cases (2,586) in Punjab.

## **Justice system reform**

Following the enactment of the Punjab Witness Protection Act 2018, the witness protection board was finally constituted in April 2019.

Intimidation, bribery or, in some cases, killing of witnesses has been a severe impediment to fair trials and perpetrators of crimes are often granted bail, exonerated or given inadequate sentences.

In March, the National Judicial Policy Making Committee (NJPMC) resolved that the courts of the sessions judges and additional sessions judge were overburdened with cases related to giving directions to the

police authorities for registration of cases, and the role of Justices of the Peace could not be termed 'executive, administrative or ministerial'.

Applications under Sections 22-A/22-B of the Code of Criminal Procedure (CrPC) would not be entertained by courts unless the plaintiff had approached the police complaints cell first. The committee also decided that a murder trial should be concluded in four days.

Lawyers observed a countrywide strike to protest these measures. While the speedy conclusion may have been an attempt to eliminate the adjournments that plague the system and delay outcomes, the widespread concern was that fair hearings would be jeopardised.

The Punjab Sentencing Act 2019 passed in December is particularly significant for the criminal justice system in Punjab as it requires courts to consider and mention aggravating and mitigating factors for the length of imprisonment awarded in criminal cases.

### **Accountability/NAB**

Considerable disquiet was expressed over the arbitrary and unfettered methods of the National Accountability Bureau (NAB) and officials were said to have become overly cautious for fear of being implicated in cases. The Punjab bureaucracy had made known its reservations over officials being named and summoned in the early stages of an investigation.

In April, the NAB chairman announced that bureaucrats would not be summoned in any case until strong evidence was available and instead a questionnaire would be sent to them during an investigation. He further rescinded the power of NAB's director generals to arrest young bureaucrats (Grade 17 and 18) and said that he would personally issue all arrest warrants for Grades 17 to 22 in regard to alleged involvement in corruption.

Counter allegations of corruption against NAB officials began to surface. Following an allegation that officials had accepted a bribe to close a case against a food official in Bahawalpur, three officers from the Multan office, including the Additional Director, were suspended in May. The NAB chairman himself came under scrutiny and his conduct was questioned after audio and video tapes were leaked. It constituted workplace harassment but the issue was brushed under the carpet.

This was followed by complaints of mistreatment of NAB prisoners. A meeting in July was informed that around 150 suspects in NAB cases and a total 46,000 prisoners were incarcerated in Punjab prisons.

### **Blasphemy**

Allegations of blasphemy can mobilise an entire village. Small wonder that it is often employed to settle scores. Instantly condemned without a trial, the accused have to be rescued by the police, if they are fortunate enough to survive a lynching, and taken into custody for their own safety.

An FIR for blasphemy was registered against a man in the Pasrur district of Sialkot on the complaint of a local cleric. Locals had subjected the suspect to extreme violence before the police arrived.

Seven people in Kasur were beaten up by locals and had to be rescued by the police when they were accused of burning pages of the Holy Quran.

A suspect was taken into custody after scores of enraged people in the Attock district—including local traders, religious leaders of different schools of thought and politicians—protested outside the police station against a tailor for allegedly making blasphemous remarks.

Khalifa Peer Nazir Ahmad, a caretaker of the Peer Seeti Shah shrine, was given the death penalty by a local court in Kamalia town of the Toba Tek Singh district after the accuser said he had heard him uttering blasphemous words as he addressed a gathering of devotees.

A man identified only as Saleem was handed down the death penalty by a Lahore sessions court in a three-year-old blasphemy case. He was accused in 2016 of making blasphemous remarks in a public place in the Lohari Gate area.

Junaid Hafeez, a lecturer in Bahauddin Zakariya University's literature department, has been held in solitary confinement in an 8x6 foot cell for six long years on charges of blasphemy.

This is yet another case that betrays how impotent justice is when faced with such a sensitive issue. Having contended with the transfer of no less than nine judges, endless delaying tactics, and difficulties in obtaining legal representation, his parents finally appealed to the CJP in November, fearing for his mental and physical health.

He was sentenced to death for blasphemy in December 2019 by a district and sessions court in Multan.



*Junaid Hafeez, a lecturer in Bahauddin Zakariya University's literature department, was sentenced to death for blasphemy in December 2019.*

## **Death penalty**

In April, the Justice Project Pakistan (JPP) stated that of the 4,688 prisoners on death row, 188 were mentally ill in Punjab alone. As of 7 December, the JPP put the total number on death row at 4,225.

Khizer Hayat passed away on 21 March 2019 in Lahore. He had spent 16 years on death row, the last six in a jail hospital. Convicted of killing a fellow policeman in 2001, he was diagnosed as schizophrenic in 2008. Two months earlier, his execution warrant had been suspended for the fourth time.

Ghulam Abbas was sentenced to death in 2006 for stabbing a neighbour. He has spent more than 13 years on death row. The CJ stayed his execution, scheduled for 18 June, pending the hearing of a new mercy petition.

Imdad Ali has been incarcerated for 17 years on death row, the last four in solitary confinement in a hospital cell. He has repeatedly been diagnosed with paranoid schizophrenia.

Kanizan Bibi was arrested in 1989 as a juvenile and sentenced to death in 2001. After spending 30 years in prison, she suffers from severe schizophrenia. In 2006, she was shifted from Lahore Central Jail (Kot Lakhpat) to the Punjab Institute of Mental Health (PIMH) where she is being treated for her mental illness.

The SC took suo motu notice of Kanizan Bibi's case in 2018 and, along with Imdad Ali, ordered her case to be heard by a five-member bench after the medical board submitted its report.

It is hoped that the hearing will set a precedent that can save the mentally ill from being executed in Pakistan.

## **Cases of significance**

Sections 311 and 305 of the Pakistan Penal Code were added to the first information report (FIR) registered against those accused of murdering social media celebrity Qandeel Baloch, effectively making the state the complainant and preventing her family from pardoning her killers.

In August, the parents of Qandeel Baloch pardoned their sons for her murder in 2016, arguing that the Anti-Honour Killing Laws (Criminal Laws Amendment) Act 2015 which barred the pardoning of killers had been passed several months after the killing. Her father had earlier nominated seven people, including his three sons, one of whom, Mohammed Waseem, had confessed without remorse and implicated others.

In September, a model court in Multan sentenced Waseem to life in prison and acquitted five people, including another brother, for want of circumstantial evidence.



## Law and order

### Crime

The statistics of crime in Punjab (see Appendix 4) always speak for themselves. The total number of crimes registered between January and October 2019 was 490,341, with no overall reduction from the 2018 data. Exactly how many of these crimes are perpetrated by the law enforcers themselves is unclear.

At the end of 2017, the Punjab police website recorded that varying degrees of punishment were awarded to a total of 92,521 members of the police force, including 2,434 dismissals.

At the end of 2018, that figure had dropped dramatically to 59,395, including 1,477 dismissals. These figures will presumably have risen substantially after events in 2019.

In January, the Punjab police announced that they had formulated a comprehensive disciplinary matrix for implementation across the province, ostensibly to restore the people's confidence in the force and to maintain accountability and discipline.

The primary aim of the initiative appeared to be a clearer definition of transgressions to prevent action being taken against officials on the basis of personal vendettas or external pressure.

### Honour killings

The legislation on so-called honour killings appears to have done nothing to deter perpetrators of this heinous practice, despite the fact that they can no longer hope to be pardoned for their crime.

Perhaps the impact has not yet filtered through, given that the verdict on Qandeel Baloch was delivered 38 months after her killing. Month upon month, year upon year, the killings in the name of honour mount up, the vast majority never reaching the notice of the public.

A 22-year-old woman in Dera Ghazi Khan was killed along with her husband, one-year-old child and her mother when up to 30 men led by her brothers and other relatives entered their house and fired indiscriminately upon them.

When a youth and a girl were killed over 'honour' in Gujrat, it was reported that at least a dozen people, including women, had been murdered in Mandi Bahauddin district in the previous two weeks and it was believed that most of the women were killed for 'honour'.

A day after Arooj Shahzad from Lahore filed an application with police fearing that her family were coming for her after she fled her husband's home and took refuge with a friend, she was allegedly killed by her son, brother and brother-in-law.

In Multan, Ajmal, along with his father Zaffar and brother Ashmal, murdered his wife Kiran and their three children, her mother, three sisters and a nephew in their home over suspicions about her character.

Ajmal's mother and sister-in-law were said to have then entered the house and handed bottles of petrol to the two brothers who proceeded to set the house on fire.

### **Police reforms**

In January, the terms of reference for the committee tasked with suggesting amendments to both the Khyber Pakhtunkhwa (KP) Police Act 2017 and the Punjab police rules were reported to have substituted the requirement for an 'operationally and politically independent police', with 'police for the government'. Under the Police Order 2002, the police were meant to be accountable to the people but with public safety commissions either non-existent or ineffective, this was never put into practice.

By September, the Prime Minister was seen to have effectively authorised the home department to take control of the police in Punjab. The public safety commission and the police complaint authority was to be abolished and a new external and internal accountability mechanism of the police established, giving a lead role to government officers, including the home department. Senior Punjab police officers strongly objected to the proposal.

The events of the year have drastically exposed the flaws in the existing system and the dire need for police accountability. Successive reshuffles have only delayed progress.

At the end of November, a new IG Punjab Police assumed charge and changed half the police command.

### **Police crime and dereliction of duty**

The lack of trust in the police is not without foundation. A lawyer approached the LHC in January challenging the powers given to the so-called elite Dolphin Force, a Lahore motorcycle police patrol formed to improve emergency response and the image of the police. They may have achieved the former, but their trigger-happy pursuits of 'criminals' and immoderate engagements with the public have done anything but instil confidence.

In 2019, Nasreen Waris Maseeh was returning home from hospital when she was killed by a stray bullet fired by a Dolphin Squad officer. The officers were also caught on CCTV torturing a shopkeeper for refusing an extortion demand, slapping and misbehaving with a youth for parking his motorcycle on the roadside, and shooting and injuring a youth in an unprovoked attack. The circumstances in which the police become liable for penalties are particularly disturbing as they reveal a deep vein of criminality running through the very institution set up to protect the public.

Reports abound of police being booked for transgressions, including aiding land mafia, illegal confinement, torturing an eight-year-old boy in illegal custody, kidnapping, unauthorised raids, taking bribes, running a gang of women to blackmail and harass the public, theft, stealing challan files, misusing their authority, and rape.

In May, the National Commission for Human Rights (NCHR) asked Rawalpindi police to submit a report on the abduction and gang rape of a young woman involving three police officials who were later remanded in custody.

Four policemen were suspended in Narowal after a video appeared on social media showing them brutally beating and humiliating a naked youth in July.

Five policemen, including a deputy superintendent of police (DSP), were arrested in Vehari in September charged with torturing Zahoor Bibi, 50, when she was accused of theft by a landlord. Thirteen police officials were suspended for their involvement.

### **Custodial torture and deaths**

Following disturbing reports of custodial torture and deaths, HRCP expressed concern that torture and ill treatment in custody had become entrenched practices that were considered at best 'acceptable' and, at worst, 'necessary'. The invariable delays in the post-mortem reports that should immediately follow any allegations of custodial death compromised the investigations.

HRCP further emphasised that respect for the inviolability of human rights had to be embedded into police training and structures – matched by the necessary resources – if the police were to serve as protectors rather than antagonists.

An accused man, Sadiq Dogar, was alleged to have been tortured to death in March while being taken to the Kanganpur police station in Kasur. The police said he died of a heart attack. Shortly afterwards, police torture cells, long known to exist, were unearthed.

Amir Masih was picked up as a street crime suspect in August and tortured in a private lock-up in Lahore. He died in September. The post-mortem report confirmed he had been subjected to extreme torture.

Again in September, Sagheer, a worker at a brick kiln at Basti Shadu Khan in the Layyah district, was alleged to have been picked up at the bidding of an influential landlord and taken to a torture cell where he was severely beaten. He was shifted to hospital when his condition became critical. Four policemen, including a sub-inspector, were suspended.

At the end of August, Salahuddin Ayubi of Gujranwala was recorded on CCTV breaking open an ATM in Faisalabad. The video went viral because of his antics inside the booth. He was caught when he again broke a machine in Rahim Yar Khan and a case was registered. He died in police custody on 31 August and hospital footage confirmed he was dead when he arrived.

The Punjab government asked for a judicial enquiry and subsequently the Senate Functional Committee on Human Rights summoned the Punjab Inspector General over the spate of custodial deaths. Salahuddin's father initially petitioned to have his body exhumed for a full post-mortem but in October he was reported to have pardoned the police officers.

Following these incidents, officers below the rank of SHO or in-charge of

a deployed duty were strictly forbidden to use cell phones while on duty or to record or upload videos of police officers performing their duties.

If any hope could be gleaned from these bleak circumstances, it is that the police authorities are said to have become more vigilant in the matters of police torture and illegal detentions, with action being taken against officials in separate incidents in Kasur, Faisalabad and Sialkot.



*Salahuddin Ayubi of Gujranwala died in police custody on 31 August.*

More specifically, it has brought home to the Punjab government the need for police reforms. Legal experts insist that existing laws address the mechanisms for dealing with extrajudicial killings and police excesses and only require some amendments for deterrents and appropriate penalties followed by full implementation and rigorous enforcement.

### **Enforced disappearances/missing persons**

The enactment of the law to criminalise enforced disappearances under the Pakistan Penal Code is long overdue. While official sources claimed that enforced disappearances are decreasing, reports still filter through and fear of retribution may prevent many people from pursuing complaints.

Rabia Bibi of Bahawalpur filed a petition alleging that her husband Ahmad Mustafa Kanju, an activist of the Seraiki National Party, had been kidnapped and arrested in the early hours of 7 January from their house. Their house was cordoned off and ransacked by dozens of security personnel, many of whom were in police and Elite Force uniforms and some in plainclothes. Her husband had been missing ever since. His abduction was followed by a vicious social media campaign – led anonymously – that went so far as to make allegations of blasphemy against him.

Summoned by the Lahore High Court, officials of the home department, Federal Investigation Agency (FIA), and counter-terrorism department all denied they had him in custody. The bench asked the home department to submit a detailed report by 7 February. HRCP expressed concern in September at his continued disappearance.

Members of the Pakhtun Council at the Punjab University (PU) staged a protest after the former chairman of the council Alamgir Khan Wazir was allegedly abducted from the university on 30 November by unidentified persons. He was later revealed to be in the custody of the police on charges of sedition for participation in the Students Solidarity March on 29 November.

### **Police encounters**

Reports of deaths during police 'encounters' in Punjab surface sporadically and the outcome of investigations, if any, are never publicised. With one exception.

The year began with a shocking incident when a family was gunned down by elite Punjab police from the Counter Terrorism Department (CTD).

In what was to become a deeply controversial issue, Khalil, a resident of Lahore, his wife Nabeela, their 13-year-old daughter, Areeba, and their neighbour, Zeeshan were killed in front of three surviving children as they travelled to a wedding in Burewala. Termed an encounter with terrorists by the police, the ensuing reports and investigations were flawed with contradictions and anomalies.

A joint civil society fact-finding team consisting of representatives of HRCP, Dastak Charitable Trust, lawyer Saroop Ijaz and South Asia Partnership Pakistan (SAP-PK) found no evidence of resistance or retaliation from the passengers of the car.

It concluded that the 'incident of extrajudicial killings is an unfortunate example of the cold-blooded murder of ordinary Pakistani citizens without any credible justification whatsoever provided by the police'.

The National Commission for Human Rights (NCHR) sent a team to investigate, the Punjab government constituted a Joint Investigation Team (JIT) as the Senate Standing Committee on the Interior called for a judicial commission.

The JIT eventually declared Khalil and his family innocent but said that Zeeshan was a member of a terrorist cell. However, it deemed the operation unprovoked and recommended action against CTD officials for destroying the crime scene and committing administrative failures.

Six CTD officials were remanded in custody as the case was transferred to Lahore. In October, an anti-terrorism court ruled that the prosecution had not proved its case and acquitted all six.

The Punjab government challenged the acquittals even as the relatives of the deceased were reported to have accepted the court's decision, despite having earlier complained of intimidation.

## **Women in the police force**

Women police officers are not themselves exempt from patriarchal attitudes.

In September, when police constable Faiza Nawaz instructed advocate Ahmed Mukhtar not to park his car in the no-parking zone at Lahore's Ferozewala court, the enraged lawyer kicked her in the shin and slapped her. He was arrested and Ms Nawaz was made to escort him to the courtroom for his hearing. His smug smile was an indication of his utter lack of remorse and, possibly, his confidence about what was to follow. He was released, owing to the 'mistake' of his name being written incorrectly in the FIR.

District Bar Ferozewala president Ahmad Sultan Cheema condemned the police for producing the lawyer in the court handcuffed and escorted by the complainant, along with a heavy contingent of the police. He called for a countrywide lawyers' protest until senior officials and Ms Nawaz were suspended.

To her credit, Ms Nawaz stood her ground. She expressed her disillusionment with the system in a video message and said she would resign from the force. She also submitted an application for security for herself and her family as they were receiving constant threats of dire consequences from the legal community.

The ensuing media attention forced the Punjab police and government into action and they claimed that Ms Nawaz's morale was high and she was not resigning.

## **Lawyers' protests**

Normally expected to be defenders of the rule of law, a section of lawyers has increasingly been instigators of law and order situations, displaying aggressive and unruly behaviour unbecoming of their profession. They have held demonstrations that descended into disorder, manhandled and physically assaulted people in courtrooms, thrashed traffic wardens and police officers, even thrown a chair at a judge.

The latter incident elicited expressions of outrage from the Faisalabad Bar Association against what they termed the 'fraudulent, unjustified, cruel and partial decision' when the perpetrator was sentenced to prison.

Provincial bar councils have ignored their legal obligation to take disciplinary action against any of their member found guilty of professional misconduct and such occurrences have become commonplace. At one point, the federal law minister asked the media to avoid negative reporting of these incidents.

When a lawyers' protest outside Lahore's Punjab Institute of Cardiology (PIC) in December turned violent, the widespread shock of the average citizen was shared by many of the legal fraternity. The scenes of mayhem and reports of patients dying as hospital staff took cover from the assault raised expectations that the rampaging lawyers would be held accountable. Scores of lawyers were arrested but the official condemnation was muted.

The government placed the onus for the protests on the opposition party, calling it a 'planned and targeted agenda'. The inevitable calls began for a strike and boycott of courts until the lawyers were released.



*Patients' lives were put at risk when protests by lawyers outside Lahore's Punjab Institute of Cardiology turned violent.*

## Jails and prisoners

### Jails

In March, the federal ombudsman expressed displeasure at the delay in implementation of jail reforms in Punjab as well as members of district oversight committees (DOCs) not being allowed to visit jails.

At the time, the Punjab home department reported that terms of reference and standard operating procedure (SOP) for the DOC members were still being finalised and prison rules were being modified for their jail visits.

Ambulances in Punjab prisons are not well-equipped and 10 percent of prisons in the province do not have any ambulances at all.

In Punjab prisons 225 male and two female convicts were suffering from HIV/AIDS. Another 290 male and eight female prisoners were mental patients.

### Overcrowding

The latest available data showed that 47,077 prisoners were incarcerated in 41 prisons in Punjab, and 29 of them were overcrowded (the authorised capacity is 32,477). Fifty-seven percent of the prisoners (26,725) were under trial.

The severe overcrowding in Faisalabad jail was highlighted in February where the prisoners numbered up to 3,500 against a capacity of 1,000-1,200. The high-security barracks, meant to accommodate 90-100 prisoners, held 400-450.

Hearing a public interest petition for the construction of new jails in Punjab, the Lahore High Court rejected a report on progress, stating it was inappropriate to accommodate juveniles with adults and hardened criminals in jails.

The court issued show cause notices to the home and other departments for defying court orders relating to the construction of a separate jail for juveniles in Faisalabad. He further observed that the failure to operationalise a high-security jail in Sahiwal and separate hardened criminals from first-time or petty offenders was putting the lives of all prisoners at risk.

### **Conditions in jails**

There were several incidents pointing to mismanagement and mistreatment of prisoners. A probe was ordered by the Punjab government against several Gujrat jail officials on charges of financial embezzlement, poor command and control, and negligence.

Two inmates of Adiala Jail in Rawalpindi died in April after being found unconscious in their cells. The jail authorities said that the cause was cardiac arrest. Faisalabad central jail officials were charged with torturing a prisoner.

Vikram Masih, facing trial for vandalism and damaging public property was allegedly tortured at the Kot Lakhpat jail. He had been granted bail four years earlier but could not provide the necessary surety bonds. Two other Christians awaiting trial for lynching had already died in jail for lack of proper medical treatment.

Inmates of the high-security jail in Sahiwal went on a hunger strike in June over what was termed the 'coercive and authoritarian' behaviour of the prison staff, the low quality of medicines, and the food.

Eleven jail wardens from the Adiala Central Jail in Rawalpindi were suspended in September for negligence and explanations were sought from the superintendent and deputy superintendent for their handling of allegations by a prisoner that he was sexually assaulted by another inmate.

The Punjab government proposes to replace the Prisons Act 1894 with The Punjab Prisons and Corrections Service Act 2019. Under the Act, an inspectorate of correctional and custodial service would be established in the province to monitor the safety, health and treatment of prisoners and would have powers to enter any premises for inspection and to obtain data and records.

At the beginning of the year, more than 300 prisoners at the Faisalabad central jail were diagnosed with Hepatitis B and C. Another 32 prisoners were suffering from HIV/AIDS.

The contagious liver disease had increased among prisoners in recent months, according to doctors. Screening also revealed that five prisoners had developed syphilis. At the time, the jail held three times its capacity of 1,200.

## **Female prisoners and juveniles**

The updated figures as at 1 December 2019 gave a total of 753 female prisoners, comprising under trial (452), convicted (278), and condemned (23). The Federal Ombudsman puts the total figure at 769 (see Appendix 4). Juvenile prisoners totalled 618, all male, 509 of whom were under trial, and 109 convicted.

A detailed report on children in prisons in Punjab compiled by the NGO Dastak's Child Rights Unit revealed some shocking violations of the law. Children were still being tried under laws that put them at risk of receiving the death penalty or life imprisonment.

Despite the law specifically barring children from labour, courts were sentencing them to rigorous imprisonment. Almost all the children interviewed for the report said that they were kept in police custody for varying amounts of time, and reported torture, abuse and ill treatment.

The law does not allow anyone under the age of 16 years to be kept in police custody. Children were also being sent to district and central jails, unsegregated from adult convicts, with no clear policy on visitation rules—leaving the children vulnerable to visits from the criminal elements with whom they might have been involved.

HRCP met the IGP in August to discuss the protection of the rights of juveniles in custody, and especially the children of prisoners. The IGP subsequently directed police officers to ensure implementation of the recommendations made by HRCP and to fully cooperate with HRCP in all matters related to the police.

## Freedom of thought, conscience and religion

Over the years, there have been horrific religiously motivated attacks on the minority communities and any efforts towards eradicating the violence, prejudices, and inequalities have been virtually imperceptible.

Throughout 2019, the minorities called for the implementation of the judgment made by a former chief justice in 2014 as representing a comprehensive statement of their demands. The directions included setting up a taskforce to develop a strategy for religious tolerance, reform of the curricula, action against hate speech in the media, a special police force to protect places of worship, and prompt registration of cases of desecration.

The decision by the Supreme Court in October to implement one of the directions is a long overdue starting point. A special bench is to be constituted to ensure compliance with the verdict on the protection of the fundamental and religious rights of minority communities. How effective and expeditious this will be at federal level remains to be seen.

In the meantime, the Punjab government has given a welcome indication that it intends to follow through on its promises to promote religious inclusion and harmony.

At the end of December 2018, the Punjab minister for the department announced the 'Minorities' Empowerment Package 2018' and a taskforce to monitor human rights policies in the province.

The empowerment package included implementation of job and education quotas, a sentence remission system, skill development training, a quota in the Naya Pakistan Housing Scheme, and religious education in government schools for children from various faiths. Scholarships for non-Muslim students had been allocated PKR25 million.

In November, following a meeting with the people's commission for minority rights, the Punjab Chief Minister gave directives for the collection of details of non-Muslim employees to ensure the protection of their rights, such as holidays on days of religious significance.

An additional PKR25 million had been allocated for scholarships to non-Muslim research and post-graduate students.

### **Faith-based discrimination**

HRCF released a field-based report *Faith-Based Discrimination in Southern Punjab: Lived Experiences*. Based on fact-finding in Khanewal, Bahawalpur and Rahim Yar Khan, the report assessed the nature and forms of discrimination against religious minority communities in southern Punjab. The districts were selected on the basis of their small, but significant, Hindu and Christian communities.

Based on its findings, HRCF made a number of recommendations, including improvement of education and opportunities for minority

communities, review of the syllabus for schools, implementation of job quotas, legislation prohibiting forced conversions, revision of the Hindu Marriage Act 2017 and the Christian Marriage and Divorce Act 2019, protection for places of worship, and respect for religious festivals and rituals. It also expressed alarm at the exploitation of minority communities based on their faith by various industries in Punjab, and urged the government to take urgent notice of the issues of access to clean drinking water for religious minority communities in various districts of southern Punjab.

A cross-party group of members of the provincial assembly (MPAs) finalised recommendations in February for the inclusion of minorities on the Punjab Curriculum and Textbook Board (PCTB), including at least one woman and one expert. The recommendations would form a proposed bill for an amendment to Section 8 of the Punjab Curriculum and Textbook Board Act 2015.

### **Ahmadis**

The Ahmadi community faces constant persecution and discrimination, in eligibility to hold government positions, in contesting elections, in their lack of freedom to publish or distribute their own literature, in their businesses, and in destruction and desecration of their places of worship.

An anti-encroachment drive ignited an incident at a 70-year-old Ahmadi worship place in Bahawalpur on 25 October. When the team arrived to enforce an order for demolition of an unauthorised structure, other elements became involved resulting in a confrontation in which parts of the building were damaged.

Two Ahmadis were charged with obstructing the operation and one member of the Muslim community charged with displaying a banner against the Ahmadi community. The Jamaat Ahmadiyya Pakistan spokesperson claimed that the building had been damaged without any prior notice and the two Ahmadis had been booked for filming the incident.

In June, four teenagers on their way home after playing cricket set on fire a watchman's cabin outside an Ahmadi worship place in Wah Cantt. They were identified from CCTV footage and arrested.

### **Christians**

In April the Lahore High Court ordered the recovery of a 14-year-old Christian girl from the illegal custody of a Muslim man, Mohammad Zafar, in Faisalabad and sent her back to her family. She confirmed that she was abducted and sold to Zafar, who forced her to convert before coercing her into marriage. A certificate from a local seminary said the girl had embraced Islam of her 'free' will and had been named Ayesha.

In September, a 15-year-old Christian girl from Hafizabad was taken to a darul aman in Sheikhpura after being recovered from a madrassah where she had been taken by her school principal. The girl said that her teacher had told her she had automatically become a Muslim because she was studying Arabic. Her parents complained directly to the

Human Rights and Minority Affairs minister who ordered the police to rescue her. The principal was also said to have offered to compensate the parents if they converted to Islam.

## **Hindus**

Cases of kidnapping and forced conversion are always accompanied by controversy over whether the girls involved converted and married of their own free will.

A group of Hindu community members took to the streets of Rahim Yar Khan in April, protesting against the forced conversions of girls. A teenage girl had allegedly been kidnapped by an influential person in March and taken to Karachi. Her father claimed that she had been forcibly converted at a seminary and given the name Noor Fatima, with a video of the ceremony uploaded on social media.

Three people in Bahawalpur were charged with abducting a 12-year-old Hindu girl, Kashmala Devi, when she went with members of her family to harvest the wheat crop in the fields of two of the suspects.

In October, the Hindu community in Sialkot celebrated Diwali (festival of light) at the 1,000-year-old Shawala Teja Singh temple, renovated after 72 years.

## **Sikhs**

The successful completion and inauguration in November of the Kartarpur Corridor for Sikh pilgrims was another step in the right direction.

The Punjab Tourist Police was established to provide security to tourists and more than 100 employees of the Punjab Tourist Police were appointed in the Narowal district for the protection of Sikh *yatrees* visiting Kartarpur.



*Jubilant Sikh yatrees at Wagah Railway Station in Lahore.*

For the first time in the history of Governor House, a Sikh officer, Pawan Singh Arora, was appointed as public relations officer to the Punjab governor in January.

After several decades, the historic Babey Di Beri Gurdwara in Sialkot was renovated and reopened in February to allow the Sikh community to perform their religious rites.

## Freedom of expression

### Press freedom

In a joint statement in December, members of the International Federation for Human Rights (FIDH) including HRCF, called upon the Prime Minister, President and the Federal Minister for Human Rights 'to uphold their constitutional obligations to protect the life and liberty of journalists and enable the latter to discharge their professional duties'.

The authorities were urged to protect the independence of the media, to safeguard the right to freedom of opinion and expression, and to hold accountable anyone inciting violence against journalists.

A minute's silence was held before a session on 'Electronic and Print Media (Freedom of Expression) in Pakistan' on the first day of the Asma Jahangir Conference in October for the denial of entry to Pakistan to Committee to Protect Journalists Asia Programme Coordinator Steve Butler.

He was sent back from Lahore, where he was due to speak at the conference, and put on a flight to Doha from where he returned to Washington DC. He had a valid journalist's visa, but was told his name was 'on a stop list of the Interior Ministry'.

### Right to information

The Punjab government decided in February to fully implement the Transparency and Right to Information Act 2013, directing all departments to immediately appoint Chief Public Information Officers (CPIOs) and reminding them that proactive disclosure of information as requested by citizens was their duty under the law.

In June, an MPA filed an adjournment motion in the Punjab Assembly to discuss the poor implementation of the RTI law but claimed it was dismissed by the speaker. Despite the legislation, public bodies are reported to be reluctant to share information.

Shortly after the attacks on the *Dawn* newspaper's offices, HRCF received information that the Lahore Defence Housing Authority (DHA), a real estate entity managed by the Pakistani army, had blocked the newspaper's distribution.

Similar curbs had been placed in several cities in May 2019, considerably disrupting the newspaper's print distribution.

The FIDH statement also urged the authorities to respect people's right to information by lifting all curbs on the distribution of newspapers such as *Dawn*.

## **Hate speech**

The cases of ‘hate speech’ that are reported in the news tend to be those that are, or are perceived to be, directed towards the state or institutions, with civil society and the media often accused of being anti-state.

Despite laws against both hate speech and incitement to violence, the authorities have neither taken action against threats and intimidation against journalists, nor condemned attacks against the media.

Senior provincial minister Abdul Aleem Khan was reported to have told a delegation of the All Pakistan Newspapers Society (APNS) Executive Body in Lahore in January that the media was an important pillar of the state and that newspapers and television channels were free to criticise the government. He invited journalists to point out the shortcomings of governance and said these would be addressed accordingly. He further assured them that the government would extend complete cooperation to solve the issues faced by the newspaper industry and to that purpose a meeting would be arranged with the Chief Minister.

That meeting was destined not to happen. The following month Aleem Khan was arrested by NAB and resigned the same day. Part of his assurance did eventually materialise by May—the Chief Minister directed the Finance Department to pay the advertisement dues to newspapers and media houses on a priority basis.

Less successful has been the promise of freedom of speech, with no apparent differentiation being made between legitimate expressions of opinion or factual reporting and actual incitement to hate and violence against religious or ethnic minorities.

Several arrests were made on allegations of objectionable speeches against the government or uploading defamatory material against state institutions.

## **Media control**

Airing of interviews or speeches by politicians had previously been blocked on TV channels on the grounds that they were either under-trial or convicted prisoners, although under which law is unclear.

Later, a similar ban was placed on speeches by the JUI-F head Maulana Fazlur Rehman, by unspecified authorities. The Pakistan Electronic Media Regulatory Authority (PEMRA) denied issuing any instructions but the ban was followed by all TV channels.

# **Freedom of movement**

## **Official restrictions**

In October, the IGP Punjab gave directions to remove the pickets across the province, apart from the inter-provincial and inter-district check posts. New standard operating procedures were issued and strict implementation was ordered. CCTV cameras would monitor vehicles and any personnel at check posts would be engaged in operational activities.

## **Protests and obstructions**

Movement in cities across the province, especially Lahore, continued to be obstructed through protests and sit-ins, with some motorists complaining that traffic police failed to control the situations and had not worked out any diversion plans.

The practice of taking to the roads to protest against killings, lack of action by the authorities, or alleged police apathy over investigations in cases continued. Eight protesters were arrested and 175 others were booked in January for blocking a Lodhran road in protest against the death of two seminary students in an accident.

The so-named nationwide Azadi March in October brought the usual disruption and chaos. Containers, sometimes loaded with goods, were impounded and placed across roads to impede the march.

## **Militancy and counter-insurgency measures**

A suicide bomber targeted a police van at the gates of Data Darbar in Lahore in May. Over a dozen people, including five police officials, died in the explosion and 25 others were injured. Responsibility was claimed by Hizbul Ahrar, an arm of the Jamatul Ahrar which has several times attacked law enforcement agencies.

A day after the facilitator of the Data Darbar attack was sentenced to death by an anti-terrorism court in November, 14 people were injured when a bomb exploded in a stationary rickshaw.

The counter-terrorism wing of the Punjab Police and the Intelligence Bureau (IB) signed a memorandum of understanding (MoU) in May to eliminate terrorists and terrorism from the province. Under the agreement, joint operation teams would be constituted to collect information about terrorist organisations and their activities.

## **Kartarpur corridor**

The visa-free Kartarpur corridor was officially inaugurated on 9 November allowing Indian Sikhs the freedom to travel on pilgrimage to the shrine of Guru Nanak Dev. Locally, however, the construction of the corridor was not without controversy. HRCP received a number of complaints from small farmers of Kartarpur whose land fell within the road map of the corridor. A fact-finding mission found that the owners of land had not been informed of the government's plans nor had the majority of people affected been told how and when they would be compensated.

# **Freedom of association**

## **Voicing demands**

The frequent reports of industrial accidents, long working hours and low wages, abysmal health and safety arrangements, dearth of inspections, absence of labour relations and social protection, all speak of a lack of unionisation. Without an organisational structure that incorporates mechanisms to protect the interests of workers, they are left vulnerable to exploitation, hardship and health risks.

Groups of workers are forced to resort to public protests to demand what is legitimately theirs – decent working conditions, safe working environments, adequate pay, and job security. Time and again, the same groups are seen demonstrating on the streets, always with the same demands. Which means that, year after year, promises to resolve their issues have not been kept.

Lady health workers have been protesting for years over the same issues: payment of salaries, service structure and security. Very specific demands were made in a determined four-day protest in front of the Punjab Assembly in 2019: a salary upgrade for workers and supervisors, social security registration, provision of pension and free healthcare, a 60-hour work week, transport, and a food and water allowance while on duty. The protest ended after the Punjab government promised a committee would look into their demands.



*Lady health workers have been protesting for years over the same issues: payment of salaries, service structure and security.*

The visually impaired are now a familiar sight; another group of people who have apparently been fobbed off with empty promises. They appeared again in front of the Punjab Assembly in October, most of them daily wage earners in government departments, demanding regularisation of their services.

### **Representation in the workplace**

Women are still the most vulnerable in the workplace. Human Rights Watch published a report in January, *No Room to Bargain*, on unfair and abusive labour practices in the garment industry of Pakistan, based on interviews in Lahore, Hafizabad and Karachi.

According to the report, it is estimated that the industry employs around 38 percent of the manufacturing labour force. But workers are caught in a vicious circle of lack of job security, 'poor government labour inspection and enforcement, and aggressive tactics against independent unions'. While these conditions apply to men and women alike, women also have to contend with physical and verbal abuse, and are terminated if pregnant or sick.

A common practice in factories is to keep workers on short-term contracts, discouraging their participation in union activities, dismissing or harassing union representatives, and encouraging only those unions that are pro-management.

### Student unions

At the beginning of November, progressive student organisations from all over the country formed a Student Action Committee to coordinate demands for the revival of student unions and action against cuts in the educational budget, harassment cases in universities, interference of security forces in educational institutions, student torture cases, lack of educational infrastructure, and the ban on freedom of expression.

Thousands of students, political and civil society activists, labour representatives, and teachers participated in a march on 29 November in Lahore.



Students, activists and supporters across Pakistan joined the Student Solidarity March.

A resolution was passed by the Senate some two years earlier, confirming that the Constitution granted the right to association, without any progress being made. The students vowed to approach the courts if student unions were not revived within three months and even hinted at a strike call and a march on Islamabad if their demands were not met.

Incidents of clashes at the Punjab University (PU) have become commonplace, instigated by Islami Jamiat Tulaba (IJT) activists who appear to have increasing influence. In March, a group of them thrashed and abused a student for accompanying a class fellow (a girl) to the cafeteria and then in November stopped the Punjabi Council from holding a rally for newcomers outside their hostel. Amid the ensuing clashes and aerial firing seven students from both sides were injured, one of them said to be critical.

The PU administration declared two students *persona non grata*, rusticated four, imposed a fine of PKR10,000 each on five and issued warnings to four others over their alleged involvement in violent activities on campus, which was refuted by the students.

### **Crackdown on NGOs**

In March, reportedly on the directive of the interior ministry, local administrations supported by police and intelligence officials sealed four offices of a non-government organisation (NGO) in Rawalpindi and Taxila under the National Action Plan (NAP) against terrorism.

The registration of 254 NGOs and other non-profitable private organisations in Bahawalpur was cancelled in July. The district administration had received information that most of the NGOs were regularly receiving aid even though they had been inactive for a long period of time.

Also in July, the Lahore deputy commissioner rescinded the registration of 7,267 inactive NGOs and non-profit organisations and societies. The cancellations came in the wake of the Financial Action Task Force (FATF) guidelines to control terror financing and money laundering.

## **Freedom of assembly**

### **Curtailment of public protests**

The average citizen can hardly be blamed for feeling irked at the inconvenience of snarl-ups and diversions occasioned by protests, marches and sit-ins. It is easy to forget how, most often, frustrations against lack of action by the authorities, or non-payment of salaries, or general injustices, drive people onto the streets. However, the crackdowns occasionally seem arbitrary and excessive in the absence of violence.

A case was registered against 60 workers of the Pakistan People's Party (PPP) in Gujrat for staging a protest demonstration and blocking a road against the arrest of their party co-chairman Asif Ali Zardari by NAB in June.

In Faisalabad in July, cases were registered against 3,000 activists of the PML-N on charges of delivering speeches against the government, staging rallies without seeking permission, using loudspeakers, and hurling threats of disrupting peace. Police said the accused had caused problems for motorists by blocking roads and the cases had been registered on the orders of the government.

Lodhran locals held a peaceful protest after the deaths of two teenagers, but blocked the road for several hours, demanding action on the incident and the reopening of U-turns on the main express highway, closed by the former Deputy Commissioner.

They ended their protest after talks with the police but eight of them were held and 175 booked for holding the demonstration. According to reports, raids were conducted to arrest the others.

### **Use and abuse of freedom**

The Azadi march called by the Jamiat Ulema-i-Islam (JUI-F) in October passed peacefully through the main cities on its way to Islamabad, without any untoward incidents or much disruption to traffic.

It was reported that police prepared a list of the participants of the march, including their vehicles, details of civil society and other political parties involved, and the party flags, as well as the names of anyone who organised a reception for participants. All station house offices were required to submit two-hourly reports about the convoys passing through their areas.

Then again, there are those who abuse their right to assemble peacefully, resulting in confrontations and violence. The lawyers' attack on the Punjab Cardiology Institute was one such example.

Tehreek-i-Labbaik Pakistan President Maulana Khadim Hussain Rizvi, its patron-in-chief Pir Afzal Qadri and others were indicted by an anti-terrorism court in November for launching violent protests following the acquittal of Aasia Bibi in a blasphemy case. They were accused of inciting people against the state, causing damage to public and private property, and spreading fear among the citizens.

The Lahore High Court decided in November that media coverage was encouraging protestors to gather on the Mall. Hearing a petition against the prolonged protest/sit-in by Punjab Land Record Authority (PLRA) employees and other protestors, the court ruled that while the 'right to peaceful protest and procession is a fundamental right of all the citizens in a democratic country ... [protestors] often forget that their right to protest ends when other person's right to free movement and right of trade/business starts.'

The court placed a ban on media coverage of all kinds of protests on the Mall, and ordered PEMRA to ensure compliance.

### **Political developments affecting citizenry**

The Punjab Local Government Act 2019 was enacted to reconstitute local governments in Punjab for the effective provision of certain public services, with councils for each tehsil having the authority and duties to divide all areas comprising the Punjab into urban and rural local areas, identifying the limits, as well as classifying and naming each local area.

It envisaged metropolitan corporations, municipal corporations, municipal committees and town committees specifically for urban areas. The Punjab districts were considered too large to be governed effectively at district level.

The Act still provides for the provincial government to retain considerable regulatory control, however, making local governments work under the direction of the provincial authorities as required in areas such as education, waste management, health, building regulations, public transport, crime and the maintenance of public order.

Under the Act, a roll of all eligible voters would be prepared, with a separate roll for voters belonging to the religious minorities in every electoral unit.

Religious minorities registered on the electoral roll would, in addition to the right to cast a vote for general seats, also have the right to cast a second vote for the election to the office of councillor or councillors reserved for religious minorities.

Anyone claiming to be Muslim and contesting an election to any office in the local government would be required to submit a declaration given in the Sixth Schedule along with their nomination papers for the election.

The Punjab Village Panchayats and Neighbourhood Councils Act 2019 was also passed, constituting village panchayats and urban neighbourhood councils to undertake civic functions such as sanitation, water supply, population welfare, public health, sewerage disposal and waste management.

A person contesting an election under this Act and claiming to be a Muslim would be required to submit a declaration on the finality of Prophethood as given in the Eighth Schedule along with their nomination papers for the election.

An alternate dispute resolution system was introduced under the Punjab Alternate Dispute Resolution Act 2019, to ensure affordable and speedy justice in matters including disputes relating to possession of immovable property, family disputes such as guardianship and custody of minor children, and cases relating to inheritance.

In November, amendments to the Punjab Local Government Act were approved by the provincial cabinet, permitting local bodies' elections to be held through political party or electoral panel and allowing religious minorities to vote for reserved as well as general seats.

Returning officers would now be able to announce the results and an election tribunal would deal with any complaints under the Election Act.

## **Participation in elections**

An analysis of the latest district-wise statistics of voters released by the Election Commission of Pakistan (ECP) in April showed that the gap between male and female voters had increased to 12.54 million. The gender gap between registered voters for the 2013 elections was 10.97 million.

Seven of the top eight districts with a high gender gap were in Punjab with Lahore and Faisalabad accounting for over one million of the difference, followed by Gujranwala, Rahim Yar Khan, Sheikhupura, Sialkot and Kasur.

Punjab also accounted for 17 of the 20 districts with the largest gender gap.

The ECP claimed in October to have registered 4.5 million new female voters, mostly from areas where societal barriers existed, such as Balochistan and Khyber Pakhtunkhwa.

The ECP said that the National Database and Registration Authority (NADRA) mobile vans offering a free national identity card service and designating Friday as the women-specific day for CNICs had helped in the process.

The ECP drew up a strategic plan based on recommendations from consultations with all stakeholders. The report had been submitted to the federal and provincial government in March but had yet to be presented to the five houses, despite a 60-day period stipulated by law.

## Women

### Legislation

The Punjab government finally passed the Punjab Domestic Workers Act 2019 recognising their rights as those who ‘provide services of a domestic nature in a household, including child care, old age care, sick care or natal/post-natal care’.

Under the Act, their terms of employment and working conditions would be regulated and they would be provided with social protection. Soon after, the Lahore High Court (LHC) directed the government to ensure enforcement.

Exactly how this law is to be enforced remains an open question, bearing in mind that domestic employment is by its very nature behind closed doors. The LHC rightly pointed out that awareness needs to be raised among the general public, but that strategy relies on the homeowners to follow the law.

The majority of domestic workers would hesitate to report transgressions for fear of losing their job, or worse. Most incidents of cruelty come to light when concerned neighbours report them to the authorities. Homes across the country employ domestic staff, mostly women – estimated at between 8 million to 11 million – and children.

Even if they are required by law to register their employees and provide corroborated information on wages and working conditions, and restrict working to eight hours a day, monitoring this particular form of labour is an insurmountable task.

Rights organisations have already pointed out the lacunae in the law itself. It is restricted to children below the age of 15, women are entitled to only six weeks’ maternity leave instead of 12 weeks, and the penalties are variable depending on the age of the child [see *Children*].

In July 2019, the Islamabad High Court set aside complaints under the Sexual Harassment at the Workplace Act against three individuals on the grounds that the cases should not have been entertained by the Ombudsperson because the “alleged acts, conduct or attitudes were not sexual in nature.” The court said that harassment had been clearly confined in the Act to “the acts, advances, requests, attitudes, conduct etc. which are of a sexual nature”.

### Violence against women

Asma Aziz from Lahore was stripped naked, beaten, her head shaved, and then she was bound with a pipe and strung up on an overhead fan. Her crime? She refused to dance for her husband of four years and his employees. She said her husband would often beat her. This particular incident proved too much to bear. She went to the police station to report the assault, and before conducting a medical examination or registering an FIR, the officers first asked her for money. Her husband and his accomplices were eventually arrested.



*Asma Aziz was brutalised by her husband when she refused to dance for him and his employees.*

Her ordeal is symptomatic of the callous and proprietary mindset that permeates the country, stemming from the patriarchal culture. All too often it erupts into extreme forms of the physical, sexual and psychological – at home, at school, at work, in public places and online.

The Punjab Protection of Women Against Violence Act 2016 includes under the term ‘violence’ abetment of an offence, domestic violence, sexual violence, psychological abuse, economic abuse, as well as stalking or cybercrime. There is broad provision for dealing with domestic violence; women can be placed in shelters and the defendant can be compelled to pay for the cost. But women bound by social norms or wary of how a complaint will be dealt with by the police are unlikely to seek a legal remedy. The Pakistan Demographic and Health Survey (DHS) (2017-18) found that 34 percent of women ever-married had experienced spousal physical, sexual, or emotional violence and 56 percent who had experienced domestic violence had not sought any help or talked to anyone about resisting or stopping the violence.

According to the Punjab Gender Parity Report 2018, the most recent available statistics, 7,678 cases of violence against women (VAW) were reported in Punjab in 2017, a five percent increase in cases registered the previous year. The highest number of cases were in Lahore (1,000), followed by Muzaffargarh (756). The courts decided 7,219 cases. Only a paltry 315 resulted in convictions, with 6,904 acquittals.

The Punjab police registered 3,881 cases of rape and 190 cases of gang rape in the province for the period January to December 2019.

In July, the IGP Punjab initiated the process of establishing special units across the province to control gender-based crimes and provide timely help to victims of rape, acid attacks and honour killing. Following the

successful pilot of a special gender crime unit in Muzaffargarh, with a woman sub-inspector, five women police officials and a gender focal person, the establishment of further units was to focus on Lahore, Gujranwala, Rawalpindi, Faisalabad, Multan, Rahim Yar Khan, Sahiwal, Sheikhpura and Gujrat. The units would also extend psychological, legal and medical aid to women anywhere in Punjab.

The IGP directed officials to complete the process of installing 'gender focal persons' for each district to compile crime reports from the police stations of their districts to be shared with the Central Police Office on a daily basis as a priority.

A recommendation was made for women to be able to lodge their complaint through five facilities—Front Desk, 8787 IGP Complaint Centre, Khidmat Markaz, 15 Help Line and the gender crime cell. It was also proposed to upgrade darul aman shelters in Lahore, Bahawalpur, Rawalpindi and Faisalabad to establish links with the units.

Lack of funding adversely affected the functioning of the first VAW centre set up in Multan. It was nevertheless deemed a successful initiative and a second centre has been opened in Lodhran in October.

In October, the new chairperson of the Women Protection Authority announced that four further VAW centres would be set up in Lahore, Faisalabad, Bahawalpur, and Rawalpindi.

## **Women and work**

The Minister for Human Rights and Religious Affairs said the Women Empowerment Package (WEP) 2019 included a comprehensive policy regarding various steps taken by the government.

The initiatives taken under the WEP include encouraging employment policies in the private sector, the inclusion of women in executive bodies as office-bearers in trade unions, technical training of workers' wives, and free-of-cost vocational training for women belonging to minority communities. The Women Development Department had received PKR800 million in the 2019-20 budget, with a specific allocation for an awareness campaign on the women empowerment package phase-III.

Women's growing participation in labour markets in Pakistan is often influenced by economic factors that compel them to earn a living, but societal perceptions of the traditional role of women have yet to keep pace. They are still burdened with domestic duties when they take a job, and a vast number have then to contend with discrimination and harassment in the workplace. The impact of the WEPs and the harassment at the workplace legislation has yet to be felt, but some isolated positives emerged.

In April, a 25 percent quota for women lawyers for the posts of oath commissioners in Punjab was approved by the Lahore High Court to encourage new entrants, and 87 daycare centres were declared functional, including crèche facilities in Workers Welfare Schools, with grants for such centres increased.

## **Cybercrime against women**

A report released by the Digital Rights Foundation (DRF) highlighted that Facebook and Whatsapp featured most in complaints about online harassment. Over a two-year period (December 2016 to November 2018), the DRF cyber harassment helpline received a total of 2,781 complaints. Women made 59 percent of the calls, while 41pc of the callers were men. Several men, however, were calling on behalf of women. Fifty-seven percent of all calls were from Punjab.

Blackmail of this kind has been continuing for some time. A Lahore anti-terrorism court in 2019 sentenced Abdul Wahab to 24 years' imprisonment. He was arrested in 2015 for blackmailing 200 lady doctors through their social media accounts.

A closed Facebook group with 600 members posting sexist content was exposed at the Lahore University of Management Sciences (LUMS) in April, proving that misogyny exists even in educated circles.

As reports begin to emerge of rape and blackmail of women, this practice may be more prevalent than is currently apparent. In Rawalpindi, a man and his wife were arrested on charges of abducting and assaulting 45 girls and making video recordings to blackmail them. They were caught when their latest victim, an MSc student, courageously filed a complaint. Police were investigating the possibility that the man, an IT expert, was selling pornographic videos since he had travelled extensively.

In October, Lahore police registered a case against a couple after a woman alleged that the man had raped her while his wife recorded videos and took photos to blackmail her and extort money. The suspects were said to have confessed to the crime. At the time, the police said investigations were continuing into whether other women had been victimised.

Hira was shot dead outside her home in Lahore in November. One of the two suspects was her brother-in-law who was found to have contacted her 12,000 times within two months. Police said she was being blackmailed over a video and was killed when she refused to pay.

## **Transgender community**

Despite the passing of several laws and policies to protect the rights of transgender people, they continue to suffer prejudice and violence with little hope of justice.

A transgender person was kidnapped, tortured and gang-raped in the Harappa area in September. Four friends were travelling to Jhang where they were booked for a festival show. The car was stopped and 'S' was dragged from the car, taken to a nearby farmhouse, beaten and raped.

Reportedly, the Harappa police were reluctant to take the case as they and the two people who reported the incident were threatened with dire consequences if they proceeded. The case was taken to the district officer and finally registered a month later. Police arrested five suspects and two of them were nominated.

Some positive initiatives for transgenders were reported. A special project was to be started on the directions of the Supreme Court for

the welfare of the transgender community with facilities such as free education and healthcare, screening, legal and psychological assistance, and shelter for transgender children.

The Punjab Literacy Department opened a literacy centre in Lodhran in February to provide basic education in English, Urdu and arithmetic and religious lessons. The Punjab Social Protection Authority had also submitted an application to PEMRA to place a ban on the ridiculing of the transgender community in TV programmes.

## Children

If the life of a child can be described in terms of poverty, hunger, servitude, physical and sexual violence, it is a damning indictment of the state of our society today. More than ever, children are innocent victims of the most appalling crimes and neglect, vulnerable to every imaginable risk.

### **Legislative developments and child protection systems**

Labour laws have not been aligned with Pakistan's international commitments. The Punjab Domestic Workers Act 2019 states that no one under the age of fifteen can be allowed to work. The Punjab Restriction on Employment of Children Act 2016 defines a child as someone who has not attained the age of fifteen years, and an adolescent as a person between fifteen and eighteen years.

Article 3 of the ILO Minimum Age Convention (C138) says that 'the minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.' The Convention of the Rights of the Child, which Pakistan has signed and ratified, gives the cut-off age for all children as 18 years.

The Punjab Domestic Workers Act 2019 is allowing adolescents to work in environments where there is no supervision. The verification of age is another issue. Most of the young girls and women employed in homes do not have CNICs, let alone birth certificates. Parents will often lie about the age of their children to get them employment, and the employer will often conveniently accept the estimated age.

The Act does not specify a complaint mechanism or rehabilitation procedures after children are removed from an abusive employment. It is also incomprehensible for the punishment for employing children of 12 to 15 years (a fine) to be lower than that for employing children under 12 (a fine or imprisonment for a term). If the employment of children up to the age of 15 is illegal, the same punishment should apply.

### **Violence against children**

Not a day goes by without at least one account of a child being abused, raped or murdered – a sobering, drip-feed reminder of the evil that lives amongst us.

Minor girls and boys have been targeted by individuals, gangs, child pornography rings, and only in a few cases have arrests been made.

Kasur was once again at the forefront of this particular crime in September when the bodies of four boys, raped and murdered, were found in the sand dunes of Chunian tehsil. Amid public outcry and protests, police eventually announced they had apprehended the culprit, Sohail Shahzad, 27, on DNA evidence. He had earlier been arrested in 2011 for the rape of a five-year-old boy and served a jail term.

Towards the end of the year, Sohail Ayaz was arrested in Rawalpindi on the complaint of a mother who said her son had been drugged and raped for four days. Ayaz confessed to having assaulted over 30 minor children.

A convicted paedophile deported from the UK and wanted by the Italian police, Ayaz managed to secure a government job in Khyber Pakhtunkhwa because no mechanism existed through which British authorities could alert Pakistan. The Human Rights Minister Shireen Mazari subsequently told the National Assembly that the government had decided to develop a sex offenders' register.

Neither legislation nor bold claims of ending child exploitation and abuse have had the expected deterring effect. When the killer of Zainab in 2018 was swiftly apprehended and as swiftly punished for his crime, it was meant to send out a message. This appears to have fallen on deaf ears.

Violence against children has continued and, it seems, accelerated. The official investigations into the Kasur child abuse scandal in 2015 resulted in a disturbing lack of response by authorities to what was clearly a major scandal. The year 2019 has shown that it was only a precursor of what was to come.

A report released by the child protection organisation Sahil in September revealed that, based on newspaper monitoring, 1,304 cases had been reported across the country between January and June 2019. This was equivalent to seven children abused per day over just six months, whereas for the year 2018 it was reported to have been ten per day. Punjab had the most cases of sexual abuse (652).

The crimes included rape, sodomy, gang rape, gang sodomy, and murder after sexual abuse. As always, these were only the cases that came to light; a vast number of crimes go unreported. No district in Punjab is free from such crimes.

The decapitated body of 10-year-old Muhammad Sher Khan was found floating in a canal in a Sahiwal district, molested and brutally tortured. It was the third case of child kidnap and murder in a month. The following month, the decomposed body of a four-year-old girl was found in a field three weeks after she went missing from her home. Her cousin confessed to killing her. Three-year-old Sufyan was kidnapped, raped and strangled in Sahiwal. His body was discovered outside an abandoned house.



*Protests erupted in Kasur after three minor boys were sexually assaulted and murdered.*

A ten-year-old boy was raped, his head smashed with a brick to conceal his identity, and then strangled to death in a town outside Lahore. His body was found in a cornfield. Again, it was said to be the third such case in around a month. Another ten-year-old boy in Lahore was raped and brutally beaten. He later died in hospital.

In the Sialkot district, a minor girl was kidnapped, raped and murdered and her body thrown into a field. The same day, an intruder raped a three-and-a half-year-old Christian girl then fled the house, threatening the family with consequences, when he was discovered.

The body of a nine-year-old girl was found in the fields in Bahawalnagar. She had been on her way to the local madrassah when she was sexually assaulted and beaten to death. The same month, a seven-year-old girl was taken from outside her home and raped in fields. She was found unconscious.

Two men were given death sentences for the rape and murder of a seven-year-old boy. They buried his body in a field.

In Jhang, a 12-year-old girl was raped and then thrown down an 80-foot deep well. She was recovered critically injured.

And these are just some of the cases of sexual abuse. Children are often innocent victims of rage, marital disputes, enmity and despair.

Sheikh Nadeem of Lahore and his second wife Ayesha regularly tortured 10-year-old Manahil over petty issues.

In Bahawalnagar, a man threw acid on his wife, mother-in-law and two children after a domestic dispute. A man in Lodhran hung his two daughters from a tree as punishment when he blamed them for losing a flash drive.

Naheed in Lahore drowned her five-year-old daughter Mehroba and four-year-old son Ehtesham in a water tank before attempting suicide. Also in Lahore, a father killed his son Daood, 9, and left Yashwaz, 6, critically injured when they reportedly refused to live with their stepmother.

### **Police measures**

In the wake of the Chunian incident, the IGP in September issued a standing order for the investigation of child abuse cases. The instructions included invoking Section 311 of the Pakistan Penal Code (PPC) in the event of an agreement between the accused and plaintiff to ensure the accused did not escape punishment.

SHOs or a senior officer will attend the scene and collect evidence and take child victims to hospital if necessary. A case should be lodged immediately. Statements of the child should be recorded at their home and DNA samples taken.

Written approval should be sought from parents for a medical examination for children below 18 years of age and the investigation should be conducted by a woman police officer if the child is female. All possible measures will be taken for the protection and security of the affected child and witnesses during the trial.

The order further states that a record of all criminals involved in paedophilia will be maintained at the relevant police station and with district police.

### **Child pornography**

There are rising incidents of children being abducted and filmed during rape, suggesting a growing industry of child pornography and blackmail. Police in Rahim Yar Khan arrested three members of a gang involved in kidnapping schoolboys, raping them after drugging them and making videos of their crime for blackmail.

After the Chunian incident, two men in Kasur working for a 'sensitive agency' were found to be part of a five-member paedophile gang that had abused and blackmailed a boy with pictures and videos for several years. The boy finally told his father. The police recovered other videos and pictures which revealed the gang had been abusing and blackmailing boys aged between 10 and 20. One agency official had escaped and the agency had taken the other into custody for internal disciplinary action. The police said they would be demanding custody of the suspects.

A man was arrested in Gujranwala on charges of raping fifteen children aged 12 to 17 and making videos of them. He was said to have used the pretext of playing video games to lure children to his home.

### **Child domestic workers**

It remains to be seen if the Punjab Domestic Workers Act 2019 will be an effective regulatory mechanism against the employment of children in homes. The implementation of laws is always problematic and in this case the task of registering and checking every household is a monumental one, let alone monitoring compliance.

In December, the province-wide Punjab Child Labour Survey (PCLS) was started in collaboration with Unicef Pakistan, and expected to be completed by April 2020. The house list was said to have been completed and data shared with all districts in advance of the field operation.

The Bureau of Statistics said the aim was to check how many children between five and 17 years of age were out of school or whether any of them faced any kind of torture at their workplaces. Ten survey teams had been constituted for Rawalpindi division, four for Attock, three for Chakwal, with two survey teams working in Jhelum.

A case was registered in February against four people, including a woman, for torturing their eight-year-old maid Areej Fatima. A video of Areej showing marks on her face, legs, eyes, neck and a broken tooth had gone viral. She was said to have been beaten regularly with sticks and iron rods during her two-year employment.

Uzma, a 16-year-old housemaid in Lahore, was severely beaten by the lady of the house for taking a mouthful of food from her plate. Bleeding internally, she was locked in a room for days until she succumbed to her injuries.

Mahrukh, her daughter Aima, and her sister-in-law Rehana conspired to throw her body into a drain where it was spotted by locals. Pictures of Uzma show her emaciated and clearly starving.

The body of eleven-year-old 'H' was found floating in a pool at her employer's residence. Ten-year-old housemaid Zain suffered critical burn injuries when boiling water was thrown over her. Neelam was thrown from the roof of her employer's house.

Fifteen-year-old Mobeena was found hanged in her employer's house. Sixteen-year old Zainab was thrashed with iron rods when she asked for her salary, then thrown unconscious outside a hospital where she later died.

### **Children's health**

The Punjab Planning and Development Board launched the Multiple Indicators Cluster Survey (MICS) 2018 in March which revealed that almost every third child under five years of age was stunted in Punjab – most of them from 11 districts of southern Punjab.

Stunting was higher in the rural population (34.3 percent) compared to 26 percent in urban population. In the same age group, some 21.2 percent children were classified as underweight and wasting accounted for 7.5 percent. Only 2.3 percent of this age group were reported to be covered under any health insurance.

Earlier, the Prime Minister had identified malnutrition and stunting to be the biggest challenges facing the country. Both of these arise out of extreme poverty and living in areas where ground and surface water is contaminated with untreated human waste.

The main causes of stunting are insufficient nutrients in the first two years of life from poor diets, together with poor hygiene and sanitation

in households. These are the very same factors that make it difficult to combat pneumonia, said by the World Health Organization (WHO) to be the biggest cause of infant mortality and 16 percent of deaths of children under five in Pakistan.

### **Child labour**

The EU Ambassador in Pakistan Androulla Kaminara told a national multi-stakeholder consultation on GSP+ in November that over 2 million children were working as child labourers. At the same meeting, Country Director, International Labour Organization (ILO) Ingrid Christensen said that the last child labour survey had been carried out in 1996 and the ILO was working with the government on this issue.

Aside from the contradictions in the provisions of laws for the protection of children, e.g. the definition of a child, the implementation of such laws for the protection of children is often at odds with decisions taken by local administrations.

In June, the LHC heard a petition challenging the closure of a project aimed at eliminating child/bonded labour in the province, filed by employees associated with the project. The 'Integrated Project on Elimination of Child & Bonded Labour' was initially planned to run for seven years until the year 2021. This was later revised and extended until 2023. At a meeting in May, the planning and development board had decided to close the project and terminated the services of the petitioners, citing budget constraints [see *Education*].

### **Child marriage**

Despite Pakistan being a signatory to international rights treaties and conventions in which a child is recognised as anyone under the age of 18, the debate around changing the marriageable age for girls from 16 years to 18 lingers on in Punjab.

According to a WHO report 'Demographics of child marriages in Pakistan', 21 percent of girls are married off before they reach the age of consent and this practice is most prevalent in rural areas.

The child registration certificate (CRC) is a document used to register minors under the age of 18 years. Under the NADRA rules, CNICs are only issued after the age of 18 and anyone under that age is registered as a child. This highlights the disparity and inconsistency in Pakistan laws when it comes to defining a child.

In Lodhran, the marriage of 12-year-old Ghulam Zahra with 37-year-old Jaffer Khan, already married with three sons, was prevented when her uncle reported it to the police. The girl was recovered and her father was among the people arrested.

Another 12-year-old girl was being married to a 45-year-old man under *vani* in Dera Ghazi Khan when police were alerted. Fifteen people were arrested, including her father and the bridegroom. The FIR stated that a local jury had ordered the marriage because the girl's brother had eloped with the bridegroom's sister.

Early marriages have been linked with the cycle of poverty and health complications, and they result in a high rate of infant mortality and raising of underdeveloped children.

## Labour

### **Demands**

Early in the year, the Pakistan Workers' Confederation and the All Pakistan Wapda Electric Power Workers Union issued a press statement urging the Prime Minister and the Chief Minister to take urgent action to amend labour laws in line with fundamental rights under the Constitution and ILO conventions, some of which Pakistan has ratified.

Their demands included controlling prices of essential everyday items, raising the minimum wage to PKR25,000 per month, increasing employment opportunities for the workforce and providing decent work and education for their children.

They also called for the withdrawal of restrictions on trade union rights in banks, NADRA and other places. Thousands of power workers also held a 'demand day' in April to reiterate their demands.

### **Policies and legislation**

A new labour policy was announced in August, introducing six new laws offering facilities and financial benefits to workers, including scholarships and marriage grants for their children. The allotment of labour colonies was restored and approval given for the construction of two more in Lahore and one in Multan.

A centralised database of workers was to be established. A unique code would be allocated to all establishments and linked with the Federal Board of Revenue, Punjab Revenue Authority, all directorates, hospitals, dispensaries, social welfare centres and other relevant departments and units for easy cross-verification of workers, their documents, contributions and dues.

In November, an opposition walkout over what they termed 'illegal legislation' cleared the way for the government to push through several bills affecting workers, including

The Employees Social Security Institutions (Amendment) Bill, the Punjab Workers Welfare Fund Bill, The Punjab Minimum Wages Bill, and the Regularisation of Service Bill. Another bill on Workers Profit Participation was sent to the standing committee for approval.

The Prime Minister had acknowledged during a briefing meeting with the Chief Minister in April that implementation of labour laws was a challenge which required special attention.

### **Safety and health**

Following the announcement of the Punjab Labour Policy at the end of 2018, the Punjab Occupational Safety and Health Act 2019 was enacted in January 2019. The stated aims of the Act are to ensure occupational safety and health and protection against risks, and to promote a safe

and healthy working environment including registration and approval and, crucially, the appointment of a chief inspector and qualified and experienced inspectors.

At the same time, a shortage of building and enforcement inspectors in the local government (LG) institutions across the province came to light. The planning branches were being run by non-professional clerical staff as, reportedly, a complete ban had been placed on the recruitment of new staff. Several cases had been registered with the Anti-Corruption Establishment (ACE) against officials in the planning branches across the province, and most of the inspector posts had become vacant. The clerical staff were unwilling to continue performing those duties in case they were accused of corruption.

In Gujrat hundreds of site plans submitted for approval were reported to have piled up. Apparently the rules state that a site plan is considered approved if it is not processed within six months of its submission.

### **Mine workers**

Two miners died in August when part of a salt mine in the Mianwali district caved in after a hill torrent. One of the miners was found two days after the incident and the body of the second miner was recovered after 13 days. The Sargodha Division Commissioner visited the mine and expressed concern over the working conditions.

He said the Punjab Mineral Development Corporation (PMDC) was responsible for ensuring implementation of safety measures for miners and ordered an inquiry into the incident. The local people held the mine contractors and the PMDC officials responsible for the tragic incident and complained about the miners' working conditions and low wages.

### **Modern slavery**

At a time when the UN Office on Drugs and Crimes reported an increase in human smuggling across the globe, with sexual exploitation accounting for 59 percent, reports began to surface of an FIA crackdown on the sex trafficking of Pakistani girls to China.

Aided by Chinese and Pakistani intermediaries, including Christian ministers, traffickers had reportedly been targeting impoverished, mostly Christian, families since 2018, paying them up to PKR3 million to allow their daughters and sisters, some of them teenagers, to marry Chinese men. At least one Muslim cleric was implicated, running a marriage bureau from his madrassah. Investigators compiled a list of 629 Pakistani girls and women sold to China as brides over a period up to early 2019. Once in China, the women are often neglected and starved, abused, sold into prostitution or the illegal organ trade. Several contacted their families, pleading to be rescued.

Scores of Chinese nationals and middlemen were picked up by the FIA. Then the biggest operation against traffickers began to stall. The Chinese government refuted the claims of trafficking. The Pakistan Foreign Office cautioned against 'sensationalising' the situation. Finally, reports emerged that the FIA was under pressure to curtail its investigations.

The Chinese nationals were either acquitted or bailed and allowed to leave the country. The media was pushed into curbing the reports on trafficking, and the news began to dry up.

In December, the international news carried a harrowing tale. Samiya David was just two months in China when her brother was contacted to receive her at the airport. Too weak to walk and her speech disjointed, she was brought out in a wheelchair, malnourished and unrecognisable from her wedding photo taken in Gujranwala. She died a few weeks later.



According to a report, 629 girls and women from across Pakistan have been sold to Chinese men.

### **Unregulated labour force**

In October, the ILO launched a Better Work Programme (BWP) in Pakistan to improve working conditions in the textile industry and ensure compliance with international labour laws. The programme will also help ensure that local textile companies provide a safe and healthy environment for their workers and allow the strengthening of labour unions and workers' organisations within the industry.

According to Human Rights Watch, most workers in Pakistan's textile industry are unregulated, without written contracts and denied social security, wages and other benefits. The gaps in the laws ostensibly introduced to protect workers, and the lapses in implementation, have led to worsening working conditions.

In November, HRCP stressed the need for measures to prevent torture and harassment-related incidents against labourers, and revealed that around 35 percent of women workers in brick kilns were victims of such abuse. Required to produce 1,000 bricks a day, the women were only paid PKR960.

The negligence of local government was highlighted in not alleviating the miserable circumstances of the 4.5 million workers in the brick kiln industry.

Scores of brick kiln workers including women and children took out a rally in Toba Tek Singh chanting slogans against Labour Welfare Department officials for favouring brick kiln owners. Their demands included payment of the official fixed labour rate and recovery of some workers kidnapped by kiln owners.

A brick kiln worker in Toba Tek Singh won a five-year battle when a court ordered his employers to pay him PKR410,592. Rehmat Ali had been transporting 7,000 bricks a day between 2013 and 2014 on his pushcart. His employer had been paying him PKR100 per 1,000 bricks instead of the officially-fixed labour rate of PKR241.

### **Home-based workers**

Despite being passed in 2015, the Punjab Home-Based Workers' (HBWs) Bill has been stagnating with the Labour Department for three years. Enactment of the law would help formalise the circumstances of the 42 percent urban and 72 percent rural home-based workers. The majority of HBWs are women.

The Chief Minister told the Prime Minister in April that the draft Punjab Home-Based Workers Act 2018 recognised those who worked at/from home as a special category of workers with an equal legal status and right to traditional market-based wages.

## **Senior citizens**

### **Policies and legislation**

The Chief Minister announced a new social protection policy in March, aimed at improving the quality of life of, among others, elderly citizens. One-window counters at e-Khidmat Centres would facilitate disenfranchised citizens, where they could avail different Punjab Social Protection Authority (PSPA) services.

A special '*Bahimmat Buzurg*' programme was announced on 31 July, World Senior Citizen Day, under which people over the age of 65 would receive an unspecified monthly allowance. The programme had been allocated PKR3 billion.

### **Retirement age**

In May, The Punjab Teachers Union had rejected a plan of the Punjab School Education Department (SED) to forcibly retire schoolteachers of 55 years and above, saying it would render around 150,000 teachers jobless.

Such a decision would potentially remove a large proportion of experienced teachers from the education sector, already experiencing a general shortage of teachers. Some considered this a cynical move to help the government materialise its plan of creating ten million jobs.

The Punjab government was also reported to be alarmed at the federal

government's proposal to increase the retirement age of public sector employees to defer pension liabilities and buy time for the economic situation to improve.

The Punjab government had reportedly said that increasing the current 60-year retirement age to 63 years would simply delay the payment of pension and dues to civil servants, and would create a huge burden in the future unless the money was invested.

### **Services for the elderly**

The National Database and Registration Authority (NADRA) launched a countrywide doorstep service to register physically challenged, seriously ill, and elderly people. NADRA employees would carry out biometric verification and deliver computerised national identity cards (CNICs) to their homes. Meanwhile, the failure of bank biometric systems to recognise fingerprints faded with age caused numerous problems for the elderly after verification became mandatory. There are contingencies for such situations, but this information did not seem to have filtered through to most banks.

## **People living with disabilities**

### **Policies and legislation**

Only 0.48 percent of the population were identified as people with disabilities (PWDs) in the 2017 census, fewer than the 1998 census and considerably less than the 15 percent identified by the World Health Organization (WHO). The census figures most likely reflect the difficulty in recording the very different forms of disability through the limited questions in the survey. More effective data collection is necessary to understand the needs of PWDs in order to formulate policies that provide them with the support they need and allow them to develop their potential.

PWDs are given special CNICs to access education, employment, social protection, etc. but this in itself is an onerous and expensive process. Punjab has yet to pass legislation on PWDs and concessions appear piecemeal, often handed out at district level, for example when Bahawalpur granted people with special needs a 50 percent concession in fares as well as free-of-cost travel on national and religious days.

While addressing a ceremony to distribute electric wheelchairs to university students under the Prime Minister's Wheelchair Scheme, the Punjab Minister for Higher Education called upon the private sector to create jobs as the government could not do so alone.

### **Health and facilities**

Under the Social Protection policy, a '*Hum Qadam*' project was also said to be giving monthly stipends to 200,000 people with disabilities. In December, the Chief Minister began the distribution of Sehat Insaf Sahulat cards to some 70,000 special persons and their families to obtain treatment of up to PKR730,000 per annum at nominated private hospitals.

The Lahore High Court made a welcome intervention while hearing a public interest petition when it told the government to conduct inspections of all multi-storey buildings to ensure that ramps, special toilets and other facilities were provided for PWDs.

Despite previous court directions, building plans and structure designs were being approved without consideration of the regulations, and no regular inspections were being conducted by the Lahore Development Authority.

### **Protests**

The visually impaired have often had to take to the roads to pursue their demands. A number of people with visual needs blocked Gujranwala-Sialkot Road in September protesting against the government for not providing them jobs and demanding that the Chief Minister intervene. When they had protested earlier in August, the deputy commissioner had promised to issue their appointment letters but no action had been taken since.

HRCP expressed support in October for the ongoing protest by visually impaired persons in Lahore over regularisation of their services. Terming the situation unacceptable, HRCP urged the Punjab government to support the right of persons living with disabilities to earn, at the very least, a living wage – especially when they were more likely than others to be affected by spiralling inflation.

The protestors had claimed in April that the government had promised to make their employment permanent and the pledge had not been honoured. The protests continued on into November.

## Education

The Chief Minister launched the ambitious five-year education policy 'New Deal 2018-23' in February to address the issues of improving, learning, access, retention, equity and governance.

### Literacy

According to the Economic Survey of Pakistan report released in June, the Punjab literacy rate had increased from 61.9 to 64.7 percent.

In November, the government announced the establishment of 19 adult literacy centres in different parts of Rawalpindi under the Punjab Literacy Programme. As many as 11 literacy centres were set up for prisoners in Adiala jail, two for the transgender community, one for the Hindu community in a temple in Lalkurti, and five for the Christian community.

The World Bank has agreed to provide USD2.73 million for a pilot project of non-formal education that combines literacy and labour and market skills for illiterate children and youth in selected districts of Punjab.

The two core services will be: accelerated learning programmes for out-of-school children of primary and secondary school age, and integrated literacy and skills programme for illiterate adolescents and young adults.

### Enrolment and retention

Punjab is estimated to have 4.8 million out-of-school children. Of the PKR383 billion allocated to education in the 2019-20 budget, PKR5 billion was set aside for the Punjab Education Initiative Management Authority to achieve the target of 697,054 new student enrolments by the end of June 2020. The Insaaf School Programme was given PKR1.5 billion to organise evening classes for 50,000 out-of-school children.

The necessity for accelerated measures is clear—the United Nations Educational, Scientific and Cultural Organization (UNESCO) estimates that one in four Pakistani children will not be completing primary school by the SDG deadline of 2030 and 50 percent of youths still not completing upper secondary education at the current rates.

As an example of how policies in one area of government can have repercussions on another, the planning and development board decided to close the 'Integrated Project for Elimination of Child Labour' [see *Labour*], aimed at bringing 344,000 labour children ages five to 15 years into primary education.

Up to 1,200 schools were selected from Punjab Education Foundation partners, School Education Department, and Non-Formal Schools of the Literacy Department, as well as some private schools, and 80,000 children were enrolled in 2016-17.

The partner schools were told they would not be given the tuition fees (PKR550 per child per month) from January. It is unclear whether these children have been mainstreamed into public schools.

## **Infrastructure**

The government's plans for out-of-school children include 100 new primary schools in rented buildings where there were no other schools in the vicinity. The sites were said to have been identified in December.

Initially mobile schools would be set up in ten buses for children working in populated and business areas, although the idea of targeting 'working' children seems at odds with the laws against the employment of children. The Punjab government had already claimed in January that more than 17,000 children had been enrolled in 350 new schools during its first 100 days.

At the end of the year the Punjab School Education Department (SED) was also said to have identified 110 established schools in 11 districts to transform into model schools with fully-equipped classrooms, auditoriums and grounds.

The Department for International Development (DFID) had provided Pounds sterling 35 million for the short-term programme with a timeline of 10 months. With a starting date of June 2019, only three months remained to complete the project before the funding lapsed in March 2020.

Among the challenges of the New Deal policy is to construct 5,000 classrooms against a total target of 20,000.

## **Quality teaching and learning**

The creation of new schools requires finding more teachers and competent administrators. The existing pool of capable, trained teachers is limited. The education department was said to be adopting a 'rationalisation policy' and transferring existing teachers to the new schools, while recruiting new teachers, preferably local educated youth, on a contract basis.

Presumably, the 'existing' teachers will need to be transferred to areas where teachers are difficult to find, such as the Government Primary School in Dodhaywali, seven kilometres from Narowal city, which has been closed for six years because of the non-availability of teachers, its purpose-built building reduced to a cattle pen.

The students transferred to Narowal might not fare any better. Thousands of textbooks, provided free by the government, were discovered piled high in a government school there. The books had never been issued to students. Parents said this was not the first time it had happened.

Towards the end of the year, the Punjab School Education Department (SED) ended the previous government's system, long contested by teacher unions, of punishing schoolteachers for poor cleanliness, low attendance of students, less enrolment and other administrative issues.

Under a new School Improvement Framework, senior administration would be answerable to the department and penalised against 'fair and realistic' indicators. The Punjab Minister for School Education said the department would 'steer away from excessive monitoring and focus on school improvement', emphasising incentives rather than fines.

## Curriculum

A uniform curriculum, for primary schools in the first instance, has been promised by March 2020, with the inclusion of an element of religious teachings. This might be viewed as a means to achieve equity and eliminate disparities, but it may have the opposite effect bearing in mind that children in schools come from very different socio-economic and educational backgrounds and have different capabilities.

The lack of information on the content of the curriculum raises questions as to how the uniformity will be incorporated, and whether it will be at the loss of regional cultures and traditions. There is also the question of how the government is going to effectively achieve so many different reforms within such a short time span and at such a high cost, when the most imperative need is to get children into school and provide them with quality teaching and quality learning.

The government seems to be trying to tick all the boxes at the same time without prioritising.

## Medium of instruction

Yet another reform being rushed through by March 2020 is the move to Urdu as the medium of instruction in public primary schools. It is hard to disagree with this policy.

Most teachers, even in private schools, are not sufficiently proficient in English to teach any subject in that language, and children are more likely to become literate in a language they and the teachers are comfortable with.



*Punjab primary schools will be moving towards Urdu as the medium of instruction.*

A study by Wilson Centre global fellow Nadia Naviwala, 'Pakistan's Education Crisis: The Real Story', quoted a British Council study that

found over 60 percent of teachers in Punjab lacked basic knowledge of English while most of the rest (30 percent) were at beginners' level. But some parents might still need persuasion as they tend to believe that their children receive a better education in English medium schools.

What is not clear is whether sufficient time has been given to ensuring the curriculum and textbooks will be revised and prepared in time.

### **Bias in education**

HRCF and the Institute of Development Research and Corresponding Capabilities collaborated on a report that reflected the deeply ingrained intolerance in the classroom where non-Muslims are seen as 'enemies of Islam by Muslim students and teachers'.

Some 60 percent of the non-Muslim students interviewed had experienced discrimination or felt they were being discriminated against and disrespected; 70 percent of non-Muslim teachers had been discriminated against on the basis of their faith, and parents had experienced a similar faith-based bias. The figures were expected to be much higher as most people were reluctant to complain.

The Lahore High Court issued a notice in January to the Punjab Curriculum and Textbook Board (PCTB) chairman, questioning the failure to include a chapter on fundamental rights in the textbooks for primary and secondary schools, despite a 2015 order.

In June, the PCTB told the Lahore High Court that chapter 1 of Pakistan's Constitution of 1973 – which deals with fundamental rights, the Islamic concept of human rights, and the Universal Declaration of Human Rights – had been incorporated in the newly printed textbooks of Pakistan Studies for grades IX to XII. It pointed out that the syllabus of higher studies did not fall within the jurisdiction of PCTB.

Whether any work has been done to review the textbooks and remove any bias or messages of hatred and conservatism is unclear.

### **Private schools debacle**

The tussle between the government and private schools on the matter of fees carried on throughout the year, with the registration of some schools being withdrawn over non-compliance with the court order. A law for a regulatory authority to deal with private school issues was being drafted.

Meanwhile, the private school administrations were said to be withdrawing facilities and downsizing the number of teachers, administrative and security staff.

### **Higher education**

Whether part of the austerity measures, or the result of the diversion of funds towards other initiatives, the cuts in the higher education budget drew widespread criticism and protests.

The cuts were said to have caused programmes to be suspended and many important initiatives cancelled, as well as reducing students' access to research and knowledge and affecting teachers' salaries.

# Health

## **Policies and initiatives**

In February, the Punjab Health Minister had said that distribution of health insurance cards was starting in 36 districts of the province to be completed by the end of the year. The cards would enable medical treatment for eight diseases up to a limit of PKR720,000 from public and private hospitals, including cardiology and neurology.

It was further announced that the Prime Minister's Health Initiative was being launched at a cost of PKR8 billion and health centres in Attock, Mianwali, Jhang, DG Khan, Chiniot, Lodhran, Kasur and Rajanpur would be upgraded in the first phase.

Medical services would then be provided round the clock and 100 percent availability of medicines would be ensured in hospitals.

## **Budget and funding**

In June, the Punjab government reduced the health budget by PKR 5 billion in 2019 compared to the previous fiscal year, allocating PKR 144.9 billion for the specialised healthcare and medical education department and PKR 133.9 billion for the primary and secondary healthcare department.

The government in August then placed a huge financial burden on poor patients by ending free diagnosis for patients in indoor departments of all the state-run health facilities of the province, and imposing a heavy fee on around 50 services and diagnostic facilities previously offered free of cost.

The rates of many services and test facilities were also increased. It was reported that 70 percent of the diagnostic test fee charged from patients would be retained by the Punjab government.

## **Protests**

The health sector is beset with problems, not least the frequent and prolonged protests and strikes by medical staff.

An emergency was declared in teaching hospitals during the strike in May by young doctors against the Punjab Medical Teaching Institutions (Reforms) Ordinance 2019. After the ordinance was promulgated, the month-long strike in October denied treatment to more than 1.2 million patients at the 44 tertiary care hospitals in Punjab. Ultimately, it is the patients who suffer.

## **Poverty and malnutrition**

The Multi-Dimensional Poverty Index report showed that 26.1 percent of the population in Punjab was multi-dimensionally poor, 33.9 percent of which was from the rural and 12.3 percent from the urban population.

Within the same year of the launch of the government's flagship programme Ehsaas, introduced to alleviate poverty, the average citizen experienced spiralling inflation and rocketing food prices, and the less fortunate, the hardest hit, see little hope of dragging themselves out of the mire of poverty.

With poverty comes malnutrition and stunting [see *Children*], identified by the Prime Minister as the most challenging issues facing the country. The poor have scant resources to ensure a proper diet and even less awareness of what that means. Introducing a welfare state is never going to be easy, but efforts thus far have been more akin to firefighting than measures that will bring long-term benefits.

## **Polio**

The performance of the provincial health authorities was called into question when a new polio case was confirmed in Lahore after a gap of seven years. The root causes were said to be the burgeoning unplanned urban slums, undocumented families and the lack of small hospitals for their healthcare.

A reduction in immunisation coverage was thought to be behind Faisalabad's return to the list of districts affected by poliovirus after two years. Eight cases had been reported in Punjab during 2019. Vaccination refusals, even among the educated, are the biggest barrier, fuelled by a vicious anti-vaccine campaign. The programme was not helped by the discovery of expired polio drops being administered in a village in the Rawalpindi district. Several inquiries were swiftly launched and five officials found negligent.

Polio vaccinators are among the health workers most at risk from violence, often needing a security escort. The WHO was said to be increasing payments to polio workers across the country.

## **Cancer**

The provision of free, locally unavailable, medicines for cancer patients was suspended in March when the health authorities held back payment to the company over the lack of a third-party validation. The cost of the programme was also said to be an issue with some claims that the funds had been diverted to another scheme. The medicine had been procured initially under a five-year agreement, and later extended to 2023. Under the agreement, the Swiss company covered 91 percent of the total cost with the remaining nine percent met by the Punjab government.

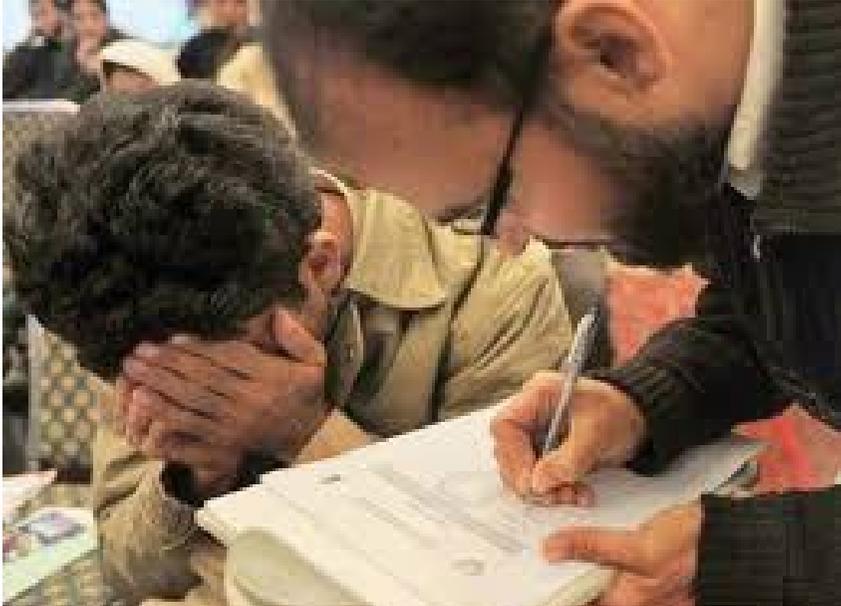
Dozens of cancer patients, elderly people and women among them, protested in September outside the Punjab Assembly after a programme to provide free medicines at two hospitals was rolled back due to shortage of funds. The Punjab government subsequently approved PKR7 billion in October for free-of-cost treatment of cancer patients over the next five years and released the pending payment for the cancer medicine under a supplementary grant.

## **HIV/AIDS**

After successive reports told of a surge in HIV/AIDS cases in the province, it seemed apparent that the provincial government had taken no concrete steps to address the problem.

Despite Lahore, Faisalabad, Dera Ghazi Khan, Multan, Rawalpindi, Gujrat and Sargodha being identified the previous year as the most vulnerable areas, a sharp spike in cases in Faisalabad and Dera Ghazi

Khan as well as Chiniot, Sahiwal, Jhang and the Nankana districts was reported in 2019.



*A sharp spike in HIV cases in Faisalabad, DG Khan, Chiniot, Sahiwal, Jhang and the Nankana districts was reported in 2019.*

Cases were also reported from Toba Tek Singh. The government's public response was to order screening of prisoners in all Punjab prisons, which was suspended as the IG Prisons and the head of the AIDS Control Programme disagreed over the expiry date of the test kits.

It is unclear how many other camps were set up. In August, a law enforcement agency reported to the government that screening in Shahkot within the Nankana district showed the cases were reaching epidemic level, pointing out that the local health administration lacked facilities for the care of those affected.

Concerned that the virus might be spreading rapidly and cases might not be reported, the agency also recommended a province-wide survey.

In July, it emerged that health authorities had allegedly concealed the fact that 30,000 packs of expensive medicine sufficient for 1,820 patients suffering from HIV/AIDS and Hepatitis C had expired in April.

Records of the drug sent to treatment centres throughout the province for 3,200 patients could also not be located.

Earlier, over-procurement of medicine for Hepatitis C patients that could not be utilised before the expiry date had also been reported.

### **Tuberculosis**

The abysmal efforts to fight tuberculosis in Punjab resulted in a warning that the Global Fund grant to its TB Control Programme could be

suspended for underutilisation of funds and serious mismanagement. Of the 221,000 ‘missing’ TB patients, 125,000 were in Punjab—most of them presumed to be untreated or consulting quacks—and 140 of the 287 positions created for the Punjab programme had been vacant since January 2018.

## **Mental health**

To have any form of mental illness is to be doubly afflicted. The perceived societal stigma appears to extend into the health sector with the dearth of adequate treatment and facilities, and the lack of acceptance that this is a treatable condition.

The Punjab Mental Health (Amendment) Act was passed in 2014, without significant consultation with mental health professionals or other stakeholders. It is an amendment of The Mental Health Ordinance 2001 and basically substitutes the words ‘Federal Government’ with ‘Government’.

The Punjab Mental Health Authority stipulated under the Act was finally constituted in October 2018. Unsurprisingly, the provincial minister for health, while chairing the second meeting of the Authority in May 2019, directed amendments to address the weaknesses in the Mental Act ordinance which inevitably meant further delays in implementation. The minister also said that the best treatment facilities were being provided to patients at the Punjab Institute of Mental Health (PIMH).

A report on PIMH commissioned by the Secretary to the Government of the Punjab, Specialised Healthcare and Medical Education Department, submitted in July 2018, indicated that the ‘pathetic state of this hospital’ had been highlighted over 25 years ‘with little outcome’.

The biggest obstacle to it developing into a state-of-the-art mental facility was ‘the culture of apathy, cynicism, and nihilism that is all too prevalent amongst its staff and at all levels’. The report further stated that the ‘quality of patient care, as judged by international standards, is extremely poor.

Sadly, though, some staff members seem to accept this, most remain in denial and believe that the services provided at PIMH are more than satisfactory’. In October, the minister was said to have directed the Services Institute of Medical Sciences (SIMS) to launch a helpline to facilitate the family members of mental health patients within a week but whether this has actioned is unclear.

# **Housing, land grabbing and public amenities**

## **Naya Pakistan housing scheme**

In September 2018, the Prime Minister had directed that recommendations for the formulation of a comprehensive plan of action should be finalised for an early launch of the scheme across the country.

The Punjab housing minister announced in February 2019 that construction of 0.5 million houses under the Naya Pakistan Housing Programme would start during the year and be extended to rural areas. The project was to be financed by the private sector and through commercial bank lending, with state land as collateral. The first phase in Punjab was launched in May.

In October 2019, the Punjab Chief Minister in a meeting with the provincial housing secretary ordered the constitution of a committee with a feasible plan for the provision of houses to the lower-income segment within the following two weeks. He also appealed to philanthropists and donors to participate in the programme.

### **Illegal development and encroachments**

The mushrooming of illegal housing societies has been facilitated by the lack of any regulatory framework, and the provincial government is devising a law following a number of court proceedings concerning illegal housing societies and encroachments in Punjab.

The Supreme Court had been given a report by the FIA stating that 4,098 of the total 5,492 unregistered/illegal, ghost or on paper housing societies in the country were in Punjab. The law being devised would focus on closing loopholes in the land development and property registration.

The Lahore Development Authority (LDA) was given a free hand to intensify the drive against encroachments and dismantle infrastructure. The Faisalabad Development Authority identified at least 295 illegal colonies.

While alternative arrangements are sometimes made for affected shopkeepers in anti-encroachment drives, the worst hit are impoverished families who lose their homes, and the workers rendered unemployed.

### **Building collapses**

The need for not just affordable, but safe, housing for the low-income population is distressingly evident. Walls and roofs of shoddily built, unregulated homes cave in with alarming regularity, with fatal results for the occupants – most of them children.

Three children were buried alive and five other family members injured when rain caused the collapse of the dilapidated roof of their house in Lahore.

Six people in Bhatti Gate, Lahore died when the roof of their three-storey house fell in. The family were in the process of building a fourth storey in the 100-year-old house.

In Sheikhpura, two young sisters died and a third sister was critically injured when the roof of their small home caved in. Three other siblings were buried alive in Sheikhpura when the roof collapsed. Similar incidents were reported from across the province throughout the year. But unregulated construction is not confined to homes.

Forty people attending a training session in Kasur were injured when the roof of the hall fell in.

Two labourers died and eight others were seriously injured when the roof of a triple-storey under-construction building suddenly collapsed during heavy rain in the Sialkot district.

Another two labourers were hospitalised with multiple injuries after the roof of a dilapidated police station in Rawalpindi caved in.

## Environment

### Air pollution

At the start of the year, the Punjab Environment Protection Department (EPD) outlined the measures it was taking to control smog and pollution and declared that the air quality index (AQI) remained 'below the safe limits of 300', and mostly between 100 to 150. A decline in air quality was said to be caused by the reopening of the brick kilns.

The construction of conventional brick kilns had been banned and kiln owners were to be given loans for environmental-friendly zigzag kilns. Section 144 was imposed on the burning of crop stubble, solid, rubber and plastic waste, and pollution from factories and vehicles were being monitored and controlled. According to the EPD Secretary, very few health-related smog cases had been reported by the Health Department in 2018.

Environmental activists challenged the information provided and questioned the action claimed to have been taken, and the citizens of Lahore in particular agreed. Many complained of headaches, burning eyes and throats, respiratory difficulties and allergies. A global AQI showed that air pollution had on some days reached five times the legal limit.



*Smog in different cities of the Punjab reached dangerous levels in November*

By November, the provincial government was forced to close all private and public schools in Lahore, Faisalabad and Gujranwala as smog in Lahore exceeded the 'very dangerous' level. Yet again, the pollution had defecated any efforts that might have been made to mitigate it, and the efficacy of the government's preventative measures was back on the anvil.

Three years after a study published in the health journal, *The Lancet*, attributed 22 percent of annual deaths in Pakistan to pollution—mostly air pollution—no discernible progress has been made.

Stubble burning is not the main cause of the pollution; its effects are not felt in the summer months when there is more crop residue burning. But educating the farmers about more modern methods and subsidising the prohibitive cost of harvesters would eliminate one factor, allowing the focus to shift to other contributing factors, such as toxic emissions.

### **Water shortage and pollution**

A recent World Bank report, *Pakistan: Getting more from water*, highlighted the need for improved water resource management and service delivery, with inadequate financing and policy implementation exacerbating the challenges of overcoming the water problems in the country.

As revealed at an event at Governor House on World Water Day, Pakistan has the fourth largest groundwater aquifer, but is also the fourth largest withdrawing groundwater. Around 1.2 million tubewells extract water for agriculture and 0.8 million of these are in Punjab.

With 80 percent of drinking water pumped from the ground as well, the risk of arsenic poisoning is high. 90 percent of sewage is dumped into rivers and canals, the untreated waste mixing with groundwater.

In the same month that the Water and Power Development Authority (WAPDA) chairman declared that the per capita water availability in Pakistan had diminished to 908 cubic metre per annum from 5,260 cubic metre, making water scarcity a fast-developing reality, the Punjab Aab-e-Pak Authority Act 2019 was passed. The Authority has been given the ambitious task of providing a 'sustainable supply of clean drinking water to each and every individual' by devising water projects and installing water filtration plants.

According to the Governor, the Authority's patron-in-chief, 80 percent of people in the province were consuming unsafe drinking water and around 1.1 million deaths were attributed to waterborne diseases.

Fifty percent of admissions to hospitals were for waterborne diseases and in Lahore alone, around 200,000 children were reported to have been admitted to the Children's Hospital.

On 17 September, the Governor apologised for the bureaucratic delay in constituting the 'no commission, no corruption, no perks, no privileges' Authority and said that the promise of clean drinking water should count from that day. The Punjab Water Act 2019 was also passed, to manage and regulate water resources in Punjab in the interests of conservation and sustainability.

## **Plastic bags**

The challenges of introducing environment-friendly initiatives was once again illustrated when a ban on the production and use of plastic shopping bags was introduced. Thousands of manufacturers, retailers and workers protested on the Mall, saying over one million people working in 8,000 factories in the province would be rendered jobless.

# SINDH



## HIGHLIGHTS

- Courts are still struggling to reduce the number of pending cases. At the end of the year 83,920 cases were pending in the High Court while the district judiciary pending cases stood at 93,960, a total of 177,880.
- Jails continue to be overcrowded. In such conditions, the inmates are at particular risk of contracting contagious diseases.
- Street crimes and kidnapping for ransom in urban areas were rampant during 2019, while cases of killings in the name of honour, violence against women and mob attacks on the homes of minorities on charges of blasphemy were reported from rural areas in Sindh.
- Official figures suggested that 78 people—50 women and 28 men—were killed from January to June 2019 in different parts of Sindh in the name of *karo-kari*. At the end of the year, police reports put the number of women killed for so-called ‘honour’ at 108.
- People continued to be reported ‘missing’ during the year, either for their political or religious affiliations, or for their defence of human rights.
- Allegations of forced conversions continued to be a contentious issue.
- The difficulties faced by the media in restrictions on reporting were further aggravated in 2019 as thousands of journalists, photographers and other categories of media persons lost their jobs and a number of newspapers and magazines shut down—a direct result of the blocking of government advertisements and withholding of previous dues.
- The arrests of journalists, registration of cases against media persons, and picking up of critics of state institutions by law enforcement agencies were widely reported on social media as well as national press and TV channels.
- Women continued to fall victim to domestic violence and other crimes. The high number of acquittals in cases of sexual violence was put down to poor investigations.
- The lack of implementation, or complete absence, of occupational health and safety measures is evident in the frequent reports of workers being killed or injured.
- The Sindh Assembly passed the Sindh Home-Based Workers Act in 2018, but progress on its implementation, as with many such laws, has been slow.
- The Senior Citizens Welfare Bill passed in 2016 was another much-publicised law that suffered from lack of implementation.
- The stray dog problem has still not been resolved. Towards the end of the year, it was reported that around 186,579 people in the province had been attacked by stray dogs over a 10-month period.
- Sindh was reported to have the highest number of underweight children in the country (41.3 percent) and stunting, at 45.5 percent, was also higher than the national average of 40.2 percent.
- Sindh was beset by several calamities linked to climate change, including heavy rains and flooding, locust attacks, and air pollution.

## Laws and law-making

Of the 30 bills presented by the Sindh government in 2019, 16 were passed, seven were sent to relevant standing committees for further consideration while another seven were still being evaluated.

The government claimed that the number of days in sessions proved that the assembly was ‘the most vibrant among all elected forums in the country’. The opposition disputed this, saying that the lengthy sessions were more about pursuing a political agenda than making good legislation and, while important bills had been passed, the Rules of Business were often pending for years.

### Laws passed in Sindh

See Appendix 2.

## Administration of justice

### Judiciary – pending cases

In April 2019, the Sindh Assembly was informed that 92,189 cases were pending in the Sindh High Court (SHC), and 101,059 in the district judiciary, a total of 193,248 cases.

By December, the Law and Justice Commission of Pakistan (LJCP) recorded 83,920 cases pending in the High Court while the district judiciary pending cases stood at 93,960, a total of 177,880. Several *jirgas* (tribal courts) were held in upper Sindh areas in December to settle civil disputes and criminal liabilities.

### Justice system reform

With financial support from international agencies, the Sindh government agreed upon a vision document called the Roadmap for Rule of Law, to ensure that the criminal justice institutions followed system-wide and coordinated implementation of their statutory tasks to increase public confidence and trust in the rule of law.

The Roadmap involves all provincial government departments and institutions, including the Home Department, Law Department, judiciary, Human Rights Department, and Women Development Department, as well as the inclusion and participation of civil society.

The document outlines how specific challenges related to the justice delivery system in Sindh need to be collaboratively addressed over the next five years. All the stakeholders, including the Home Department and criminal justice institutions of the province, have identified the priority areas of reforms.

The focus will be on improved accountability, transparency, oversight structures, institutional collaboration and reforms in justice delivery aimed at facilitating citizens’ access to justice, particularly the most vulnerable sections of society. The Home Department has been tasked with establishing an implementation unit.

## **Accountability/NAB**

Several members of the central leadership of the Pakistan People's Party (PPP), from the chairman of the party to the Chief Minister as well as scores of party leaders are facing corruption charges and money laundering cases initiated by the National Accountability Bureau (NAB) in Sindh.

In February NAB expedited its efforts to restore plots to the victims of 53 housing scams, the majority of which were located in Karachi. It was further revealed that thousands of people had been deprived of their rightful titles of properties by the office holders of cooperative societies in connivance with officials of the Sindh Cooperation Department.

NAB also filed a reference against a former director general and seven other officers of the Karachi Development Authority over alleged illegal allotment of plots.

A press release issued by NAB in December on the year's activities claimed the arrest of 141 persons and recovery of over PKR75 billion. Of a total 9,887 complaints received, 334 complaints were said to be verified, inquiries initiated on 141, with 65 investigations.

## **Blasphemy**

At least three incidents of blasphemy accusations were reported from different parts of Sindh during 2019 in which mobs attacked homes and businesses of Hindus and also destroyed their worship places.

In February 2019, four Christian women were falsely accused of blasphemy when a Muslim couple who had been asked to vacate their rented house by their Christian landlord accused the women, three of them the landlord's daughters, of desecrating the Holy Quran. A furious mob attacked their Christian-majority neighbourhood in Karachi, leading to the displacement of approximately 200 Christian families.

An enraged mob in a small town in the Mirpurkhas district attacked the shops and homes of the Hindu community in May after a Hindu veterinarian was accused of blasphemy. A local man alleged that the doctor provided medicines wrapped in paper that he claimed had Quranic verses printed on them.

The local police registered a first information report (FIR) against the doctor but, despite this, the mob attacked and burnt down his shop, as well as other shops belonging to Hindus. Later, the mob also tried to attack the police station where the accused had been locked up. Six suspects were taken into custody for rioting and damaging the vet's property.

In September, a mob in Ghotki attacked the Sindh Public School following an allegation by a student that its owner had committed blasphemy. At least three Hindu temples and some houses of other Hindu families were also attacked and the mob surrounded the Hindu populated area spreading terror throughout the community.

## **Death penalty**

Death sentences continued to be handed down in the courts. Three

accused were given death sentences in the rape case of a student in Khipro, while a fourth was given life imprisonment. The accused had made objectionable videos and pictures of the victim and uploaded them on some websites, including YouTube.

An anti-terrorism courts sentenced seven convicts to death for the kidnapping for ransom and murder of another student.

The SHC in May commuted the death sentence of Shahrukh Jatoy and Nawab Siraj Ali Talpur to life imprisonment in the Shahzeb Khan murder case.

Widespread protests had followed the killing of Shahzeb in 2012 and the then Chief Justice had also taken suo motu notice of the failure of the police to arrest the killers.

### **Cases of significance**

The enquiry conducted into the death of Naqeebullah Mehsud, the Pashtun youth killed in 2018 in Karachi during an alleged encounter, found him innocent. The superintendent of police involved, Rao Anwar, was so notorious for extrajudicial killings that he had earned the name 'encounter specialist'.

A case was registered at the behest of the Supreme Court (SC) of Pakistan, and Rao Anwar went into hiding. He later surrendered himself in March 2018 and was given bail. Eight other policemen involved are in jail while others are absconding.

The case is still pending in an anti-terrorism court. Naqeebullah's father Mohammad Khan determinedly pursued justice until he succumbed to cancer in December 2019.



*An enraged mob in Mirpurkhas attacked the shops and homes of the Hindu community in May after a Hindu veterinarian was accused of blasphemy.*

The incident exposed the impunity with which police carried out extrajudicial killings and how their power extended beyond the law.

According to police records, Rao Anwar was implicated in the deaths of at least 444 people in 745 encounters between 2011 and 2018, yet he never before had to face an enquiry.

On the occasion of International Human Rights Day in December 2019, the United States imposed sanctions on Rao Anwar for his involvement in 'serious human rights abuse' in Pakistan.

An enraged mob in a small town in the Mirpurkhas district attacked the shops and homes of the Hindu community in May after a Hindu veterinarian was accused of blasphemy.

## Law and order

Although many efforts have been made to improve law and order, including the launching of various police and military operations in the past, street crimes and kidnapping for ransom in urban areas were rampant during 2019, while cases of killings in the name of honour, violence against women, and mob attacks on the homes of minorities on charges of blasphemy were reported from rural areas in Sindh.

### Crime

A report released by the Sindh police at the end of the year indicated that as many as 49,834 suspects were arrested in Sindh during 2019 for involvement in different criminal activities. Police and alleged criminals were involved in 1,114 encounters with 1,534 suspects apprehended, while 504 criminal gangs were eliminated. Encounters resulted in the deaths of forty-eight alleged criminals.

The number of target killings was said to have reduced from 18 in 2018 to 12 in 2019. There were no bomb attacks in 2019 as compared to three in 2018 and 51 in 2013. However, the number of murders from personal enmity was slightly higher in comparison to the previous year. On average, murders per day in the city was 1.3 in 2019, far less than the eight murders per day in 2013.

Kidnapping for ransom from affluent localities is a disturbing trend. In May, a young girl Bisma was abducted by armed men and returned home a week later after a ransom was reportedly paid. In November another girl, Dua Mangi, was kidnapped by armed men who first shot her friend. She was also returned home a week later after reportedly paying ransom money. The police suspected the same gang were involved in both incidents. No arrests were reported till the end of the year.

Reports emerged that a huge number of suspects were at large in the province, 22,000 in Karachi alone, and the failure to arrest them was believed to be behind the alarming increase in criminal activities. As a consequence, the Sindh police asked the federal institutions to place the names of more than 50,000 absconders on the Exit Control List and to block their computerised national identity cards (CNICs).

The public sometimes take the law into their own hands, with disastrous consequences. Sixteen-year-old Rehan, suspected of theft, was lynched by a mob in the Bahadurabad area of Karachi in August while people made videos, provoking general public outrage. Also in Karachi, locals lynched two suspects trying to rob a citizen in October. Awais Akhtar, 30, died and Mohammed Nauman, 20, was left critically injured. A third suspect managed to escape.

### Violence against institutions

A heatstroke centre in Sukkur was attacked in May by armed men firing into the air to force the operators to flee. Believed to be activists of a radical religious group, the men had objected to such centres operating

during fasting hours. The incident caused five such centres to be temporarily closed down.

### **Honour killings**

Honour killings continued to be reported across the province. Official figures suggested that 78 people – 50 women and 28 men – were killed from January to June 2019 in different parts of Sindh in the name of *karo-kari*.

Some 65 cases had been registered but more than 90 percent were pending trial for various reasons and in most cases the police had not completed their investigations. Most of the suspects were close relatives and three people had been acquitted.

By the end of the year, police reports put the number of women killed for ‘honour’ at 108.

Thirteen-year-old Ramsha Wassan was kidnapped in February in the Khairpur district after she expressed her wish to marry her cousin. After she was recovered five days later with the help of local politicians, five men entered her home and shot her dead in front of her parents. Zulfiqar Wassan, a relative of PPP leader Manzoor Wassan, was named as the main accused and arrested after a public protest.

Qazbano, 45, was shot dead allegedly by her husband Qadir Dad in the Korangi Industrial Area in May over ‘a matter of honour’, according to police. In another incident in May in Karachi, Noor Mohammed stabbed Nisar Hasan, 25, to death and later gunned down his sister Shahnaz, 20, over suspicions that they had a relationship.

Khalida Bibi, 25, was attacked with a blunt instrument by her husband Javed in the Gulberg area of Karachi over a matter of honour. She died in hospital.

Twenty-five-year old Nayab, who married of her own free will in Charsadda before moving to Karachi, was killed by armed men in her home in the Lasbela area in December. Her relatives were the suspected killers.

### **Enforced disappearances/missing persons**

The problem of missing persons in Sindh persists, with reports suggesting that those disappeared were mostly linked to nationalist political parties, mainstream political parties like MQM-Pakistan, religious groups (mostly Shias), and human rights defenders.

According to the data shared by the Commission of Inquiry on Enforced Disappearances (COIED), there were 1,586 cases in Sindh up to December 2019. Of these, 948 people had been traced, 630 missing persons returned to their homes, 32 persons were confined in internment centres, and 234 were in prisons. The bodies of 52 had been found, while 371 cases had been closed as not being related to enforced disappearances, among other reasons.

Quoting rights activist Punhal Sario, an HRCP fact-finding report *Is Sindh Falling Through the Cracks?* pointed out that as many as 52 persons

had gone missing over the last several years, and 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, the persons missing were or are either political activists associated with nationalist parties or those who have aired ‘nationalist’ views in public or social media.



*Families and friends of missing persons from the Shia community held a 13-day protest sit-in outside the President’s residence in the Bahadurabad area in May.*

Families and friends of missing persons from the Shia community ended a 13-day protest sit-in outside the President’s residence in the Bahadurabad area in May after some persons were released and the whereabouts of others were made known. The sit-in had been supported by several political leaders and rights activists. Some of the protestors were detained by police but later released.

The SHC was informed by police that the Lyari gangster Uzair Jan Baloch had allegedly killed four missing persons—a head constable of the jail police and his three friends. He was arrested in Dubai and was in the custody of military authorities.

## **Police**

In 2011, the then Sindh government had rescinded the Police Order 2002 and re-enacted the century-old Police Act 1861, apparently to retain control over the transfer and postings of police force.

In 2019, after initial opposition and subsequent consultation with civil society, the government passed a law repealing the earlier Police Act and reinstating the Police Order 2002. This was claimed to be aimed at making the police more efficient, responsive, responsible and accountable. Under this new law, a provincial public safety and police

complaints commission was formed to include representation of the opposition and civil society.

Over 16,000 complaints were received by the 35 police complaint cells between January and June. The centres were set up across Sindh on the directives of the SC to address citizens' grievances and reduce the burden on the district judiciary.

According to police data, 8,483 cases were disposed of while 7,679 were pending in July. The alleged corruption of police personnel accounted for 622 complaints.

A human rights cell was established by the Sindh police to operate as a supervisory body primarily responsible for cases involving vulnerable communities, including women, children, minorities and transgender persons.

A high level meeting on law and order at the Chief Minister House in November was told that FIRs had been registered against 124 police personnel for involvement in various criminal activities.

A young man's death in police custody under mysterious circumstances led to the suspension of a Karachi station house officer (SHO) and other members of his police team in February.

Bilal, 21, an alleged street criminal was said to have been detained by police after he was injured in an exchange of fire. Bilal's brother said they had both been picked up by police but he was released and his brother was taken into custody and later died from his injuries. The police claimed that he died from cardiac arrest and not from any injuries.

Medical student Nimra Baig was killed in the crossfire between police and robbers in North Karachi in February. Although the police claimed that the bullet had come from a robber's gun, a post-mortem examination confirmed that she was hit by a bullet fired from a 'high speed velocity weapon'. A police enquiry recommended the suspension of the police involved in the incident.

## Jails

### Overcrowding

The sanctioned capacity of the 24 prisons in Sindh is 13,038. A Federal Ombudsman's report at the end of the year stated that the prisons contained 17,239 inmates – 16,852 male, 214 female and 173 juveniles. Of the total, 4,808 were convicted prisoners and 12,431 under-trial.

Eight new jails were being constructed in Thatta, Nawabshah, Qambar Shahdadkot, Mithi, Kandhkot, Jamshoro, Malir, and Karachi's District West. More barracks are also being constructed to increase the capacity of existing prisons in Nawabshah, Malir, Thatta and other towns.

### Conditions in jails

In April, the Sindh Minister for Prisons said that 385 prisoners including two women were suffering from chronic diseases, and 84 male prisoners had been diagnosed with AIDS.

Latest figures show that 115 males and one female in Sindh had contracted HIV/AIDS. Fifty prisoners in Sindh were said to be mental patients.

The Prisons Act of 1894 was replaced in June with the Sindh Prisons and Correction Act 2019 for the safe confinement of all prisoners, and to ensure their fundamental rights and rehabilitation into society as law-abiding citizens.

The Sindh government started the process of releasing male and female convicts who had crossed the age of 65 and 60 respectively while serving half of their sentences in prison. Under the newly implemented prison law, the government was also planning to release convicts suffering from life-threatening diseases and needed immediate treatment.

### **Torture in prisons**

Sagheer, an under-trial prisoner (UTP), died in district jail Malir in June and his death became controversial. His family claimed that he had phoned home and told his father he was being tortured in custody. Sagheer was arrested at the behest of his employer in a superstore.

The jail authorities said that he was brought to the prison with injuries sustained when he was taken into custody, and he had died during treatment at the jail hospital. His family and other prisoners said that he had been tortured and his body bore visible marks.

The SHC in July heard a petition filed by the wife of former chairman of Fishermen's Cooperative Society Nisar Morai against his alleged torture in Malir district prison.

Morai, along with some other under-trial prisoners had complained to the Adviser to the CM about the jail mismanagement and the collection of weekly 'protection money' from inmates. The petition stated that the authorities had subsequently moved him to the Karachi central prison and tortured him in the process. The court sought replies from the Inspector General of Police (IGP) Prisons Sindh and the Home Secretary.

### **Technology in prisons**

Jail authorities told the SHC in September that the biometric verification of prisoners had started in the Karachi and Hyderabad prisons during the hearing of a petition on convicted prisoners conniving with jail authorities to have others take their place for substantial cash payments. The petition was said to have been pending for seven years, and court orders in 2015 to install biometric systems had not been implemented.

### **Pakistani prisoners in foreign jails**

Noor-ul-Amin, an elderly Pakistani fisherman from Sindh, was beaten to death in an Indian jail and his body was handed over to his heirs at the Wagah border in Lahore in April 2019. He had been held in jail for mistakenly having crossed over to Indian waters during a fishing expedition two years earlier.

Shortly afterwards, India released six other Pakistani fishermen who had been in jail for more than two years. It was reported that over 100 fishermen were still languishing in jail.

## **Positive measures**

At a meeting in December the Inspector General of Prisons stated that around 4,623 inmates at different prisons were enrolled in various vocational and skill development courses.

In addition, 6,886 inmates in the province had been enrolled in primary education up to Master's degree programmes.

Property management software had also been installed at different prisons and 200 jail officials were being given training to use it.

The Sindh government paid more than PKR339.57 million to free 37 prisoners who had completed their sentences but were still confined in different jails across the province because of their inability to pay *diyat*, *daman* or *arsh* – different types of compensation – imposed by the courts at the time of their convictions.

While appreciating the gesture, civil society, human rights activists, legal experts and activists associated with the welfare of jail inmates suggested a permanent fund to help those convicts who ended up in prison for minor offences or traffic accidents because they were unable to pay fines.

# Freedom of movement

## Official restrictions

There is no restriction on movement as such in the province but, being the business and industrial hub of the country and capital of the Sindh province, Karachi attracts workers and professionals from across the country. The possible movement of terrorists into the province is always a concern.

Early in the year, the CM instructed that there should be stricter checking on the Sindh-Balochistan border, and ordered the Sindh Inspector General of Police to collaborate with neighbouring provinces – Punjab and Balochistan – to improve law and order in general.

The CM also directed that vehicle checking should be avoided in the middle of roads during the morning office and school timings.

## Protests and obstructions

The activities of the Pashtun Tahafuz Movement (PTM) are mostly concentrated in Khyber Pakhtunkhwa, but their leaders often visit and hold meetings in Karachi, which has a large Pashtun population, larger than any other city.

On 21 January 2019, several PTM leaders and workers were booked by the Karachi police after the Sohrab Goth SHO registered a terrorism case on behalf of the state against 16 PTM leaders and 250-300 workers. They were alleged to have used provocative language against state institutions during their speeches at a rally held that day. One of the organisers of the rally was arrested.

The notorious Maintenance of Public Order (MPO) law is commonly used by the police and other law enforcement agencies in Sindh. A number of political and social activists were put behind the bars during 2019.

The social activist and human rights defender Wajid Leghari was arrested in Mirpurkhas on 28 August under the MPO. He had been active in the district against violation of human and minority rights.

Two days earlier he had organised a protest camp outside Mirpurkhas Press Club calling for justice for Lachhman and Warjang, two Kohli brothers who were allegedly killed by a police van in a road accident. Earlier, he had been active against the violation of human rights in the area, especially atrocities by the police.

A group of civil society activists filed a constitution petition in the SHC's Hyderabad bench when Mirpurkhas administration extended his detention after the expiry of the initial one month. He was later released under SHC orders on 12 October.

In October, cargo transporters blocked the Link Road adjacent to the Superhighway (M-9 Motorway) near Kathore in protest against the implementation of an SHC judgment restricting the load of heavy

vehicles. The protest ended in a clash with Frontier Works Organisation (FWO) personnel who allegedly resorted to firing. Three protestors were shot dead.

### **Unsafe movement and travel**

According to a traffic police report, over 300 people were killed and 1,533 injured in accidents on the Indus Highway, stretching 132 kilometres from Jamshoro to Sehwan, during the last three years up to August 2019.

Up to early August, 19 persons died and 90 others were injured in 33 accidents in which 52 vehicles were involved. In November alone, 13 passengers died when a speeding passenger coach hit a motorcycle rickshaw; four members of a family were killed when their motorcycle was hit by a speeding truck, and three people died when a speeding car overturned. Over 100,000 heavy vehicles ply the roads in the city, posing a serious threat to motorists and adding to the challenge of traffic management amid limited space and insufficient traffic policemen.

## **Freedom of thought, conscience and religion**

### **Sectarianism**

Karachi is the city most affected by sectarianism in Sindh. Several sectarian incidents were reported in the first quarter of the year. The first such incident was in January when unknown attackers killed Fida Hussain, a shopkeeper whose son was an office-bearer of the Imamia Students Organisation—a Shia students' outfit—in the Korangi area.

Later the same month, gunmen on a motorcycle killed Mohammad Ali Shah, vice-president of the Shia Ulema Council. Then in February unidentified assailants killed Muhammad Nadeem Qadri, a Liaquatabad area leader of the proscribed Ahle Sunnat Wal Jamaat.

In March, Wajahat Hussain was shot dead in the marketplace in Orangi town. He was said to be a close relative of prominent Shia personalities.

A senior doctor from the Shia community, Dr Haider Askari, was gunned down in what investigators suspected was a target killing in August.

### **Hindus**

The sizeable Hindu population in the Sindh province have generally enjoyed the freedom to practise their religion according to their faith. Sindh has in the past been considered a province of religious tolerance, where people from different religions, faiths and sects can live in harmony.

In recent years, however, the people from minority religions have been facing persecution, and the Hindu community is feeling insecure and vulnerable as they face antagonism and mob attacks over allegations of blasphemy. Kidnapping and forced conversion of Hindu girls are the main complaints of the Hindu community in Sindh and a number of cases were widely reported in the media.

The Islamabad High Court (IHC) constituted a five-member commission to investigate the case of two young Hindu sisters Reena and Raveena from Ghotki after their father filed a petition saying they had been kidnapped, forcibly converted and married to two Muslim men. The girls were shown embracing Islam in videos released on social media.

Renowned Islamic scholar Mufti Taqi Usmani, Human Rights Minister Dr Shireen Mazari, Chairperson Human Rights Commission of Pakistan Dr Mehdi Hasan, Chairperson National Commission on the Status of Women Khawar Mumtaz, and veteran journalist and human rights activist I.A. Rehman were appointed to the commission.

The family of the girls rejected the medical report prepared by the Pakistan Institute of Medical Sciences (PIMS), based on a bone test of the two girls, that stated that they were not minors at the time of their marriages. The two girls and their alleged spouses, Safdar Ali and Barkat Ali, filed petitions in the IHC in which the court was asked to restrain the respondent authorities from 'harassing' and 'threatening' them, as well as requesting that the Pakistan Electronic Media Regulatory Authority (PEMRA) be asked to refrain from 'promoting propaganda' against the petitioners.

On 11 April the IHC declared that the two sisters were not forcibly converted from Hinduism to Islam and permitted them to live with their spouses.



*Kidnappings and forced conversions of Hindu girls in Sindh were widely reported in the media.*

The father of another teenage Hindu girl reported that his 14-year-old daughter had been abducted from their house by four armed men in March. A man later came forward and claimed that she was his wife after converting to Islam and that she was 19 years old. He sent documents to

local journalists to show that he had married the girl after she embraced Islam. He also said that he and his wife had submitted an application seeking protection of the court in Sanghar.

Another incident emerged in Ghotki when a 22-year old Hindu girl, Mahek Keswani, claimed by her family to have been kidnapped, appeared in a video on social media saying she had willingly become a Muslim and was not being held captive by anyone. The Hindu community and civil society protested in front of the Karachi Press Club demanding that she be handed over to her mother for five days and her statement taken in court.

The family of Reno Kumari said she had been kidnapped en route to a local college and forced to convert to Islam after marrying a Muslim man in Sukkur. After the Hindu community called on the government to take action, the authorities intervened and the girl was presented before a local court where she asked to go back to her family. It was said to be the first time a kidnapped Hindu girl had been safely reunited with her family.

When Nimirta Amarta Mirchandani, a BDS final-year student at the Bibi Aseefa Dental College (BADC), was found dead in her hostel room in Larkana in September, it was initially termed a suicide. However, doubts soon began to emerge over the legitimacy of the investigation and the post-mortem report. The Hindu community, civil society and other activists demanded the constitution of a joint investigation team (JIT) and said that the college administration were covering up the facts.

### **Positive developments**

Ms Suman Kumari became the country's first Hindu woman to be appointed a civil judge after passing an examination for induction of judicial officers in Sindh. It is quite uncommon for Hindus to be appointed to key government positions as religious parties often oppose the decisions.

## **Freedom of expression**

Freedom of expression continued to be the most challenged fundamental right in the country during the year. The difficulties faced by the media began the previous year, but the situation was further aggravated in 2019 as thousands of journalists, photographers and other categories of media persons lost their jobs and a number of newspapers and magazines shut down. The two-monthly news magazines *Herald* and *Newsline* were closed down during the year and all reporters and editorial staff rendered jobless.

### **Right to information**

The Sindh Information Commission was said to have finally started functioning in March under the Sindh Transparency and Right to Information Act 2016 after the first quarter of the budget was released. The provincial government had allocated PKR55 million in September 2018.

Under the Act, applicants can acquire records held by any provincial government department or organisation using public funds, with time limits imposed for the providing of information.

One of the provisions of the Act is for 'proactive disclosure', which requires departments to disclose information on their websites and through other mediums. The commission said they would try to make sure that all public bodies in the province actively disclosed information through their websites.

### **Curbs on the media**

Pakistan's media houses laid off nearly 2,000 journalist and non-journalist staff from May 2018 to April 2019, according to the International Federation of Journalists' (IFJ) South Asia Press Freedom Report. The media was plagued with financial hardships, resulting from the blocking of government advertisements and withholding of previous dues, which led to salaries being delayed, cuts in allowances, and large-scale layoffs in electronic channels.

Restrictions on reporting continued, with an 'unofficial' ban on the circulation of the daily *Dawn* in military-controlled residential areas and offices after what was deemed to be publication of certain 'adverse' reports against the government.

An inside story by *Dawn* assistant editor Cyril Almeida on a high-level meeting on law and order provoked a reaction from the military establishment. Then a news item on the origin of the London Bridge attacker who stabbed two people to death resulted in the *Dawn* offices in Islamabad being besieged by 'unknown' persons in December, as well as the character assassination of the newspaper's owner.

On 4 December in Karachi, a large number of people from a group called the 'Tehrik-e-Tahafuz Pakistan' (Movement to Safeguard Pakistan) staged a protest demonstration outside Karachi Press Club demanding action against the publisher and editor of *Dawn* for mentioning the identity of the killer and calling for the owner to be hanged and the newspaper to be shut down.

These incidents were roundly condemned by the International Federation for Human Rights (FIDH) in a letter to the Prime Minister and other higher authorities. It called for the persons or groups responsible for inciting violence against journalists to be held accountable, and for the people's right to information to be respected.

PEMRA issued notices to 21 TV channels in July for the 'unedited live telecast' of PML-N leader Maryam Nawaz's press conference in Lahore, in which the daughter of former premier Nawaz Sharif claimed that the judge of an accountability court confessed he had been 'pressurised and blackmailed' to convict her father in the Al-Azizia reference.

A campaign called 'Sahafi-Mazdoor Action Committee' against cuts in jobs, salaries and allowances was launched by representative bodies of media workers such as the Karachi Union of Journalists and the All Pakistan Newspaper Employees Confederation (APNEC), supported by

trade unions and labour organisations. Protest camps were organised outside newspapers and electronic media houses starting from January 2019.

In May, the SHC ordered the provincial government to release advertisement payments and dues to the newspapers. The Council of Pakistan's Newspaper Editors (CPNE) had filed a petition stating that non-payment had created serious financial difficulties in the industry and was a violation of the fundamental rights of their employees.

The SHC again ordered the provincial government on 6 December to release PKR4.6 million to newspapers against advertisement dues within 20 days.

### **Intimidation of the press**

Social media and national press and TV channels carried reports of the arrests of journalists, registration of cases against media persons, and picking up of critics of state institutions by law enforcement agencies.

In November 2018, law enforcement agencies personnel in plain clothes raided the Karachi Press Club but left after protests by journalists and photographers. The next day, they picked up senior journalist Nasrullah Chaudhry, associated with Urdu daily *Nai Baat*, from his home and later charged him with possession of Islamic State material. This was initially said to have been a move to justify the raid and defuse widespread protests by journalists.

The journalist was released on bail but on 21 December 2019 an anti-terrorism court sentenced Nasrullah Chaudhry to five years' imprisonment. His bail was cancelled and he was sent to prison.

The Pakistan Federal Union of Journalists and the Karachi Union of Journalists expressed grave concern over his conviction and expressed the view that the government was trying to pressure journalists through law enforcement agencies and other tactics, which included torture, threats and harassment.

*Awami Awaz* journalist Ali Sher Rajpar, president of the Padidan Press Club in Naushahro Feroze, was killed in May outside the club by unidentified armed men.

Syed Matloob Hussain, a reporter for daily *Jang*, was among five persons arrested in May for their alleged involvement in sectarian killings. Matloob was charged with receiving training from abroad and submitting a list of personalities to a 'foreign handler' for possible targeted killings.

He had earlier been in the news when his family claimed he was picked up from his home and several media organisations had expressed concern over his mysterious disappearance.

*Dawn* assistant editor Cyril Almeida was named as the International Press Institute's (IPI) 71st World Press Freedom Hero, an award for journalists for 'significant contributions to the promotion of press freedom, particularly in the face of great personal risk'.



*Dawn assistant editor Cyril Almeida was named as the International Press Institute's (IPI) 71st World Press Freedom Hero.*

Mr Almeida was recognised for his 'critical' and 'tenacious coverage' of civil-military relations in Pakistan. *Dawn* editor Zaffar Abbas also received the 2019 Gwen Ifill Press Freedom Award by the Committee to Protect Journalists (CPJ) for 'extraordinary and sustained achievement in the cause of press freedom'.

In December, it was reported that 50 journalists in several districts of the province had been charged in fake cases of kidnapping and extortion after they had written about the crimes of influential people.

### **Digital media**

Three cybercrime reporting centres were established by the end of 2018 by the Federal Investigation Agency (FIA) to monitor and curb misuse on social media under the Prevention of Electronic Crimes Act 2015, which grants the government powers to take all necessary measures for the prevention of cybercrime.

In January 2019 the police authorities in Sindh developed a technical team under its anti-terror wing that has started monitoring all digital platforms amid their growing use for 'promotion of ideology of hatred, anti-state activism and militancy'. The Counter-Terrorism Department (CTD) raised a separate technical team of professionals tasked with monitoring social and digital media.

### **Clampdown on opinions and dissent**

In October, widespread criticism by activists followed the curtailment of an exhibition by artist and professor Adeela Suleman at Frere Hall as part of the Karachi Biennale by some 'plainclothes men'. The exhibition was titled 'Killing fields of Karachi' and depicted the 444 extrajudicial killings allegedly carried out by Rao Anwar, a former Malir SSP.

A local lawyer Moulvi Iqbal Haider in April lodged a complaint against

Dunya News TV channel journalist Shahzeb Jillani, alleging that he had been making defamatory remarks against state institutions and law enforcement agencies on aired programmes.

The FIA then lodged an FIR against Jillani citing 'criminal intent and ulterior motives'. A local court in May dismissed the charges against Jillani, stating that the FIA had failed to provide substantial evidence against the journalist.

The case was condemned by the Karachi Union of Journalists (KUJ) as being lodged under a sustained campaign against journalists. It called upon parliamentarians to review the Prevention of Electronic Crimes Act (PECA) which they said was enacted in 2016 without consulting either the journalist community or other stakeholders and denied them the right of freedom of speech.

## **Freedom of assembly**

### **Heavy hand of the law**

Sindh police resorted to tear gas shells and water cannons against protesting teachers, nurses and other groups whenever they tried to approach the 'red zone' area in Karachi, where the offices and residences of the Governor and Chief Minister Sindh Assembly and Secretariat are located.

On 28 March, government schoolteachers were prevented from holding a demonstration outside the Chief Minister House by police using tear gas shelling, a baton charge and water cannons. The teachers wanted to press for the acceptance of their demands, including setting of a timescale for promotions.

According to the Government School Teachers Association (GSTA), as many as 200 teachers were detained by police while 150, including eight female teachers, were injured during the police action.

Members of the Sindh Nurses' Alliance (SNA) who had been sitting outside the Karachi Press Club for two weeks moved towards the CM House on 18 July to press for their demands which included an increase in allowances. The police erected blockades and then resorted to the use of water cannons and tear gas to disperse the protesters. At least 25 nurses were arrested but their release was later ordered by the CM.

Police again used the same force on 15 September to keep 450 protesting school head teachers from all over Sindh, including 100 women, from approaching the CM House. They were demanding regularisation of their services.

In another incident on 6 November, police booked 44 male and 3 female government college professors and lecturers after they staged a sit-in near the CM House.

Thousands of young jobless persons who had gathered on 13 January for walk-in interviews at the Dr Ruth Pfau Civil Hospital Karachi, were baton-charged by police to maintain order.

The hospital administration said there were more than 12,000 people but the police estimated numbers to be around 30,000.

### **Prohibitions on right to enjoyment**

In Karachi four policemen were suspended for harassing and manhandling a married couple at Sea View on 12 March after a video on social media went viral. The plainclothes policemen were shown demanding that a married couple produce their '*nikahnama*' (marriage certificate) and manhandling the woman as she tried to film them while her husband could be heard screaming that they were husband and wife.

## **Freedom of association**

Many civil society organisations, trade unions, students' organisations and women and human rights organisations are striving for the fundamental right of freedom of association.

In Sindh it continued to be difficult for non-governmental organisations to work freely, while trade unions complained of restrictions on their activities by law enforcement agencies.

### **Trade unions**

As in the rest of the country, trade unions in Sindh are not protected under the relevant laws.

The Port Qasim Union (CBA) had to organise a 185-day protest camp outside the Karachi Press Club, before some of their demands—a 10 percent increase in salaries, implementation of the employee's son quota and recognition of their status as labourers if the port authorities outsourced their operations—were met. They had even protested outside the National Assembly in Islamabad.

According to *A Profile of Trade Unionism and Industrial Relations in Pakistan*, published by the International Labour Organization (ILO), only three percent of the total 61 million workforce are registered under trade unions in Pakistan.

### **Student unions**

An organised movement for the restoration of student unions in educational institutions was launched and a countrywide Students' Solidarity March organised in major cities on 29 November, in which thousands of students participated.

Rallies were held in Karachi, Hyderabad and other major cities of Sindh calling for early restoration of their unions in both public and private educational institutions in the province.

As a result of the movement, the Sindh government and, later, the federal government agreed to make respective laws. The Sindh Assembly adopted a resolution on 5 November to lift the ban on student unions in the province.

The provincial cabinet subsequently approved a draft bill on 9 December, to be presented in the Sindh Assembly.

## **Crackdown on civil society and NGOs**

An organised crackdown on civil society, non-governmental organisations and rights bodies have made it difficult for them to operate across the country.

It was reported in December that the Sindh government had cancelled the registration of over 7,000 (70 percent) of NGOs in the province for not sharing their financial records.

Earlier, in June, it had been reported that the Sindh government was planning to introduce a new law to monitor the functioning and activities of NGOs across the province, in line with National Counter Terrorism Authority (NACTA) guidelines.

### **Political developments affecting citizenry**

A treason case was lodged against 17 students of Sindh University by Jamshoro police on 31 October. They were alleged to have been carrying *Jeay Sindh* flags, chanting anti-Pakistan slogans and chalking on walls against the state.

They were charged under several sections of the Pakistan Penal Code (PPC) – criminal conspiracy, condemnation of the creation of the state and advocacy of abolition of its sovereignty, assaulting president, governor, etc. with intention to compel or restrain the exercise of any lawful power, and wantonly giving provocation with intent to cause riot.

The students said they were protesting against water shortages in the hostel. The Vice-Chancellor said the university had not been consulted before the FIR was registered. He confirmed that the students had been complaining of water shortage and had not raised any slogans.

In November, Steel Town police Karachi registered a treason and terrorism case on behalf of the state against the leadership of the Jeay Sindh Qaumi Mahaz (JSQM) as well as 2,000-2,500 workers. They were accused of raising slogans against the state and its institutions during their ‘Paigham-i-Sindh’ rally and demonstration on 17 November.

A special anti-terrorism court subsequently issued non-bailable warrants for five accused including the chairperson of the JSQM.

### **Participation in elections**

The Free and Fair Election Network (FAFEN) pointed out procedural irregularities in the October by-election held for the Sindh Assembly’s constituency PS-11 (Larkana-II). According to its report, there were also breaches in secrecy of voters’ ballots inside some polling booths.

The report was based on the monitoring of 69 polling stations by 21 trained observers who directly observed and reported on the election process in and outside polling stations. They reported instances of electoral and political violence, pre-voting preparations at polling stations, and voting and counting processes inside polling stations.

By-elections were held on one National Assembly and three provincial assembly seats in Sindh. No major election-related violence was reported in the media.

### **Political opposition to the government**

The Pakistan People’s Party (PPP) has formed the provincial government for three consecutive terms and, for two terms, their coalition partner was the Muttahida Qaumi Movement (MQM).

After the 2018 general elections, however, the MQM-Pakistan (MQM-P) opted to join the Pakistan Tehreek-e-Insaf (PTI) federal government.

The other three major political parties in the Sindh Assembly are the PTI, the Grand Democratic Alliance (GDA) and Tehreek-e-Labbaik Pakistan. PTI is the leading opposition party with 30 seats.

The main opposition to the PPP government, however, comes from the MQM-Pakistan members, who mostly represent urban voters.

The Karachi mayor also belongs to MQM-P, so the main complaint of the party is neglect of the urban areas in development and the annual budget. The mayor has complained of non-release of funds to the Karachi Municipal Corporation (KMC) since entering office.

In December, the MQM-P introduced a bill in the National Assembly to increase the number of provinces in Pakistan to eight, with Sindh being split into Northern and Southern Sindh.

The Sindh Minister for Information, Archives and Labour criticised the MQM-P demand for more provinces in Sindh as a move to promote anti-Sindh politics in the province, terming it illogical, irrational, and absurd.

# Women

## Legislation and policies

The Sindh Assembly in December unanimously passed ground-breaking legislation which recognises women workers of the agricultural sector as formal labourers.

The Sindh Women Agriculture Workers Bill 2019 acknowledges the central role of rural women in Sindh's predominantly agro-based economy. It will protect the social security rights of female labourers engaged in the sectors of cultivation, fisheries, poultry, and animal husbandry.

Female workers of the agricultural sectors will be able to get financial assistance from the endowment fund of the Benazir Income Support Programme and their rights will be equal to industrial labourers of the province.

They will be able to demand a contract of employment if necessary and have rights related to collective bargaining, social welfare including child health, community development, economic profit, and access to publicly supplied goods and services.

This is the first such law passed by any legislative assembly in the country but it remains to be seen how it will be implemented.

In collaboration with UN Women Pakistan, the Sindh Commission on the Status of Women (SCSW) launched its first ever three-year strategic plan, to advocate for women's rights and promote gender equality in line with international commitments.

Three strategic priorities are the review of Sindh's laws, regulations and policies from a gender perspective, taking steps to end violence against women, and building the institutional capacity of the SCSW.

In December, the SHC directed the chief secretary of Sindh to form a high-level committee to work towards bringing all women's issues under one department with complete autonomy. The committee was to complete its deliberations within six months and submit monthly reports.

## Violence against women

The Sindh deputy district prosecutor general said during a discussion in July on the state's response to sexual violence that the high number of acquittals in such cases was due to poor investigations.

While dismissing the appeal of a man who challenged his sentence of life imprisonment in 2012 for killing his wife, the SHC in April expressed its displeasure at the increase in domestic violence.

The bench directed the Chief Secretary and social welfare secretary to implement the Domestic Violence (Prevention and Protection) Act, 2013 in letter and spirit without further delay and asked for quarterly progress reports.

In July, mother of two minor children Ruqayya, 25, lost an eye in an acid attack allegedly carried out by her husband Imran in a Clifton locality. She suffered burns on her face and other parts of her body.

Nazeeran's resistance to the sale of her house ended with her death at the hands of her husband Abid Hussain and his brother Sabir in 2014. They poured kerosene on her and set her on fire. Their two children were witnesses at the trial in April 2019. The judge decided that the crime merited the maximum punishment and handed down the death sentence to Abid Hussain and life imprisonment for his brother.

The provincial authorities were directed by the SHC in October to establish women rescue police centres in every division of the province. The bench also asked the finance secretary to release the sanctioned amount of PKR145 million for safe houses within a week or he could be subject to contempt of court proceedings.

### **Cybercrime against women**

In September, the FIA cyber wing took into custody two suspects who were cyber-bullying a girl in Karachi. The girl was being harassed by her neighbour who was in possession of obscene pictures and videos which he used to threaten her. He had also shared them with many groups on social media. The accused were later said to have reached a compromise with the complainant's family and paid a fine of PKR500,000.

A married man with two children was arrested by the FIA in October on charges of sexually harassing a woman and making objectionable videos. He reportedly presented himself as an officer of a 'sensitive institution', and from an influential family.

### **Women in the workplace**

The SC took the provincial governments to task in March for not doing enough to address cases of workplace harassment.

A report submitted by the Sindh ombudsperson in the SC admitted that 388 cases had been filed and 350 had been disposed of, but action had only been taken in eight cases.

Eighty-eight incidents of harassment were reported in the health department; 73 in the education department and 110 in the private sector. PIA employees submitted two complaints, while NGO employees made 24 complaints.

One complaint came from within Habib Bank (HBL), three from media houses and 66 came under the 'domestic' category. Three appeals had been filed – two in Karachi University and one in Shaheed Zulfikar Ali Bhutto Institute of Science and Technology (SZABIST).

Action taken by the ombudsperson included the demotion of an employee at a government college to a lower post, the dismissal of one Karachi University employee, and removal of one HBL employee. Fines were also imposed on one employee each from HBL, Karachi University, a therapist, SZABIST and a private school.

Once again the Aurat March was organised across the country on

8 March, with the participation of social activists, lawyers, doctors, engineers, business executives, journalists, students, entrepreneurs, factory workers, vendors and hawkers, athletes, female cab drivers, policewomen and housewives, all raising their voices against the injustices in society that women have to face. The organisers of the march received rape and death threats on social media and some placards were even doctored to inflame the situation.

A member of the country's largest religious political party filed a complaint with police in Karachi, accusing the protesters of provoking religious sentiments and spreading vulgarity. The organisers also said the media had focused more on the backlash from the event than its original aims.

### **Transgender rights**

In October, the Sindh government fixed a 0.5 percent quota of jobs in all provincial government departments for transgender citizens.

Earlier, in April, it was reported that a five percent quota of office jobs would be available to transgender people in the Sindh police force, and that they could also serve as regular duty police officers.

The social welfare department was also directed by the CM to take measures to encourage transgender persons to get a formal education and undertake technical training, and that they be allowed to participate in open competitions without any discrimination.

There are fewer reports of attacks on the transgender community in Sindh, although some incidents may not be publicised.

Shabana, 30, was found stabbed to death in a rented flat in April in the Tariq Road area.



*The Sindh government fixed a 0.5 percent quota of jobs in all provincial government departments for transgender citizens.*

# Children

## **Legislative developments and child protection systems**

As far back as 2012, a petition was filed by NGO Roshni Research and Development Welfare seeking court directives to the provincial police regarding children who went missing in different parts of Karachi. The NGO alleged that cases of missing children were not being properly investigated by the police.

In February 2019, the SHC expressed dissatisfaction with the progress report filed by the police on the recovery of missing children and directed the police to use modern methods and all available resources to recover children. At an earlier hearing, the police and the FIA were told to look into the possibility of the children being used in human trafficking.

Once again, in June, the SHC directed the police to step up their efforts to recover 16 missing children. The police said that many children ran away either because of disinterest in schooling or abuse by their parents.

A hotline telephone service (1121) was launched by the Sindh Child Protection Authority and Social Welfare Department in November in all 29 districts of Sindh to help children exposed to abuse, neglect, or any other form of crime.

## **Violence against children**

Violence against children took many forms. The SHC took suo motu notice of the case of a 13-year-old Hindu girl who was allegedly intoxicated and gang-raped in Tando Mohammad Khan in June. The deputy inspector general (DIG) and senior superintendent of police (SSP) were summoned over the failure of the police to arrest all the suspects.

In July, the FIA claimed to have arrested a young man for his alleged involvement in sexually abusing, harassing, and blackmailing a 12-year-old girl, and to have uncovered an organised gang behind child pornography.

A 12-year-old boy who had been missing for two days was found raped and murdered in October and, shortly after, two brothers Ali Raza, 10, and Azan, 8, were found killed in New Karachi graveyard four days after they went missing.

A day after she went missing from her home in Var town, Thatta in December, a seven-year-old girl was found assaulted and strangled to death, her body dumped in a banana orchard.

The same month, the body of a seven-year-old boy, missing for three days, was discovered in sugarcane fields near Ghotki. He had been sexually assaulted before being murdered.

## **Children's health**

In April, nine-month-old Nashwa was paralysed after she was allegedly administered an overdose of potassium chloride at a private hospital, Darul Sehat. CPR was performed on her for 45 minutes resulting in a

lack of oxygen to her brain. She was taken to another private hospital, Liaquat National Hospital, but died during treatment. A board of doctors was set up to ascertain the exact cause of death.

Several administration and medical staff of Darul Sehat were charged with improper treatment but in October came to an agreement with the parents and the court. The hospital's owner and chairman, vice chairman and executive director were exonerated of the charges of negligence and the management agreed to build a paediatric intensive care unit in the name of Nashwa, as well as providing a scholarship in her name and allocating PKR5 million annually for treatment of needy and poor patients.

An eight-year-old girl also died in April after reportedly being given the wrong injection at a private clinic in Karachi. She was being treated for pneumonia. The doctor involved was taken into custody.

### **Drugs in schools**

The Sindh police were told by the Chief Minister to be vigilant after reports of drugs being peddled outside educational institutions, mainly in urban areas.

The education secretary was also asked to collaborate with the administration of private educational institutions to control the practice and to involve parents if necessary.

In February, police claimed to have arrested six members of a gang supplying drugs to students in Karachi.

Later, in May, the police were said to have arrested 15 suspects, including a woman councillor, for alleged involvement in selling drugs to college and university students. Some of the suspects were reportedly involved in the sexual assault of girls addicted to crystal meth, also known as 'ice'.

### **Child marriage**

The World Health Organization (WHO) report titled '*Demographics of child marriages in Pakistan*' stated that there was a high percentage of child marriages in Sindh with 72 percent girls and 25 percent boys falling victim to this menace.

The highest number of girl child marriages were recorded in the tribal areas, where 99 percent of the girls are married under this traditional practice which continues despite the existence of the Sindh Child Marriages Restraint Act.

In Khairpur, police conducted a raid at the wedding of a minor girl with a 48-year-old man in November and arrested the bridegroom, his brother, and the father of the girl.

Sujawal police stopped the marriage of an 11-year-old in April on a tip-off and arrested the groom, his father, and the girl's maternal uncle.

In May police intervened as a 10-year-old girl was about to be taken away by a 40-year-old man after a marriage ceremony in the Shikarpur area. The groom confessed to having paid the girl's father PKR250,000 to marry her.



*Police intervened to stop a 40-year-old man in Shikarpur from marrying a 10-year-old girl.*

### **Child labour**

The Chief Minister said that the provincial government was collaborating with UNICEF in conducting a survey, for which PKR96 million had been allocated, on the number of children engaged in child labour.

Once the survey was completed at the end of December, the government would be in a position to develop a comprehensive strategy to provide education and skill training for their future employment. The CM said the Sindh Factories Act 2015 prohibited a child below the age of 14 years from working in a factory.

The labour secretary said that the Jamshoro district had been nominated as a Child Labour-Free District and a task force headed by the Director Labour Sindh, along with the Additional Director Labour Hyderabad and other officials would be ensuring the eradication of child labour in the district.

### **Street children**

The UNHCR informed the Chief Minister that they had a USD200 million fund for the rehabilitation of street children and work could begin once they were given a no-objection certificate (NOC). The CM directed the Home Secretary and Karachi Commissioner to issue the NOC.

It was estimated that over 30,000 homeless children were living on the streets of Karachi. The Sindh government had already imposed a ban on child beggars and planned to establish shelter homes for their rehabilitation.

## **Labour**

### **Legislation**

As with most legislation in the province, the implementation of labour laws is the main impediment to the elimination of employment injustices and the redress of complaints.

Grievance mechanisms in cases of unfair dismissal are still not in place, and organisations continue to take advantage of workers who are either unfamiliar with their rights under the law or who lack the resources to challenge the actions of management.

### **Minimum wages**

During the question hour of the Sindh Assembly in September, the Sindh Information and Labour Minister said that the minimum monthly wage of unskilled labourers across the province had been increased from PKR16,200 to PKR17,500 during the year.

The law relating to minimum wage is applicable to all factories, industrial zones and other workplaces across the province where unskilled labourers are employed.

### **Labour struggles**

The present government initiated the privatisation process of selling state-owned industries and commercial establishments including Pakistan Steel, PIA, Railways and WAPDA.

The All Pakistan Wapda Hydro Electric Workers Union CBA organised protests in many areas of Sindh in October against plans to sell off profitable power supply companies of the country, including Lahore Electric Supply Company (Lesco), Islamabad Electric Supply Company (IESCO) and Guddu Powerhouse.

At the rally in Hyderabad, the CBA Sindh general secretary demanded the cancellation of privatisation plans, warning that the Pakistan People's Party (PPP) and the Pakistan Muslim League (PML-N) governments had also planned to privatise, but were forced to accept the demands of workers and agree not to outsource at all.

In the second half of the year, thousands of daily wage workers, outsourced and contractual employees lost their jobs following a massive decline in sales in the auto sector.

### **Occupational health and safety**

The lack of implementation, or complete absence, of occupational health and safety measures is evident in the frequent reports of workers being killed or injured.

Six workers, two of them brothers, fell to their deaths from a multi-storey building in Karachi. The workers were on a construction lift installing glass panels when one of the ropes broke. The lift tilted and the workers fell from the height of 13 floors; five of them died on the site while a sixth worker died in hospital. The owners of the under-construction building as well as the lift contractor were charged with manslaughter and neglect.

Accumulated gas in a coal mine resulted in a blast that caused a cave-in at a coalmine of the Khanote Coalfield of Jamshoro district in May. Five workers with 80 percent burn injuries were rescued and rushed to hospital, where four of them died and another was declared critically injured.

As the trial of the Baldia garment factory fire continued in an anti-terrorism court, one of the owners testified in September that the deadly fire that killed over 250 workers in 2012 was an act of terrorism intentionally carried out on the instructions of the Muttahida Qaumi Movement (MQM) leadership over failure to pay protection money. Regardless of the cause of the fire, the appalling death toll was a direct result of the inadequate occupational health and safety standards. The design of the building was also said to be flawed.

At a press conference in Karachi in December, human rights and labour rights activists expressed anger over the deaths of sanitary workers from the inhalation of toxic gases while cleaning clogged sewers in various parts of the province, including Karachi. They said sanitation workers were particularly vulnerable as they were required to clean toxic manholes and sewage lines without safety kits. As recently as October, two young sanitation workers died while cleaning a sewage line.

### **Home-based workers**

The Sindh Assembly passed the Sindh Home-Based Workers Act in 2018, but progress on its implementation, as with many such laws, has been slow. The Home Based Women Workers Federation (HBWWF) Pakistan organised a vigil on 7 March on the eve of the 108th International Women's Day outside the Karachi Press Club, demanding equal wages for equal work as well as the implementation of the Act.

### **Farm workers**

At a meeting held at the HRCP Hyderabad office in November, *hari* (farmer) organisations called for proceedings of farmers' cases to be initiated before civil and sessions courts in line with a recent SHC verdict, instead of *mukhtiarkars* (revenue administrators) and commissioners.

The meeting demanded registration of *haris* to put an end to *begar* (forced labour) which the court had ruled as illegal, and for *haris* to be provided facilities for education, health and insurance. It was also agreed to translate the SHC verdict into Sindhi for publication and awareness.

## **Senior citizens**

### **Policies**

The Sindh government tabled the Sindh Senior Citizens Welfare Bill in 2014, which was eventually passed in 2016, triumphantly announced as the first such in the country. By the end of 2019, it was evident that this was yet another much-publicised law that had suffered from lack of implementation.

The SHC expressed its displeasure in December over the lack of any progress. The rules of business had not been framed, no action had been taken by the 'senior citizens council' specified in the Act, and the special benefits and discounts had yet to materialise.

The identification (Azadi) card to avail such benefits had not been issued and the excuse given to the bench was that NADRA had refused to release the data for senior citizens.

The court directed the provincial authorities to notify the rules within 45 days, and told the council to apply for the funds to set up the welfare fund within 15 days, constitute a complaint redressal committee, and issue Azadi cards to senior citizens for essential services and benefits. A progress report was to be submitted within two months.

The Additional Advocate General (AAG) and the officials of the social welfare department said that PKR75 million had been approved for an 80-bed shelter home in New Karachi which would be completed within three months. However, the bench pointed out that a single home would not be sufficient and one should be provided in each district.

### **Health services for senior citizens**

While similar facilities are lacking in the public sector, in the private sector Liaquat National Hospital introduced their unique Senior Citizen Primary Care Unit, a state-of-the-art specialised facility to promote the physical, social and psychological wellbeing of elderly citizens of Karachi. The unit was said to have a team of highly qualified professionals to meet all these needs at an 'affordable cost'.



*The much-publicised Sindh Senior Citizens Welfare Bill suffered from lack of implementation.*

### **Pensions**

In June, the Sindh government announced that pensioners would get a 15 percent raise in pensions and that 90 percent (200,667) pensioners had been moved on to the Direct Credit System (DCS) to receive their monthly pension payments directly in their bank accounts.

The Accountant General (AG) Sindh said his vision was to provide all emoluments to pensioners from the date of their retirement and, from the following financial year, the Sindh AG would start paying 65 percent of the anticipatory pension if the complete pension cases were not submitted by the departments.

One-window Sindh Pension Centres were inaugurated at district accounts offices in Sindh in all 22 districts of the province to facilitate retired employees of the Sindh government and their families.

## People living with disabilities

### Policies

At the request of the Sindh government, the Chief Justice of the SHC ordered the establishment of special courts for persons with disabilities (PWDs) in all district headquarters.

The Sindh Assembly had earlier passed the Sindh Empowerment of Persons with Disabilities Act 2018. For the first time, all disabilities had been defined in detail, unlike earlier federal and provincial laws that recognised only four categories: physically impaired, visually impaired, hearing impaired and 'mental retardation'.

The Special Assistant to Sindh Chief Minister on Department of Empowerment of Persons with Disabilities (DEPD) said the provincial government was moving towards eliminating difficulties for special persons in obtaining CNICs. NADRA was to progressively set up camps in all districts in collaboration with the DEPD.

Twenty-eight centres were said to have been established across the province to provide certificates to special persons.

### Education and employment

During a Supreme Court hearing of a case relating to the rights of PWDs in the country, the secretary of the Services General Administration and Coordination Department of Sindh informed the court that the Sindh government had established three committees for persons with different types of disabilities: redressal of grievances, special medical boards at district hospitals, and district recruitment committees.

Advertisements were to be published in newspapers to publicise all three committees. The Sindh information department had been directed to contact PEMRA for free air time on radio and television to disseminate information regarding the rights, privileges, and redressal of grievances.

In March, the State Bank of Pakistan decided to provide concessionary loans at an interest rate of only five percent to special persons to improve access to finance for those falling under the small enterprise (SE) category.

Special persons could avail financing up to PKR1.5 million for a maximum period of five years, including a grace period of six months.

### Facilities

Several persons with a hearing disability witnessed the Sindh Assembly unanimously pass a bill on 8 November allowing hearing-impaired persons to obtain driving licences. The draft had been presented after weeks of debate on the amendment among members of the standing committee of the provincial legislature on law and parliamentary affairs and human rights.

# Refugees and IDPs

## Refugees

At a meeting between the Chief Minister and the United Nations High Commissioner for Refugees (UNHCR) in March, it was agreed that UNHCR would conduct a census of Afghan refugees living in the province.

According to a UNHCR report, over 50,000 of the 1.38m registered Afghan refugees in the country lived in Karachi. Another million refugees are said to be living in the country outside of the formal refugee registration system, although these figures are not accepted in most circles, particularly in Karachi.

## Loans for Afghan refugees

The State Bank of Pakistan (SBP) said in March that it had told banks and development finance institutions (DFIs) they could use the Proof of Registration (PoR) cards issued by NADRA to open accounts of Afghan refugees. Banking services in Pakistan were previously unavailable to refugees even though many of them have been living in the country for decades.

Pakistani banks are currently facing strict scrutiny by regulators as well as law enforcement agencies in the country. Pakistan has been included in the grey list of the Paris-based Financial Action Task Force (FATF), which seeks to eliminate terrorism financing and money laundering from the country, and has been urged to take more measures for the complete elimination of terrorism financing and money laundering.

In particular, the currency exchange companies have been barred from moving cash within the country.



# Education

## Quality of learning and teaching

The Chief Minister in May expressed dissatisfaction with the quality of teaching in primary and secondary schools and emphasised the need for teacher training. He said the best way to utilise the budget at primary level was to decentralise school management and transfer administrative and financial powers to head teachers at grade 17.

The education minister reported on a plan to construct 179 two-roomed buildings for shelterless primary schools in 19 districts as well as restoration of 29 high-enrolment dilapidated primary and elementary school buildings.

After the federal government slashed the overall education budget by around 20 percent, and allocated only PKR28.64bn to the Higher Education Commission—50 percent of its demand of PKR55bn—it was reported that several universities in Sindh were finding it difficult to pay the salaries of staff and faculty members.

## Curriculum

The federal government has been developing a uniform curriculum across the country to bridge differences among the provinces.

## Mandatory teaching of Sindhi

The Sindh Assembly in March passed a private resolution demanding mandatory teaching of Sindhi in private schools.

## Regulation of private schools

The issue of the fees charged by private schools continued in 2019 with the SHC in April restraining private schools from collecting fees in advance for May and June and also directing parents to pay fees according to the court order. At the hearing of applications moved by parents against the management of some private schools for not implementing a judgment on increase in fees, counsel for one of the schools said parents had not been paying the fees since August the previous year. The counsel also said that amended fee vouchers had been issued in accordance with both the SHC and SC orders.

The applicants and their counsel said some schools were not complying with the orders and the court said that any school collecting fees in advance for the summer vacations would face contempt of court proceedings.

# Health

## Legislation and budget allocations to health

The Sindh Assembly passed the Sindh Injured Persons Compulsory Medical Treatment (Amal Umer) Bill, 2019 in January which was then enacted in March 2019. Under the law hospitals are bound to provide immediate treatment to any injured person without 'complying with

medico-legal formalities'. Until the person is deemed to be out of danger, police will not be allowed to 'interrupt or interfere' and doctors will not be bound to obtain the consent of relatives while providing necessary treatment.

The death of 10-year-old Amal Umer, shot dead during an exchange between police and robbers in the Defence area of Karachi in August 2018, was the catalyst for the new law. She succumbed to her injuries when the hospital authorities refused to provide immediate medical assistance and the 40-minute delay in medico-legal procedure resulted in her death at the hospital. The SC took suo moto action and formed a special committee tasked with identifying negligence on the part of police and private hospitals in dealing with emergency situations, as well as suggesting reforms.

The health budget in the country continues to be less than one percent, well below the WHO recommendation of a minimum six percent of the national gross domestic product. The failure to control outbreaks of infectious diseases is indicative of the woefully inadequate funding and investment in this sector.

The Sindh chapter of the National Commission for Human Rights launched a report in May on *Right to health in Pakistan*, emphasising the need to make health a fundamental right in the Constitution.

### **National programmes**

The health minister informed the Sindh Assembly in April that immunisation coverage in the province – previously static at 29 percent – was now 49 percent and modern methods were being employed to achieve 100 percent coverage in the next five years.

### **Public health**

In January 2019, the SC gave administrative control of the three major public sector hospitals – Jinnah Postgraduate Medical Centre, National Institute of Cardiovascular Diseases, and National Institute of Child Health – to the federal government.

Having initially agreed, the federal government changed its position, expressing reservations over whether it could run the hospitals effectively. The status of the three hospitals was still uncertain at the end of the year.

The Sindh government has established an effective network of hospitals in Sindh linked to the National Institute of Cardiovascular Diseases where treatment is provided free to patients from across the country.

Thousands of patients faced hardship and anxiety following the shutdown of outpatient departments (OPDs) at public sector hospitals in Karachi by doctors demanding a raise in salaries and allowances on a par with those paid to their colleagues in Punjab.

The five-day strike paralysed service delivery at outpatient departments and wards and also affected surgeries at many large hospitals. The doctors agreed to end their strike after assurances from the government that their demands would be met.



*Doctors in Karachi shut down outpatient departments in hospitals, demanding a raise in salaries.*

The drive to close down ‘quack’ clinics continued during the year. In September the health minister informed the Sindh Assembly that 193 health facilities had been sealed in Karachi, Hyderabad, Larkana, and Mirpurkhas divisions by the Sindh Healthcare Commission (SHCC) ‘due to quackery practice’.

Over 500 warning letters had been issued to doctors who did not comply with the SHCC’s directives. It was further said that any establishment that renewed or obtained licences from the Pakistan Medical and Dental Council were allowed to reopen.

### **Dog bites**

A news report in November said that over 630 cases of dog bites were being reported on average per day in Sindh. The Sindh assembly was told that around 186,579 people in the province had been attacked by stray dogs over the previous 10 months. The provincial director-general for health services said that the actual number of victims could be much higher as many people did not go to hospital for treatment. Despite this, the anti-rabies vaccine is unavailable in all major district hospitals.

Children are the most vulnerable to attacks. In Larkana, a minor boy was horrifically mauled by six stray dogs and taken to hospital in critical condition.

### **Malaria**

In the period January to July 2019, the Sindh Malaria Control Programme recorded 52,377 cases of malaria across the province. Officials said cases were increasing in different districts after the heavy rains. Most of the cases were reported in rural areas, e.g. Thatta (10,191), Sujawal (4,428), Larkana (4,121), Tando Muhammad Khan (3,994), Badin (3,602), Mirpurkhas (3,523), and Umerkot (3,183). Around 1,873 malaria cases were detected in Karachi. The number of cases was lower in Karachi, Hyderabad and other major cities than in rural areas of the province.

## **Typhoid**

The health minister told the Sindh Assembly that contaminated water was responsible for the epidemic of the drug-resistant 'superbug' typhoid, first identified in Hyderabad in 2016 and now spreading in parts of Karachi.

The World Health Organization (WHO) reported in December that over 9.4 million children aged from nine months to 15 years had been vaccinated in Sindh against typhoid fever, with a coverage rate of 95 percent.

Pakistan was the first country to introduce the WHO-recommended typhoid conjugate vaccine (TCV) in its immunisation programme and Sindh, where more than 11,000 cases have been reported since November 2016, took the lead. The vaccine would be incorporated in routine immunisation after a mass campaign against the disease.

Hyderabad, Latifabad, and some localities of Karachi, including Saddar, Lyari, Liaquatabad, and North Karachi, were affected more than other parts of the province. The minister said that an awareness campaign had not been launched as the government did not want to spread panic.

## **Polio**

The latest figures showed 24 cases of polio were recorded in Sindh in 2019. This is a staggering rise considering that only 12 cases were reported countrywide the previous year. In December the anti-polio campaign was said to be back on track with 100 percent coverage, but the five-day drive reportedly failed to reach nearly 300,000 children in Sindh.

Some resistance still exists against the administration of vaccines. Three people were detained by police for their refusal to have polio drops administered to their children as well as misbehaving with vaccinators during a catch-up campaign.

Two teams of polio workers were caught up in scuffles with family members in Latifabad and the union committee medical officer was manhandled.

## **HIV/AIDS**

The sheer scale of the outbreak of HIV/AIDS in the Larkana district of Ratodero was a shock. A total of 38,658 people were screened after it was first uncovered in April, when it was initially blamed on a paediatrician who was the cheapest in the locality. By the end of the year 1,235 people tested positive.

Of the adults, 73 were men and 187 women, but children were disproportionately affected—599 male and 376 female. The World Health Organisation declared it a 'Grade II Emergency' and said the main cause of the outbreak was medical malpractices of reusing syringes and drip kits.

According to the United Nations joint programme on HIV and AIDS, about 600,000 unqualified doctors are believed to be unlawfully

operating in the country, 270,000 of them in Sindh. The often innocent victims of this disease have to withstand prejudice and accusations, such as the HIV positive Kareema Rind, mother of five children, who was strangled and hung from a tree by her husband near Ratodero.

The provincial government announced in June that they were establishing an endowment fund for HIV patients, particularly children, which would work to create awareness among communities. While hearing a petition in August for the implementation of laws to prevent the spread of HIV/AIDS and provision of screening and medical facilities, the SHC directed the provincial health authorities to constitute a commission under the Sindh HIV and AIDS Control Treatment and Protection Act, 2013.

### **Dengue**

Dengue fever was still rife in Sindh, while other provinces were reporting no new cases. In December, 16,543 cases were reported in Sindh, more than 90 percent of them in Karachi. The number of dengue cases across Pakistan was said to be over 53,700, with 46 of the 95 nationwide fatalities occurring in Sindh.

### **Naegleria fowleri**

*Naegleria fowleri*, responsible for the disease primary amoebic meningoencephalitis (PAM) and fatal in most cases, is an emerging problem in Karachi, according to leading medical journal *The Lancet*.

First reported in 2008, Karachi had 146 cases up to October 2019. It is suspected that the amoeba is in the domestic water supply. Scientists are also said to be considering climate change to be a factor in the proliferation of the amoeba as the prolonged summers and humid conditions provide an ideal environment.

The health department said its own role in the control of this disease was limited as water chlorination was the only way to kill the amoeba which flourished in sewage. Unfortunately, drinking water was often contaminated with sewage.

### **Congo fever**

By November, the death toll in Karachi from Crimean-Congo haemorrhagic fever (CCHF) had risen to 20, with the Karachi Metropolitan Corporation (KMC) advising hospitals to adopt special precautions for CCHF patients, including the establishment of special wards for patients, and to run awareness campaigns about the virus.

The disease is a viral infection transmitted to humans through ticks that live on cattle, and most patients have been involved in the livestock industry.

### **Hepatitis**

The province had over 230,000 hepatitis B patients, 31,667 in Karachi alone—and as many hepatitis C patients—the Sindh Assembly was told in December. The health minister stated that 24,615 hepatitis B and 219,366 hepatitis C patients were given treatment under the ‘Chief Minister Hepatitis Programme’.

## **Mental health**

The provincial government stated in June that it would be launching a community-based mental health programme, initially as a pilot project which would eventually be implemented across the province. The programme would focus on treatment, rehabilitation, and prevention. Unemployment and stress led to or contributed to mental illnesses which affected a certain vulnerable section of society, according to the health minister.

At a discussion on de-stigmatising mental illnesses organised by the Pakistan Association for Mental Health (PAMH) in May, a senior psychiatrist said that two million people suffered from various disorders, and 300,000 of them needed urgent psychiatric attention.

The same month, the SHC had directed all the commissioners and the senior superintendents of police to constitute special committees to identify persons with mental health issues and refer them to the Sindh Mental Health Authority. The bench was hearing a petition seeking enforcement of the Sindh Mental Health Act, 2013.

## **Malnutrition**

According to the National Nutrition Survey (NNS) 2018 launched in July 2019, Sindh had the highest number of underweight children in the country (41.3 percent). Stunting in the province, at 45.5 percent, was also higher than the national average of 40.2 percent.

The European Union is supporting the government's Accelerated Action Plan for the Reduction of Stunting through the Programme for Improved Nutrition in Sindh (PINS). Sindh had set itself the target of reducing the stunting rate from 48 percent to 43 percent in the first five years of the plan (by 2021).

At least 1,500 children die each year due to malnutrition, viral infections, and lack of proper medical facilities in the remote region of Tharparkar, according to the Sindh health department.

# **Housing, land grabbing and public amenities**

## **Encroachment and evictions**

In March, the SC accepted a PKR460 billion offer by Bahria Town Karachi to implement the court's judgment that it had illegally acquired thousands of acres of land in Malir for its housing project. Over a number of years, *goth* residents had been pressurised into selling their land. While the developer has reportedly paid the sum (or part of it) there is a dispute between the federal and Sindh governments over control of the funds.

On the orders of the SC, the Karachi Municipal Corporation (KMC) demolished over 1,700 shops around Empress Market and other markets in the old town area in 2018. Thousands of workers were rendered jobless and shop owners demanded alternative shops.

In February 2019, the KMC allocated 1,443 shops to the traders displaced during the anti-encroachment drive.

In May, the Supreme Court Karachi ordered the removal of encroachments along the Karachi Circular Railway's 45 km route. Of the total 4,653 families living in these shanty towns, 1,000 were rendered homeless, reportedly during Ramazan.

The Sindh government pledged in June to provide makeshift tents and mobile toilets. In October, the people were said to be still living in miserable conditions.

### **Katchi abadis**

The Human Settlement minister told the Sindh Assembly in November that 1,006 out of 1,414 identified *katchi abadis* had been notified as the provincial government intended to provide ownership to poor people living in shanty towns. Karachi alone had 575 identified settlements and 469 had been notified. He said the granting of ownership rights was in process. The Sindh Katchi Abadi Authority (SKAA) had regularised 350 *katchi abadis* and owners of over 43,991 units had been granted a lease in the province.

The minister said that a bill would soon be tabled in the provincial assembly to identify and regularise slums which had been established up to 2012 as had been done in Punjab. For a shanty town to be declared a *katchi abadi*, the settlement had to have been in existence on or before June 1997 with at least 40 dwellings.

### **Public housing schemes and financing**

At the time of independence when Karachi was the federal capital, there was a severe dearth of housing.

The government built a number of quarters—small residential units—between 1948 and 1952 which were meant to be a temporary arrangement to house government employees who had migrated to Pakistan. Almost seven decades later, the quarters are still occupied and the government wants to reclaim them.

Pakistan Quarters were said to have 254 illegally occupied quarters, the Federal Capital Area 1,987, East Jahangir 434, and West Jahangir 300 quarters. An operation to evacuate the Pakistan Quarters in October 2018 was suspended following public protests and the SC gave the government two months to carry out the evacuation plan.

A meeting chaired by the Sindh Governor in January 2019 discussed the evacuation of Pakistan Quarters and other Federal government colonies and several options were reportedly considered, including engaging the law enforcement agencies (LEAs) and disconnecting water, gas and electricity supplies to compel the illegal occupants to vacate.

However, it was reported in August that the government would extend all possible support to resolve the issue through alternative housing and residents would not be made homeless.

# Environment

## Climate change

At least 18 people died in Karachi during two days of rain and flooding, 15 of the victims from electrocution in different parts of the city in July. K-Electric also failed to ensure uninterrupted power supply in the metropolis as many localities remained without electricity for more than 24 hours.

A six-year-old boy died and five of his family members were injured when the roof of their house collapsed in Solangi Goth near the Superhighway, again in July.

Sindh's climate change department was launched in 2016 but has lacked either the focus or the resources promised by the then Chief Minister. Three years on, a climate change policy has yet to be finalised.

The department has now been merged with the environment and coastal development department and the budget for the fiscal year appeared to show that PKR157 million had been allocated to environment and climate change, while PKR218 million was set aside for the coastal development department.

Experts at a seminar on climate crisis and security in Pakistan organised by the Karachi Urban Lab in November observed that Pakistan is among the countries most vulnerable to the impact of climate crisis, with Karachi considered to be a particular hotspot in this regard. The effects were said to be already visible in low-lying areas south of Karachi and in the Indus River delta.

## Locust attacks

The locusts were first spotted entering Sindh in May. The continuing plague of locusts in late 2019 was predicted by the Food and Agriculture Organization (FAO) in September.

The FAO had said that favourable weather conditions caused by climate change were enabling the locusts to breed a second generation. The initial assurances from the Department of Plant Protection (DPP) of the National Food Security and Research ministry that the migrating locusts were not in search of food was small comfort for the farmers whose crops were being devastated. The DPP later admitted the situation was extremely serious.

On 3 December, the Chief Minister ordered the release of PKR10 million to the DPP for aircraft, fuel and pesticide under a 'bridge finance arrangement'. Heavy damage to standing crops had been reported in 11 districts of Sindh.

## Water

The government's plan to launch a project to overhaul Karachi's deteriorating water supply and sewerage system with the support of the World Bank was announced in August. The federal government was also said to be making a contribution towards the USD100-million project.

## **Air pollution**

In November, alarm was expressed over the number of people reporting respiratory tract infections and allergies in Karachi. The main causes were said to be high levels of dust pollution in the city and changing weather conditions.

Despite the SC direction to authorities the previous year that open coal should not be stored anywhere in Karachi and kept only in warehouses, a number of companies importing coal were violating environmental laws and endangering public health by dumping their consignments in the open in different parts of the Malir district.

## **Ban on plastic bags**

The Sindh government announced in August that it was imposing a complete ban on plastic bags from October. There was some cynicism expressed over the efficacy of this move, as two previous attempts had met with no success. The government said this ban would be different from the previous ones as it was being imposed across the province.

The process of implementation of the ban was rather obscure as the first measure announced by the government in November was monitoring of border entry points to check 'reported transport of harmful polythene bags into the province'.

## **Coal-based power plants**

Despite coal being considered a 'dirty' fuel which damaged the environment and polluted the air, a 660-megawatt power plant and the first open-pit coal mine was inaugurated in April in the Thar Desert.

## **Renewable Energy Sources**

The Chief Minister agreed to sign an agreement with the Danish government to launch renewable energy projects in the province. The Danish envoy was asked to prepare a package for the generation of wind energy, installation of a grid station, and provision of energy to industrial areas at reasonable rates.

The federal government and the PPP administration in Sindh appeared to be in agreement over the necessity to improve Karachi's public transport system.

In November, provincial authorities promised to complete ongoing projects expeditiously and the centre pledged to power the system through environmental-friendly biomethane fuel to reduce carbon emissions.

# KHYBER PAKHTUNKHWA



## HIGHLIGHTS

- Just under 37,000 cases were pending at the Peshawar High Court at the end of December 2019, with a backlog of 197,515 in the district courts.
- Since the inception of the Commission of Inquiry on Enforced Disappearances, KP has topped the list in the numbers of missing persons. As at end December 2019, the total number of cases registered in KP stood at 2,472.
- Of the total 10,462 prisoners in KP, 7,668 were under-trial – 73 percent – due to slow disposal of cases in the courts. By the end of the year, the number of inmates suffering from HIV/AIDS had risen to 39 cases from the dozen reported in July. Almost 100 inmates were diagnosed with Hepatitis B/C, and 235 were mentally ill.
- Internment centres remained operational even after the controversial KP Actions (In Aid of Civil Power) Ordinance 2019 had expired. The Supreme Court continued to hear petitions calling for these centres to be abolished, as well as government appeals against the Peshawar High Court ruling that these centres were unconstitutional.
- A directive from PEMRA to TV channels stopping a press conference by the JUI-F leader on the Azadi March was declared by the PHC to be ‘illegal’ and ‘in violation’ of both the Constitution and the PEMRA Ordinance, 2002.
- The KP government lagged behind other provinces in legislation to curb gender-based violence and failed to enact laws related to domestic violence, child marriages and acid and burn crimes. A bill related to Muslim family laws was also deferred after religious parties expressed reservations about the amended draft. The NGO Aurat Foundation reported that 778 women were killed in 2019, a 20 percent increase in cases of violence against women.
- At least 188 incidents of sexual abuse and murder of children were reported from 20 districts in 2019, a sharp rise from the 143 cases registered in KP in 2018. Most of the cases of sexual abuse – a total of 137 – involved boys, with 51 cases of sexual assault on girls.
- Four out of every ten children in KP aged five years or below are stunted, while nearly two out of every ten suffer from wasting. Over 20 percent of under-fives are underweight and over ten percent are overweight.
- A proposed law for the safety and rights of miners has not materialised and the lack of any adequate safety and health measures in this hazardous work remains unresolved. Mines continue to operate despite being declared dangerous.
- The PHC heard a petition for the implementation of international conventions for the development of persons with disabilities and the provision of free health facilities, and ordered the attachment of the salary of the KP chief secretary for non-compliance with instructions to provide information.
- The PHC referred a petition for the regulation of the life and work of Afghan refugees and deportation of illegal refugees to the federal and provincial governments, directing them to restrict the activities of the refugees in the country in line with the law of the land.
- The KP Elementary and Secondary Education Department handed over more than 3,000 ‘low-performing and non-functional’ primary government schools across the province to the private sector beginning April 2020. A survey in January 2019 reported over 1.8 million out-of-school children in the province while the dropout rate stood at 44%.
- The number of confirmed cases of dengue fever was reported to be over 7,000 towards the end of the year. Incidents of the dog bites amid a shortage of the rabies vaccine were on the rise.

## Laws and law-making

With an overwhelming majority in the Khyber Pakhtunkhwa (KP) provincial assembly, the ruling party of Pakistan Tehreek-e-Insaf was able to pass a staggering total of 47 Acts during 2019. Twenty-six of these were amendments.

Some of these laws resulted in considerable controversy, such as the Regional and District Health Authorities Act 2019 which doctors termed an attempt to privatise the health sector, and the Khasadar and Levies Force Acts which aimed to bring the Khasadars and Levies under the command of the KP police.

### Laws passed in Khyber Pakhtunkhwa

See Appendix 2.

## Administration of justice

### Judiciary – pending cases etc.

According to Peshawar High Court (PHC) data, a total of 40,795 cases were pending at the court at the end of December 2019. From January to December, 33,604 fresh cases were instituted in the PHC and the court disposed of 29,707 cases during this period.

Similarly, 485,673 fresh cases were instituted at the district courts in KP, which disposed of 484,465 cases, leaving a backlog of 196,238. Figures from the Law and Justice Commission of Pakistan differ slightly (see Appendix 4).

From January to December 2019, the Human Rights Cell of the PHC received 2,742 cases/complaints of which 2,940 were disposed of and 228 left pending.

### Justice system reform

In February, employees of various government departments of the Khyber tribal district called for an end to the traditional *jirga* system in the newly merged tribal districts and stressed the need for immediate extension of the judiciary to those districts.

Shortly after, the PHC posted 28 judicial officers to the districts and announced that those officers would begin hearing criminal and civil cases in their respective areas from 11 March. However, by 19 March opposition members of the KP Assembly were demanding that a timeframe be specified for the introduction of district courts, police, and revenue systems in the merged districts.

The Lower Dir district and sessions judge said in December that a record number of cases had been decided by the model and lower courts in the district, including 41 of 62 murder cases with 11 convictions. The same month the district and sessions judge of Kohat said the model courts had decided over 530 cases in five months which would normally have taken years.

The chief justice of Pakistan inaugurated an information e-kiosk and video link platform in November at the PHC to enable the virtual appearance of lawyers from the Kohat and Mardan districts.

In November, lawyers boycotted courts across KP over the extension given to the army chief by the federal government and the filing of a petition in the Islamabad High Court to suspend pronouncement of the special court's judgment in the Musharraf high treason case.

Lawyers again went on a three-day boycott of courts in December across KP, protesting the enactment of the KP Control of Narcotics Substance Act, 2019, and the KP Code of Civil Procedure (Amendment) Act, 2019. The protestors contended that these new laws would overburden the courts and make litigation expensive.

The KP government claimed the laws would help provide speedy justice to litigants. The lawyers also observed a province-wide strike against the 'insulting attitude and expressions' towards the judiciary and condemned the statements of the federal government and others against the conviction of Musharraf.

The legal fraternity's actions severely affected trials and added to the suffering of litigants. On 19 December, a lawyer moved the PHC requesting it to declare unconstitutional a provision of the Pakistan Legal Practitioners and Bar Council Rules, 1976, which allows the Pakistan Bar Council to call a nationwide strike. He argued that the right of access to justice was a fundamental right and, as such, the call for strikes and protests at national level prevented lawyers from performing their duty.

### **Accountability/NAB**

In February, the National Accountability Bureau (NAB) arrested Dr Abdus Samad, a PhD scholar and Director Archaeology and Museums of KP for alleged misuse of authority while appointing employees at different archaeological sites. After the Prime Minister criticised the arrest, the NAB Chairman asked to see Samad with the relevant record. In the event, NAB never brought him before the chairman but simply briefed him about the investigations. In April, the PHC sought replies from the NAB chairman and KP chief in a writ/bail petition. Finally, in May, the PHC granted bail to Samad against two surety bonds of PKR5 million each.

A report compiled by the Provincial Inspection Team (PIT) on the Bus Rapid Transport (BRT) multi-billion project pointed to misuse of public money through faulty planning and designing, negligence in execution of work, and poor management. KP Assembly representatives of opposition parties urged NAB in April to conduct an impartial inquiry into the alleged corruption. [See also *Freedom of movement*]

In November, the PHC set aside arrest warrants for one serving and two former police officers, issued by NAB chairman in a high-profile case of alleged embezzlement in weapon procurement for KP police. A Peshawar accountability court in December asked NAB to respond to applications seeking acquittal of the police officers before their indictment.



*Lawyers boycotted courts across KP over the extension given to the army chief and the filing of a petition to suspend the special court's judgment in the Musharraf high treason case.*

It was reported in March that officials had been working without rules since NAB's establishment two decades earlier. In June, an application was filed in the PHC and suspension of Section 24 of the National Accountability Ordinance (NAO) was sought pending a decision on the application.

The court accepted the petition and issued notices to the prosecutor general NAB for further process. In November, however, the bench adjourned the hearing and asked the petitioners to approach the chief justice for further proceedings.

In October, the KP CM Secretariat directed administrative secretaries and commissioners to implement proactive anti-corruption measures, including transfer and posting policy, placement committees, negative lists and a central hotline for whistle-blowers. In December, as an anti-corruption measure, the government transferred 817 officials who had served more than two years in a post.

In December, PHC set aside the acquittal of NAB Director General Shehzad Saleem and investigation officer Umair Butt on the charge of torturing a man in custody, and directed them to appear before the trial court the following month. The same month the Pakistan People's Party (PPP) Chairman Bilawal Bhutto criticised NAB for allegedly ignoring corruption in KP.

The PTI government made drastic changes to the country's 1999 accountability law on 27 December through a presidential ordinance that would potentially benefit not only politicians from across the aisle but also bureaucrats and businesspersons. The new ordinance, according to the media, had made a 'toothless' body.

## **Military courts**

The PHC has in the past overturned a considerable number of military court convictions and continued to do so in 2019.

In November, a request from the federal government to constitute a larger bench was rejected by the PHC as they prepared to hear over 200 petitions against military court convictions.

## **Death penalty**

In May, the Abbottabad anti-terrorism court (ATC) sentenced two people to death for the abduction and killing of three-year-old Murwa. Her parents had failed to pay the ransom of PKR500,000.

## **Cases of significance**

On 21 March, the Peshawar anti-terrorism court sentenced a tehsil councillor and a former employee of the university to life imprisonment in the Mashal Khan lynching case.

Two others were acquitted because the prosecution could not produce sufficient evidence. In 2018, the court had already acquitted 26 of the 57 accused on the same grounds. Several appeals against the acquittals filed by the KP government and Mashal's father Mohammad Iqbal are pending with the PHC, along with appeals filed by those convicted.

The PHC ruled in December that a juvenile was entitled to a lesser punishment when he was defending himself against sexual abuse and blackmail, but those mitigating circumstances could not result in an outright acquittal.

The juvenile had filed an appeal against his sentence of 10 years' rigorous imprisonment for killing his abuser, and the brother of the deceased had appealed for sterner punishment. The bench dismissed both petitions saying that the original sentence was just and appropriate.

## Law and order

### Crime

The KP police claimed that incidents of terrorism and other crimes had decreased in 2019 as compared to 2018. Amongst the examples cited were seven incidents of kidnapping for ransom as compared to 11 the year before, 20,889 proclaimed offenders arrested as compared to 20,884 in 2018, and 30 cases of vehicle snatching down from 37 in 2018. These rather negligible variances were starkly offset by a report prepared by the Aurat Foundation which stated that 778 women were killed in 2019, up from 646 in 2018 (see also Appendix 4).

JUI-F leader Mufti Kifayatullah was taken into custody for 30 days under the Maintenance of Public Order (MPO) Ordinance, and kept in Haripur jail. The PHC Abbottabad bench questioned his arrest and released him on bail the same day. Less than a month later, he was badly beaten up in Mansehra by five masked and armed men.

District education officer Nawab Ali was murdered in his office in October in the Kohistan district. Then unknown assailants shot dead lawyer Iqbal Khiara in the Dera Ismail Khan district.

Another lawyer, Imran Khan, was shot dead the same day. In December, unknown assailants shot dead local PML-N leader Feroz Shan in Mingora, Swat district.

### Terror-related violence

A powerful bomb blast in the Peshawar cantonment injured six people including two women on 5 January 2019.

Three army officers and a soldier died and four others were injured on 7 June when their vehicle was hit by a roadside IED in the North Waziristan district. The following day, a remote-controlled bomb killed two soldiers and injured three others in the same area.

The same month, separate bomb blasts in North Waziristan and the adjacent Bannu subdivision killed a civilian and injured five others, including three soldiers.

A roadside remote-controlled bomb in Upper Dir killed four members of the defunct Aman Lashkar, injuring 20 others, in August.

Four employees of an oil exploration company and two paramilitary soldiers were killed in September when assailants opened fire on their vehicle in North Waziristan tribal district. Four people, three of them siblings, were killed in October in two separate bomb explosions in Dera Ismail Khan and Mohmand districts.

In November, rockets fired from a nearby hilltop partially damaged two houses at the army camp in Landi Kotal. A government primary school in the Mansehra district was set ablaze. Two FC personnel and a civilian were killed in a terrorist attack on a convoy in D I Khan. An IED killed a man and his son in the Tank district.

A paramilitary soldier and two alleged terrorists were killed in an exchange of fire between security forces and a group of militants in North Waziristan in December. Days later, two suspected terrorists and two soldiers died in another encounter.

Also in December two security personnel were killed when armed men attacked them in Tank city, while in another incident the same day six policemen and a passer-by suffered shrapnel injuries when a suspected militant detonated a hand grenade.

On 16 December, a bomb exploded outside the PHC and KP Assembly injuring 11, including a policeman. On 18 December, the Counter Terrorism Department (CTD) claimed to have arrested the main accused, an Afghan national.

### **Honour killings**

Afzal Kohistani was gunned down on 6 March by unknown assailants in Abbottabad. He had been determinedly pursuing the Kohistan honour killing case in the Supreme Court (SC), when a video of five young women singing a song and clapping while a male danced at a wedding ceremony in Kohistan led to their deaths in 2012, along with the dancer and Afzal's two brothers who were also present. Afzal's family, civil society, and the media demanded a probe into his killing and as to why he was not given any security despite receiving threats. Officials claimed to have arrested two suspects for his murder. On 5 September, a court in Mansehra handed life imprisonment to three men for the killing of the five women. Five other accused were acquitted.

At least 13 separate incidents of alleged honour killings claimed the lives of 25 people, including several couples who had contracted free will marriages. In November, police in the Upper Kohistan and Torghar districts reached out to religious scholars to help check honour killings in the districts.

A young man, Ayaz, and his girlfriend ran away from home to get married in court. The girl's family claimed he had abducted her. When he was being presented in court in March, an unidentified man shot him dead in front of hundreds of people.

The relatives of Zainab Bibi who had opposed her marriage to Shah Zeb entered her in-laws' house in Bannu district in May and opened fire. Zainab died instantly. While the attackers were escaping they were challenged by Shah Zeb's relatives and locals. In the exchange of fire, Zainab's brother, cousin and another man were also killed, and two other cousins injured. This was one of the rare cases when the attackers suffered the same fate. Also in May, tribesmen from Darra Adamkhel killed a young man with bricks and stones over his love marriage to a tribal girl.

Acting on a tip-off, Peshawar police arrested nine persons and saved a woman from death in August. A *jirga* had ruled that the woman should be returned to her husband in Charsadda to be killed for honour after being accused of having illicit relations with a man, who had been murdered in Charsadda days earlier.

The bullet-riddled bodies of a young couple who had married of their free will were found in fields in the suburbs of Peshawar in October. In another incident, the body of Waqar was found at the riverside in Chitral. The body of his pregnant wife was found two days later in the same area. They had contracted a love marriage.

### **Police reforms**

The adjustment of the 16,000-strong Khasadar force in the seven merged tribal districts and six attached subdivisions of the KP police or Levies force was said in February to be the most difficult part of the merger plan.

The KP cabinet approved 25 police stations in the tribal districts and the induction of 28,000 Levies and Khasadar personnel was announced in April. The KP Khasadar Force Act 2019 was passed by the KP assembly in September.

The KP CM directed the relevant authorities in August to prepare a plan for the Peshawar Safe City project, and in November the KP police chief inaugurated a crime victim support centre in Abbottabad.

The federal government in September gave the green light to the home departments in Khyber Pakhtunkhwa, Punjab, and Islamabad to 'take over control of the police'. Deputy commissioners (DCs) were given more powers to regulate and oversee the work of the police, including inspections of police stations. The orders said 'police officers shall be answerable to the DCs in crime control, law & order and other public complaints'.

In December, the police department announced a dispute resolution council (DRC) for the Bajaur district to resolve disputes along the pattern of the traditional *jirga* system.

### **Law enforcement excesses**

On 26 May, 13 persons including two children were reported to have been killed in an exchange of fire at the Kharqamar check post in North Waziristan.

HRCF called for a parliamentary commission to be set up immediately to inquire into the matter and establish the truth of the incident after the Inter-Services Public Relations (ISPR) released a statement that a group had launched an assault on a check post during which three people were killed and 15 injured, including five soldiers.

The ISPR also alleged that the group had been led by PTM MNAs Mohsin Dawar and Ali Wazir. Wazir was arrested along with eight others while Dawar escaped and went underground.

The opposition in the National Assembly walked out on 27 May to protest the communications minister's response to the incident, while the government members accused PTM of having links with Afghanistan's intelligence agency. A day later, the federal cabinet condemned the alleged attack. Bannu police arrested 22 PTM workers who were protesting the Kharqamar incident on 27 May.

MNA Mohsin Dawar surrendered to the authorities on 30 May and a special committee of the Senate the same day urged the security forces and PTM to exercise restraint. Eventually the advisor to the KP CM on the merged districts formed a nine-member *jirga* on 2 June to resolve the volatile situation resulting from this incident, the circumstances of which remained shrouded in controversy.

In another incident, when KP police were deployed to stop the doctors protesting against the establishment of district and regional health authorities at the Lady Reading Hospital in Peshawar in September, they said they were pelted with stones. The force responded with baton charges, tear gas and arrests, and imposed Section 144 on the hospital's grounds.

### **Custodial torture and death**

Peshawar police installed closed-circuit television cameras inside all local police lockups, provided them with lifesaving drugs, and trained staff members following a number of custodial deaths. This was reported at the same time that the KP Assembly in December debated the growing number of such deaths. The KP Assembly Speaker asked the provincial police department and the home department to provide a detailed reply. After Imranullah was found dead in September at the University Town police station, he was said to have been a drug addict who died a natural death.



*Violent clashes erupted between police and doctors at the Lady Reading Hospital in Peshawar*

In October, Syed Ajmal Shah, being held for a theft at the Lady Reading Hospital, died at the Khan Raziq Shaheed police station. He was said to have been a heart patient and drug addict. Naveed was detained in a police station, on the complaint of a neighbour, when he fell ill and was rushed to hospital where he was declared dead.

Armed men in police uniforms picked up a 17-year-old boy from his home in the Lakki Marwat district in November. When his mother went to the police station the next day, he was not there. His body was later found dumped in a forest. An SHO was charged along with two others of being involved in his murder.

After an FC soldier was killed and three others injured in a landmine blast on 19 December in the Khyber district, security forces allegedly picked up Khatir Khan along with 12 other local tribesmen. Khan's body was found later. On 24 December, scores of political party and civil society activists demonstrated in Landi Kotal to condemn his alleged custodial killing, forcing the security officials to release four tribesmen on 26 December. Eight other tribesmen remained in custody.

### **Police encounters**

After a prolonged gun battle, police and security forces claimed on 16 April to have killed five alleged terrorists holed up in a house in the Hayatabad locality of Peshawar. The Jamaat-i-Islami (JI) expressed doubts about the encounter and demanded a judicial probe. Members of an Afridi tribe of the Khyber district claimed the incident was a fake encounter and also called for a judicial inquiry.

Security forces in Dera Ismail Khan killed four 'suspected terrorists' in August during a search operation in Kulachi tehsil, later saying they acted on a tip-off.

On 23 November, police claimed to have killed a suspected terrorist during an encounter in the Sherikhel area of Tank district. Then, on 29 November, villagers blocked the Indus Highway in Ghaznikhel in Lakki Marwat district to protest the killing of a young woman in an alleged police encounter. Police said Basmina Bibi had an assault rifle and fired at Rapid Response Force personnel. The protesters said she was an innocent victim.

### **Enforced disappearances/missing persons**

Enforced disappearances continue to be carried out with impunity while the apparent lack of political will towards ending the practice renders the criminal justice system and law enforcement agencies powerless.

Since the inception of the Commission of Inquiry on Enforced Disappearances (COIED), KP has topped the list in the numbers of missing persons. As at end December 2019, the total number of cases registered in KP stood at 2,472 with 615 found in internment centres, 63 in prisons, and 46 dead. The balance of cases was 1,197.

The PHC in June ordered the suspension of the police station house officer (SHO) for not investigating the whereabouts of a missing person in a case that was registered a year earlier. The PHC also directed the federal and KP governments to produce by 2 September reports for around 60 missing persons whose relatives had filed habeas corpus petitions. The police were reported on 15 November to have failed to trace a lawyer who went missing from the Haripur district five days before.

Political activist and human rights defender Idris Khattak was abducted on 13 November when unidentified armed men intercepted his car in Swabi.

HRCF reiterated its condemnation of arbitrary detentions and demanded his immediate recovery. At the end of that month, Khattak's brother filed a habeas corpus petition in the PHC to order respondents, including heads of different intelligence agencies, to produce Khattak and release him if he was not involved in an offence.

### **Women in the police force**

In January, the KP CM issued directives that 20 female personnel should be appointed to vacancies in the Levies in Bajaur district.

Hina Munawar, a female Police Service of Pakistan (PSP) officer, was appointed the first-ever district officer of the Frontier Constabulary in the Swat district.

In November, two lady head constables, Bibi Zar and Ishrat Begum, were appointed as muharrar (desk officers) at the police stations in Shangla to serve women complainants in the Swat district.



*Hina Munawar, a female Police Service of Pakistan (PSP) officer, was appointed the first-ever district officer of the Frontier Constabulary in the Swat district.*

## **Jails and prisoners**

### **Jails**

In February, the KP government approved a proposal to extend the directorates of prisons, prosecution, reclamation and probation, and public safety commissions to the merged tribal districts at a cost of PKR794 million under a short-term plan.

The KP Prisons Department said that expansion work on a triple-

storey building at Central Jail Peshawar had been completed, providing additional barracks, mosque, and dispensary. More than 2,300 inmates could now be incorporated. Under a second phase, an administration block and residential colony for jail staff would be added.

Reconstruction work on Swat prison with a capacity of 400 prisoners was to be completed in 2020 while a district jail at Shah Mansoor in Swabi was being constructed to reduce overcrowding.

Fifteen lockups had been declared sub-jails in the merged districts by the KP government and at least PKR287 million was needed for renovation. Expansion work at Central Jail Dera Ismail Khan had also been launched, while work on district jail Hangu would start shortly.

## **Prisoners**

The latest available figures showed that 7,668 of the total 10,462 prisoners in KP were under-trial – 73 percent – due to slow disposal of cases in the courts.

The practice of hiring someone to take a prisoner's place was reported in the merged tribal districts in January. Apparently a remnant from the defunct Frontier Crimes Regulations, poor men agree to be incarcerated in place of the accused for a fee and additional payment for food and other expenses.

## **Overcrowding**

According to the fourth quarterly implementation report of the Federal Ombudsman Secretariat (FOS), 10,871 were housed in 37 jails against a capacity of 9,642. The breakdown showed 2,794 convicted, 7,668 under-trial, 10,304 male, 201 female and 366 juvenile prisoners.

## **Conditions in jails**

The Deputy Commissioner directed the district oversight committee on jail reforms to pay fortnightly visits to Haripur Central Jail and compile a report for the home and tribal affairs department on improving the living conditions of prisoners.

New terms of reference framed by the home department for the committee required them to observe and submit their findings on the living conditions of the inmates, including water supply, toilets, interview room, cooking arrangements, health facilities, education and rehabilitation, skill development and welfare facilities available for women and their accompanying children and juveniles.

In July it had been reported that a dozen inmates in various jails in KP were suffering from HIV/AIDS. By the end of the year, 39 cases were reported. Seventy-one prisoners in KP prisons were diagnosed with Hepatitis C and 25 with Hepatitis B.

In addition, 235 KP inmates were mental patients. In October, Majid Khan submitted a petition claiming to be suffering from a mental ailment and therefore unfit to stand trial. The PHC ordered the KP government to have him examined by a medical board.

The bench said that, contrary to the impression being given by the

government that the judiciary was reluctant to consider medical provision for ailing prisoners, it was the government that opposed any court directives to that effect because they said proper medical treatment was available within the prisons.

### **Torture in prisons**

In March, an inmate of Mansehra district jail reportedly committed suicide in custody. He had been arrested for robbing cash and valuables from a family of tourists.

### **Internment centres**

In October, after the formal merger of the federal and provincial tribal districts with KP, the PHC declared that the internment centres in KP were unconstitutional.

The federal and provincial governments challenged the order in the SC, and in November the apex court ruled that it was a matter of fundamental rights of people that could not be ignored, asking for details of all the internment centres as well as a list of the internees.

The court also considered joint petitions filed by Farhatullah Babar, Afrasiab Khattak, Bushra Gohar, and Rubina Saigol, challenging the KP government's extension of the Action in Aid of Civil Power Regulation Ordinance 2019 from erstwhile FATA to the entire province and calling for the ordinance to be scrapped altogether. [See *Democratic development*]

On 16 December, the PHC sought comments from the federal defence ministry and provincial home department in a petition filed by the father of a detainee kept in an internment centre for two years without any trial.

# Freedom of thought, conscience and religion

## Minorities

At a press conference in Peshawar in March, the Implementation of Minority Rights Forum (IMRF) chairman demanded an increase in the job quota for minorities from three to five percent and appointment of the Evacuee Trust Property Board chairman from the non-Muslim communities to ensure protection of their rights.

The IMRF chief also said that the Supreme Court had issued directions to the federal government to allocate PKR100 million for an endowment fund to be disbursed among the affected people of All Saints Church Peshawar blast in 2013, but the compensation had not yet been received.

The KP government launched a Minority Youth Exposure Programme (MYEP) in April to enable young male and female members of different minorities to interact with each other and build their capabilities. The first batch of 26 members included Christians, Hindus, Sikhs, Ismailis, and Bahais.

The Malakand DC announced in December the construction of a community centre for minorities in Buner, as well as the launch of an internship programme for engineering degree holders belonging to religious minorities.

## Sikhs

While on a visit to India, reportedly for the medical treatment of his daughter, former PTI MP from KP Baldev Kumar sought political asylum saying that religious minorities were mistreated in Pakistan. This allegation was roundly rejected by the KP Information Minister who said that the PTI had nothing to do 'with a criminal'.

Kumar was arrested in connection with the murder of Soran Singh, then special adviser to the KP Chief Minister in 2016. He had been notified as an MP from the list of reserved seats for minorities but was prevented by MPAs from taking the oath. Subsequently acquitted in 2018 by an anti-terrorism court, Kumar took the oath but was MPA for only one day as assembly was dissolved for the August 2018 general elections.

## Hindus

The business community and the Sunni Supreme Council of Kohat held a *jirga* on 21 November and opposed a government decision to renovate and restore a school building into a temple for Hindu worshippers.

The ground portion of the temple had been converted into a primary school on the demand of locals. Its upper portion was still intact as a temple with the remains of a worship place. The *jirga* also announced a protest rally in the main bazaar against the decision.

# Freedom of expression

## Right to information

The merged tribal districts were granted the right to access information, documents and records held by the government departments and public bodies operating in the districts. The information department in April directed all the commissioners and deputy commissioners in the merged districts to ensure implementation of the RTI law.

It was reported in February that over half a million people in the North Waziristan district including the frontier regions of Bannu and Lakki Marwat were set to have internet access. A contract worth PKR258 million was awarded to a cellular operator by the Universal Service Fund (USF) with the project expected to take two years to complete.

The seven merged tribal districts are to have public information centres and press clubs as well as new radio stations, according to an announcement by the KP deputy director information in November.

## Curbs on the media

A directive from the Pakistan Electronic Media Regulatory Authority (PEMRA) to TV channels stopping a press conference by the JUI-F leader on the Azadi March was declared by the PHC to be 'illegal' and 'in violation' of both the Constitution and Section 27 of the PEMRA Ordinance, 2002.

In accepting a petition against the censorship, the court directed PEMRA to ensure that private TV channels aired the opposition's activities on a par with the government's. The court also ruled that only written directives, not verbal orders, to TV channels citing the relevant sections of PEMRA would be valid.

The PHC heard a writ petition in December filed jointly by 46 advocates of Hazara Division seeking cancellation of the licences of six TV channels for alleged biased and one-sided coverage of the Punjab Institute of Cardiology (PIC) incident. The bench observed that it had noticed the print and electronic media was inflaming hatred between lawyers and doctors, besides 'disparaging the judiciary, which is further deteriorating the law and order situation in the country'. It issued an interim order for PEMRA to direct electronic and print media not to air and publish derogatory remarks against lawyers.

## Threats, intimidation and violence

Unidentified assailants shot dead Malik Amanullah Khan, a reporter and chairman of the Parowa Press Club, in May in the Dera Ismail Khan district in what appeared to be an incident of targeted killing. He was travelling on a motorbike when attacked.

In November, the speaker of the KP Assembly assured the KP chapter of the Pakistan Journalists Safety Coalition – an alliance of representatives of associations of journalists, media support groups and rights organisations – that he would push for necessary legislation to ensure protection of journalists in the province.

The speaker said a bill would be introduced in the assembly after completion of necessary groundwork and consultation with stakeholders.

### **Clampdown on opinions and dissent**

An FIR was registered in May in North Waziristan against MNA Ali Wazir and 11 PTM activists for allegedly chanting slogans against the state and the country's armed forces. The charges included contempt, defamation, breach of peace, and criminal intimidation.

Also in May, the PHC ordered the quashing of a case registered by Swabi police in 2018 against several PTM leaders, including Manzoor Pashteen and MNAs Ali Wazir and Mohsin Dawar, accusing them of multiple offences of defiling the national flag, instigating mutiny and criticising state institutions during a meeting. The bench accepted the plea that nothing objectionable had taken place.

The Swat police arrested local female PML-N activist Nasim Akhtar in August on charges of sedition for allegedly raising slogans against the army during a demonstration to protest the arrest of party leader Maryam Nawaz. She was sent on judicial remand.

The FIA arrested human rights activist Gulai Ismail's father, Prof Mohammed Ismail, in October for alleged hate speech and cyber terrorism and sent him to Peshawar Central Prison on 14-day judicial remand. He was arrested when he went to the PHC to attend proceedings of his petition for the quashing of another case filed against him, his spouse, and his daughter by the Counter Terrorism Department (CTD).



*The FIA arrested human rights activist Gulai Ismail's father for alleged hate speech and cyber terrorism*

He was charged with hate speech under Section 10 (cyber terrorism) and Section 11 (hate speech) of the Prevention of Electronic Crimes Act, 2016 and Section 109 of the Pakistan Penal Code. Bail was granted on the condition that he did not repeat the alleged offence.

His lawyers claimed he had been arrested to put pressure on his daughter who had escaped to the United States. It was reported in September that Gulalai Ismail had sought political asylum there. Her campaigns to empower Pakistani girls had won her international awards and recognition as one of the country's foremost activists. She fell into disfavour with the authorities when she started speaking out against disappearances in KP and its tribal districts, and attending PTM meetings. In May, police filed a complaint against her under the anti-terrorism law.

## Freedom of movement

### Official restrictions

The launch of the controversial BRT project was cancelled by the KP CM in March. Scheduled for completion by mid-2018, it was still far from complete by the end of 2019. The government claimed in November that the 28-km metro comprising 30 stations would be fully completed in 2020 but refused to give a deadline.

An official 27-page report produced by a KP Inspection Team did nothing to appease the hundreds and thousands of disgruntled commuters, highlighting ineptitude, mismanagement of public funds, inferior design and planning, political recklessness, and damage to the environment, especially the city's air quality. Complying with a PHC directive, the FIA in December began investigations into alleged irregularities. [See also *Administration of justice*]

PPP co-chairman Bilawal Bhutto was denied permission to visit the Bajaur tribal district to campaign for the first-ever tribal elections for the KP Assembly. He had to restrict himself to the adjacent Mohmand district. Section 144, which severely restricts public movement and meetings, was lifted in the merged tribal districts barely a fortnight before the landmark July elections after complaints were made that election campaigning and voter mobilisation were being hindered.

The district administration in Khyber removed seven check posts on the Peshawar-Torkham Highway in February after complaints of harassment by Khasadars of transporters conducting trade to Afghanistan.

The Jamrud Khasadar line officer was suspended for misuse of his official authority, and Khasadar and Levies personnel manning the remaining check posts were warned against taking money from the transporters.

### Exit control list

In April, the PHC ordered the federal interior ministry to remove social activist Sanna Ejaz from the Exit Control List (ECL) and allowed her to travel abroad. She had been placed on the ECL after being charged under a 2018 FIR along with several other PTM activists of delivering a

hate speech in Swabi. The PHC had already declared the placement of the name of another PTM leader, Dr Said Alam Mehsud, on the ECL in the same FIR to be illegal.

In April, the PHC also ordered the removal of former PPP MNA Asma Alamgir from the ECL and allowed her to travel abroad after the one-year restriction had expired and not been extended.

### **Protests and obstructions**

In October commuters suffered one of the worst traffic gridlocks in Peshawar after University Road, the city's main traffic artery, was blocked for several hours by medics protesting against the Regional and District Health Authorities Act, 2019, and non-implementation of the inquiries conducted on directives of the SC regarding irregularities in the medical teaching institutions.

The JUI-F mobilised its support base in KP to join the Azadi March Islamabad sit-in in early November. The KP government formed a special cell in Peshawar to monitor the activities of the participants of the March, and warned against any violence or public disorder. JUI-F leaders accused the PTI government of blocking the entry and exits of the districts with containers along the route from Peshawar to Islamabad to thwart the procession's progress to the federal capital.

On 12 November the JUI-F disbanded its massive congregation in Islamabad and announced a 'Plan B' to block key highways and roads in KP and Balochistan. Key transport arteries in Nowshera, Peshawar, Mansehra, Batkhela, Bannu, Malakand, and Karakoram Highway were affected. Some blockades continued for several days, severely inconveniencing travellers and the public and resulting in clashes between the protestors and motorists.

In Mansehra, traders and residents forced the JUI-F to end the blockades. In response to a petition, the PHC issued a notice to JUI-F to explain why it had failed in its earlier commitment to the court to not let its protests inconvenience the public.

### **International travel**

Four months after they were arrested over the Kharqamar incident, the PHC bench in Bannu freed MNAs Ali Wazir and Mohsin Dawar on bail in September. The PHC directed both MNAs not to leave the country and also to appear at the office of the district police officer once a week, saying that theirs was a conditional bail for one month contingent on 'good behaviour'.

Pakistani transporters conducting trade between KP and Afghanistan protested the restrictions imposed by Kabul in September, requiring them to obtain visas for entry into Afghanistan.

In October, a group of people including women demonstrated outside the Peshawar Press Club against the delay in issuance of visas by the Afghan Consulate in Peshawar. They had not even been allowed to enter the consulate to retrieve their passports and were concerned that they might lose their jobs if they did not return on time.

## Travel and movement

After waiting in vain for authorities to act, the people of Balach, Singur and Seen Lusht villages in Chitral took it upon themselves to repair the first four kilometres of the Garam Chashma road. It had been in disrepair for three years due to the negligence of the Communication and Works Department.

## Freedom of association

### Student unions and collectives

Students of Peshawar universities and colleges along with activists of political parties marched on 30 November in solidarity with the nationwide Student Solidarity March, demanding the restoration of students unions.

The students held banners and raised slogans and also demanded the government declare 13 April as 'Mashal Day', after the student of the Swabi district who was lynched at Abdul Wali Khan University in Mardan in 2017.

Their other demands included withdrawal of increase in tuition and other fees, provision of free education, end to undue interference of security forces in the affairs of educational institutions, better quality of education in merged tribal districts, and formation of a complaint committee in universities and colleges to stop abuse and sexual harassment of students, especially girls.

In December, the Jamiat Tulaba-e Islam (JTI), the student wing of JUI-F, staged a protest in Mingora demanding restoration of student unions, a uniform education system, replacement of English with Urdu as the medium of instruction in educational institutions, and free education.



Students in Peshawar marched on 30 November in solidarity with the nationwide Student March.

## **Civil society, HRDs and NGOs**

In what was seen as an unprecedented move to protect the legitimate rights and fundamental freedoms of human rights defenders (HRDs), two PTI members introduced a bill in the assembly in October in line with the policy commitments made by the KP government.

The KP Human Rights Policy notified by the Law, Human Rights and Parliamentary Department in 2018 called for the enactment of law to recognise and protect HRDs. The bill was said to have been drafted in consultation with civil society organisations and based on the model law for the recognition and protection of human rights defenders that articulated the United Nations Declaration on Human Rights Defenders into national law.

The bill provides for assistance and protection where needed to all HRDs in carrying out their core functions within the limits of provincial and national laws.

## **Freedom of assembly**

### **Pre-emptive measures**

The organisers of what would have been the city's first-ever 'Cycle Rally of Females and Transgenders' were forced to cancel the event on 19 January after Majlis Ulema-i-Hayatabad, a body of clerics and prayer leaders of the mosques in the locality, and other religious groups including JUI-F and JI said it was promoting 'vulgarity and obscenity' and threatened a protest demonstration.

The district administration imposed a curfew on 9 June in North Waziristan areas after an improvised explosive device killed a major, a lieutenant colonel, and a soldier. Clashes also erupted between security forces and PTM activists.

The curfew was lifted after nine days but badly affected over 7,000 families in the curfew areas who complained about food shortage and difficulties in taking patients to hospitals. Section 144 was also imposed across North Waziristan on 10 June for 30 days to pre-empt sits-in, protest rallies and public meetings, ostensibly because of a worsening law and order situation and threats of attacks.

The shrine of Mir Syed Anwar Shah Mian in the Orakzai district was closed to devotees by the security forces due to militancy in the area. Hundreds of people staged a protest demonstration in June in the Sultan area of Kurram. The saint has followers in Kurram, Orakzai, Hangu, and Kohat districts.

The KP government was directed by the PHC not to obstruct the rallies of the JUI-F Azadi March in November on their way to Islamabad. An undertaking was given to the court that roads would not be blocked for peaceful marchers although violent protesters would face legal action.

The JUI-F had earlier warned of an aggressive response if the PTI central and provincial governments tried to put anyone under house arrest to block the Azadi March.

## **Clashes between police and protestors**

KP's largest government health facility, Lady Reading Hospital, descended into chaos in September amid violent clashes between police and doctors protesting controversial health legislation by the provincial assembly. The police tear-gassed and baton-charged protestors, who hurled bricks back at them. The clashes left over 15 protestors injured, while the police arrested several others.

After the clashes eased, the protestors marched to the nearby Suray Pul junction, where they staged a sit-in, closing roads for several hours and disrupting traffic. They later dispersed peacefully.

## **Prohibitions on right to enjoyment**

The banned Tehrik-e-Taliban (TTP) distributed pamphlets in August in Miramshah in North Waziristan warning locals against playing loud music, accepting polio vaccination, or allowing women to go out without being accompanied by a man. They threatened consequences for non-compliance.

Despite recent violence against female singers and dancers in Swat, the local artists vowed in November to carry on their profession of entertaining people.

Over 25 families in the Banr area of Swat are engaged in singing and dancing for a living, but the female singers and dancers are not always safe as they face violence from male members of their families or at events.

In September, a man stabbed his sister Sana, a Pashto singer, to death. In May, singer-cum-dancer Meena was shot dead by her husband after she reportedly refused to give him her earnings.

## Political developments affecting citizenry

The latest tenure of the local government in KP expired on 28 August and, under Section 219 (4) of the KP Local Government Act 2017, the Election Commission of Pakistan (ECP) had to conduct elections within 120 days, i.e. by 27 December.

After receiving the go-ahead from the government, the ECP would undertake delimitation to notify the proposed number of village and neighbourhood councils in each tehsil, and the limits of tehsil councils, along with the number of reserved seats.

About three months are required for delimitation even after these issues are addressed while another six weeks are needed between announcement of the poll schedule and the poll date.

The KP government indicated it wanted to first amend the law but, after it had been enacted, it was challenged by the opposition in the PHC in September as well as through several other writ petitions.

The court stayed the local elections and put the Act on hold pending a court resolution. This stalemate existed at the end of the year.

On 5 August, the KP government promulgated the KP Actions (An Aid of Civil Power) Ordinance, 2019, to extend its remit on management of detention centres from erstwhile FATA districts to the entire province. On 18 September, HRCP expressed grave concern over the ordinance while the media termed it retrogressive.

On 17 October, the PHC declared the ordinance unconstitutional, directed the KP home secretary to notify all internment centres in the province as sub-jails within 24 hours, and ordered production of lists of the people kept in the centres within seven days.

On the same day, former senators from KP Farhatullah Babar, Afrasiab Khattak and Bushra Gohar together with activist Rubina Saigol and lawyer Khawaja Ahmad filed a petition in the Supreme Court asking for the ordinance to be scrapped altogether for impinging upon fundamental rights.

On 24 October, the Supreme Court suspended the 17 October PHC order. On 2 November, Farhatullah Babar submitted a fresh application against a non-maintainability order on his petition of 17 October by the registrar office of the Supreme Court and pleaded before it to hear his challenge to the ordinance. (See also *Jails and prisoners*)

On 8 November, the controversial ordinance expired after completing its constitutional life of 90 days. Although the functioning of internments centres was not immediately affected as two identical regulations introduced in 2011 continued to be effective, much depended on the verdict of the Supreme Court on the two appeals from the provincial and federal governments.

On 25 November, the attorney general admitted before the court that the Action in Aid of Civil Powers Regulations, 2011 did not specify any

detention period. The court asked the federal government to furnish a report detailing the cases of internees in seven centres that had been referred to review boards to either extend their detention or send them to the courts for decisions.

In December, a multiparty conference held in Peshawar asked the federal and provincial governments to withdraw their appeals against the PHC order.

### **Elections for tribal districts**

On 20 July, the first-ever elections for KP Assembly for seven tribal districts were held, marking the completion of their constitutional merger with the KP province a year after the passage of the 25th Constitution Amendment.

Of the provincial assembly's 16 general seats for tribal districts, independent candidates won six, PTI five, Jamiat Ulema-e-Islam (JUI-F) three, and Jamaat-i-Islami (JI) and Awami National Party (ANP) one each.

Two of the independent MPs elected joined PTI and three, in a surprise move, joined the Balochistan Awami Party (BAP), which had no presence in the politics of the province until then. With the joining of the independent candidates, the PTI was entitled to two seats reserved for women, and JUI-F and BAP one each.

The single seat reserved for non-Muslims from the merged tribal districts went to PTI member Wilson Wazir, a Christian, who became the first member of any religious minority community from the merged tribal districts to make it to the KP Assembly on a reserved seat.

On 14 April, the ECP had announced the allocation of seats according to which Bajaur and Khyber districts would have three general seats each in the KP Assembly; Mohmand, Kurram, North Waziristan and South Waziristan districts two seats each, and one each for Orakzai and the Frontier Regions.

On 28 August, the newly elected legislators from the merged districts were sworn in at a special session of the KP Assembly, completing the representation of over five million people of the region in the provincial assembly.

Before the July elections, an attempt to increase the number of general seats for the merged districts in KP Assembly from 16 to 24 failed after a constitutional amendment bill passed by the National Assembly on 14 May lapsed in the Senate. This was the first-ever constitutional amendment bill approved by the National Assembly that was tabled by a private member, Mohsin Dawar, an MNA elected from the tribal region in the 2018 general elections.

### **Participation in elections**

According to a FAFEN report, over 27 percent of the registered voters participated in the tribal district polls. This was lower by 6.3 percent compared to the turnout for the National Assembly seats from the tribal districts on 25 July 2018.

Almost 20 percent of women turned out to vote in July 2019 as compared to 23.8 percent in July 2018. Similarly, around 33 percent males voted in the provincial election compared to 40.3 percent in the general elections for the merged districts.

Despite a special ECP campaign to reduce the gender gap among voters, male and female voter registration in the merged districts for the KP Assembly elections showed a wide disparity, with some constituencies reporting a variation of over 37 percent.



*The first-ever elections for representation of seven tribal districts in the KP Assembly were held in July.*

In November, a significant increase was recorded in the number of women voters registered in Mansehra district during the year after an effective ECP-coordinated campaign considerably narrowed the gap between men and women voters. Of the 18,924 new voters registered during the last 10 months, 9,435 of them were women.

The KP Election Commissioner told a seminar for religious minorities in December that the ECP would fulfil its constitutional responsibilities to ensure religious minority groups fully participated in the KP local body elections, expected to be held in 2020, and any future general elections. He cited Sections 4 and 18 of the Election Commission Act as explicitly protecting the rights of religious minority voters in the electoral processes.

### **Election-related violence**

The polling day was generally peaceful despite initial fears to the contrary. Clashes between rival party workers were reported in two polling stations in Khyber and Kurram, and two persons were reportedly injured in firing outside a polling station in Mohmand. There was also an unconfirmed media report of a firing incident on an independent candidate in South Waziristan.



## Women

### Legislation and policies

The KP Domestic Violence against Women (Prevention and Protection) Bill has been thwarted over the last seven years by objections from religious parties and the Council of Islamic Ideology (CII) declaring it un-Islamic. Its last appearance was in October 2019. Somewhat inevitably, the bill once again suffered a setback and without much ado the draft was sent to the Select Committee to consider 42 amendments proposed by both sides of the aisle.

On 20 March, the treasury and opposition members in the KP Assembly condemned the display of 'objectionable material and demands' by participants of the Aurat March.

On 16 September, the KP government decided to make it mandatory for female students of government-run schools to cover themselves up in the province's educational institutions, only to withdraw the notification the following day after widespread criticism.

By December, it was clear that the KP government was lagging behind on legislation to curb gender-based violence and had failed to enact laws related to domestic violence, child marriages and acid and burn crimes. It also deferred a bill related to Muslim family laws after religious parties expressed reservations about the amended draft.

The Khyber Pakhtunkhwa Commission on the Status of Women (KPCSW) was established through legislation in 2009 to oversee implementation of laws, policies and programmes related to women and propose new measures where gaps existed. A decade later, in April 2019, a news report said that the KPCSW had failed to make the promised impact.

The previous PTI government had attempted to revitalise it in December 2017 by announcing a plan to take the initiative to district level but the envisaged district committees, to check gender-based violence and address other women's issues, had not been notified by both the previous and current governments. The abrupt resignation of the KPCSW chairperson in December 2018 was said to have also contributed to the delay in notification.

### Violence against women

The yearly report of the NGO Aurat Foundation (AF) based on news items reflected a 20 percent increase in cases of violence against women. The AF said there was very rarely any justice for the women and girls as in most cases the perpetrators were close relatives who were given bail or freed due to lack of evidence.

KP police data showed an increase in the number of domestic violence cases registered in 2019, especially in murder and battery. In 2018, 180 women were murdered in their households. In 2019, the figure rose to 217. Thirty-six women reported physical abuse at home in 2019, three times more than in 2018.

KP is the only province not to have enacted a law on domestic violence. However, it did announce in January the setting up of a centre to provide legal aid and medical, rehabilitation and counselling facilities to the women victims of domestic violence in the province.

A disturbing incident in the Khaisor village of North Waziristan came to light in January 2019 when a video interview of a young boy went viral on social media. As per the video, after his father and brother were picked up in an operation, two security personnel had visited their home several times and his mother had been harassed and threatened with rape. HRCF expressed deep concern and said it was deplorable that rape, or the threat of rape, should be used to force citizens to remain silent in the face of state agency excesses.

### **Women and work**

Women's rights activist Rukhshanda Naz was appointed as the first provincial anti-harassment ombudsperson in KP in January 2019. She stated that letters had been issued to over 1,000 public and private sector organisations in the province, asking them to set up inquiry committees and display the code of conduct in their offices, and that action would be taken against any that did not constitute the committees. In September 2019, 40 different complaints of harassment had been received in seven months.

The office of the ombudsperson and UN Women signed a memorandum of understanding in December for the protection of women against harassment at the workplace. Under this agreement, support would be provided for a database to assess the trends of sexual harassment at the workplace as well as capacity building of inquiry committees to deal with cases of sexual harassment.

UN Women and the KP Ombudsperson would also collaborate to raise public awareness on sexual harassment laws and compliance requirements.

### **Transgender community**

Local transgender community groups said that at least 65 transgender persons had been killed across Khyber Pakhtunkhwa since 2015 with rare convictions. In February, Tabbu was killed and two others injured in Karak while returning to Kohat after performing at a wedding ceremony. Unidentified men on a motorbike opened fire on their vehicle.

The body of 18-year-old Maha was found in Nowshera. She had run away from home to Peshawar after her family had cut her hair as punishment for dancing at wedding parties. At the request of her family, the police had taken her back home on the undertaking that she would not be harmed. Maha's father was remanded into police custody.

In August, Hani was killed in Mansehra when gunmen charged into the house and opened fire.

Violence and prejudice against the transgender community seem to keep pace with every positive initiative introduced for their rights and protection.

In May, the KP government started handing out Sehat Insaf cards to members of the transgender community which would give free-of-cost coverage for a number of diseases, including HIV/AIDS and all types of cancers.

It was also reported in December that the KP Health Department had reserved 74 separate beds for transgenders at 19 government hospitals in 15 districts of the province, with another 124 beds to be allotted in the rest of public sector hospitals. This is in accordance with the 2018 Transgender Protection Act.

These are positive measures by the government as the health concerns of the transgender community have been severely neglected in the past with numerous reports of discrimination by medical staff. But it seems to be an uphill struggle for the message of tolerance and respect to filter past the embedded prejudice and discrimination in the mindset of both ordinary people and officials.

In February, Charsadda police refused to provide the community protection for a birthday celebration for one of their members despite permission being given by the district commissioner. It was claimed at the time that not one meeting had been held by a KP police committee formed for the protection of transgender persons in the province.

When Shakeela was forcibly taken from outside a mosque in Mardan on Eid day in June, beaten and her head shaved for refusing to pay extortion money to the gang, the police took no action. An FIR was only registered after a protest but no arrests were made.

The KP government constituted a two-member inquiry committee in February to investigate why an HIV/AIDS screening test centre for the transgender community in the province had not been established even after its inauguration by the Provincial Aids Control Programme in collaboration with UNAIDS in October 2018.

### **Women and family planning**

It was reported in March that the KP government had constituted a four-member committee to develop a training module for pre-marital counselling on family planning, following on from the recommendations made at the end of 2018 by the Task Force constituted by the apex court to control population growth.

The 2017 population census showed that the population of the province, excluding the merged districts, had risen from 17 million in 1997 to 30 million in 2017 at the rate of 2.89 percent annually.

The committee was to prepare and submit a report for proper legislation and actions on the module in the province. The recommendations had included making pre-marital counselling on family planning mandatory for *nikah* (marriage) registration, and enactment of the Family Planning (FP) and Reproductive Health (RH) Rights Bill from assemblies,

US research firm Guttmacher Institute had reported in February that almost half of all pregnancies in Pakistan, around 4.2 million each year, were unplanned and around 54 percent end in termination.

The KP province has a high incidence of deaths among mothers, infants and young children – estimated at 1,700 women and over 47,000 infants annually – which could be prevented through basic healthcare. High fertility also contributes to malnutrition and over 20 percent of children in the province under the age of five are underweight.

The Directorate General Health Services (DGHS) Khyber Pakhtunkhwa launched a Newborn Survival Strategy in November aimed at strengthening health facilities and increasing coverage by skilled attendants to reduce the number of maternal and newborn deaths.

## Children

### **Legislative developments and child protection system**

The KP Child Protection and Welfare Act (CPWA) of 2010 is comprehensive, providing for a number of child protection bodies at various levels, and prescribing punishments for several offences against children. In defiance of this, violence against children has steadily increased over the years and most offenders escape prosecution, which calls into question the implementation and effectiveness of these measures. The first of the child protection courts provided for under the CPWA in Peshawar was only inaugurated in March 2019.

In September, it was reported that the government had blocked the PHC proposal to set up similar courts at district level.

### **Violence against children**

At least 188 incidents of sexual abuse and murder of children were reported from 20 districts in 2019, a sharp rise from the 143 cases registered in KP in 2018. Eighty percent of the cases reportedly involved teachers, relatives and other close acquaintances.

Most of the cases of sexual abuse – a total of 137 – involved boys, with 51 cases of sexual assault on girls. It was claimed that 248 suspects were arrested in the 20 districts but ineffective prosecution enables most offenders to evade justice.

The body of a seven-year-old boy was found in the Haripur district in March followed by the recovery of the mutilated body of a ten-year-old boy from the same district in April. A special police force constable was arrested for allegedly molesting a ten-year-old boy in Haripur city in June.

A man was arrested in May after assaulting a ten-year-old physically challenged girl in Mansehra. She was left alone at home while her family went shopping and the man was white-washing the house.

A seven-year-old girl was sexually assaulted and murdered in August in Abbottabad. The body of a ten-year-old girl was found in a field in the Swabi district in October.

A five-year-old girl was sexually assaulted before being killed and dumped in a pond in November in the Kurram district. Shortly after, a

two-year-old was taken from outside her home in the Mansehra district. She was pulled out of a well five days later but died on the way to hospital. An 11-year-old schoolboy was assaulted by a man who lured him to his shop in the Lakki Marwat district.

Children are safe in neither mosques nor seminaries. A prayer leader was arrested in a Peshawar locality in March on charges of sexually assaulting a six-year-old girl. Two young men in a Haripur village assaulted a ten-year-old girl in a room of the mosque at which she had been studying for some time.

A seminary in the Mansehra district was sealed in December and five people arrested for the brutal torture and sexual assault of a ten-year-old boy. The main suspect was a seminary teacher. The public outcry and revulsion resulted in KP Assembly members calling for amendments to the law to ensure the severest punishment for offenders.

The previous month, a man arrested in Rawalpindi for child pornography and sexual abuse was found to have been employed as a consultant on a KP government project. Sohail Ayaz had been convicted in the UK for paedophile sex offences.

### **Health of children**

The National Nutrition Survey (NNS) 2018 revealed that four out of every ten children in KP aged five years or below are stunted, while nearly two out of every ten suffer from wasting. In the merged districts, more than three out of every ten children are affected by wasting. Over 20 percent of under-fives are underweight and over ten percent are overweight.

The KP health minister inaugurated the first-ever de-worming initiative of school-age children in the province in October. The programme aimed to deworm over 4.6 million children in 19 districts of KP through over 20,000 government and private schools.

Chronic worm infection, mainly resulting from poor sanitation and hygiene conditions, was said to be a major cause of malnutrition particularly in schoolgoing children.

### **Child marriage**

In May, the UN Women and Women Parliamentary Caucus (WPC) of the KP Assembly signed an MoU to raise awareness and policy advocacy for legislation to end child marriages as well as women trafficking in the province. The KP Assembly unanimously passed a resolution in April seeking a ban on marriages of boys and girls under the age of 18. The provincial minister for information said in July that the government was committed to making 18 years the minimum age for marriage through effective legislation.

In 2016, the KP Assembly failed to pass the Khyber Pakhtunkhwa Child Marriage Restraint Bill 2014, which would have raised the age of marriage to 18 years. A law had still not been passed by the end of the year.

# Labour

## Labour struggles

In November, the Pakistan Workers Federation in Swabi demanded that the KP government implement labour laws in the industry to secure the rights of labourers.

The same month, the PHC issued notices to the federal secretaries for the ministries of national health services and law seeking their response on a petition against the dissolution of the Pakistan Medical and Dental Council and an abrupt end to the employment of its staff members through an ordinance.

The traders' preference for a private fruit and vegetable market in Kohat over a government-run market, which they said lacked basic necessities, has resulted in a prolonged dispute with the municipal administration. In the latest move in November, the entrance to the 'illegal' market was sealed for the fifth time, affecting around 2,500 wholesale dealers and labourers.

In November, the Karak district chapter of the Workers Welfare Union demanded that the government should enact legislation to include daily wagers in the Employees Old-Age Benefit Institution (EOBI) scheme, giving them the same status as mining and industrial workers.

One hundred employees of the Agriculture Research Institute at Tarnab Farms demonstrated in Peshawar in December against their termination, which they claimed was without valid reason. They demanded reinstatement and payment of their salaries for the previous six months.



*Employees of Tarnab Farms protesting against their termination and non-payment of salaries.*

## **Minimum wages**

The KP government fixed the minimum wage for unskilled workers in all industrial and commercial establishments in the province at PKR17,500 per month with effect from 1 July 2019.

The provisions of the Khyber Pakhtunkhwa Factories Act, 2013 and other labour laws would be applicable generally but more particularly with regard to the daily/weekly working hours, overtime work, work on day of rest and other similar matters.

## **Government employees**

The future of around 300 employees of the defunct FATA secretariat, now the merged areas secretariat, was reported in October to be still hanging in the balance.

The federal and provincial governments had reportedly repatriated their permanent employees working on deputation in the civil secretariat to the new secretariat. Due to the delay in absorbing the ex-FATA staff into the provincial cadres, they were facing the possibility of being placed in the surplus pool.

In November, the PHC heard a petition jointly filed by 43 employees of the tourism department against provisions in the Khyber Pakhtunkhwa Tourism Act 2019, which they feared would deprive them of their civil servant status. The court stopped the KP government from changing their employment status pending replies from the secretaries of the law and tourism departments.

Around 120 former army men from Swabi who had joined the KP police after retirement, complained in December that they had not been paid salaries for six months.

## **Private sector workers**

In December, the provincial assembly approved the Journalist Welfare Endowment Fund (Amendment) Bill 2019 under which an endowment fund would be established for the welfare and wellbeing of journalists.

## **Mine workers**

The lack of any adequate safety and health measures in this hazardous work remained unresolved and reports of accidents and deaths continued to emerge. A proposed law for the safety and rights of miners had not materialised and mines continued to operate despite being declared dangerous.

In April, five miners entered a coalmine in the Kala Khel area of the Khyber district, reportedly to check the levels of carbon monoxide, and were overcome by the accumulated gases. Four died from suffocation while a fifth miner was recovered alive. A huge boulder dislodged in a gypsum mine and crushed a labourer to death in the Jatta Ismailkhel area of Karak district in July.

In November two miners, Bakht Bedar and his brother Naseem, were fitting dynamite inside a coalmine in Darra Adamkhel in the Kohat district when it exploded and fire engulfed the mine. They were pulled out alive by their co-workers, but Bakht Bedar later died.

Salt mine workers in the Karak district went on strike in December over the lack of safety equipment and safeguards, as well as low wages. They said there were no first aid facilities and even drinking water was not provided.

Labour leaders demanded that salt and gypsum mining leases should not be granted without guarantees that all necessary facilities would be provided for workers, including life insurance.

In November, the KP government denied taking over mines in the merged tribal districts, saying it was just a rumour generated in opposition to the KP Mineral Sector Governance (Amendment) Act, 2019. The Qaumi Watan Party (QWP) had rejected the bill alleging that it was aimed at unlawfully depriving the people of the merged districts of their natural resources.

### **Modern slavery**

As the FIA was investigating a major case of fake marriages and human trafficking by Chinese gangs in Punjab, a report emerged in May of possible similar activities in KP.

Muskaan, a 19-year-old Christian girl from Peshawar, had had no contact with her family since being married off to a Chinese national in February. Muskaan's husband had given her PKR150,000 for marriage preparations and other expenses. Two locals were identified as the people who arranged the marriage, one of them having arranged his own step-daughter's marriage to a Chinese man.

### **Home-based workers**

The Labour Secretary said that a task force had been notified by the KP Chief Secretary to build a consensus on the long-outstanding bill for home-based workers. This task force was first mentioned in 2012.

## **Senior citizens**

### **Policies for the elderly**

At a press conference in Peshawar in October, senior citizens expressed concern over the non-implementation of the Khyber Pakhtunkhwa Senior Citizens Act, 2014.

They demanded that the government fulfil its commitments. They also called for senior citizens to be added to the list of beneficiaries of the Benazir Income Support Programme (BISP) and the Sehat Insaf Card programme to alleviate serious financial problems.

Access to free and quality healthcare was said to be one of the biggest problems. The Act had provided for separate counters, medical wards in hospitals, and concessions in medical and medicine charges, but these had still not been fully implemented.

Separate counters had only been set up in Lady Reading Hospital Peshawar and Qazi Hussain Ahmed Medical Complex Nowshera despite the notification of the provincial health authority.

## **Retirement age**

The KP government approved an increase in the age of retirement for its employees from 60 to 63 years in June. Around 5,000 employees were estimated to reach the age of superannuation every year and increasing the retirement age would save PKR24 billion annually.

## **Services for senior citizens**

In December, NADRA launched a countrywide service to register physically challenged and seriously ill people, including the elderly, in their homes.

The same month, it was reported that around PKR2.8 million elderly people did not have senior citizen cards which were required to claim benefits and concessions such as free entry to public places, financial support in deserving cases, and all the facilities provided for under the Act.

According to reports, a decision had not yet been made on whether the cards should be printed through public tender or at the government printing press.

## **Health of senior citizens**

Around 46,000 senior citizens visited Lady Reading Hospital in Peshawar for treatment during the six months from January to June, according to official data. Based on that data, it was estimated that their numbers could be in the millions for the rest of the province.

An official was reported to have said lack of proper treatment meant that half of the senior citizens were affected by permanent disabilities. The social welfare department had requested the health department to come up with a plan to provide free-of-cost medical facilities to senior citizens in government hospitals, but a response was still awaited.

## **Pensions**

In December, retired employees of various government departments in Peshawar expressed serious concern over the uncontrolled prices of daily use commodities and demanded a 15 percent increase in their pensions.

# **People living with disabilities**

## **Policies for PWDs**

On 5 December, the PHC heard a petition seeking orders for the federal and provincial governments to implement international conventions for the development of persons with disabilities (PWDs) and the provision of free health facilities.

On being told that the petition had been pending for two years because the provincial government had not been filing the requested comments, the PHC ordered the attachment of the salary of the KP Chief Secretary for non-compliance with orders.

The petition called for a panel to be constituted to formulate coherent policies and guidelines for safeguarding the constitutional rights of

PWDs within a specified period as their abjuration of responsibility was adversely impacting the fundamental rights of the petitioners.

A capacity building workshop for government officials to implement, monitor, and report on the rights of PWDs, titled 'Moving from Charity to Rights-Based Model and Empowering Women with Disabilities', was held in Peshawar in August.

Organised by the Ministry of Human Rights in collaboration with Federation Handicap International and UN Women Pakistan, the main objectives were to enhance the capacity of relevant government stakeholders in KP for the collection and analysis of data—in line with reporting requirements under the UN Convention on the Rights of Persons with Disabilities—and to develop an implementation plan for KP disability inclusion at departmental level.

### **Children with disabilities**

On 24 December, it was reported that an academy set up by the federal government in Kohat for facilitating special children had been facing shortages of staff and transportation for over a decade.

The same month, physiotherapists at a seminar in Hayatabad expressed concerns over the rising number of disabilities among children. These were said to be mainly caused by cerebral palsy which was manageable if the services of experts and equipment required for physical exercises was made available.

### **Education and employment**

On 3 December, Pashto poet and chief of Special Abilities Development Association (Sada) Khursheed Alam announced the opening of a school for special persons in his village in Lower Dir district.

Also in December, the Supreme Court directed the University of Malakand to formulate a policy by 25 December to allocate at least 19 jobs for physically challenged persons.

### **Inclusion and vulnerability**

On 13 December, the KP Election Commissioner said the ECP was making efforts for the inclusion of all disadvantaged groups in the electoral process, especially to simplify the process for PWDs.

## **Refugees and IDPs**

### **Refugees**

Most of the 2.5 million documented and undocumented Afghan refugees in Pakistan live in northwestern KP and southwestern Balochistan which border Afghanistan.

In November, the PHC heard a petition which sought orders for the federal and provincial governments to regulate the life and work of Afghan refugees in the country and deport illegal refugees. The petitioner contended that the unchecked movements of the Afghan refugees and their setting up of businesses had impinged upon the fundamental rights to life, liberty, security and property of the citizens of the country.



*The KP government said in January 2,000 that displaced families would be shifted from Bakakhel Camp to their homes in the North Waziristan district within two months.*

The court disposed of the petition as being outside of its jurisdiction and directed the federal and KP governments to restrict the activities of Afghan refugees in the country in line with the law of the land.

The elders of Junglekhel in the Kohat district demanded at an open court held by the deputy commissioner in November that a monthly payment should be made for their land given to the Ghamkol Afghan refugee camp by the Commissionerate for Afghan refugees since 1980.

They also said that the refugees had to be stopped from selling their land to IDPs from the Orakzai district before leaving for Afghanistan.

### **Proof of registration**

Residents of Shawal tehsil of North Waziristan district asked in January for the rehabilitation of the people displaced in 2014 by military operations, and for CNICs and domiciles to be issued.

### **Internal displacement**

In January, a KP government spokesman said that 2,000 displaced families would be shifted from Bakakhel Camp to their homes in the North Waziristan district within two months.

A report in February said participants of a multi-party conference in Bara tehsil of Khyber district called for provision of all basic facilities to the returning families and conducting of an impartial damage assessment survey in the militancy-affected areas. The Khyber Pakhtunkhwa Relief, Rehabilitation and Settlement department was reported in March to have released PKR30.40 million for the reconstruction of the houses destroyed due to militancy in the tribal districts of the province.

Under a partnership agreement the Government of Japan signed with the United Nations Development Programme (UNDP) and the World Food Programme (WFP) in February, Japan will be contributing USD10.6 million to fight malnutrition, improve livelihoods, and increase resilience to natural disasters in KP, Sindh and Balochistan.

Part of the funding will go towards early identification and treatment of 155,000 acutely malnourished mothers and children in KP, including families who have been displaced from Afghanistan and vulnerable host populations, as well as enhancing the livelihood of people returning to the tribal districts.

In October, survivors of the 2005 earthquake in Balakot said they were still living in miserable conditions 14 years after the tragedy and nothing had been done for their rehabilitation.

Most of the IDPs from Orakzai district were also said in November to be living in wretched conditions, still awaiting construction of their houses and release of compensation.

At the end of 2018, the Capital Development Authority (CDA) had submitted documents to the SC revealing that drastic amendments made to the Islamabad Displaced Persons Rehabilitation Policy in 2011 by the management were an attempt to extend multiple rehabilitation benefits to affected people, including those who had already been rehabilitated.

The six-month limit for applying for rehabilitation had also been removed. However, by February 2019 a formal notification had yet to be issued rejecting the amendments.

# Education

## Literacy

In December, the KP Elementary and Secondary Education Department decided to hand over more than 3,000 'low-performing and non-functional' primary government schools across the province to the private sector beginning April 2020.

Around 650 government schools already identified as low-performing and non-functional would be outsourced in three years under the PKR1.25 billion pilot project.

## Public spending on education

A report in November said the 21 regional institutes for teacher education in the province had continued to receive around PKR1 billion during the preceding two years even after their only responsibility for pre-service teacher training had ended. Over 600 employees of the institutes were kept on the payroll. The same month, female teachers of community primary schools working under the Frontier Education Foundation (FEF) in Peshawar demanded payment of their salaries, outstanding for 18 months.

## Enrolment and retention

A KP Education Department survey in January said over 1.8 million children in KP were out of school while the dropout rate stood at 44 percent. The government spent PKR3,000 per month per student in government schools.

In March, the KP Elementary and Secondary Education Foundation (ESEF) informed the KP CM that nearly 21,000 of the 41,000 out-of-school children enrolled in six targeted districts till 2017 were fake, and 70 of the 90 schools established in just one district for the purpose did not exist.

The provincial government had been paying out millions of rupees under a voucher scheme without conducting an audit. The government blocked moves by the opposition in the KP Assembly to probe allegations of a financial scam.

In November, nearly 1,500 students were enrolled in government schools in the Chitral district under the 'Take a child to school' project launched by the NGO Sarhad Rural Support Programme.

## Student learning, teaching quality

Reports said in January that hundreds of government primary school teachers opted for premature retirement over their inability to teach their respective subjects in the English language. This was some years after the medium of instruction had been changed from Urdu to English.

In December, reports revealed the Private Schools Regulatory Authority (PSRA), tasked with assessing the learning abilities of fifth graders in private schools and 10 percent of government schools by April, had only completed the assessment for government schools.

The PHC in April gave the government four months to bring in legislation to reduce the weight of schoolbags. The Khyber Pakhtunkhwa School Bags Act 2019 was drafted but not passed by the end of the year. The Act would make it compulsory for educational institutions to ensure bags weighed no more than 15 percent of the student's weight. Heavy bags can cause neck, back and shoulder pain in children and might also affect their growth.

### **School infrastructure**

In January, members of the local bodies in the Mansehra district warned of street protests if the government did not reconstruct 194 schools destroyed by the 2005 earthquake which were not covered by the Earthquake Rehabilitation and Reconstruction Authority's rebuilding plans.

A report produced by the Directorate of Education of the newly merged tribal districts in February showed that 2,443 educational institutions of the tribal districts, mostly for girls, were without toilets and 2,580 without drinking water supply. The report disclosed that the dropout rate among girls in the region was 79 percent because of the unavailability of toilets in schools.

Official documents in March revealed the disrepair of 770 unused buildings intended as educational institutions in the merged tribal districts. Over the last decade, teachers had never been appointed nor students enrolled. Fourteen years after the 2005 earthquake, 1,800 government schools in the affected areas had not been reconstructed.

### **Curriculum**

The province had earlier introduced a uniform curriculum in 2014 with English as the medium of instruction, but it had not been uniformly implemented. The federal government then announced in 2018 that it was developing a uniform curriculum bringing back Urdu as the medium of instruction.

At the end of December, the federal minister for education said that a draft curriculum would be sent to all provinces to be passed by the respective assemblies, adding that efforts were being made to ensure the 18<sup>th</sup> Amendment was not 'affected' by this centralised initiative.

### **Regulation of private schools**

In January, the KP Private Schools Regulatory Authority (KPSRA) was unable to enforce the court verdict on fee cuts in private schools. One report attributed this to the influence of MPAs who owned chains of schools.

Reportedly, the original KP Regulatory Authority Act, 2017 empowered the KPSRA to lock down private schools in continued violation of the law, but this was amended and the power was withdrawn within a month.

In October, the KPSRA tasked its fee regulation committee with ensuring the compliance of private schools with a Supreme Court decision in June. The apex court ruled that the schools had excessively increased

fees since 2017 in violation of the law and fees should be recalculated on the basis of what prevailed in 2017.

### **Higher education**

The cut in funding from the Higher Education Commission (HEC) began to bite in universities. The University of Peshawar in August was reportedly taking loans from local banks to pay its employees and had put on hold all development projects. Similarly, the University of Agriculture in Peshawar decided that without a bailout package, it would have to cut salaries and pensions by 60 percent from December.

## **Health**

### **Public health**

On 1 January, the Prime Minister directed health cards to be provided to 500,000 families in the merged tribal districts, to put the tribal areas on a par with the developed areas of the country. A psychiatrist warned that the stress, anxiety and frustration caused to hundreds of thousands of daily commuters and thousands of businesses by the incomplete Bus Rapid Transport (BRT) project in Peshawar could lead to physical ailments such as raised blood pressure, heart problems, and ulcers.

In January the PHC ordered the removal of 20 mobile towers in Peshawar over threats to public health. Media reports in March claimed the KP government's plan to form authorities to manage district level hospitals on the pattern of the medical teaching institutions was unlikely to make an impact on the care of patients as the law imposed on tertiary care hospitals in 2015 was still far from being implemented.

Illegal health facilities and quacks continued to proliferate in the province. The PHC ordered the FIA and KP Health Care Commission (HCC) in November to take action against them and the human organ trade across the province and submit detailed reports. The HCC was also ordered by the PHC in November to regulate the prices of public and private sector health facilities including laboratories. The same month, unfortunately, the HCC was told to suspend its operations as it did not have a complete quorum following the resignation of four private members on its board of governors. In November, the KP Health Department said it would promote public-private partnership for the improvement of health services in all the merged tribal districts.

### **Protests in the health sector**

The year was a difficult one for anyone needing to visit a hospital. The powers the KP government gave to the provincial health minister through the KP District and Regional Health Authorities Act, 2019 ran contrary to its own election manifesto that promised to devolve powers at the grassroots level. Doctors and paramedics viewed the legislation as an attempt to privatise the health sector and their prolonged protests led by the Grand Health Alliance (GHA) disrupted all health services, affecting millions of people. Approximately one million patients visit government hospitals across KP every day.

In the first week of May, doctors staged a week-long strike near the KP Assembly against what they termed was the government's plan of mass transfers, setting up district and regional health authorities and non-implementation of the SC's directives regarding irregular appointments and promotions in medical teaching institutions.

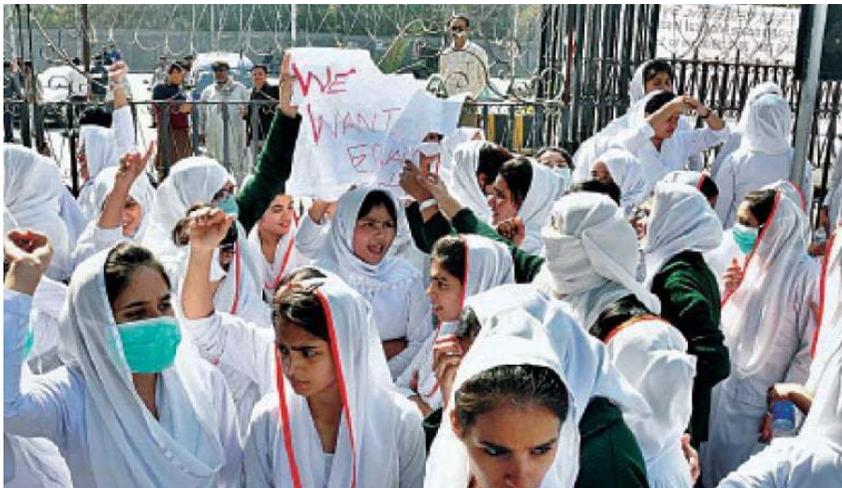
Shortly after, doctors went on strike once more against the alleged thrashing of Khyber Teaching Hospital (KTH) Assistant Professor Ziauddin Afridi by Health Minister Hisham Inamullah Khan. The government refused to register an FIR against the minister, saying the doctors were resisting reforms. Frustrated patients blamed both sides for the continuing standoff.

At the end of September, the GHA called yet another strike. On 30 September, the KP government invoked the West Pakistan Essential Services Maintenance Act 1958 for three months to force the presence of staff at government hospitals.

Despite show-cause notices and arrests, this failed to have the intended effect and the protests continued. On 12 November, after a full 47 days of protests, the GHA finally ended the strike after the KP CM met a delegation of the strikers and agreed to form a ministerial committee to address their concerns.

The threat of strikes reared its head again in December when doctors in Peshawar warned they would agitate if the government did not withdraw the Pakistan Medical Commission Ordinance, 2019, and the new condition for local medical and dental graduates to sit the national licensing exam ahead of a house job.

In April, scores of lady health workers (LHWs) staged a protest demonstration in Jamrud in Khyber district against non-payment of their salaries for the last four months.



*Lady health workers protested in Jamrud against the non-payment of their salaries for the last four months.*

Residents of Oghi tehsil of Mansehra district took to the streets in December along with their cattle to protest against shortage of doctors and healthcare services in the tehsil headquarters hospital.

### **National programmes**

In December, the KP government's plan to extend the Sehat Sahulat Programme (SSP) to the entire province faced delays after the insurance company demanded double the premium to cover 100 percent population instead of the existing 69 percent.

The premium cannot be increased without additional legal formalities so the government said it would advertise for rates in the range of a PKR3,000 premium to ensure that the programme started from July 2020.

### **Mental health**

At a press conference in Peshawar on World Mental Health Day experts called on the government to move forward on the appointment of psychiatrists at district-level hospitals in the city in compliance with the Medical Health Act 2017 rules. They said that there were very few psychiatrists treating depression in the country as a whole.

Poor quality of life, poverty, inflation, unemployment, and terrorism were resulting in a rise in the numbers of cases of depression and anxiety leading to suicides. The worst-hit area in terms of suicides was Chitral, although suicide attempts were increasing across KP.

### **Polio**

National health goals in the country suffered a huge setback with the poliovirus staging a staggering resurgence compared to the preceding two years. A total of 136 polio cases were recorded in KP for 2019.

Rumours had been spread at the beginning of the year about children being poisoned and dying from contaminated polio vaccines, causing widespread panic and an escalation in vaccination refusals. It required a massive effort to bring the anti-polio campaign back on track.

By September, with the support of community and religious leaders, vaccination refusals were said to have dropped considerably—from 800,000 in April to less than 200,000 in August. Attacks on polio vaccinators, workers and guards across KP during the year did not abate, resulting in at least five deaths and many injuries.

### **Leishmaniasis**

Khyber Pakhtunkhwa recorded around 40,000 cases of the parasitic skin disease leishmaniasis during the year. Injections were unavailable locally and health centres ran short. The World Health Organization (WHO) and the international NGO Medicines Sans Frontieres stepped in and supplied the injections.

### **Dengue**

Thousands of patients affected by dengue haemorrhagic fever, endemic in the province, stretched the capacity of hospitals to their limits. Several hospitals had set up special dengue treatment wards with dedicated beds but they proved inadequate to cope with the number of patients.

The first dengue patient was received in July at the Khyber Teaching Hospital in Peshawar and by November the number of confirmed cases in the province was reported to be over 7,000. The government formed a high-level committee in December for the implementation of a Dengue Action Plan 2020.

### **Dog bites and rabies**

At least 3,500 dog-bite victims requested the anti-rabies vaccine up to October, including 157 people from the newly-merged tribal districts. As the authorities struggled to deal with both a shortage of the vaccine as well as the problem of controlling the street dog population, a dog sanctuary in Peshawar started its own programme of vaccination and neutering of street dogs.

### **Cancer**

For the first time, the KP government included breast cancer in the free cancer treatment programme of services for 6,000 patients over the next three years. Around 3,000 breast cancer patients were set to receive effective medicines for one year. In November, the government was also said to be launching the first breast cancer screening centre in the province in 2020, to provide a service to the 40,000 breast cancer patients reported annually. Legislation was also promised to provide free screening and treatment.

### **HIV/AIDS**

The province was said in November to have 4.5 percent of the countrywide HIV/AIDS prevalence, with 5,432 patients registered in four KP hospitals alone. The KP health department said that free HIV/AIDS screening services was offered at key government hospitals. The government also said that a law was being drafted to provide protection against discrimination to people with HIV/AIDS as well as improved access to healthcare facilities.

## **Housing, land grabbing and public amenities**

### **Land grabbing**

In February, an accountability court in Peshawar convicted former provincial minister Murid Kazim and five revenue officers of illegally transferring government land in Dera Ismail Khan to the Naval Families Rehabilitation Organisation (NFRO) and sentenced them to prison terms. Also in February, members of the Qabristan Bachao Tehreek ('Save Graveyards Movement') staged a demonstration in Peshawar demanding action against people involved in grabbing the land of local graveyards.

In November, the tribesmen of Thall tehsil of Hangu district denounced the issuance of notices from the local administration asking them to demolish newly-constructed houses on state land and to stop further construction.

## **Public housing schemes and financing**

Progress on the Naya Pakistan Housing Scheme in KP was said to be on track in September. Land had been identified in the Surizai area of Peshawar, Swat and Hangu districts. The government planned to construct about 7,50,000 units over a period of five years in the KP province.

The 80,000 kanal CPEC city in Nowshera is the flagship project of the incumbent government, and considered key to the promotion of trade and economic activities.

## **Encroachment, evictions and land disputes**

The KP chief secretary directed divisional and district administrations in December to focus on completely removing encroachments in their regions to facilitate the public. The Haripur district administration had in November already razed 20 shops, and a portion of a mosque, constructed illegally along a water channel.

In December, the local administration retrieved 11 kanals of public land worth PKR120 million from local traders during an anti-encroachment operation in Tandkoi main bazaar in the Swabi district. The traders did not resist the operation, which included complete demolition of 20 shops, and partial demolition of 90 shops and four hotels.

In November, a group of farmers belonging to various rural localities of Peshawar protested their forced eviction from the area designated for the construction of the Peshawar Northern Bypass and demanded compensation.

## **Building collapses and fires**

Building collapses in KP during 2019 resulted in the deaths of at least 48 persons and injuries to several others with substantial losses and damage to property. Heavy rains or snow further weakened the badly constructed fabric of homes, with disastrous results. Whole families were killed when mud houses collapsed or roofs caved in. Fatalities and injuries were reported across all districts.

# **Environment**

## **Climate change**

Heavy rains in August brought chaos to a large swathe of KP, causing flash floods, road blockages and casualties. Several people were killed or injured, the Karakoram highway was blocked by large landslides, and suspension bridges were washed away.

As many as 7,000 glaciers in the northern mountain areas, 5,000 of them in KP and GB, were threatened by deforestation, rising temperatures and air pollution, potentially leading to a serious water crisis, according to the UN-funded GLOF-II (Glacier Lake Outburst Flood) project. Of the 3,044 glacial lakes that had emerged in KP and GB, 33 were assessed as prone to hazardous glacial lake outburst floods.

A report published in December by the Climate Change Centre of the

Peshawar University of Agriculture revealed that climate change had serious ramifications for the farming sector with the changing weather pattern affecting food grain and fruit yield as well as livestock. Sources of surface water, especially springs, had either dried up or were being depleted and the water table was decreasing throughout the province.

The first-ever 'winter contingency plan' was announced by the Provincial Disaster Management Authority (PDMA) in November to cope with a range of natural hazards in the cold season. The plan included strategies to tackle flash floods, seismic activity, landslides and prolonged spells of droughts in arid zones.

In December, young volunteers from Shangla and Kohistan received disaster response training from the Pakistan Red Crescent Society to help the community during natural disasters.

### **Deforestation**

While the government was claiming forest cover in KP had expanded by 6.3 percent with the billion tree tsunami project, workers at a government owned 63-acre nursery in Haripur supplying the programme said in May they had not been paid for six months.

In June, it was reported that saplings planted over hundreds of acres in the merged tribal districts had been abandoned by the forestry department staff after the provincial government failed to hand over PKR90 million to pay the contractors and labourers. In July, the treasury and the opposition were at odds over the constitution of a committee to probe alleged corruption and anomalies in the multi-billion afforestation programme.

The forestry department and the mines and minerals department were also at loggerheads over the auctioning of designated forest areas for mining purposes.

Members of civil society and youth activists protested in May over the large scale and illegal cutting down of trees by the timber mafia in the Swat district. Illegal tree cutting and timber smuggling was also said by residents of Upper Dir in November to be continuing unchecked, decimating forests.

The KP forest department said in December it would designate natural forests in the merged tribal districts as *guzara* (livelihood) forests to be owned by the local communities, and managed by the department.

Forests in other districts, including Hazara and Malakand, had also been divided into 'reserved forests' that belong to the government, 'protected forests' in which local communities have maximum rights, and '*guzara* forests' which are owned by local communities.

### **Water**

The glacial lake outburst flood in the Golen valley of Chitral district in July had by the end of the year left crops of wheat, pulses, fodder, vegetables and fruits vulnerable, while maize had not been cultivated at all due to the delay in restoration of the irrigation system.

Fifty thousand residents of Karak city were purchasing drinking water in November due to an acute water shortage. Kohat district was also faced with water shortages after millions had been wasted on a dam with a faulty design. It was reported in December that six tubewells were being sunk and pipelines laid to alleviate the water shortage in urban areas of Haripur district. Also in December, residents of the Khall tehsil of Dir district said they had been drinking contaminated water for several years.

The NGO Sarhad Rural Support Programme launched eight water supply and sanitation schemes in December to benefit 1,100 household in the Orakzai and Kurram districts, at a cost of PKR23.7 million.

### **Water pollution**

Marble factories have been using up groundwater and polluting water bodies, a major problem in the Buner district. In November, notices were served on 250 marble factories in the Khyber district for releasing their waste material into agricultural and irrigation canals.

Four stone crushing plants and a plaster of Paris factory were sealed in the Karak district in September for releasing effluents into local water courses.

The local administration also arrested 17 managers and sealed 31 factories for pollution in Peshawar in November.

# BALUCHISTAN



## HIGHLIGHTS

- Enforced disappearances are perceived to be the biggest issue in Balochistan. Incidents of disappearance continued unabated and, in most cases, victims' families are afraid of communicating their cases to the authorities.
- The year saw both major and minor instances of violence carried out by non-state actors, mostly targeting the minority Hazara community, members of Islamist organisations, and security personnel.
- Although Balochistan jails are not overcrowded, a huge number of under-trial prisoners, including juveniles, are incarcerated with convicted criminals. Inadequate screening and vaccination allows the rapid spread of communicable diseases.
- Freedom of movement is severely restricted with travel frequently subject to a no-objection certificate, or extreme levels of surveillance and harassment from security forces, particularly difficult when carrying out important human rights work.
- The threat of sectarian violence against the Shia Hazara community continues to be a major challenge in Balochistan.
- Balochistan's right-to-information laws are considered the weakest in the country with directions that any information harmful to law enforcement must not be shared but without clarification as to what constitutes such information.
- It is still impossible to write or speak openly and frankly about Balochistan and the consequences for criticism are harsh.
- There is increased pressure on civil society organisations to avoid human rights issues in the province. CSOs and NGOs report that intelligence personnel regularly visit their offices and demand to see documents on staff and ongoing projects.
- At least 118 incidents of violence against women were reported in Balochistan up to November 2019, while 43 women and nine men were killed in the name of honour.
- A massive video blackmailing scheme had been operating at the University of Balochistan for over a year before it was exposed in October. Secret CCTV cameras had been placed in different parts of the university to record the students in compromising situations.
- There is insufficient data on child sexual abuse and violence which inhibits the implementation of any policy, despite a shocking report in a leading newspaper of child labourers being brought to mines in Balochistan for sexual services.
- At least 160 mine-related deaths took place in 2018–19 alone. Hundreds of coal mines are being operated by people with no financial resources or technological skills to provide for operational safety or to deal with emergencies.
- Of the approximately 140,000 people with disabilities in Balochistan, only 14,000 of them are registered with the Social Welfare Department to receive their legitimate benefits.
- According to the results of the 2018 National Nutrition Survey 50 percent of children under the age of five were stunted in Balochistan and 20 percent suffered from wasting.
- Water scarcity is a huge problem in Balochistan. According to a province-wide survey, 20 out of 33 districts of Balochistan are drought-stricken with 109,000 families affected.

## Laws and law-making

The Balochistan government passed 11 Acts during 2019. See Appendix 2.

## Administration of justice

### Judiciary – pending cases, etc.

The judicial system in Balochistan witnessed a positive change when Justice Jamal Khan Mandokhail took oath as Chief Justice (CJ) of the Balochistan High Court (BHC) on 6 October 2019. One of his first directions to judges was to dispose of cases on an urgent basis.

According to the Law and Justice Commission of Pakistan, as at end December the Balochistan High Court had 4,858 pending cases while the District Judiciary had 13,778.

The CJ also remained active in establishing new courts and judicial complexes. In November, he inaugurated a new judicial complex in Washuk, a marginalised district. He also restored judicial magistrates and *qazi* courts in Washuk's Wag tehsil. The establishment of a judicial complex in Washuk will allow locals to pursue legal action in their own district.

### Justice system reform

No significant steps were taken to reform Balochistan's justice system in 2019, despite claims by the new CJ. He may have inaugurated new judicial buildings but this does not constitute judicial reform. He said that the workload of the courts would be reduced by half if government officials took right and lawful decisions, and urged for them to be given legal training. However, he did not mention what steps he would take to ensure that the burden on the courts was reduced.

### Accountability/NAB

In Balochistan, the most common area of corruption is the procurement of goods for the construction of buildings and roads, and both of these have accounted for most of the corruption cases registered by the National Accountability Bureau (NAB) in the past. However, other areas of corruption which are hard to prove are never pursued by NAB, such as extortion money received by security forces and law enforcement agencies (LEAs) including the Frontier Corps, Levies and the police.

These extortions occur on the main highway in Balochistan and also on border crossing points in Chaman and Taftan. Security officers in charge of the border crossing at Chaman reportedly make a hefty amount of money in kickbacks and extortion. There are also reports of extortions at coal mines.

NAB continued its activities in Balochistan in 2019 but there were no high profile arrests or exposures of corruption.

In November, Special Assistant to the Prime Minister for Petroleum and Energy Yar Muhammad Rind urged NAB to look into massive

corruption in Balochistan during the period 2008 to 2018. He alleged that Rs800 billion was embezzled by the last two governments in Balochistan. There was no response to this demand from NAB and these allegations did not result in any high profile case.

High-ranking Balochistan government officials were not targeted by NAB in 2019. In that context, the Chief Minister (CM) said that the Balochistan government was exercising self-accountability. He was referring to the sacking of the Health Minister and Health Secretary for poor performance. The CM hinted that he would continue holding his government accountable from within even if NAB did not interfere. However, it is unlikely that self-accountability will be sufficient to curb corruption.

### **Suo motu intervention**

The only suo motu notice taken by the Balochistan High Court (BHC) was in relation to a blackmailing scandal at the University of Balochistan (UoB).

In October 2019, news broke that the Federal Investigation Agency (FIA) had started a probe into UoB after an intervention by the BHC. According to details shared in the local media, security staff at UoB installed secret cameras on campus premises and used recorded videos from those cameras to blackmail mostly female students for financial and sexual favours.

Once the BHC took notice of the matter, the issue received much mainstream and social media attention. Political parties and civil society in Balochistan organised protests against the university administration.

Later, during case hearings, the FIA submitted an inquiry report which was sealed by the court and not made public. So far, no major arrest has been made and the issue has lost momentum because of delays in hearings in the court. [See also *Women*]

Two LEAs, the Balochistan Levies and the Balochistan police, operate alongside a wide variety of federal security institutions – most notably the Frontier Corps (FC). They do so at a time when the FC, among other federal bodies such as the Inter-Services Intelligence (ISI) and Military Intelligence (MI), remains accused of harassment, extrajudicial executions, enforced disappearances, torture, and kill-and-dumps.

At times, LEAs are complicit in these practices, though local recruitment for both Levies and the police means they are not the driving force behind them and that they enjoy greater trust and legitimacy in Balochistan.

Laws like the Anti-Terrorism Act (ATA) are frequently used to adjudicate ordinary crime and suppress political dissidents, besides failing to give a fair and transparent trial to suspect militants.

## Law and order

Generally speaking, the situation remains dire. A sign of the frustration with this is that a strike called by the All Parties Social Activist Alliance (APSAA) on 15 October 2019 in Turbat, Kech, against the deteriorating situation, was supported by all the major parties, including National Party, Balochistan National Party-Awami, BNP-Mengal, Jamiat Ulema-i-Islam-Fazl, Pakistan People's Party, Jamaat-i-Islami, Anjuman Tajran, Kech civil society and the legal community (Kech Bar Association).

### Crime

According to the Pakistan Bureau of Statistics (PBS), the number of total reported crimes from Balochistan was only 1.2 percent in 2018, disproportionately lower than the province's proportion of the total population. The Balochistan police reported a total of 9,185 crimes in 2019 (see Appendix 4). Though this may be an indication that crime is lower in Balochistan, it can also indicate that people chose not to go to LEAs to report crimes and disputes, or that they were not able to because police stations are too distant.

Indeed, the refusal of police stations to lodge first information reports (FIRs) on key issues like enforced disappearances may play a significant role in reducing the level of interaction between the general populace and Balochistan's LEAs. Reporting in the mainstream media of crimes in Balochistan continues to be limited.

Another factor is that those who are generally considered fighters of crime – the police, Levies or the FC – are frequently themselves involved in crime. Practices such as enforced disappearances constitute crimes. There have also been reports that the FC and security agencies 'patronise the drug mafia, using them as a political extension'.

Representatives from Pakhtunkhwa Milli Awami Party (PkMAP) and National Party (NP) claim that individuals with strong connections to the drug mafia were elected to the provincial assembly in 2018 with FC and security agency support. They also say that the mafia have blocked people from attending political rallies.

## State violence

In Balochistan, law and its enforcers produce both order and disorder – the latter through ongoing violence. According to an HRCP fact-finding mission conducted in August 2019, the ‘public point of view’ identified enforced disappearances as ‘the biggest issue in Balochistan.

Incidents of disappearance continued unabated and, in most cases, victims’ families are afraid of communicating their cases to the authorities.’ Enforced disappearances were accompanied by other forms of state violence, including mass displacements, harassment, extrajudicial killings, army operations, torture, and kill-and-dumps.

This is despite a Six-Point Agreement signed by the Pakistan Tehreek-e-Insaf (PTI) government with the Balochistan National Party-Mengal (BNP-Mengal) in 2018. The agreement included the ending of all overt and covert military operations; the production of all missing persons; the disbanding of all proxy death squads created by the ISI and MI; and free political play without interference for Baloch nationalist parties.

State violence, much like non-state violence, seems intimately connected to criminal violence, and both are difficult to separate. While in Turbat, the HRCP fact-finding mission was made aware of concerns that the security agencies were using criminal elements involved in drug-related crimes to disappear people.

The government’s lack of progress has been vehemently criticised, among others in the April 2019 speech by BNP-Mengal’s Akhtar Mengal on the floor of the National Assembly. Mengal went on to accuse the PTI of failing to implement the Six Points; most notably, the government has failed to pass a bill criminalising enforced disappearances.

In response, the Human Rights Minister Shireen Mazari said that there were ‘some forces’ that were creating ‘impediments’ and did not ‘want to change the old course’. She pointed out that the bill on enforced disappearances was prepared but still pending before the law ministry.

The sitting provincial government in Balochistan – presided over by CM Alyani and his Balochistan Awami Party (BAP) – has allowed close coordination between state perpetrators and parliamentary representatives, but also hindered progress as the provincial government seems insufficiently critical of the security forces’ human rights abuses. Indeed, the CM seems to not prioritise human rights abuses, as was evident when he refused to meet with the HRCP fact-finding group in August 2019.

Provincial governments and federal agencies have failed to hold any state functionary accountable for their role in any of the offences, especially enforced disappearances, despite the devolution of power overseen under the 18th Constitutional Amendment.

Despite the pretence that power will be decentralised to democratic representatives of Balochistan, the general perception remains that state security agencies continue to be the decision-makers in Balochistan. The FC presence remains too entrenched, and also includes unwarranted

involvements and permanent presence in educational institutions like the University of Balochistan, undermining the provincial government and civilian administration.

### **Enforced disappearances**

The year began on a hopeful note as the Voice for Baloch Missing Persons (VBMP) announced that it would close its protest camp in front of the Quetta Press Club for two months, the first time in a decade, after the CM promised serious efforts for the return of missing persons. At a press conference in mid-January, VBMP Chairperson Nasrullah Baloch announced that he had handed over a list of 110 people to the authorities – a list that eventually increased to 365 people. The CM said that 11 people who had been missing for four to five years recently returned; Nasrullah announced that 250 people had returned, and expressed the hope that decomposed bodies would stop showing up.

The very next day Mama Qadeer Baloch of the VBMP reopened the camp after more people were taken into custody, indicating that the provincial government is either unwilling or unable to fully live up to its promise.

People nevertheless began to trickle home. Three people returned home in the days leading up the press conference; an additional 28 missing persons returned home by early February. This is a positive development but key challenges remain.



*Voice for Baloch Missing Persons closed its protest camp for two months, the first time in a decade, after the CM promised serious efforts for the return of missing persons.*

Firstly, the numbers issued by the provincial government and the Commission of Inquiry on Enforced Disappearances (COIED) differ sharply.

For example, in late June the Home Minister said that 200 people had returned home, while the VBMP said only half that number had returned, i.e. 103. The minister also said he had received 250 names,

against VBMP's claim of 365 names. Finally, the VBMP's Mama Qadeer told HRCP that 47,000 Baloch and 35,000 Pashtuns were missing. These numbers are disputed by the minister and the COIED which claims that Balochistan has the least number of missing persons.

Secondly, the VBMP says that the number of people disappeared per month outnumber those returned. The HRCP fact-finding mission found that disappearances continued unabated. State officials are now accused of extending arbitrary arrests and enforced disappearances to include women.

On 30 November, Levies and police officials announced the arrest of four women, accused of being from families of separatist insurgents and of carrying arms and explosives for militants in Awaran. After pressure from political parties and civil society, the Interior Minister promised government support for the release of the four women. They were subsequently released on 10 December. Yet the disturbing trend of abducted women especially from Awaran and Dera Bugti continues. Families of the missing are frequently turned away at police stations, and mistreated at the COIED.

### **Harassment, including arrests and torture**

A series of arrests were carried out against political dissidents in Balochistan. On 31 January, six PTM activists were arrested from outside the Quetta Press Club when they were protesting against a bombing in Lorelai. A sessions court ordered their release. Harassment at checkpoints persists, a particularly egregious example of which are the stories of soldiers cutting the hair and *shalwars* of young Baloch boys.

### **Kill-and-dumps**

While bullet-riddled bodies continue to turn up in Balochistan, the VBMP told HRCP that the number of corpses that showed up in 2019 had reduced significantly after the start of negotiations with the provincial government. However, in his speech to the NA in April, Akhtar Mengal showed pictures of unidentified corpses, and said that 22 such bodies had been buried by Edhi without any effort being made to identify them. Meanwhile, the Balochistan Human Rights Organisation (BHRO) reported that several tortured and decomposed bodies were still being found in Balochistan.

### **Encounter killings**

It is extremely difficult to find information on encounter killings, as most of those who have died in gun violence with the security forces or LEAs have been deemed terrorists, their deaths hardly ever questioned. Several reports in the mainstream media tell of security forces killing militants or terrorists, but there is no way to confirm whether those killed in gun exchanges or encounters are actually involved in militancy.

### **Army operations**

The excesses committed by security forces during army operations are difficult to verify, since independent observers are not allowed access. Reports from earlier years indicate that security forces tend to sweep

up all the men in a village during search operations and submit them to physical force, disappearing several people for days, months, or years. The HRCP fact-finding mission found that the military tends to use disproportionate force, such as penalising a whole village for a random shot fired from its direction.

### **Non-state violence**

Unlike state violence, information on which is subject to extreme repression and difficult to come by, information on insurgent violence is widely available and reported. The main insurgents are Islamists on the one hand, and Baloch separatists on the other; attacks by the former continue, but the latter have mostly decreased except for the one attack on the Pearl Continental in Gwadar claimed by the Balochistan Liberation Army (BLA).

During its fact-finding mission in August, HRCP found that ‘Balochistan’s people feel relieved that law and order has improved somewhat’. Yet, this relative improvement in relation to previous years did not mean that the situation was acceptable. Violence in Pakistan is unevenly distributed, with the country’s marginalised, bordered provinces – Balochistan and Khyber Pakhtunkhwa (KP) – suffering the brunt of it.

According to the Centre for Research and Security Studies (CRSS), 226 of 679 militant-related fatalities – or 33 percent – took place in Balochistan alone. According to the Pakistan Institute of Peace Studies (PIPS), 91 percent of the total number of attacks took place in just two Pakistani provinces: Balochistan and KP. This reflects a trend from 2018, when Balochistan was the only place in Pakistan where militant-related fatalities increased in 2018.

The year saw both major and minor instances of violence carried out by non-state actors, mostly targeting the minority Hazara community, members of Islamist organisations, and security personnel. A blast targeting the Hazara community in the Hazarganji vegetable market on 12 April killed 21 people. Lashkar-e-Jhangvi and Islamic State of the Levant (ISIL) took responsibility for the attack.

Several attacks targeted security personnel. An attack on the FC training centre in Loralai in January killed four security personnel and four militants. Five civilian employees and three policemen died in an attack on the Office of the Deputy Inspector General (DIG) of Police in Zhob Range, Loralai, on 30 January.

Fourteen people, including 11 security personnel, were executed near Ormara, Balochistan on 19 April, as they were travelling by bus from Karachi to Gwadar. Also in April, a bomb explosion in Nasirabad took the lives of 12 people including two officials from the Counter-Terrorism Department (CTD). This was followed by a gun attack on Gwadar’s Pearl Continental on 13 May, leading to the deaths of four hotel employees, one navy soldier, and three BLA militants behind the offensive.

Several members of Islamist parties were targeted. Ataur Rehman, prayer leader at a Rehmania Mosque in Pashtoonabad, Quetta, was killed

with one other person by a blast. Another blast at Al Haj Mosque on the Quetta-Chaman highway on 17 August, targeted Hafiz Hamdullah, the younger brother of the Afghan Taliban leader Mullah Haibatullah. Four people were killed and 25 injured. Muhammad Azam, the imam of Usman bin Afaan Mosque and an Afghan citizen in Kuchlak was gunned down on 18 August.

Maulana Mohammad Hanif of the Jamiat Ulema-e-Islam (JUI-F) and two others, including a young boy, were killed and at least 11 others injured when a motorbike bomb exploded in the main bazaar in Chaman on 29 September.

Numerous other attacks were reported throughout the year. In March, five people, including two children, were injured in a bomb blast in Chaman, Qila Abdullah; two people were killed and 11 injured in a blast in Panjgur town, while four policemen were injured in an IED blast in Mianghundi, Quetta.

In May, two miners and three FC were killed in an attack and blast in Khost, Harnai; four police personnel died and 12 others including policemen were wounded in a blast near a mosque in Satellite Town in Quetta.

Five persons including one woman were killed and 13 injured in two explosions that hit two vehicles in Ziarat. The victims were members of the Shia and Bohra communities.

July saw a blast in the Eastern Bypass which killed four people and injured 32, and another bomb blast near a police station that killed five people and injured 30, including women and children.

A Hazara Shia man was killed, and 13 injured in a bomb explosion near Meezan chowk in August.

A bomb blast in October killed a Rapid Response Force sniper, and injured five security personnel and five civilians on Double Road.

Two FC soldiers and two would-be suicide bombers were killed in October and, within days, three policemen and two civilians were injured on Spiny Road after suspected militants blew up an explosive-laden motorbike.

Gunmen killed two people and injured three while abducting two others in Duki in November.

### **Official response to violence**

Despite an extremely high level of militarisation and policing in Balochistan – which has been heavily criticised by key political parties, civil society activists, and targeted communities – the security situation seems to prioritise protection of state assets rather than people in Balochistan.

This was exemplified in the first meeting of the National Development Council – presided over by the Prime Minister and including the Chief of Army Staff (COAS) – where discussion on security was primarily focused on economic growth and development plans in Gwadar.

One positive development has been increased protection for the Hazara community, which has led to a drop in attacks during the year. However, several members of the Hazara community, including the Hazara Democratic Party (HDP), point out that this protection is not a long-term solution as it leads to a ghettoisation that separates Hazaras from the rest of the population in Quetta and in Pakistan (see section on the Shia Hazara community).

### Police reforms

Given that Balochistan's two main LEAs do not operate independently from federal security agencies, they cannot be separated from this wider militarisation in Balochistan. The most important indication of this is the death of Professor Arman Loni, at a time when the Pashtun Tahafuz Movement (PTM) is under pressure from national security institutions to stop criticising the military.

Arman Loni, a professor of Pashto literature, a poet and a PTM leader, allegedly died as a result of police torture in the Loralai district. In February, PTM activists were holding a sit-in protest outside the Loralai Press Club against the Deputy Inspector General (DIG) office attack by the Taliban in Loralai when police came to the scene to arrest Arman Loni. This resulted in a scuffle between the protestors and the police; Arman Loni ended up dead in mysterious circumstances after this encounter with the police.

Doctors at the Loralai District Hospital said Loni had died before he was brought to the hospital. SHO Saddar Police Station Loralai Syed Nasir Shah claimed that Loni died of a heart attack. The police surgeon at Civil Hospital Quetta carried out Loni's post mortem report and claimed that there were no signs of torture and injury on his body. However, leaders of PTM and other political parties have carried out vehement protests against the death of Loni due to police torture.



*Arman Loni, a PTM leader, poet and professor of Pashto literature, died allegedly as a result of police torture in the Loralai district.*

Despite the CM and home minister's claims of conducting a fair inquiry, the findings of the Arman Loni case were never made public.

In March, the Senate Standing Committee on Human Rights ordered the Loralai Police to lodge an FIR against Assistant Superintendent of Police (ASP) Atta ur Rehman, the principal accused in the case.

Initially the Loralai Police refused to lodge the FIR against ASP Atta ur Rehman. After pressure from the Senate and other political parties, an FIR was registered against ASP Atta ur Rehman in April, two months after the death of Loni. However, no progress was made on the FIR and the accused was never arrested.

One of the major conversations regarding Levies and police in Balochistan has circled around the question of whether the two institutions should be integrated. Levies were briefly disbanded during the Musharraf regime and integrated into the provincial police force. They were reinstated in 2010 and police 90 percent of the territory in Balochistan in what are called the B-areas.

The police control only 10 percent of Balochistan, or what is called A-areas, primarily urban centres. In a conversation with the HRCP fact-finding mission, representatives of BNP-Mengal and PkMAP expressed reservations over the integration of the two forces, claiming that the crime rate is lower in areas under the Levies than the police. This could not be verified, nor could the question of whether Levies are controlled by local political interests.

There were some efforts at reforming LEAs, not all of them in ways that would improve the human rights situation in Balochistan. These included enhancing the violent capacity of the LEAs on the one hand, and making it easier to access LEAs on the other.

In November 2019, the CM said his government was taking measures to uplift the capacity of the Levies force. In December 2019 the Home Minister explained that these reforms included equipping both Levies and police with modern weapons, communication systems and latest technologies. There is a danger that, unregulated, these weapons can be used for violent ends, specifically the surveillance and harassment of political dissidents.

In May 2019, it was reported that new police stations were under construction by Civil Lines in Quetta. This included Balochistan's first woman police station, which was meant to make it easier for women to access the LEAs. It would also ensure more jobs for women in the police force.

In March, 2019, IG Police Mohsin Hassan Butt said that the Police Reforms Committee gave high priority to addressing complaints against the police, and would measure its success by monitoring how many people had to go to the courts after lodging complaints with the police.

In November, the Home Minister announced the launch of an online FIR registration facility to make it easier to lodge complaints, though the extremely low literacy in Balochistan and lack of access to the internet –

especially in places with high levels of abuses where the internet is routinely cut off – may render this an empty gesture.

## Jails and prisoners

### Jails

There are 11 prisons in Balochistan, five of which are central while six are district prisons. Yet, much like LEAs cannot be thought of as separate from security agencies in Balochistan, jails and prisoners cannot be separated from covert internment centres in Balochistan, where people are disappeared, tortured, and at times killed in custody outside any formal rule of law.

### Conditions in jails

In a report from 2018 entitled *Baluchistan Prisons: An Exposé*, the National Commission for Human Rights (NCHR) concluded that the conditions of Balochistan's prisons were dire and needed improvement.

The study highlighted the lack of trained, disciplined, and well-paid staff; it also pointed out that most jails were badly equipped resulting in poor living conditions within jails.

One of the major challenges in Balochistan is that 59 percent of the prisoners are under-trial, including juveniles, but living alongside convicted criminals. There was also a big issue with health, with diseases spreading in the absence of proper screening and vaccination of transmissible diseases.

At the end of the year, 13 prisoners were reported to be suffering from HIV/AIDS, while 11 were mentally ill patients. The Balochistan Prison Department had only four ambulances for the entire province. Nepotism and political interference also resulted in the delay of 200 appointments in the prison department.

### Torture in prisons

In its report on prisons in 2018, the NCHR stated: 'The practices of torture and other inhuman treatment of prisoners continue to thrive due to the weak accountability mechanisms for prison officials.' The NCHR said that the ongoing practice of torture in prisons was because of the dreadful training of prison officials.

It also pointed out that the implementation of the National Judicial Policy 2009 ensured that torture of juveniles actually decreased, because sessions/civil judges were obligated to visit jails on a bi-weekly basis to check abuse and torture faced by prisoners.

### Internment centres

The military operates a series of detention centres around Balochistan, especially within the cantonments in Quetta, Turbat, Hubchowki, and Khuzdar, and in places like Qulli Camp, Quetta.

These detention centres are not formally known as 'internment centres' and are therefore frequently excluded from any national conversation on this topic.

In recent hearings in the Supreme Court, the Khyber Pakhtunkhwa Actions (in Aid of Civil Powers Ordinance 2019) was said to have given security officials unwarranted powers to set up internment centres, and convict people outside the law. There is a similar need to investigate such centres in Balochistan.

HRCP has received numerous witness statements regarding the existence of these centres, especially from people who have been forcibly disappeared and later released. In Balochistan, the internment centre goes by many names, including 'torture camp', 'detention centre', '*chauni*', 'cantonment', and 'military camp'.

Despite the variety of names used for this sort of site, they denote a place where people are disappeared, tortured, and interrogated outside of the law.

### **Positive measures**

As a result of the 2018 report, some efforts were made in Balochistan to reform public jails, though this did not include military-run internment centres. Some of the reforms were not necessarily for the betterment of the human rights situation.

The Home Minister announced during a visit to Central Jail Khuzdar that prisoners would carry out 'meaningful activities, which after completion of their sentence would make them useful members of society' though it was unclear what this entailed.

In July 2019, the Federal Ombudsman directed Balochistan's provincial authorities to implement prison reforms, citing the examples of Punjab and KP where new rules and reforms had supposedly brought positive changes. The Ombudsman recommended that these changes should take place with the help of donors and philanthropists.

In October, he further directed district oversight committees (DOCs) to visit jails once a month, and provincial oversight committees (POCs) to convene a meeting once a month to review the broader situation. He also said that psychiatrists and doctors should visit jails once a month to examine and treat prisoners, as part of Jail reforms recommendations.

## Freedom of movement

### Official restrictions

It is difficult, if not impossible, for independent observers – Pakistani and non-Pakistani alike – to enter and travel around Balochistan to ascertain the current human rights situation. Travel to certain areas in Balochistan frequently requires a no-objection certificate (NOC); other times, all travel is subject to extreme levels of surveillance and harassment from security forces making it difficult to carry out important human rights work.



*Travel to Balochistan is subject to extreme levels of surveillance and harassment by security forces*

### Exit control list

In the past, Baloch activists raising human rights concerns have been placed on ECLs, barred from leaving Pakistan. There were no major incidents this year, but journalists and human rights observers are in danger of being barred from leaving the country to bring attention to abuses in the province.

### Protests and obstructions

There have been two major attempts to obstruct the right to protest. The PTM protests in Quetta were obstructed through the arrest and harassment of its members early in 2019. There was then an attempt to stop students from protesting against the harassment scandal at the University of Balochistan. The banning of student unions and their right to protest also presents an impediment to constitutional and democratic rights.

### Militancy and counter-insurgency measures

Security check posts manned by the FC affect freedom of movement

within Balochistan. Those who live in the province experience harassment at the check posts, and those who wish to travel to Balochistan from outside are heavily surveilled.

The HRCP mission to Balochistan reported that a chief concern among politicians and activists was the constant sense of intimidation that check posts presented, many of which were also deployed at the entry and exit points of universities. At times, these check posts have also provided security, most notably to the Shia Hazaras in Quetta, though they have also forced the ghettoisation and separation of the community.

### **Displacements**

A series of forced displacements have also taken place. In November 2019, BNP-Mengal organised a march against the alleged forced displacement of some communities from their ancestral areas in Quetta and Nasirabad.

There are also several reports of displacements along the Makran Coast, and other parts affected by CPEC, throughout Balochistan.

## **Freedom of thought, conscience and religion**

### **Sectarianism**

The threat of sectarian violence against the Shia Hazara community remained a major challenge in Balochistan. The ease with which the people of this community can be identified due to their facial features made them vulnerable to attacks by sectarian outfits such as Lashkar-e Jhangvi (LeJ) and their international supporters, ISIS.

Despite ten check posts and 19 FC platoons in the two main Shia Hazara settlements—Marriabad and Hazara Town—according to the home department, more than 500 Hazaras have been killed and 627 injured in just five years.

The inability of the security forces to keep the Hazaras safe was evident on 12 April, when a blast in the Hazarganji vegetable market killed 20 people, half of them Shia Hazaras.

The federal and provincial governments have had a tendency to blame ‘enemies of the country’ for attempting to ‘create unrest in Pakistan to achieve their nefarious designs’. This is a widely repeated sentiment among Pakistani politicians. However, this approach ignores how sectarianism is also a homegrown problem in Pakistan, with a sort of constitutional support given to narrow Sunni majoritarianism to the exclusion of all other modes of interpreting Islam. It also ignores how the problem of sectarianism requires not merely security interventions, but broader political ones which establish the right of Shias and others like Ahmadis, Hindus, and Christians to be part of Pakistan.

Security measures for Hazara areas have led to the extreme ghettoisation of the community. Community traders that leave their settlements are

forced to take FC protection with them, and Hazara students have been forced to drop out of university for fear of attacks. This has led to a separation of the community from the rest of the city and the country, and an inability of the community to live a regular and normal life. As a result, 75,000-100,000 Hazaras fled violence and left for elsewhere in the country or abroad, according to the Hazara Democratic Party.

In conversations with HRCP, political parties active among the Shia Hazara community pointed out a series of problems, including lack of access to basic facilities such as healthcare and education; difficulties with registering computerised national identification cards (CNICs) and passports because authorities suspect them of being from Afghanistan; and their inability to go to university because it is dangerous for them to venture beyond Hazara Town and Mariabad.

### **Zikris**

Over the years, members of the Zikri community in southern Balochistan, especially around Gwadar, have experienced discrimination from the majoritarian Sunni community, finding it difficult to worship in their traditional ways. There are many indications that the local Sunni clerics were promoting hate speech against them.

### **Hindus and Christians**

While the situation has improved to some extent, Hindus and Christians say they still suffer discrimination at the hands of the majority religious communities in Balochistan.

HRCP found there was a general feeling that security measures for their communities were merely temporary rather than long-term. Though no cases of blasphemy have been levelled against them, there was not much confidence that this would remain unchanged.

There was also an attempt to push for a five percent quota in government jobs, a demand that had yet to be met. As a result Christians in particular were still relegated to janitorial jobs.

Communities felt that the current electoral process did not work for minorities; their representatives in Parliament did not do a great deal for their communities because they had been nominated rather than elected.

While there have been no targeted attacks in 2019, the Hindu community has a history of being targeted. They are also forced to learn Islamic Studies in school. There is also some concern that there are not enough Christian burial grounds and Hindu *shamshanghats*.

### **Protection for minorities**

As a result of ongoing threats, politicians have 'expressed concern over inadequate security at the minorities' places of worship in Quetta and other parts of the province'.

In October the Balochistan High Court division bench heard a petition regarding security of the places of worship of minority communities, submitted by Jasper Singh. The bench called on the provincial government to provide details on the religious and welfare institutions, graveyards and other properties of minorities in Balochistan, particularly Quetta.

In November, the CM said the government would protect minority rights, while meeting with the one-man Commission for Protection of Minorities' Rights chairman Dr Shoab Suddle to discuss how to proceed. Suddle recommended that key representatives in the provincial government should be from the minority communities. He also called for the implementation of security for minority places of worship, protecting religious freedom, removing hate material from the curriculum, and the realisation of a five percent government job quota for minorities – though it is unclear how well this has been implemented in Balochistan.

The CM has made some overtures, for example allowing 20 acres of land in Kharan for a colony of members of the Hindu community, but many reforms have still to be implemented.

## Freedom of expression

### Right to information

Balochistan's Right to Information laws are considered the weakest in the country. Over the past few years, there have been attempts to replace the Freedom of Information Act (2005) with a new law, which will allow journalists and citizens to access information in public bodies. As it stands, the current Act carries a variety of loopholes, including unclear directions on what constitutes information and directions that any information harmful to law enforcement must not be shared.

In light of the China Pakistan Economic Corridor (CPEC), the lack of access to the information of state bodies will block any public oversight of projects being rolled out in Balochistan. Several journalists have criticised the lack of a new law, saying that it hampers their ability to report effectively in Balochistan.

Despite several promises, there has been no forward movement. There is also a fear that even a new bill will not open up large parts of state practices to public scrutiny since institutions could still withhold access citing threats to 'national security'.

### Curbs on the media

It is still impossible to speak openly and frankly about Balochistan. Extreme levels of censorship are apparent when the mainstream media rarely reports even on positive news about a controversial issue such as enforced disappearances. Despite some returns, there has been scant coverage. As in the rest of the country, it is not possible to criticise the security forces in Balochistan though the potential consequences of doing so in Balochistan remain harsher.

### Broadcast media

The national broadcast media has a scant presence in Balochistan, and barely covers the events of the province. Some FM radios in Balochistan – such as Chiltan FM88 in Quetta, FM91 in Gwadar, Sachal FM105, and FM101 Gwadar and Quetta – provide some services in Balochistan, but are heavily regulated.

Other broadcasting stations people sometimes tune in to include BBC Pashto/Persian, BBC Urdu, Radio *Azadi* Afghanistan, Voice of America, Mashal radio and Radio Afghanistan. Vsh News provides important Balochi news by operating out of Sindh.

### **Social media/use of PECA**

Social media in Balochistan faces a series of issues, one of them being the problem of access. At times, this is because of a lack of infrastructure, at other times because the Internet is deliberately shut down in various parts of Balochistan.

In late 2017, before beginning the census collection, 3G/4G services were suspended for ‘security reasons’. They remain suspended till today, and are routinely cut off in various places around Balochistan. Given that the physical distribution of newspapers has almost completely stopped in many places around Balochistan, the Internet remains an important source of information. A citizen challenged the shutdown in a court in Turbat, but withdrew his case allegedly after security officials pressurised the lawyer.

The state regulates social media content, through the restrictions imposed by the Prevention of Electronic Crimes Act (PECA) 2016. One way is by contacting social media platforms to report the accounts of political dissidents. In January 2019, a number of journalists, activists, and lawyers were sent notices that their published content violated Pakistani law.

Mama Qadeer of the VBMP received a notice from Twitter telling him that they had received official correspondence regarding his account, right after he tweeted about ten dead bodies discovered in Balochistan and buried without identification. In the same month, Lateef Johar—a Baloch activist now living in asylum in Canada—received a similar notice.



*Freedom of expression remains a key concern in Balochistan, with journalists increasingly practising self-censorship.*

Another way is by applying PECA to anyone who dares to criticise the state. In November, a judicial magistrate acquitted journalist Zafarullah Achakzai after the Federal Investigation Agency (FIA) registered an FIR against him in June 2017 for ‘spreading misinformation against the LEAs on social media’. Insufficient evidence and contradiction of witness statements led to the acquittal.

The state also carries out coordinated physical and online attacks on anyone bringing attention to rights violations in Balochistan. The most notorious example of this in recent years was the January 2017 abduction of five bloggers who had been vocal about enforced disappearances.

A more recent example is the killing of Pakistani blogger and social media activist, Muhammad Bilal Khan, in a knife attack. Khan had been vocal on the question of enforced disappearances by intelligence services, many of which take place in Balochistan.

### **Threats, intimidation and press advice**

In September 2019, journalist Jamil Ahmed of daily Azadi was shot by armed men. The motive remains unknown, but the Pakistan Federal Union of Journalists and the Balochistan Union of Journalists have said that the government repeatedly fails to pursue attackers, and remains unable to protect journalists.

A 2011 ruling by the Balochistan High Court made it illegal to cover Baloch separatists or nationalists groups, stating: ‘If the electronic media and the press publish propaganda reports out of fear and propagate the views of banned organisations they are not acting as good and responsible journalists, but as mouthpieces for malicious and vile propaganda’.

Those who decide to report anyway – frequently because of pressure from Baloch nationalist groups – face a six-month jail sentence. By 2018, at least 11 cases had been registered against journalists violating the ban.

### **Clampdown on opinions and dissent**

Freedom of expression remains a key concern in Balochistan, with journalists increasingly practising self-censorship in order to ensure that they are not harassed or attacked by security forces or by insurgents. For example, all sides of the conflict insist that journalists report on the deaths of people from their side as ‘martyrs’, frequently putting journalists in a difficult position.

## **Freedom of assembly**

Freedom of assembly has been under attack in Balochistan for many decades; this trend continued in 2019. In prior years, the state has banned various political organisations from operating despite the fact that they are not armed groups. The most notable banning was of the Balochistan Student Organisation-Azaad in 2013 prior to the general elections.

In 2019, the government harassed the PTM. In April 2019, the provincial home department extended the ban on PTM’s Manzoor Pashteen from entering Balochistan for 90 days. There have also been reports of police firing on protestors.

In July 2019, the Government of Balochistan started requiring an NOC from the VBMP to hold a camp, one that the VBMP had been holding in front of the Quetta Press Club for ten years.

Only after protests and the support of the HRCP was the requirement withdrawn. However, it remains an example of the bureaucratic and procedural means through which the government tries to limit freedom of assembly.

## **Freedom of association**

### **Trade unions**

One of the most significant developments in 2019 was the banning of 62 labour unions by the Registrar of Trade Unions, in pursuance of a decision by the Balochistan High Court. This infringes on the fundamental right to association. In many areas, such as the mines in Saindak, Chaghi district, forming unions is not allowed. Labour unions are also discouraged from forming in areas where non-Pakistanis have invested.

### **Women in the workplace**

The appointment of Sabira Islam as the first provincial ombudsmen to implement anti-harassment laws in Balochistan has been a positive development.

### **Student unions and collectives**

Following protest marches across the country in December 2019, Sanaullah Baloch of the BNP-Mengal tabled a resolution demanding the restoration of student unions in the education institutions in Balochistan. Nasrullah Zerey of PkMAP declared: 'Ban on student unions will not bring fruitful results for future politics'.

Other politicians such as the provincial Minister for Public Health and Engineering and Minister for Food and Social Welfare were not in favour of such an action, though the latter said that they could be unbanned after some rules and regulations were passed.

### **Crackdown on civil society and NGOs**

There is increased pressure on civil society organisations to not work on human rights issues in the province. CSOs and NGOs told HRCP that intelligence personnel regularly visit their offices and demand to see documents on staff and ongoing projects.

The process of registration has also become cumbersome, causing many to give up on registering at all. This year the government of Balochistan also established the Balochistan Charities Registration Authority to make the process of NGO registration even more cumbersome and tedious.

Even less controversial issues, for example health and education, have come under scrutiny. Those working on difficult issues like state violence find it almost impossible to operate. Surveillance of foreign donors also means that several organisations have lost important funding opportunities.

## **Social movements and political affiliations**

Key social movements and political organisations, such as the BSO-Azaad, stay banned in Balochistan. Meanwhile, other political movements critical of the central government and the military find themselves heavily surveilled and harassed, at times arrested. Foremost among these is the PTM.

# Political participation

## Political developments affecting the citizenry

In the Balochistan assembly, the Balochistan Awami Party (BAP) and its allies have 40 seats whereas the opposition holds 25 seats. BAP is the single largest party with 24 seats, followed by JUI-F 11, BNP 10 and PTI 7. The government alliance is secure in terms of numbers and they did not face any threat from within the provincial assembly in the year 2019, the only threat coming from the disgruntled elements within the party. There were rumours throughout the year that BAP dissidents led by Quddus Bizenjo would topple the Jam Kamal government but cabinet ministers claimed that BAP government was safe from any in-house threats.

In the National Assembly, Balochistan has 20 seats. JUI-F has won six of them, BAP five, BNP four and PTI three. The BNP is also supporting the government alliance, hence the majority of MNAs from Balochistan are part of the government. There was no major development in the National Assembly regarding Balochistan apart from a few speeches made by Sardar Akhtar Mengal against missing persons.

The relations between BAP-led Balochistan government and the PTI government in the centre, as well as the military, were good. The CM publicly made this claim and said that it would help in the development of Balochistan. This close relationship indicates that the provincial government still does not work autonomously from the federal government.

In January, a delegation of the federal government led by the then Federal Minister for Petroleum visited Quetta. The delegation assured the Balochistan government that it would be taken on board while making decisions about the exploration of natural resources. In the past, Balochistan has always complained about being ignored by the federal government when making decisions about the province's natural resources. It was decided to set up a joint working group comprising both provincial and federal government officials, which would look into the matter of natural resource exploration and development in Balochistan.

During the cold weather of December, Quetta faced a severe gas shortage crisis. A multi-party conference was held in Ziarat in the last week of December during which the federal government was criticised by the opposition for the crisis. They blamed the Sui Southern Gas Company (SSGC) for overbilling consumers in Balochistan while providing extremely low gas pressure during winter.

Ever since taking power in August 2018, The CM Jam Mir Kamal Khan Alyani has laid emphasis on the development of Balochistan. He claims to have adopted a policy where all areas of the province will get development schemes based on need. In the past, the political leaders diverted the development funds to their home districts and

the CM claims to have changed that practice. In June, the Balochistan government presented its budget with a total outlay of PKR419.9 billion. In this budget the government allocated PKR126 billion for development, and announced it would create 5,400 jobs, build 21 trauma centres on highways, and award 7,500 scholarships to students, among other promises.

After the passing of the budget, the Balochistan government focused on the timely utilisation of the funds for development. The CM claimed that the government will complete all development schemes on time especially those in the health and education sector. The incumbent Balochistan government takes the credit of speeding up the development spending in Balochistan, which had always been very slow during the tenures of the last three governments.

The CM also laid emphasis on the growing population of the province. According to the national population census of 2017, Balochistan has the highest population growth rate in the country at 3.37 percent. During the meeting with the Federal Task Force on Population Growth, the CM said the increasing population was straining the already scarce resources of the province. He announced the allocation of PKR500 million for the population control department.

In December, one of the major debates surrounding the Balochistan government was the surrender of PKR37 billion to the federal government as part of the International Monetary Fund (IMF) condition to maintain a positive cash surplus. This was revealed in a media report. The opposition and social media activists severely criticised the Balochistan government on this matter. According to the news report, the federal government and provinces have committed to the IMF to maintain a cash surplus in accounts and thus provinces transferred unused funds to the federal government to maintain a surplus.

Later, the Balochistan government rejected this claim and said that no such transfer of funds had been made. However, the newspaper did not back down from its story. The year ended in Balochistan with ambiguity over this case with the opposition doubting the denial of the provincial government.

### **Elections – participation**

Balochistan has only 20 seats in the 336-member National Assembly of Pakistan, a share in the lower house of six percent. This fact is often decried by the political leaders of Balochistan.

The CNIC is a crucial identification document which allows citizens in Balochistan to partake in elections; the practice of frequently blocking them presents the province with significant electoral participation problems. Thousands of CNICs are regularly blocked in Balochistan. This could be anyone that the National Database and Registration Authority (NADRA) deems suspicious. Second and third generation Afghan refugees who have been born in Balochistan still face the problem of CNIC blockage. The announcement of the Prime Minister in 2018 that citizenship to Afghan refugees living in Pakistan for a long time would be

given could not be realised after opposition from the BNP in particular. A meeting of the Senate Standing Committee on Interior Affairs was held to discuss the matter of CNIC blockage preventing people from participating in the election process. The committee chairperson urged NADRA to issue the blocked cards on an immediate basis. NADRA officials said that 28,920 CNICs were blocked in Balochistan. The Senate committee directed the formation of committees at district level, which could expedite the unblocking of the CNICs in Balochistan.

### **Political opposition to the government**

The second largest opposition party in the Balochistan assembly, BNP-Mengal, was accused of friendly opposition in Balochistan assembly against the BAP government. Although BNP MPAs always made speeches against the BAP government in the provincial assembly, no major opposition activity was carried out by them. It was the same in the National Assembly where the BNP threatened to quit the PTI-led coalition on a number of occasions but was still a partner by the end of the year.

The issue of Gwadar remained a contentious subject in the province against both the federal and provincial governments. In October, the National Party (NP) held protests across the province against the proposed establishment of a National Coastal Development Authority (NCDA) for Gwadar. The NP alleged that the NCDA would be used as a pretext by the federal government to take control of Gwadar away from Balochistan. However, the parliamentary opposition in Balochistan was largely silent on the matter of Gwadar and CPEC in the year 2019.

The PkMAP, which has only one member in the Balochistan assembly, was also active in opposing the government. The activists of PkMAP allegedly supported the PTM in large numbers during the protest demonstration of the movement in Balochistan. The Voice of Baloch Missing Persons (VBMP) continued their protest camp against enforced disappearances in Balochistan. The Hazaras also held a sit-in protest in April against a terrorist attack on their community in the same month.



*Quetta's Hazara community held a sit-in protest in April against a terrorist attack.*

The Election Commission of Pakistan announced new local government elections in Balochistan based on the old delimitations because the provincial government did not carry out legislation for delimitation on time. However, a petitioner successfully moved the Balochistan High Court against local government elections and stopped them indefinitely. Up to the end of 2019, the provincial government had shown no intent to conduct local government elections any time soon.

The Public Accounts Committee (PAC) discovered massive irregularities in the accounts of the Local Government department. It was discovered that previous governments had exempted transfer of funds to the local government department at district level, which had caused the financial irregularity. However, the chairman of the PAC claimed that this would not be tolerated any longer.

In June, the lawyer's community in Balochistan also started their opposition to the government when a reference was filed against Justice Qazi Faez Isa, who also belongs to Balochistan. Lawyers boycotted the court's proceedings and threatened major agitation if the reference against Qazi Faez Isa was not withdrawn. However, this never materialised and did not result in any major political opposition against the provincial government.

### **Religious parties**

The Jamiat-i-Ulema-i-Islam Fazl (JUI-F) is the leading opposition party in the Balochistan assembly, their strength coming mainly from the Pashtun majority districts of Northern Balochistan where they have historical strongholds. This time the JUI-F also won in the Baloch majority districts of Mastung, Kalat, Khuzdar and Washuk. They were a silent opposition for the better part of the year until a long march to Islamabad was announced. This suddenly activated the rank and file of JUI-F in Balochistan and they became politically active. However, their opposition politics were largely directed against the federal government and not the Balochistan government.

A large delegation of opposition political leaders left for the Islamabad long march from Quetta under the leadership of Balochistan JUI-F chief Maulana Abdul Wasay. However, there was no major agitation by the JUI-F workers in Balochistan even in the aftermath of the Islamabad long march.

## **Women**

### **Legislation**

No new legislation on women was introduced this year. Sana Durrani, the Balochistan representative of the National Commission on the Status of Women, has been lobbying parliamentarians to stop passing bills and urged them instead to implement the ones that already exist. She pointed out that despite the passage of the anti-harassment bill in 2016, the ombudsperson was not appointed until 2019. However, she and others urged for bills to be passed on economic empowerment and on improving the inheritance rights of women.

### **Violence against women**

According to the Aurat Foundation, at least 118 incidents of violence against women were reported in Balochistan up to November 2019, while 43 women and nine men were killed in the name of honour. Domestic issues led to 17 women committing suicide, three women were attacked with acid, and at least four women were abducted by the security forces.

A handful of reports emerged in the mainstream media, including that of a young man who gunned down his mother in Dera Murad Jamali (May 2019); two women and a child injured in an acid attack (26 July 2019); and a woman hanged 'in the name of honour' in a village in Kalat district (14 October 2019).

The CJP proclaimed during the year that he would set up special courts in every Pakistani district in the country to deal specifically with cases of violence against women, but there is no indication that the judiciary has taken any measures to establish these courts in Balochistan. Women's movements in Balochistan continued to bring attention to the issue of violence against women: on 8 March 2019, an Aurat March was organised across the country, and also took place in Quetta.

### **Violence against transgenders**

Formally speaking, Balochistan is considered to have the lowest concentration and number of transgenders of any province. While there were no reports in the mainstream media of attacks on transgenders, they remain in a precarious situation in Balochistan. Promises to allocate better funds to them have not been acted upon within Balochistan.

### **Women in public spaces**

While women are increasingly targeted in enforced disappearances, there were also some developments when it came to harassment of women in public spaces. The most important was the organisation of students at the University of Balochistan (UoB).

On 14 October, the media broke the news that a massive video blackmailing scheme had been operating for over a year at UoB. Secret CCTV cameras had been placed in different parts of the university to record the students in compromising situations. The videos were later used to blackmail the students for money and sexual favours. The

biggest implication of this scandal was the negative impact on female higher education in the province. Female students from across the province came to study at UoB. However, the scandal was discouraging both them and their parents from continuing their education.

The revelation triggered massive protests in Quetta. Political parties organised massive protest demonstrations outside the Quetta Press Club to condemn the scandal, which afforded the opportunity to resume their public protests. BNP held a day-long sit-in outside UoB and demanded action against the culprits of the scandal.

Similarly, almost all the student organisations in the province joined forces and launched strong protests against the university administration. They alleged that the government was endeavouring to protect high-ranking people involved and scapegoating lower-ranked staff members. The growing pressure from student organisations and political parties compelled the vice-chancellor and the principal of UoB to step down temporarily although they did not resign.

The scandal was also taken up by the Balochistan Assembly where a committee was set up to probe the matter. The Speaker of the assembly instructed the committee to present their report within ten days. The committee asked the victims to register their complaints in writing and pledged to protect the privacy of anyone who appeared before them.

It was subsequently revealed that the matter had come to light when the BHC had directed the FIA to investigate the matter. The first hearing of the case took place on 14 November and the FIA presented the investigation report on 3 December. The report was shared with the parliamentary committee but was not made public. The UoB administration was given two weeks to take action against those involved in the scandal.

One welcome outcome was the instruction from the CJ for the paramilitary force FC to vacate the University premises. An entire wing of the FC has been stationed at the UoB for over 2 years. At any one time, between 400 and 700 FC personnel are on the premises of UoB, manning the hostels and making students go through security checks every time they enter. The functional committee of the Senate on human rights was told by the acting VC on 22 November that the IG FC and IG Police had committed to vacate the premises but no time frame was specified. A less fortunate consequence of the UoB blackmailing scandal was the decision by the university administration to impose a uniform on the students from March 2020, ostensibly to counter sexual harassment in the university. This decision provoked strong criticism on social media as a very inappropriate way to deal with the problem.

In April 2019, the provincial government appointed the first Provincial Ombudsperson for Balochistan in accordance with the Anti-Sexual Harassment Act, followed by the announcement of anti-harassment cells at division and district levels. In December, an MOU was signed to improve the anti-harassment cells in Balochistan with the support of UN Women. The level of commitment to this issue is in some doubt given the lack of progress on the cases at UoB.

# Children

## **Legislative developments and child protection system**

The state of children's rights in Balochistan remains dire, although some campaigns were launched and some measures were pursued. In March 2019, the CM chaired a meeting of the social welfare department and reviewed measures to establish a child protection bureau in the province. However, these have yet to be implemented. Similarly, the Balochistan Assembly adopted a resolution in November 2019, calling for legislation and steps to provide quality education and food to children, and to stop child labour and abuse of children in the province. No action is evident yet.

## **Violence against children**

A report in a leading newspaper raised the issue of child labourers being brought to mines in Balochistan for sexual services. Generally, however, there is insufficient insight into the state of violence against children as the provincial government lacks sufficient data relating to child sexual abuse and violence, so necessary for any policy action. There is also no indication that funds have been allocated to a Child Protection Cell in Balochistan, despite promises by the provincial government, and despite a decision by the Balochistan Assembly to pass the Child Protection Act (2016).

## **Child marriage**

An anti-child marriage bill is stalled in the provincial assembly because of disagreement over age, with campaigners saying that the minimum age should be 18 years. This remains a major issue in Balochistan, with Human Rights Watch saying that of the 23 percent of children who are deprived of education, one-third leave school because of child marriages.

# Labour

## **Government employees**

Government employees were concerned about the precarity of their employment. In May 2019, the Balochistan Development Authority employees held a hunger strike demanding that their employment be regularised. Though some months of salary was released, they stayed on strike, calling for the confirmation of their employment. Employees at the Pakistan Medical Commission and the Earthquake Reconstruction and Rehabilitation Authority were also sacked, prompting a Senate Standing Committee to take up the issue. In December, sacked teachers in Kech appealed to provincial authorities to reinstate them after mass terminations.

## **Mine workers**

The biggest issue regarding labour in Balochistan remains the state of coal miners. The HRCP mission's inquiries into Balochistan's coalminers indicated that at least 160 mine-related deaths took place in 2018-19

alone. HRCP observed that hundreds of coal mines were operated by people with no financial resources or technological skills to provide for operational safety or to deal with emergencies. It also found that security agencies were imposing an unofficial security charge per tonne production from coal mines, termed extortion by mine owners and labour unions, rather than addressing the issue of miners' safety.

The Secretary General of the Pakistan Central Mines Labour Federation (PCMLF) criticised mine owners for not taking the safety of mine workers seriously, saying that 135 coal mines in different parts of Balochistan had poor safety measures, making mines in places like Duki, Chamalang, Harnai, Sharigh, Sorrange, Degari and Mach dangerous to work in. Mine workers have demanded regular payment and better working conditions, including basic facilities like light inside the mines. There is also a serious concern that the mines go too deep, without proper precautions being taken.

Pakistan has not ratified ILO Convention 176, which specifies a maximum depth safe for miners. The PCMLF says on average 200 miners die every year. At the moment, the Pakistan Mineral Development Corporation (PMDC), which operates under the Ministry of Petroleum and Natural Resources, leases out most of its mines; there is some indication from labour leaders that they should cease doing so, since the PMDC itself is far better at providing basic services like ambulances and access to hospitals.

The need for urgent measures to improve health and safety in mines is all too evident. There were at least 19 deaths in January alone, caused by extremely bad working conditions, including blasts resulting from the build-up of methane gas.

Reports from a severely understaffed local hospital—operating in the aftermath of the closure of a hospital specifically for miners—indicate that four to six injury cases arrive each day.

Eighteen workers perished in coal mine accidents near Quetta in May. Another two coal miners died when a landslide struck a mine in the Shahrug coalfield of Hamai district. In July nine coal miners lost their lives in the Degari field, 60kms east of Quetta. A miner died in the Sharag area when a coal mine collapsed, while another died after inhaling accumulated poisonous gas in a coal mine in the Mach area.

Shortly after, 10 miners were trapped more than one kilometre underground in the Degari field when a mine collapsed following a fire started by a short circuit. Despite the announcement of Balochistan's first mineral policy in August, there was no indication that the safety of coal miners was being addressed.

Mine owners have recommended that money used on coal imports should instead be put towards improving the working conditions of Balochistan's mines, particularly matters of safety and electricity (electricity is crucial, since mines need ventilation to ensure that methane does not build up and blow). Funds could also be used to better train miners.



*The dire working conditions and absence of safety measures continue to take a toll on mine workers.*

## **Fishing communities' plight**

The construction of Gwadar Port and its ancilliary projects has been affecting the fishing communities on the Makran coast for several years, leading to the displacement of entire communities.

Since October 2019, work on the East Bay Expressway – an ambitious 19-kilometre, six-lane expressway linking the port to the Makran Coastal Highway – threatens to block 4.3 kilometres of coastline, affecting the indigenous fishing communitiies who rely on access to the sea for their livelihood.

While the Prime Minister has promised 'inclusive development', fishing communities fear that they will not be prioritised. They have put forward a series of requests, including the construction of three underpass access points, a wide breakwater to safely berth their boats, an auction hall for selling fish, a protection wall to block soil erosion, scholarships for their children, job opportunities at the port, and a resolution to be passed at the Balochistan Assembly to protect their rights. The changes could affect up to 70,000 people.

## **Senior citizens**

### **Policies for the elderly**

The Balochistan assembly passed the Balochistan Senior Citizens Act in 2017, which stipulated the formation of a Balochistan Senior Citizens Welfare Council. This council was supposed to form policies about

lifestyle, general wellbeing, and health of senior citizens. However, more than two years on, the council has not yet been established and no progress was evident in 2019. As a result, no specific policies were formulated for the elderly in 2019.

## **Pensions**

In March, 200 retired employees of the Balochistan Development Authority (BDA) held a protest demonstration in Quetta over non-payment of their pensions for two months. None of the pensioners of the BDA are paid more than PKR15,000 per month. The protestors complained that the monthly salaries worth PKR150,000 was paid on time to serving officers but the meagre amount of pensions was not paid to retired employees.

The Balochistan government increased the pensions of the retired employees of the province by 10 percent in the budget for the fiscal year 2019-20. This increase was made against the backdrop of rising inflation in the country when pensions need to be increased every year so that the pensioners can maintain their standard of living.

In general, the documentation of pensions is one of the biggest problems. Whenever a government employee retires, they have to go through a cumbersome documentation process at the Accountant General Office, which is marred by mismanagement and corruption.

No pensioner can start receiving their pension without paying a bribe to the officials. This apparently even applies to the people working in the top bureaucratic positions of the provincial government.

## **People living with disabilities**

In Balochistan there are approximately 140,000 people with disabilities (PWDs), which comprises 1.18 percent of the total population. However, only 14,000 of them – almost ten percent – are registered with the Social Welfare Department to receive their legitimate benefits.

The Balochistan Persons with Disabilities Act, 2017 states that the government will make all necessary efforts to improve the lives of PWDs, including protecting their rights, providing the means to live a life of dignity, and ensuring ease of mobility in all public places.

While addressing an event on the International Day for People with Disabilities in December, the CM said that new reforms would be introduced in the Act and hinted at its implementation on an immediate basis. He claimed that the provincial government had allocated PKR 500 million for special education in the Public Sector Development Programme 2019-20. The statement proved that no satisfactory progress had been made in implementing the Act passed in 2017.

Apart from a speech by the Governor Balochistan on 14 December, there was no major development throughout the year to better the lives of children with disabilities. The Balochistan Persons with Disabilities Act, 2017 states that a five percent quota would be reserved for PWDs

in admission to educational institutes and recruitment of government jobs. Some government departments started implementing the job quota for specially abled people but the majority of them were still not implementing this legal requirement.

The violation of this portion of the Act is only highlighted if a person with a disability applies for a job in a department and no such quota is available for them. Otherwise this violation goes unnoticed in many other departments when there are no applicants with disabilities. The government of Balochistan also started a programme to pay an allowance of PKR2,000 to PWDs. However, the disbursement of this amount has not yet started.

A common problem faced by PWDs is the lack of ramps in government buildings which prevents wheelchair-bound people from moving around. Different groups working for the rights of persons with disabilities have repeatedly asked for the installation of ramps in government buildings and a few departments have complied with their demands. A ramp was also installed in the CM secretariat but the majority of public buildings are inaccessible for PWDs.

## Refugees and IDPs

### Proof of registration and citizenship

Currently 324,238 Afghan refugees live in Balochistan according to UNHCR. The presence of Afghan refugees in Balochistan has prompted Baloch nationalist parties like BNP-Mengal to demand their repatriation, despite the fact that many of them have lived in Pakistan for several years and many have even been born in the country.

The argument is that granting citizenship to Afghan refugees is a tactic by the central government to demographically marginalise Balochistan's Baloch population.



*The fear that refugees would gain CNICs and Pakistani citizenship prompted NADRA to block around 28,920 CNICs.*

While the issues of the province's Baloch are important, that does not take away from the legitimate needs of refugees from other countries. The fear that refugees will gain CNICs and Pakistani citizenship has prompted NADRA to apply strict rules, especially on the borders to Iran and Afghanistan.

This has resulted in the blocking of 28,920 CNICs. This was addressed when, in October 2019, the Senate Standing Committee on Interior Affairs urged NADRA to immediately issue blocked CNICs, so that people could vote in the upcoming local government elections.

### **Internal displacement**

Military operations in southern Balochistan, as well as CPEC project sites in places like Gwadar, have caused internal displacements in Balochistan but there is a lack of verifiable data on the state of the internally displaced in Balochistan.

Both refugees and internally displaced are frequently seen as 'threats to security', which is not always the case.



# Education

### Public spending on education

Education is always claimed to be a high priority issue in Balochistan due to the poor state of the education sector. However, action is seldom taken to improve standards. In 2019, there were no major initiatives taken to address the pressing issues of the education sector in the province.

In February, the CM announced the launch of a PKR4 billion education programme supposedly to fund improvements in classrooms, IT Labs, and sports grounds in schools all over the province. However, by the end of the year, no substantial progress was made on the implementation of this programme.

In May, the provincial government announced that seven higher secondary schools and 80 model and high schools would be upgraded. It also announced 1,800 non-functional schools would be activated. It is easier to issue a government order to make schools functional than actually making sure that classes are taking place in a school and teachers are present. There is no evidence available to prove that the government was successful in even opening a fraction of 1,800 non-functional schools.

The Balochistan government also announced the establishment of a provincial educational council. The finance minister made the announcement and claimed that this council would utilise available resources of the province for the betterment of education.

Later, the government also established a Provincial Finance Commission under the leadership of the finance minister, which devised a formula to divide PKR1.5 billion among public sector universities of Balochistan on an annual basis.

The China Power Hub Generation Company agreed on a partnership with The Citizens Foundation (TCF) to build a school in the Gadani area of Lasbela district at a cost of PKR30 million. This school is to accommodate 180 children and will be financed through CPEC projects.

### Qualitative measures: student learning, teaching quality

In the education sector of Balochistan, one of the major challenges is that of absentee teachers. The education department employs a workforce of over 60,000 people. There have been multiple claims of thousands of ghost teachers in Balochistan. The government is, therefore, always under pressure to take action against such teachers who receive their salaries but do not show up to teach in schools.

This year the most prominent case of ghost teachers was in District Kech. The education department issued show-cause notices to 144 teachers who had been absent for a long time but were still drawing salaries.

Based on the report prepared by the district education officer (DEO)

Kech, the education secretary sacked 114 absent teachers from the Kech district. Forty-six other ghost teachers were sacked from different districts of the province. However, the sacking of over a hundred teachers from the Kech district generated a strong backlash. A group of the sacked teachers came to the Quetta Press Club and addressed a press conference condemning their removal from service.

Nida Anwar, one of the sacked teachers, alleged that 114 teachers in Kech were sacked based on the report of DEO Kech who was affiliated with BAP. She alleged that teachers in Kech were sacked on flimsy grounds of absenteeism to pave the way for the appointment of unqualified relatives of BAP leaders as teachers in the district.

Dr Malik Baloch, former CM of Balochistan, also came forward in support of the sacked teachers and condemned the move. He termed this move a political vendetta by the BAP government. This is just one example of how the politicisation of education has made it very difficult to reform this sector.

### **School infrastructure**

The lack of proper buildings for schools is a huge problem for the province and a lot of resources in the education department are allocated to this. Construction is the favoured activity of politicians and bureaucrats alike because it involves easy kickbacks.

In this context, the CM signed an agreement with a Chinese company, China Machinery Engineering Corporation (CMEC), to build schools in Balochistan using prefabrication technology. Under this agreement, CMEC would install already developed classrooms in schools of the Gwadar and Ziarat district as a starting point. This deal was signed in March but by the end of the year there was no major headway on this project.

While chairing a meeting on the real time school monitoring systems (RTSMS)—which uses the latest information and communication technologies to monitor the attendance of teachers and the performance of government schools—the CM announced that the government had allocated Rs200 million for the provision of basic facilities in schools of the province.

The RTSMS has been in operation for more than five years in Balochistan but it has failed to bring about any substantial improvement due to the strong lobbying of teachers in the Government Teachers Association (GTA). They obstructed the working of RTSMS staff and prevented the timely reporting of the data through this system.

### **Corporal punishment**

In April, Balochistan banned corporal punishment in schools through a notification issued by the Director of School Education. The Director claimed that corporal punishment was the reason for high dropouts by children across the province.

The government defined corporal punishment as using physical force to cause discomfort and force the students to stay in uncomfortable

positions, and subjecting them to mental abuse. The government enforced this ban on both private and government schools in the province.

### **Higher education – enrolment and spending**

In the fiscal year 2019-20, the federal government cut the budget of higher education by 45 percent as compared to the previous year. This cut affected students in public sector universities across the country including Balochistan, as well as the Prime Minister's Fee Reimbursement programme, which allowed underprivileged students to study in universities without paying fees.

The students in Quetta affected by this started protesting in May 2019. They held protest demonstrations, press conferences and met with politicians and civil society leaders. However, the federal government did not change its stance. The Balochistan government set aside PKR1.5 billion just to fund the struggling public sector universities of the province after the cut by the federal government.



*The education department issued show-cause notices to 144 teachers who had been absent for a long time but were still drawing salaries.*

## **Health**

### **Public health**

In April, young doctors closed down all the government hospitals in protest against an attack on a private hospital. Patients coming to Quetta across the province suffered for several days due to the strike. The doctors were criticised on mainstream and social media for closing down government hospitals while the private hospitals remained functional. The doctors ended their strike after two weeks amid growing negative sentiments among the public against them.

In 2019, the management of government hospitals was heavily criticised. Sandeman Provincial Hospital (SPH), Bolan Medical Complex (BMC) Hospital and Balochistan Institute of Nephrology and Urology Quetta (BINUQ) went through constant administration crises.

Against this backdrop, the CM announced a reform of the management of government hospitals and devolution of financial and administrative powers to the hospitals. However, no progress was made on these announcements. The condition of the health department deteriorated to such an extent that the CM sacked both the Minister of Health and Secretary of Health in December.

### **Budget allocations to healths**

In 2019, the Government of Balochistan amended the Balochistan Endowment Fund Policy, devising a mechanism to fund the treatment of underprivileged people of the province in the best hospitals in the country. This policy covers seven major illnesses including cancer.

The minister for social welfare chairs a meeting on a regular basis, which discusses cases for funding and makes decisions on an immediate basis. The government has allocated Rs428 million for this fund.

### **National programmes**

The most notable national programme in the health sector in 2019 was the establishment of emergency medical centres in Balochistan. On average, more people die in a highway accident in Balochistan as compared to deaths from political violence. The reason for the high casualty rate in highway accidents is the narrow single-lane highways of Balochistan, which make vehicle collisions inevitable during dangerous overtaking.

In this context, the Balochistan government approved the establishment of medical emergency response centres (MERCs). The government has allocated PKR3.41 billion for this project, which envisages establishing 25 emergency centres on eight highways of Balochistan.

The People's Primary Healthcare Initiative (PPHI), a non-profit company funded by the government of Balochistan to manage Basic Health Units, is managing the MERC project.

The first batch of the emergency medical technicians (EMTs) passed out from Rescue 1122 Academy Lahore in October and the same month the emergency centres started operations. However, by the end of the year this project was facing problems due to bureaucratic delays and the internal disputes of the Balochistan bureaucracy. The MERC project will not be able to pay salaries to its employees after January if the funds for the project are not released on a timely basis.

Officials of Gavi, the Vaccine Alliance told the CM in a meeting that Balochistan has the lowest vaccination coverage in Pakistan. The officials claimed that Balochistan is facing these problems due to a shortage of vaccinators and the untimely release of funds, as well as management issues. The officials also said the cut in operational funds for the Extended Programme of Immunisation (EPI) would further affect the immunisation process in the province.

## Malnutrition

The results of the National Nutrition Survey (NNS) 2018 were very disappointing for Balochistan. According to the results of this survey, 50 percent of children under the age of five were stunted in Balochistan and 20 percent suffered from wasting. The NNS also stated that 30 percent of children under the age of five were underweight and 20 percent overweight. It further revealed that 70 percent of adult boys and girls suffer from anaemia in Balochistan.

Unfortunately, the Balochistan Nutrition Programme for Mother and Children (BNPMC) suffered from administrative and political problems and could not be effective in addressing the issue of malnutrition in Balochistan during the year.

## Polio

Polio remains the primary focus of health campaigns in Balochistan. Over 4,000 workers administer anti-polio drops and around 93 percent of them are females. These workers often face threats, intimidation and harassment during anti-polio campaigns. Yet they are paid a meagre compensation of PKR500 per day for vaccination. The National Emergency Operation Centre planned to increase the daily wages to PKR750, which is still insufficient.

A woman polio worker was killed and another was injured in an attack in Chaman town near the Afghan border in April. That resulted in the temporary suspension of the campaign in Qilla Abdullah. Against this backdrop, the Commissioner of the Quetta Division asked for a divisional task force to ensure the security of people involved in the anti-polio campaign.

The Emergency Operations Centre (EOC)—the provincial body entrusted with the coordination of anti-polio campaigns—worked hard to engage religious scholars and solicit their support. As a result, the Islamic scholars in Quetta have rejected the propaganda against the polio vaccine. They also agreed to avoid issuing *fatwas* (religious decrees) against polio campaigns under any circumstances.

As in other provinces, the struggle to control polio continues to be a major health concern. Nine cases of polio were discovered in six districts of Balochistan, three of them in Qilla Abdullah and two in the Jaffarabad district. In response to the rising number of cases, the EOC Balochistan launched special anti-polio vaccination drives in the province. Anti-polio drops were administered at bus and railway stations to children who were leaving for other cities with their families for their winter vacations.

## HIV

In May this year, as many as 310 people tested positive for HIV at the Kech HIV treatment centre in the Turbat town of Balochistan. Of these, 250 belonged to Kech, 31 were from Lasbela and 27 from Gwadar. The treatment centre revealed the major cause of the spread of the virus to be infected needles for drug injections, followed by unsafe sexual intercourse.

Twenty-nine prisoners in different jails of the provinces also tested positive for HIV – 24 in Gadani central jail, four in Quetta district jail and one in Loralai district jail. In most cases, infected needles were the cause.

### **Congo virus**

More than 25 people in Balochistan were infected by the Congo virus. Forty-five patients were brought to Fatima Jinnah Chest Hospital and the majority of them were discharged after treatment. Five Congo-affected patients died during the year in Balochistan. The majority of the victims of the virus were reportedly involved in the livestock sector.

### **Dengue**

In the three-month period from September to November, 3,075 cases of dengue were reported in Balochistan. The Makran division was badly affected by the dengue virus and most of the cases were reported in District Kech and Gwadar.

### **Breast cancer**

No data was available on breast cancer patients for the year 2019. However, 10,000 cases of cancer were reported in Quetta from 2014 to 2017 and most of them were women suffering from breast cancer.

### **Hepatitis**

Hepatitis has a high prevalence rate in northern Balochistan. Over 64,000 people have received treatment for hepatitis from 28 centres across the province over the last three years.

## **Housing, land grabbing and public amenities**

### **Public housing schemes and financing**

The Prime Minister performed the ground-breaking for 110,000 houses in Quetta under the Naya Pakistan housing scheme. During his visit to Quetta, he announced a five percent quota for the Hazara persons who had lost their families in terrorist attacks. He also announced houses for the fishermen of Gwadar.

### **Encroachment, evictions and land disputes**

Land disputes are a common occurrence in Balochistan. Small instances of land grabbing take place from time to time. In November, BNP activists and leaders protested against the forced takeover of tribal lands in the Quetta and Nasirabad districts of Balochistan. However, there were no major cases of evictions or encroachment in the province.

### **Building collapses and fires**

Two major cases of building collapses were reported in Balochistan. In March, a woman and her five children died when a house collapsed in the Harnai district of Balochistan. Heavy rain and landslides were reported to be the causes of the house collapse. In November, four people lost their lives when the roof of a house collapsed in Pasni town of the Gwadar district.

# Environment

## Climate change

In March, heavy rainfall followed by flash floods wreaked havoc in many districts of the province. The districts of Lasbela, Qilla Abdullah, Nasirabad, Nushki and Kech were badly affected by the flash floods.

Over 1,500 families were rescued by the army and district administration officials in Lasbela and Qilla Abdullah district alone. The CM visited the flood-affected areas of the Lasbela district and assured the affectees that the government would help them in every possible way.

## Water

Water scarcity is a huge problem in Balochistan. According to a province-wide survey, 20 out of 33 districts of Balochistan are drought-stricken with 109,000 families affected. The ongoing drought has caused economic migration in Balochistan towards the only urban centre, Quetta. A team comprising different UN agencies met the CM in February and assured their full cooperation in helping Balochistan deal with the drought-like situation in 20 districts.

In order to resolve the water shortage problem, the government of Balochistan is working on building several dams around Quetta city. A top-level meeting was held in August to speed up the construction of these dams and water schemes in Balochistan.

The provincial minister for Irrigation asked researchers and engineers of the province to come up with innovative and water productive methods of irrigation to make maximum use of the scarce water sources of Balochistan.

The Balochistan government has repeatedly complained that the Sindh government does not allow the flow of its share of irrigation water. Once again, in 2019, Balochistan echoed this complaint during a meeting of the special committee constituted by the Prime Minister to resolve water disputes in the country.

The Attorney General chaired the committee in which the Balochistan government claimed that Sindh has been using a substantial share of Balochistan's irrigational water since 1992. Officials claimed in the meeting that the province had faced an average shortfall of 28 percent during the period 2000-2017.

## Renewable energy sources

In October, the CM chaired a meeting to review the proposed Renewable Energy Policy 2019 and said there was huge potential in Balochistan to produce energy through solar and wind power. He claimed that the long coast of Balochistan could be extremely useful in generating energy using renewable means.

Nevertheless, apart from meetings and discussions on this topic, no major breakthrough was made on renewable energy sources in Balochistan.

# Cultural rights

## **Linguistic and literary heritage**

Despite the demand by nationalist parties, the local languages of Balochistan are still not part of the curriculum in schools of the province. Linguists believe that local languages are not developed to the extent that they can be used as a medium of instruction in schools. However, local languages are taught as a subject in college and universities.

The University of Loralai established its Pashto language department in November and students can now study the Pashto language as an academic discipline. This university was established in 2012 and is the only university in the Zhob division of Balochistan.

## **State policies**

Balochistan has a culture department but culture has not been a priority area for the government. Balochistan does not have a proper museum which can be opened for the general public. The existing smaller museums do not get much attention from the government.

Quite often, the artefacts and cultural items of Balochistan are smuggled out of the province and only sometimes are they recovered and returned.

In March, the Sindh government returned 20,675 artefacts which had been excavated from Balochistan but stored in the National Museum Karachi because there was no appropriate museum in Balochistan.

The artefacts included pottery, seals and coins among other items, between 2,000 to 6,000 years old, according to the Secretary Culture. However, there is still no adequate museum in Balochistan which the government can use to showcase the cultural heritage of this region.

# ISLAMABAD CAPITAL TERRITORY



## HIGHLIGHTS

- The National Commission for Human Rights (NCHR) has been dysfunctional since May pending the appointment of the chairman and six out of seven members of the Commission.
- The activities of the National Accountability Bureau (NAB) came under scrutiny and the NCHR reported that NAB was in violation of the law in not allowing them access to its detention centres.
- In January, the Supreme Court of Pakistan held the system of *jirgas* and *panchayats* in violation of international commitments and any order or decision issued by them illegal and against the spirit of the Constitution.
- The two-year constitutional term of military courts expired in March, and they finally ceased to function.
- The Supreme Court cited unreliable witness testimonies, involuntary or retracted confessions, insufficient or manipulated evidence and lack of motive of the accused as the primary reasons for overturning death sentences.
- The verdict of treason and the award of the death sentence in the case of the former military ruler General Pervez Musharraf sharply divided opinion between the judiciary on the one hand and the military, supported by the government, on the other.
- The 22-member Parliamentary Committee to 'Protect Minorities from Forced Conversions' was finally notified in November, tasked with framing legislation against forced conversion of members of the minority communities.
- Concerns over a concerted campaign against Dawn newspaper resurfaced when a mob besieged their offices, chanting slogans in favour of an intelligence agency.
- Islamabad police revealed that the number of cases of violence against women (VAW) in the capital increased from 79 in 2018 to 109 in 2019—43 VAW cases, 31 cases of kidnapping and 35 cases of rape.
- The Senate passed a bill setting the minimum age for marriage at 18 years amid protests by members of religious parties. The Pakistan Tehreek-i-Insaf (PTI) abstained from voting.
- For the first time, registered Afghan refugees were allowed to open and maintain bank accounts in the country.
- A rough estimate put the number of out-of-school children in Islamabad at 30,000.
- The number of confirmed polio cases continued to rise and the main reason was said to be the refusal of parents to have their children immunised.
- The federal cabinet approved in December the removal of 820,165 beneficiaries from the Benazir Income Support Programme (BISP) database as 'undeserving'. BISP data revealed that 140,000 of those were government employees or their spouses, despite the fact that the programme was not intended for government servants.

## Laws and law-making

The government's propensity for issuing ordinances rather than waiting for any upcoming Senate or National Assembly sessions was subject to considerable criticism and debate during the year.

On 31 October, the President promulgated eight ordinances which had already been approved by the federal cabinet. These ordinances were later quickly passed in November in the National Assembly. But, after the opposition to those bills, the government agreed to withdraw and re-present for debate all 11 of the presidential ordinances that had been rushed through the assembly on 7 November.

The National Commission for Human Rights (NCHR) has been dysfunctional since May when the tenure of the chairman and six out of seven members of the Commission expired. The new appointments to such a crucial body that investigates human rights abuses in the country has clearly not been given any priority.

### Laws passed in ICT

See Appendix 2.

## Administration of justice

### Judiciary

In May, 2019, a full court meeting of the Supreme Court (SC) expressed satisfaction that the top court had decided 6,169 cases against the institution of 7,213 cases from 1 January to 26 April 2019, leaving a total pendency of 39,338 cases. Then, in a meeting in December presided over by the Chief Justice, the full court observed that 7,718 cases were decided from 27 April to 20 November, despite the fact that larger benches were constituted during this period for hearing of various significant cases. It noted, however, that 41,105 cases were still pending. That means a total of over 13,800 cases were decided from January to November 2019.

Cases pending in the SC at the end of December were said by the Law and Justice Commission of Pakistan (LJCP) to be 42,582. The Federal Shariat Court had a balance of 176 cases. The Islamabad High Court (IHC) had 15,885 pending cases, while the district judiciary had 41,329.

In October the SC recommended that parliament should redefine 'terrorism' and focus it on violent activities aimed at achieving 'political, ideological or religious objectives'. The seven-member bench held that the definition of terrorism in the Anti-Terrorism Act (ATA) was too broad. This has resulted in the anti-terrorism courts being inundated with crimes unrelated to terrorism which hampered the speedy disposal of cases.

The apex body also held that courts often did not interpret the ATA correctly and urged them to focus less on the effect of the crimes and more on the intention and motive behind the actions.

After a decade, murder suspect Asfandiyar Khan was acquitted by the SC in February, with an observation that the prosecution had failed to prove the allegations against him during the trial. Asfandiyar had been given the death sentence by an anti-terrorism court (ATC) in 2009, but the Lahore High Court (LHC) commuted the sentence to a life term. He had been held guilty of kidnapping a student, Adil Butt, and later killing him after the victim's family failed to pay the ransom money.

### **Justice system reform**

In January, the SC held the system of *jirgas* and *panchayats* in violation of international commitments under the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), and Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The decision came on a petition moved by the National Commission on the Status of Women (NCSW) as well as the government of Khyber Pakhtunkhwa (KP).

The verdict also declared as illegal and against the spirit of the Constitution any order, decision or directive issued by any such individual or group of persons, since no individual or persons in the name of a *jirga/panchayat* or under any other name could assume the jurisdiction of a civil or criminal court without lawful authority.



*In January, the SC declared the system of jirgas and panchayats illegal and against the spirit of the Constitution.*

The judgment also provided guidelines in holding that law enforcement agencies all over Pakistan were duty-bound to be vigilant and ensure that if any crime went unreported, they would of their own accord file First Information Reports (FIRs) and initiate the process of investigation.

In February, the SC issued guidelines to judicial officers on how to conduct identification parades, but held that relying solely on such parades to establish the identity of the accused in criminal cases was not enough.

In September, the Chief Justice (CJ) regretted that the judiciary was often mocked about the staggering 1.9 million pending cases in its different tiers when it could not be totally held responsible for the backlog.

The strongly worded observation came during the hearing of a civil case in which the CJ bemoaned the fact that almost 25 percent of seats in the judiciary of Pakistan were vacant. If these positions were filled by the government, the backlog of pending cases would reduce considerably within one or two years. Only 3,000 judges and magistrates were available from top to lower levels for a population of 220 million people.

The setting up of model courts in every district of the country was announced by the CJ in March, to speed up the process and reduce the massive backlog of cases. The announcement was made during a meeting of the National Judicial (Policy Making) Committee (NJPMC) at the SC. The committee also discussed 438 posts lying vacant in the administrative tribunals and special courts working under federal jurisdiction, and 950 vacant posts in the administrative tribunals and special courts working under provincial jurisdiction.

A monitoring and evaluation cell was also established for regular monitoring of the trials of cases at the model criminal trial courts (MCTCs). Supreme Court and Islamabad District and Sessions Judge Sohail Nasir was appointed the director general of the monitoring cell to monitor the expeditious justice initiative, reporting directly to the CJ.

In June, it was announced that these 110 MCTCs across the country had decided 2,236 murder cases and 3,411 narcotics cases—a total of 5,647 trial cases between 1 April and 15 June. Death sentences were awarded in 175 cases and life imprisonment in 535 cases.

Two MCTCs in Islamabad decided 88 murder and 134 narcotics trial cases. Those familiar with the workings of the model courts have expressed reservations about these figures as they say that mostly cases nearing a decision were transferred to those courts, enabling them to be speedily concluded.

By August 12, 584 murder and narcotics cases had been decided in about five months by 167 model courts across the country. After this successful initiative, the NJPMC proposed establishing model civil appellate courts (MCACs) as well as model trial magistrate courts (MTMCs).

The use of technology to speed up the process of justice was another initiative launched in May. The first-ever 'e-court system' in the judicial history of Pakistan, headed by the CJ, took up and decided four cases—mainly bail matters—through a video link with the Karachi branch registry.

In June, the Pakistan Bar Council (PBC) formed special committees in all four provinces and Islamabad to identify 'inefficient and corrupt judges' and to 'prepare' references against them.

The CJ said in July that false testimony was one of the key flaws in the criminal justice system and would no longer be tolerated, adding that since the apex court became strict about the issue, about 15

'eyewitnesses' of murder cases were being tried for perjury in different parts of the country. He warned investigating officers that they could also face consequences if they knowingly brought false witnesses before the courts.

### **Accountability/NAB**

The National Commission on Human Rights (NCHR) said in February that the National Accountability Bureau (NAB) was not allowing them access to its detention centres, in violation of the law. The anti-graft body had been requested to allow a team of the commission to inspect the places of detention after the death of a professor in NAB's custody and allegations about CCTV cameras in lock-ups had surfaced. The NCHR said NAB had not bothered to respond to the request despite the fact that the commission was authorised to visit all detention and internment centres across the country.

In February, the National Accountability Bureau (NAB) ordered inquiries and investigations against some top politicians and bureaucrats, including former MNA Ghulam Rabbani Khar, former foreign minister Hina Rabbani Khar, former secretary of communications and chairman of NHA Shahid Ashraf Tarar, former chairman ETPB Siddiquil Farooq, Barrister Abid Waheed Shaikh, the former managing director of Pakistan Bait-ul-Mal (PBM) and others.

A retired army officer, against whom NAB was conducting multiple inquiries, committed suicide in March. In his suicide note the officer Brigadier (Retd) Asad Munir said that the NAB had made his life 'miserable' since April 2017 and he was taking his own life to avoid humiliation and being handcuffed and paraded in front of the media. In the same note, he requested the chief justice 'to take notice of NAB officials' conduct so that other government officials are not convicted for the crimes they had not committed'.

The Council of Islamic Ideology (CII) declared in May that handcuffing of suspects by NAB and law enforcement agencies and insulting them on media before conviction was against Islamic principles and violated human dignity. At the same time, however, the CII continued its tradition of taking up issues related to women and expressed concern over what it termed the 'advances' implied in slogans during Women's Day rallies.

### **Suo motu intervention**

In March, the Supreme Court office returned a petition seeking direction for live-streaming or broadcast of the hearings of suo motu cases or other public important matters under Article 184(3) of the Constitution.

The registrar office of the apex court said the petition could not be entertained because the petitioner, a senior member of the PBC, had directly approached the apex court instead of moving it first before any other appropriate forum available to him.

### **Military courts**

The two-year constitutional term of military courts expired in March, and they finally ceased to function. Earlier, in January, the opposition

had been unanimous in their stance that the Prime Minister would have to talk directly with the two main opposition parties—Pakistan Muslim League-Nawaz (PML-N) and the Pakistan People’s Party (PPP)—before extending the tenure. The information minister had rejected the demand, and said that the PM would never engage in dialogue with the leadership of these two parties.

The government had already decided in principle to give another two-year extension to the military courts but lacked the required two-thirds majority in any of the two houses of Parliament to carry out the constitutional amendment. In April, after struggling to table the bill, the government conceded that it would not be able to renew the legislation for the military courts without the opposition’s support in parliament.

### **Blasphemy**

Aasia Bibi was finally free on 28 January 2019 after the Supreme Court threw out a petition seeking to review the October 2018 verdict acquitting her of a blasphemy charge. On 8 May 2019, Aasia Bibi left Pakistan and was reunited with her family.

In May, a 50-year-old retiree of the Army Medical Corps was sent to jail on a 14-day judicial remand. According to the complaint lodged with the Golra police station, the complainant, Yasir Qasmi, had stated that whenever he shared something ‘in praise of the holy personalities, including Khulfae Rashideen, Ummul Momineen, Ahle Bait and companions of the Holy Prophet (PBUH)’ on his Facebook page, the accused would reply with derogatory comments.

Aabpara police booked a man on blasphemy charges in May after he was accused by Abdul Rehman Muavia of allegedly posting derogatory remarks on Facebook.

A man was remanded in judicial custody for 14 days in April after being booked and arrested in a blasphemy case registered against him at the Shams Colony police station.

In September, the Supreme Court acquitted Wajih-ul-Hassan, condemned to death in a blasphemy case in 2002 and consequently incarcerated for 18 years. The bench exonerated him from blasphemy charges, observing that the prosecution had failed to prove beyond reasonable doubt that the letters, which became the basis of blasphemy allegations against Mr Hassan, were actually written by him, and consequently rejected the case.

### **Death penalty**

In April 2019, a UK-based NGO in a report submitted to the minister for law and justice disclosed that the SC had overturned the death penalty in 78 percent of the 310 judgments between 2010 and 2018—either acquitting, commuting the sentence, or ordering a review.

The SC frequently cited unreliable witness testimonies, involuntary or retracted confessions, insufficient or manipulated evidence, and lack of motive of the accused as the primary reasons for overturning death sentences.

The SC had also raised serious doubts about the reliability of police investigations, particularly where there was an unexplained delay in the registration of the FIR and where the evidence appeared to be planted, manipulated, or otherwise doubtful.

In May, the Chief of Army Staff (COAS) ratified death sentences for a retired army officer and a civil officer, as well as 14 years' rigorous imprisonment for a retired army officer. They were charged with espionage/leaking sensitive information to foreign agencies prejudicial to national security.

A special court in December sentenced to death former military ruler General Pervez Musharraf for treason. [See *Cases of significance*]

### **Cases of significance**

In January, justice was finally served in the Khadija Siddiqui case. In 2017, a judicial magistrate had sentenced law student Shah Hussain to seven years' imprisonment (reduced subsequently to five years) for stabbing 21-year-old fellow student Khadija 23 times. Evidence and witness statements were taken into account in the ruling that it was attempted murder 'without any shadow of a minor doubt'.

The Lahore High Court overturned the verdict in 2018, pronouncing in a controversial judgment that the prosecution had 'failed to prove guilt beyond reasonable doubt'. Shah Hussain's father was an influential member of the legal fraternity.

The SC took suo motu notice of her case and the final hearing on 23 January was decided in her favour. Shah Hussain was sent straight to prison from the courtroom. Her three-year struggle over, Khadija graduated with a degree in law.

In February, the SC overturned an acquittal by the Peshawar High Court (PHC) of murder suspect Hazrat Ali and awarded him a life sentence for killing a 17-year-old boy.

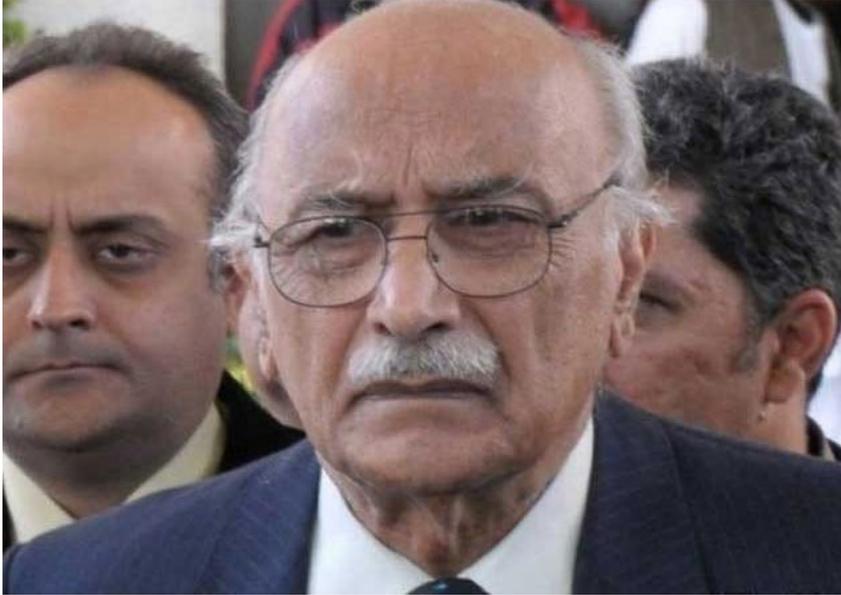
The SC, in a detailed judgment in February on the 2017 Tehreek-i-Labbaik Faizabad sit-in case, ordered the government to proceed in accordance with the law against the protesters who obstructed people's right to use roads and damaged or destroyed property. The SC also asked the intelligence agencies not to ignore those who promoted violence, hate, and extremism and directed the federal government to bring the perpetrators to justice.

The SC took up a case relating to Mohamad Ilyas being given the death sentence after police constable Khizar Hayat made a false statement before a trial court in 2007. The SC in March declared that presenting falsehoods before trial courts in criminal cases would now be treated as perjury, entailing serious penal consequences.

In June, the Federal Investigation Agency (FIA) reiterated its opinion before the Supreme Court that the Air Marshal Asghar Khan verdict

implementation case be closed. Asghar Khan had filed a human rights petition in the SC in 1996, accusing the Inter-Services Intelligence (ISI) of facilitating a group of politicians and political parties in the 1990s. The implementation of the landmark 2012 judgment under the Constitution and the law was left to the then PPP government.

The FIA said that, following the death of the principal accused and the complainant as well as nine other politicians accused of receiving the funds, the allegations could not be substantiated.



*In June, the Federal Investigation Agency once again told the Supreme Court that the Air Marshal Asghar Khan verdict implementation case should be closed.*

In June, the SC commuted the death sentence of Karim Nawaz, convicted of murdering his sister, brother, and sister-in-law, to life imprisonment.

On 16 June, the CJ stayed the execution of mentally ill prisoner Ghulam Abbas who was due to be hanged on 18 June. The order was issued on an application filed by the NGO Justice Project Pakistan after the Punjab Home Department withdrew permission for an independent psychiatrist and two government doctors to visit Adiala Jail and evaluate Abbas. Imprisoned since 2004, Abbas was sentenced to death on 31 May 2006 by a district and sessions court for stabbing a neighbour.

The SC acquitted murder convict Shafqat Hussain in August, giving him the benefit of the doubt over the murder of Jamil Haider in Jhang district in 2004. The LHC had converted his death sentence to life imprisonment and the convict subsequently challenged the LHC order in the apex court.

Twelve years after he suspended the Constitution and declared a state

of emergency, placing key judges under house arrest, former military ruler General Pervez Musharraf was sentenced to death for treason by a special court in Islamabad.

The verdict, delivered on 17 December, sharply divided the judiciary on the one hand and the military, supported by the government, on the other. HRCP, while reiterating its opposition to the death penalty, expressed concern over the escalating tension between two key state institutions.

The Commission urged all state institutions to remember their pledge of loyalty to the Constitution and the state's duty to protect the fundamental rights of its people.

## Law and order

### Crime

The National Assembly was informed in December of a 10 percent decrease in crime against persons and property between 1 August 2018 and 30 September 2019 in the federal capital compared to the corresponding period in 2017-18.

The City Zone police claimed that their effective measures and a crackdown on criminal elements had resulted in the reduction of crimes during the year. During the same period incidents of murder had decreased by 14 percent—from 121 to 104.

Twenty-nine cases of child sexual abuse were registered from August 2018 to September 2019 in which one accused was convicted, 24 were under trial and the remaining four were under investigation.

According to their statistics, the police had traced 23 out of 97 murder cases. Of a total 186 incidents of attempted murder, the police had submitted challans in 93 cases. In the capital, 487 incidents of rape took place but the police completed investigation in 70 cases.

A clash between two rival groups at the lower courts in February saw 15 people arrested. The violence broke out in the car park after suspects attended court for confirmation of their bail in connection with a 2013 murder case. The people involved had submachine guns and pistols and began firing at each other, though no one was killed or seriously injured.

On 12 December, the IHC issued contempt of court notice to the secretary of the IHC Bar Association for trying to force lawyers to leave courtrooms and take part in his strike call protesting police action against lawyers who attacked the Punjab Institute of Cardiology (PIC). The court also suspended his license. He had entered the courtroom of the IHC Chief Justice and started forcing lawyers to leave the courtroom.

When the subcommittee of the Public Accounts Committee (PAC) pointed out to the interior ministry in October that more than half of the security cameras installed under the Safe City Project were out of order, the ministry replied that the project was initiated by NADRA and it was later handed over to the Islamabad police.

Mohammad Bilal Khan, a social media activist from Abbottabad, was stabbed to death in the capital in June. Major Mohammad Larib Akhter, an army officer stationed in Attock, was shot dead in Islamabad in November after two persons demanded cash and valuables.

### Cybercrime

The Federal Investigation Agency (FIA) said in September that it had received almost 30,000 complaints of alleged cybercrimes over the previous 30 months. It could not say, however, how many of the complaints had been investigated or addressed.

The FIA Cybercrime Wing said 15,433 complaints were lodged in relation to the misuse of Facebook, 6,607 cases over issues related to Twitter, and over 3,000 people had complained about WhatsApp misuse.

### **Violence against institutions**

The Dawn office in Islamabad was besieged for nearly three hours in December by a mob of unidentified people carrying banners and chanting slogans. They were protesting against a news item revealing the ethnicity of the London Bridge attacker who stabbed two people to death. Four days later, a second demonstration was held outside the Dawn bureau in the federal capital and the protesters also burned copies of the newspaper and announced holding another round of protest.

Around 100 people arrived in vans from various parts of the twin cities of Rawalpindi and Islamabad and marched on the main road before gathering at the entrance to the Dawn office.

### **Honour killings**

Rahila Bibi, 24, was killed and her husband Zahoor Ahmed injured in an honour-related attack in January. She was three-months pregnant. The couple's families had opposed their decision to marry three years earlier and Rahila's family had issued threats.

A man killed his sister and a man near Faizabad in September, allegedly in the name of honour. He intercepted them in the street and opened fire. Onlookers overpowered the gunman and handed him over to the police who reached the scene shortly after. The couple were pronounced dead on arrival at the hospital.

### **Police reforms**

Top police officials across the country in March welcomed a decision by the NJPMC to withdraw judicial officers' powers of issuing orders to police for registration of FIRs.

Under existing rules, an additional district and sessions judge could entertain an application for registration of an FIR if the station house officer (SHO) concerned refused to do so. However, a committee on police reforms then recommended that instead of judicial officers, senior police officers be assigned this responsibility. An additional unit of 12 patrol squads was introduced in December to curb street crime and improve support for citizens needing help in emergencies on the roads.

It was announced in December that police deputed at check posts would wear body cameras and footage connected to the Safe City system would be used as evidence in court. Such cameras are commonplace in developed countries to record events involving police and law enforcement officials. The police authorities said this was an initiative to upgrade the force to international standards.

### **Police crime and dereliction of duty**

The attitude of the police came under criticism in May from the Senate Standing Committee on Human Rights over the delay in registering an FIR on the abduction of 10-year-old Farishta. The girl was later found murdered. The father was said to have approached the police on four

consecutive days before the FIR was registered, and that too after the incident received public attention. After departmental and judicial inquiries were conducted, four police officials, including a former SHO and an investigation officer, were removed from service in June.

Police authorities were directed by the IHC in May to take action against an SHO and an assistant sub-inspector (ASI) of Golra police station for abducting two minor children and keeping them in illegal detention.

Aseefa Bhutto-Zardari went to meet her father, former president Asif Ali Zardari, on 30 August and said she was prevented from seeing him and manhandled by police.



*Aseefa Bhutto-Zardari was prevented from seeing her father and manhandled by police.*

A police constable was one of two arrested in August for sexually assaulting and blackmailing a teenager. Three other people involved were still at large. The case emerged after the victim's father became suspicious of a man visiting his son.

### **Custodial deaths**

The NCHR in September condemned the fresh wave of killings in police custody, pointing out that in just one week six incidents of torture and deaths had been reported in Punjab. The Senate Functional Committee on Human Rights summoned the Punjab inspector general of police for a briefing.

### **Enforced disappearances/missing persons**

The establishment of a special cell on missing persons at the General Headquarters (GHQ) was announced in July during a meeting between the Inter-Services Public Relations (ISPR) Director and the chairperson of Defence of Human Rights, a non-governmental organisation working on enforced disappearances.

The Commission of Inquiry on Enforced Disappearances (COIED) claimed to have traced 4,365 out of 6,506 missing persons up to 31 December. The commission conducted 533 hearings in December—261 in Islamabad, 68 in Lahore, and 204 in Karachi.

The IHC asked the COIED for a report on a complaint registered after 27-year-old electrical engineer Suleman Farooq went missing from Bahria Town, Rawalpindi on 4 October.

## Jails and prisoners

### Jails

After over half a century without a central jail, Islamabad is still waiting for its model prison with state-of-the-art facilities first announced in 2011. The construction was finally approved in July 2016 at an estimated cost of PKR3.9 billion, and the ground breaking eventually took place in 2018. The project was supposed to have been completed in 2019 but an announcement of its opening is still awaited.

Plans for the ‘model prison correctional centre’ included a 2,000-inmate capacity, four special courtrooms, an IT lab, educational facilities, visitor and investigation rooms, as well as rooms for conjugal visits and separate sections for under-trial inmates.

### Prisoners

A total of 1,126 inmates have died in jails in different parts of the country during the last three years, the National Assembly was informed in April. Punjab jails had the highest number of fatalities at 884, followed by 150 in Khyber Pakhtunkhwa, 80 in Sindh and 13 in Balochistan.

On 30 November, the Ministry of Human Rights informed the IHC that a commission had been constituted to examine the civil liberties of prisoners across the country in compliance with an IHC order.

The Minister for Human Rights Dr Shireen Mazari was chairperson and proposed members of the commission included secretaries health, human rights and interior, former HRCP chairperson Zohra Yusaf, journalist Ghazi Salahuddin, advocate Zia Awan, former FIA director general Tariq Khosa and all provincial chief secretaries.

The SC said in August that fines could still be payable by convicts even if they had spent additional time in prison for non-payment, but if they paid the fine their assets and properties would not be forfeited.

In April, it was reported that the number of people with mental disorders in detention facilities was steadily increasing in the country.

Approximately 4,225 prisoners were on death row across the country, with 188 mentally ill prisoners in Punjab alone according to Justice Project Pakistan.

### Overcrowding

The Supreme Court was informed by the Federal Ombudsperson in November that a total of 77,275 inmates were held in 114 prisons in the four provinces against a sanctioned capacity of only 57,742.

Of these, 42 jails in Punjab with a capacity for 32,477 had 47,077 prisoners, and 24 Sindh jails had 17,239 inmates against a capacity of 13,038. Khyber Pakhtunkhwa's 37 prisons with a capacity of 9,642 housed 10,871 prisoners. Only Balochistan had fewer prisoners (2,088) than capacity (2,585).

Adiala jail, where most high-profile prisoners are incarcerated, housed over 4,000 prisoners against a capacity of 1,500. This came to light when the IHC was hearing a petition filed by inmate Khadim Hussain seeking medical treatment.

### **Torture in prisons**

HRCF organised a national consultation in November in collaboration with the World Organisation against Torture (OMCT) on implementation of the UN Convention. The meeting called for a comprehensive legislative framework against the use of torture.

The Torture, Custodial Death and Custodial Rape (Prevention and Punishment) Bill, 2015 proposed by PPP Senator Farhatullah Babar had lapsed when the previous National Assembly completed its five-year term. Assurances had been given by the Ministry of Human Rights that the bill would be tabled but that had yet to materialise.

### **Internment centres**

The Attorney General for Pakistan (AGP) in November defended setting up military administered internment centres which, according to him, were primarily to re-educate offenders and eliminate terrorism.

The AGP was appearing before the Supreme Court during the hearing of the federal and Khyber Pakhtunkhwa (KP) governments' appeal against the Peshawar High Court's (PHC) order to annul the Actions (in Aid of Civil Power) Ordinance, 2019. The SC expressed concern over human rights violations at the centres.

The detainees were said to be in the hundreds. Seventy-two individuals had been picked up and detained in centres for two years. They were later released and sent home. The AGP said that although some individuals for unspecified reasons could not meet their families during their detention, under the law the detainees could meet their families during their internment and were able to write home every 15 days.

HRCF believes that the internment centres to which numerous forcibly disappeared persons have been traced must be declared unconstitutional. These centres are black holes and have no place in a democratic structure that entitles a detained person to know what they have been charged with, the right to a fair trial, and the right to remain in contact with their families and with legal counsel.



## Freedom of thought, conscience and religion

### Minority quota

After hearing a case involving Pakistan Railways' violation of the Right of Access to Information Act 2017 in December, the Pakistan Information Commission directed Pakistan Railways to provide data concerning minorities' quota in the organisation in writing within ten days.

It said there was no provision under the Act which permitted a public information office to require anyone (in this case a Christian citizen who had requested information regarding minorities' job quota) to appear in person to collect the requested information.

On 2 April, the National Assembly Standing Committee on Law and Justice was considering Constitution amendment bills suggesting an increase in the reserved seats for minorities when JUI-F legislator Aliya Kamran put forward a proposal to abolish the reserved seats for women and minorities on the grounds that reserved seats were weakening the minorities.

### Forced conversions

A five-member commission was formed by the IHC in April to investigate whether two sisters belonging to a Hindu family of Ghotki had converted to Islam under coercion or of their own free will and whether or not they were underage at the time of their marriage with Muslim men.

The four appointed earlier as amici curiae to assist the court were Human Rights Minister Dr Shireen Mazari, Human Rights Commission of Pakistan chairperson Dr Mehdi Hasan, National Commission on the Status of Women chairperson Khawar Mumtaz, and senior journalist I. A. Rehman. The court named renowned Islamic scholar Mufti Taqi Usmani as the fifth member of the commission.

In May, the IHC dismissed the petitions filed by two newly-converted Hindu girls from Sindh, Ghulam Ayesha and Dua Fatima, seeking protection after marrying of their free will. They were told to approach the Sindh High Court.

The 22-member Parliamentary Committee to 'Protect Minorities from Forced Conversions', approved by both houses of parliament six months earlier, was finally notified in November.

The committee was tasked with framing legislation against forced conversion of members of the minority communities. The chairperson had still to be selected.

In October, the Supreme Court finally decided to constitute a special bench to implement its 2014 judgment on the protection of minority rights and promotion of a culture of religious and social tolerance.

# Freedom of expression

## Right to information

It was reported in March that the Commission on Access to Information (CAI) was non-functional four months after it had been notified without funding from the government.

The chief information commissioner and two federal information commissioners had not been paid and were working from one room in the Information Service Academy (ISA). The information secretary said the matter of funding for the CAI would be referred to the Ministry of Finance, while a summary for the finalisation of the terms and conditions of the commissioners' contracts would be sent to the Prime Minister's Office.

A schedule of costs for obtaining information from federal public bodies under the Right of Access to Information Act 2017 was published by the Pakistan Information Commission in August. The first ten pages of information would be provided free of cost, with every extra page to be charged at two rupees. Only the actual cost of a CD, diskette, floppy, cassette, video, or any other electronic device would be charged based on the official procurement record.

## Curbs on the media

In January, a 30-day ban was imposed on the broadcast of Harf-i-Raaz, a programme of Orya Maqbool Jan on Neo TV, for violating the Pakistan Electronic Media Regulatory Authority (PEMRA) Ordinance, 2002 and several other rules. Jan had talked on the telephone to a spokesperson for the Afghan Taliban and solicited his views on the national and foreign policy of the Pakistan government.



PEMRA imposed bans on the broadcast of several political talk shows.

A separate show-cause notice was served on the TV channel for the same programme in which Jan was said to have made insulting remarks against Pakhtuns.

TV host Dr Danish claimed in February that PEMRA's decision to ban him from appearing on any TV channel for a month for levelling 'false' allegations was illegal and one-sided. He said he had not been informed or questioned about any complaint.

The government's decision to impose a ban on advertisements to the Dawn Media Group was condemned in May by the Pakistan Federal Union of Journalists (PFUJ), who said the move was against all democratic norms and a violation of Article 19 of the Constitution, which guaranteed freedom of expression.

### **Curbs on press freedom**

At a meeting of the PFUJ's Federal Executive Council in July, attended by journalist unions from the four provinces, the threat to the freedom of the press was said to have reached ominous proportions. The meeting observed that self-censorship had become the norm and the constraints on media owners was resulting in loss of jobs and delay in payment of salaries.

A petition was filed in the IHC in July by Advocate Mir Aurangzeb against media censorship and taking off the air any private television channels who gave time to opposition politicians.

### **Media courts**

A plan to form 'media courts' was approved by the government in September ostensibly for the speedy disposal of media-related cases within a specified time limit of 90 days. The plan stalled after widespread condemnation and criticism.

### **Digital media**

The federal cabinet approved the formation of the Pakistan Media Regulatory Authority (PMRA) on 24 January 2019 to merge all bodies regulating the media, including the print and electronic media, into one organisation. PEMRA and the Press Council of Pakistan (PCP) would also come under PMRA. The move met with strong opposition from the All Pakistan Newspapers Society (APNS), the Council of Pakistan Newspaper Editors (CPNE) and others as an attempt to control rather than regulate the media.

Access to several popular websites, including an online shopping platform, was blocked for nearly a week after the Pakistan Telecommunication Authority (PTA) decided they were hosting 'unethical' content.

PEMRA imposed a PKR1 million fine on TV channel News One in June for airing 'malicious' content against NAB chairman Justice (Retd) Javed Iqbal on 23 May. The channel claimed statements and clips were being aired in the public interest but later broadcast a rebuttal and apology saying the content had been unverified.

Fourteen news channels were issued show-cause notices on 1 June

when PEMRA decided they had violated its earlier advisory not to hold discussions about the references filed against two senior judges with the Supreme Judicial Council (SJC).

It was reported on 6 July that the PFUJ had taken notice of a malicious and ‘life-threatening’ campaign launched on social media against some top journalists of the country. It adopted a resolution urging the government to take action against those responsible for the campaign that posted online fabricated allegations of some journalists being ‘foreign agents’.

The PTA gave a briefing to the Senate’s Standing Committee on National Unity in July about the government directive to make rules under the Prevention of Electronic Crimes Act, 2016 for social media monitoring. A cell was said to have been established to monitor websites for blasphemous content and a campaign was being run via newspaper and mobile SMS to encourage the public to report such content.

It was reported in September that 900,000 URLs had been blocked for allegedly carrying blasphemous and pornographic content and/or sentiments against the state, judiciary, or the armed forces.

### **Threats, intimidation and press advice**

Organisers of the Aurat March held to mark International Women’s Day said they had received death and rape threats on social media after the event provoked complaints from some conservative groups. The executive director of the Digital Rights Foundation said that the march organisers were looking into filing a complaint with the Federal Investigation Authority (FIA) about the online harassment.

PEMRA issued show-cause notices to two TV channels in May for what they said was ‘sensationalising’ the Farishta murder incident and violating the code of conduct.

In July, the federal cabinet decided to block media coverage and interviews of politicians who were convicts or under-trial prisoners and directed PEMRA to fulfil its ‘responsibility’ to discourage airing of such programmes by the electronic media.

An unconditional apology to the IHC was tendered by PEMRA in November for issuing a ‘misleading’ advisory that banned television anchorpersons from appearing as experts in other talk shows. The advisory was issued after the IHC had reprimanded five anchors for improperly implying a deal had been involved in the court’s approval of bail for former premier Nawaz Sharif. The court had also censured PEMRA for not monitoring TV channels and preventing the maligning of the judiciary. The court had, however, not issued any orders for a ban. PEMRA had in the same advisory told television anchors they should refrain from giving ‘opinions’ and restrict their role to ‘moderator’.

The Freedom Network announced in October that at least 33 journalists had been murdered for their journalism work in Pakistan over the past six years, including seven in the past one year (November 2018 to October 2019).

The report titled *100% Impunity for Killers, 0% Justice for Pakistan's Murdered Journalists: Crime and Punishment in Pakistan's Journalism World* was released ahead of the International Day to End Impunity for Crimes against Journalists observed by the United Nations on 2 November every year.

### **Clampdown on opinions and dissent**

Over two dozen Pakhtun Tahafuz Movement (PTM) activists were arrested in February outside the National Press Club while they were protesting over the death of their senior party member, Arman Loni.

Human rights activist Gululai Ismail was removed from the Exit Control List (ECL) in March on the orders of the IHC. However, in light of recommendations made by the ISI, the court allowed the interior ministry to take other action as appropriate including confiscation of her passport.

In October, an additional district and sessions court issued a non-bailable arrest warrant for Ms Ismail in a case related to maligning national institutions. She was by that time reported to have sought political asylum in the United States.

The Senate Standing Committee on Human Rights was reported in May to have described the challenging of the citizenship of Malik Attaullah as political victimisation.

Attaullah and his son Hikatullah, whose computerised national identity cards (CNIC) were blocked, had been allowed to present their case at the committee meeting during which a member said that the National Database and Registration Authority (NADRA) was being used to intimidate individuals who spoke out against the 'war on terror'. The committee was told that Attaullah, a past district president of the Awami National Party, had lost family members, including a son, after refusing to cooperate with terrorists.

The IHC in October suspended NADRA's withdrawal of the citizenship of Jamiat Ulema-i-Islam-Fazl (JUI-F) leader Hafiz Hamdullah. NADRA had declared him an 'alien' and PEMRA subsequently banned his appearance on television shows.

Analyst Hafeez Ullah Niazi was barred by PEMRA in October from appearing on any TV channel for 30 days. Niazi had made certain allegations against a senator in a Geo News programme in July. The Council of Complaints gave the channel an opportunity to substantiate the comments but it was unable to provide a satisfactory reply.

## **Freedom of movement**

### **Official restrictions**

In January, the Senate adopted a report presented by the Standing Committee on Law and Justice seeking abolition of the 'blacklist' and other measures used to prevent people from travelling abroad, apart from the ECL.

During discussion on the issue of two separate lists—provisional nationality identification list and blacklist—which members from both sides believed were contrary to Article 15 of the Constitution on freedom of movement, the federal minister for parliamentary affairs argued that law enforcers needed to have some tool to use at short notice to prevent terrorists and criminals from leaving the country. However, while contending that Article 15 could not be applied to the two lists, the minister also said that he was defending the ECL and was unaware of any other list.

### **Exit control list**

The application and removal of names from the ECL often appears arbitrary. On 7 January, the SC ordered that the names of Pakistan People's Party chairman Bilawal Bhutto-Zardari and Sindh Chief Minister Syed Murad Ali Shah be immediately removed from the Joint Investigation Team (JIT) report on the PKR35 billion fake bank accounts scam as well from the ECL.

On 10 January, a federal cabinet meeting chaired by the Prime Minister decided to continue the travel ban on Asif Ali Zardari, Bilawal Bhutto-Zardari, Faryal Talpur, and the Sindh Chief Minister.

On 20 February, the federal cabinet approved a NAB summary to place Leader of the Opposition in the National Assembly Shahbaz Sharif's name on the ECL.

On 27 February, the IHC left it to the federal government to decide the petition submitted by retired Lt Gen Asad Durrani, ex-director general of the ISI, for a review of the decision to place him on the ECL.

A cabinet committee decided on 15 March to impose a travel ban on former federal minister for ports and shipping Kamran Michael and human rights activist from the Hazara community Jalila Haider.

On 26 April, the government imposed a travel ban on former prime minister Shahid Khaqan Abbasi, former finance minister Miftah Ismail, and five other people for their alleged involvement in a multi-billion rupees case related to the award of a contract for the import of LNG (liquefied natural gas).

The decision to take former Prime Minister Nawaz Sharif off the ECL was reached after much vacillation and uncertainty over whether surety bonds could be demanded.

### **Protests and obstructions**

When former President Asif Ali Zardari and his sister Faryal Talpur were to appear in court on 28 March, the capital police sealed the area around the IHC to restrict access of PPP workers causing difficulties for everyone. Three PPP workers were also arrested.

The IHC summoned the deputy commissioner and senior superintendent of police (SSP) in October while hearing a petition filed by a goods transport company against the confiscation of shipping containers to seal off roads in the capital ahead of the Jamiat Ulema-i-Islam's (JUI) Azadi March.

The JUI-F gave in to pressure from opposition parties in November to end road blockades during its anti-government protest. The Islamabad sit-in was abruptly concluded as the JUI-F announced its 'Plan B' of blockading main roads and highways.



*Sanitation workers protesting against the CDA for non-payment of their salaries.*

Hundreds of sanitation workers of Metropolitan Corporation Islamabad (MCI) took to the streets of Islamabad in protest against the Capital Development Authority (CDA) for non-payment of their salaries.

### **Militancy and counter-insurgency measures**

Eleven organisations affiliated with the banned outfits Jamaatud Dawa (JuD), Falah-i-Insaniyat Foundation (FIF), and Jaish-e-Muhammad (JeM) were outlawed by the interior ministry in March. The two banned organisations affiliated to JeM were Al-Rehmat Trust Organisation, Bahawalpur, and Al-Furqan Trust, Karachi. The National Security Committee headed by the Prime Minister took the decision to ban JuD and FIF in February.

The National Counter Terrorism Authority (NACTA) named two more proscribed organisations—Hizbul Ahrar and Balochistan Raaji Ajoin-R-Sangar (BRAS)—in August. They were banned under Section 11-B of the Anti-Terrorism Act and their members and activities were put under surveillance.

The day before the government-opposition talks on the Azadi March in October, provinces were authorised by the federal government to ban Ansarul Islam, the khaki-clad volunteer force of the Jamiat Ulema-i-Islam-Fazl (JUI-F), under the Private Military Organisations Act 1974. On 28 October, the IHC sought an explanation from the interior ministry for banning Ansarul Islam without giving it the opportunity to be heard.

Pakistan narrowly avoided being blacklisted by the Financial Action Task Force (FATF) in October. Shortly afterwards, the government revealed that investigations of more than 700 cases of suspected terror financing, part of the global watchdog's action plan, were close to being completed. The Minister for Economic Affairs said that he could not comment further as 'prosecution and convictions is the domain of the judiciary'.

### **Movement and travel**

A new visa policy was introduced by the government in January. Fifty countries were allowed visa-on-arrival—more than double the previous number—and 175 countries were given an e-visa facility.

Three FIA airport employees were revealed to have been involved in identity theft in collusion with travel agents. Travel information such as passport and identity card numbers that are needed to register mobile phones were being sold in the open market to unblock non-customs paid mobile phones.

Nuclear scientist Dr Abdul Qadeer Khan filed an appeal in December in the SC, seeking enforcement of his fundamental rights, including free movement across the country. The LHC had rejected a similar application on 25 September on the grounds that it lacked jurisdiction in view of special security measures taken by the state for his protection.

## **Freedom of association**

### **Student unions**

The countrywide Students' Solidarity March in November, spearheaded by the Student Action Committee, saw hundreds of students and supporters in Islamabad calling for the restoration of student unions. In December both sides of the National Assembly united in support of an opposition private member's bill for the lifting of the ban. The bill was sent to the relevant committee for further consideration.

### **INGOs**

Foreign Secretary Tehmina Janjua told foreign envoys in January that international non-governmental organisations (INGOs) were being encouraged to work in national development priority sectors, including poverty alleviation, health, vocational education and training, science and technology, environmental protection, disaster management, sports and culture.

A round of fresh registration of INGOs had been initiated in 2015 and of the total of 141 INGOs who applied for registration under the new policy, 74 had been approved and 41 rejected.

The interior ministry told the National Assembly the following day that there was no intention to revisit the registration process. Envoys of Australia, Switzerland, Canada, the US, Japan and Norway, as well as member states of the European Union, had jointly written to the Prime Minister expressing concern over the processing and rejection of INGOs.

## **Social movements and political affiliations**

Journalists, media workers, civil society activists, politicians, labour leaders and students expressed their support for Dawn newspaper in December over what was termed a concerted campaign. Twenty-four hours after a federal minister tweeted against Dawn, a mob besieged the newspapers offices, bizarrely chanting slogans in favour of an intelligence agency.

# **Freedom of assembly**

## **Ban on gatherings**

On 14 January, the capital administration extended the ban on a few activities in the city including display of firearms, wall chalking, affixing posters, use of sound systems, gatherings and mountain blasting, as well as the operation of unauthorised housing societies.

According to capital administration officials, the ban on the gathering of five or more people had been in place for a decade and a half, and the ban on sound systems, mountain blasting, and wall chalking for the last couple of years.

A local court granted bail in October to 223 volunteer teachers of the Basic Education Community Schools Programme (BECS) who were arrested from Jinnah Avenue for holding a sit-in. Lawyers had requested the judge to release the teachers without any bail bonds in view of their financial circumstances as they were unable to even pay the lawyers' fee. However, the judge granted post-arrest bail against PKR2,000 for each bail bond.

## **Counting the cost**

The JUI-F Azadi March in the capital was reported in November to have cost the government over PKR240 million for the contractors and vendors who were hired for security arrangements during the 13-day sit-in. Arrangements were made for the lodging, meals and transportation of police called in from other districts.

### **Political development affecting citizenry**

The federal cabinet in November approved the restructuring of the Capital Development Authority (CDA) to bring it under the administrative control of the mayor. The cabinet was said to have directed that Islamabad's reform process should be completed within three months and interim arrangements should be made to introduce a local government system in the capital similar to Punjab.

It was also reported in November that the process of issuing Islamabad domicile certificates was being made more stringent to prevent them from being issued to people from other parts of the country.

A couple of years earlier, around 80 people from outside Islamabad had obtained domicile certificates through the submission of forged documents. A new standard operating procedure (SOP) was being finalised under which only Islamabad's voters would be eligible for domicile certificates.

### **ECP changes**

Following the challenges experienced during the 2018 general elections, the Election Commission of Pakistan (ECP) in April asked for significant changes to the legal framework of electoral processes.

A detailed report pointed to the provision of inaccurate maps to delimitation committee by revenue departments and inconsistencies in revenue records as being the main problems.

Other difficulties included the Pakistan Bureau of Statistics (PBS) providing data six months after the stipulated timeline, incomplete addresses on NADRA-issued CNICs hindering the verification of voters.

The non-issuance of CNICs to women voters was said to be the main cause for the gap between male and female voters (over 12.5 million).

The federal government was also asked to issue direction to NADRA to increase registration of women, persons with disabilities (PWDs), minorities and transgender persons through the removal of any impediments and, in particular, to order that PWDs be facilitated in obtaining a disability certificate and CNIC with a disability logo.

### **Composition of ECP**

The tussle over the choice of nominees for the posts of Chief Election Commissioner (CEC) and commission members dragged on past the end of the year as the Prime Minister and leader of the opposition failed to reach agreement.

An acting CEC was appointed in December and the positions of two ECP members have been vacant for a year.



# Women

## Legislation

In April, women parliamentarians demanded an increase in the quota for the chairpersons of standing committees as well as in the cabinet in order to play a more effective role in legislation and development of the country.

The National Assembly Standing Committee on Law and Justice decided in November to club together all laws relating to women and children so that their interpretation and implementation could be made uniform. There were said to be 100 complete laws and clauses in various laws related to the rights of women, and more than 30 laws governing child rights. Civil society would be asked to collaborate on this with the committee.

## Laws impacting religious minority women and girls

At a seminar organised by the People's Commission for Minorities' Rights (PCMR) and the Centre for Social Justice in May on 'Alleged Faith Conversion and Trafficking of Minority Women' the lack of state response to the issue of forced conversions was regretted.

PCMR Chairman Peter Jacob said the issue had not been dealt with in accordance with the law, as the authorities had not tried to verify the age of girls who went missing and were later found to have been married to a Muslim and converted to Islam. The commission had collected details of 110 such cases. Sixteen girls had returned to their families and their cases had not been taken seriously at the time.

Investigations by a PCMR member into the incidents of 'Chinese brides' had found that 1,000 to 1,200 Pakistani women had married Chinese men. Around 700 of the women were Christian and between 300 and 500 were Muslim. The men had converted to Christianity or Islam and fake Christian clerics had conducted most of the marriages. The response from the authorities was said to be different depending on whether a complaint had been made by a Muslim or a non-Muslim.

## Violence against women

According to data obtained from the Islamabad police through a Right to Information request by the Sustainable Social Development Organisation (SSDO), the number of cases of violence against women (VAW) in the capital increased from 79 in 2018 to 109 in 2019—43 VAW cases, 31 cases of kidnapping, and 35 cases of rape.

Mukhtar Mai's long-running battle has not just been against the men in her community who gang raped her in June 2002 on the orders of the village council. Punished in a barbaric way because her younger brother was accused of having illicit relations with a woman of a rival clan, she has been seeking justice for 17 years.

A lower court sentenced six of the 14 accused to death, releasing the others. When the convicts appealed the verdict, a higher court released

five of them and gave the sixth a life sentence instead. Mukhtar Mai's appeal against their acquittal was rejected by the Supreme Court in 2011. Eight years later, in March 2019, the court heard her petition to review the earlier decision but adjourned for 20 days to allow the accused time to seek legal counsel.



*Mukhtar Mai's appeal against the acquittal of her alleged rapists was rejected by the Supreme Court in 2019*

The court eventually resumed hearing of the petition and on 13 June dismissed it on the basis that no mistake on the part of the SC judgment had been highlighted.

In the same month, the Chief Justice said that 1,000 special courts would be set up in every district in Pakistan specifically to deal with cases of violence against women in the country.

Three brothers, aged between 22 and 30, were arrested in March for allegedly raping their 15-year-old sister. One of the suspects was said to be a religious scholar who also delivered online sermons, while the other two were labourers.

A German national went missing in the capital in May. The 18-year-old had been living at her uncle's home. On his complaint, the police registered a case under section 365-B (kidnapping, abducting or inducing woman for marriage) of the Pakistan Penal Code (PPC) against unidentified people.

The family of an 18-year-old girl brought her body to a hospital in June and said she had committed suicide. She had three bullet wounds to her head and chest but no weapon was found at the scene.

Family members were unable to give satisfactory responses to police queries and a murder case was registered.

## **Women and work**

The SC ordered the federal and provincial governments in February to strengthen the law against harassment after the bench expressed concern over how the Protection against Harassment of Women at the Workplace Act 2010 was being interpreted and implemented.

The Additional Attorney General told the court that the federal government was examining the law and might bring further amendments to it. The court pointed out that the government should also simplify the procedure for lodging complaints.

In July 2019, the IHC set aside complaints under this Act against three individuals on the grounds that the cases should not have been entertained by the ombudsperson because the ‘alleged acts, conduct or attitudes were not sexual in nature’. The court said that harassment had been clearly confined in the Act to ‘the acts, advances, requests, attitudes, conduct etc. which are of a sexual nature’.

## **Cybercrime against women**

A grade 18 officer of the Police Service of Pakistan (PSP) was dismissed from service in January for cyber harassment of his former wife.

# **Children**

## **Legislative developments and child protection system**

The Ministry of Human Rights told the Senate Special Committee on the Issue of Increasing Incidents of Child Abuse in January that the protection of children was a huge challenge. Only 30 percent of children in Pakistan were registered, making it difficult to identify children in death and other cases.

The ministry had asked the provinces for data on incidents involving children but none had replied. They wanted to develop a credible database but were having to rely on privately compiled data. The previous year, NGOs had recorded 3,445 cases of child abuse according to one estimate.

The Zainab Alert, Recovery and Response Bill, 2019 was sent in April to the National Assembly Standing Committee on Human Rights and presented to the house but was still pending at the end of the year. The child whose name is on the bill was abducted, raped and murdered in Kasur, but the bill was apparently drafted as only applicable in ICT since law and order was a provincial subject.

In November, the IHC produced guidelines for the investigation of child sexual abuse cases, making it mandatory for such offences to be handled by police officers of assistant superintendent of police (ASP) rank and above.

## **Violence against children**

The family of 10-year-old Farishta blocked Taramri Chowk in Islamabad on 20 May in protest against inaction by the police after she was

reported missing on 15 May. Her body was recovered four days later. The capital police announced on 22 June that they had arrested the main suspect after Farishta's mother told police she had spotted the man near her daughter before she disappeared. Five days later, the family were allegedly taken away by the capital police before they could hold a press conference.

A four-year-old was taken to the children's intensive care unit (ICU) at the Pakistan Institute of Medical Sciences (PIMS) in a critical condition on 9 July after surviving sexual assault and attempted murder. Her father alleged that she was denied treatment at two of the city's public hospitals for several hours.

She eventually recovered sufficiently to be allowed to attend school but her family had to move out of the neighbourhood where the suspect also lived to avoid traumatic recollections of her ordeal.

Later, in August, the father requested a reinvestigation of the case. He said he had not been kept informed about the investigation and suspected that the way in which it had been handled favoured the suspect.

Ten-year-old Ahmed, a seminary student, was found murdered on the roof of a private hostel in November. He was said to have shared a room with a 16-year-old ninth grade student.

When the hostel staff noticed he was missing, a search was launched and he was discovered with his hands tied, a noose round his neck, and injuries to his head and face. CCTV footage from the hostel showed him going upstairs with another student.

An 11-year-old victim of sexual abuse who went missing on 17 November was recovered six days later. The boy was later produced in the court of a magistrate from where he was handed over to his family.

### **Child pornography**

Two men arrested in July for blackmailing women confessed to being involved in child pornography.

### **Child marriage**

The Senate passed a bill setting the minimum age for marriage at 18 years on 29 April. Noisy protests by members of religious parties ensued and the PTI abstained from voting. The Child Marriage Restraint (Amendment) Bill, 2018 still awaits debate in the National Assembly.

## **Labour**

### **Minimum wage**

A minimum daily wage of PKR673 and a monthly minimum of PKR17,500 was fixed for unskilled and juvenile workers by the capital administration in August. The daily wages for skilled, semi-skilled and unskilled workers were also fixed at PKR990, PKR770 and PKR675, respectively.

## **Sanitation workers' salaries**

It was reported in December that sanitation workers had been protesting for several months over delays in payment of their salaries. The sanitation directorate had been part of the Capital Development Authority, but was devolved to the Metropolitan Corporation Islamabad (MCI), which was claiming shortage of funds. The MCI reportedly has around PKR2 billion in its accounts but is unable to dispense the money in the absence of financial rules.

# **Senior citizens**

## **Policies and legislation**

It was reported in July that the cabinet had approved the Islamabad Capital Territory Senior Citizens Welfare Bill, 2019 to ensure that senior citizens were looked after by the state.

The proposed law would be aimed at safeguarding their fundamental rights and to ensure their protection within society. A senior citizen's council would also be formed which would begin its work with the creation of an old age home.

## **Retirement age**

In June the government indicated its intention to increase the retirement age of federal as well as Punjab and Khyber Pakhtunkhwa officials, and told the respective authorities to jointly assess the financial and administrative implications of the plan.

The purpose of this move was not specified but officials were reported to have said it could be aimed at reducing the huge pension and dues liabilities as large numbers of federal and provincial government officials retire every year.

## **Services for the elderly**

NADRA was reported in December to have launched a countrywide service to register the physically challenged, including the elderly, at their homes. NADRA employees would also deliver their CNICs to them. The project was said to be in line with the Prime Minister's vision of improvement in service delivery to the public.

## **Pensions**

The Pakistan Telecommunication Employees Trust (PTET) said in April that it was unable to disburse PKR40 billion arrears to thousands of Pakistan Telecommunications Company (PTCL) pensioners unless it received additional funds. The Trust said it had a liability to pay PKR116 billion in pensions and had a deficit of PKR7 billion. The PKR40 billion arrears were in addition to the PKR116 billion.

A subcommittee of the Senate Standing Committee on Information Technology and Telecommunication was tasked with probing the matter and reported in September that it found the PTCL and PTET culpable for mismanagement and malpractice.

# People living with disabilities

## Policies and legislation

The ICT Rights of Persons with Disabilities Bill, 2018 tabled by the Ministry of Human Rights early in the year was welcomed by activists as a positive move but concerns were raised over both the language used and the bill's inclusivity. It had still not been tabled in the National Assembly by the end of the year.

## Health and facilities

A Sehat Sahulat Programme for persons with disabilities (PWDs) and their families was launched by the Prime Minister in August. Under the social health protection initiative, PWDs as well as their families would get free-of-cost health insurance for health care services worth PKR720,000 from designated hospitals via a computerised mechanism.

Services could also be availed at specified hospitals across other provinces and districts. PKR1,000 for travel expenses would also be provided on the patient's discharge from hospital. In the event of a death in hospital, PKR10,000 would be given towards burial expenses.

It was claimed this was a major step towards poverty alleviation as the programme covered all major treatment, the cost of which placed a huge financial burden on vulnerable families.



*A Sehat Sahulat Programme for persons with disabilities and their families was launched by the Prime Minister in August.*

The SC ruled in June that the disability job quota under the federal and provincial laws applied to both public and private sectors after hearing a case related to the rights of PWDs.

The court had earlier asked government officials to devise a detailed action plan together with a timeframe to implement the three percent job quota for people living with disabilities.

## **Refugees and IDPs**

### **Afghan refugee bank accounts**

The relevant authorities were directed by the Prime Minister in February to allow registered Afghan refugees to open and maintain bank accounts in the country.

Millions of Afghan refugees have been living in Pakistan for decades but this is the first time they have been allowed to open bank accounts. Sometime earlier, a controversy had erupted over the Prime Minister's statement about granting Pakistani citizenship to the children of Afghan refugees.

### **Accord on repatriation**

Pakistan, Afghanistan and the United Nations High Commissioner for Refugees (UNHCR) unanimously agreed a 12-point joint declaration in June, expressing their commitment to extend the existing Tripartite Agreement governing the voluntary repatriation of Afghan citizens living in Pakistan, subject to approval by the federal cabinet.

## Education

### Literacy

A national 100-day action programme to support girls' education and women's economic empowerment was launched at the Quaid-i-Azam University in December, supported by the World Bank.

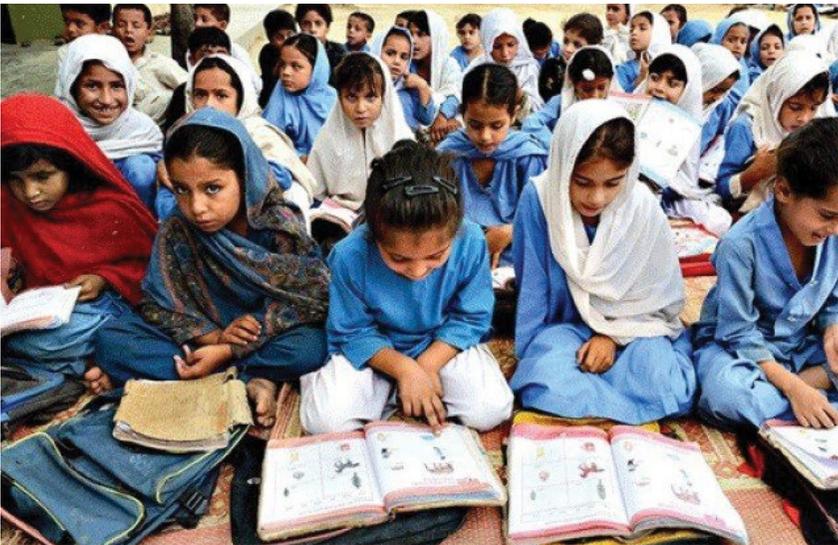
The 'Girls Learn, Women Earn' (GLWE) initiative called for awareness, advocacy and action to address learning poverty and thus increase women's economic empowerment. Any institution could sign up to be a GLWE champion subject to meeting the registration criteria decided by an independent panel of advisers.

Fifty-five percent of the 22.8 million out-of-school children are girls, and only 26 percent of women are active in the country's labour force. A recent World Bank report revealed that learning poverty in Pakistan was at 75 percent, considerably higher than the South Asian average of 58 percent.

### Public spending on education

Students in schools run by the Federal Directorate of Education (FDE) were said in February to be facing difficulties caused by unfinished renovations and construction work in their institutions.

Work on renovating 200 FDE-run schools under the second phase of the Prime Minister's Education Reform Programme had apparently stalled for several months. The federal government was said in May to have released PKR422 million to complete the ongoing work.



*Fifty-five percent of the 22.8 million out-of-school children are girls, and only 26 percent of women are active in the country's labour force.*

## **Enrolment and retention**

In January 2019, the FDE identified over 11,000 children who could be enrolled in schools in the first phase of its campaign. A rough estimate put the number of out-of-school children in Islamabad at 30,000.

## **Student learning, teaching quality**

The government issued a notification in October for the establishment of the Directorate General of Religious Education (DGRE) which would have 16 regional offices to register and facilitate the *madaris* functioning across the country.

## **School infrastructure**

It was reported that the Departmental Development Working Party (DDWP) of the Ministry of Education approved four projects in December for the construction of schools and colleges in the capital city, including a Model College for Boys in G-13/2 and Margalla town, Model College for Girls in G-14/4, a Model School Ghora Shahan, and construction of a retaining boundary wall and site development of Islamabad Model College for Girls, I-8/3.

## **Curriculum**

The Ministry of Federal Education and Professional Training was also working on preparing a uniform curriculum for all the schools and seminaries of the country. The federal cabinet approved a uniform curriculum for all educational institutions in the country, including 30,000 madrassahs.

## **Private schools**

The SC in February commented on the way upmarket private schools had converted education into a business, while seeking replies from two private schools on the implementation of the December SC order for a cut in school fees of 20 percent.

The court had taken up a contempt of court case initiated against two schools for allegedly circulating highly derogatory letters addressed to parents and guardians.

In September, a subcommittee of the National Assembly Standing Committee on Federal Education and Professional Training directed the Private Educational Institutions Regulatory Authority (PEIRA) to implement the SC ruling to charge fees at 2017 rates, with a five percent annual increase.

In April, the SC rejected a petition of the Pak-Turk Education Foundation (PTEF) to review the December 2018 judgment handing over its schools and other assets to the Turkiye Maarif Foundation. The parent organisation of the PTEF had been declared a terrorist outfit by the Turkish government.

## **Higher education**

The Vice Chancellors' Committee demanded in August that PKR10 billion be released as a supplementary grant for universities as the higher education sector was suffering following the budgetary cut.

The Higher Education Commission (HEC) also appealed to the government in October to consider the fact that Pakistan was only spending a meagre amount of PKR50,000 per student per annum. The HEC Chair said that the regulatory body, which provides funds to universities, was facing a shortfall of PKR50 billion.

Universities across the country were reported to have insufficient money to pay staff their December salaries. The HEC said they had cut other expenditures to help two universities pay their staff salaries.

It was reported in December that one student was killed and several others injured during a clash between two groups over the holding of an event at the International Islamic University Islamabad (IIUI).

## Health

### **Policies and legislation**

The Senate Standing Committee on National Health Services (NHS) unanimously approved the Compulsory Vaccination and Protection of Health Workers Bill 2019 in July. If enacted, the bill would make the immunisation of children compulsory, and protect health workers involved in immunisation programmes.

In October, the dissolution of the Pakistan Medical and Dental Council (PMDC) through an Ordinance was challenged in the IHC. The National Health Services Ministry through the Islamabad district administration and police took possession of the PMDC building.

The Senate had voted against it in August, but the President once again promulgated another identical PMDC Ordinance 2019. The services of the PMDC employees were terminated without hearing.

### **Public health**

At its first meeting in November, the board of the Islamabad Healthcare Regulatory Authority (IHRA) made licenses mandatory for all public sector and private hospitals, clinics, nursing homes, and laboratories.

Thousands of health facilities would be answerable to the health authority and would not be able to function without registration, inspections, and a licence.

The authority would also ensure public safety and protection as well as safety of staff.

### **Budget allocations to health**

The Executive Committee of the National Economic Council (ECNEC) approved USD986 million in January 2019 for the revised Emergency Plan for Polio Eradication. The plan would include supplemental immunisation activities (SIAs) across the country and environmental surveillance to curb transmission of the polio virus.

The remuneration of 100,000 polio workers was also raised in January by up to 25 percent. The daily allowance was increased from PKR400 to PKR500 in general areas, while in tough areas the daily allowance was increased from PKR750 to PKR850.

A report in April at the conclusion of an immunisation drive said that around 9,353 children could not be covered due to refusal of their parents or ‘unavailability’ of the children.

A considerable number of parents in the capital’s rural and urban areas had refused to let their children be vaccinated when rumours circulated on social media saying children had fallen ill after being administered drops in Peshawar.

### **Poverty and malnutrition**

The federal cabinet approved in December the removal of 820,165 beneficiaries from the Benazir Income Support Programme (BISP) database as ‘undeserving’.

BISP data revealed that 140,000 of those were government employees or their spouses, despite the fact that the programme was not intended for government servants.

### **Dengue**

A Ministry of National Health Services (NHS) report revealed that over 13,000 cases of dengue fever and 22 deaths were reported in the capital during 2019.

## **Housing, land grabbing and public amenities**

### **Housing**

Data released by NADRA in December showed over 1.9 million had applied for the Naya Housing Pakistan Programme. Islamabad had the highest list of applications—259,276—in the second phase of the programme.

The applicants included 184,355 slum dwellers, 34,654 widows, 9,325 divorced women, 5,500 transgender persons, and 715,473 people from the labour sector.

The Islamabad High Court observed, according to a report in October, that the Capital Development Authority (CDA) and Federal Government Employees Housing Foundation (FGEHF) had developed housing schemes for the privileged, ignoring the under-privileged.

Compulsory acquisitions through which the CDA and the FGEHF acquire land were said by the court to be for the benefit of a handful of people.

The court also highlighted the difficulties faced by the original owners of land that was acquired for the development of residential sectors in the capital.

### **Misappropriation**

It was reported in January that the Al-Huda International Welfare Foundation was running a commercial school on land worth billions of rupees that it had been allotted for free on a 33-year lease by the Capital

Development Authority (CDA) to run a seminary for women and girls. According to the Ministry of Federal Education, the Foundation was charging between PKR7,000 and PKR10,900 per month.

## Environment

### Deforestation

The Allama Iqbal Open University (AIOU) was reported in August to have felled 80 trees, resulting in a raid by the environment wing of the Metropolitan Corporation Islamabad (MCI).

This coincided with the approval of a PKR125 billion project by ECNEC for countrywide tree plantation.

### Water pollution

The federal government in August extended the scope of the commission formed to review the capital's master plan to include investigation of sewerage contamination of the Korangi River.

### Air pollution

The Pakistan Environment Protection Agency (Pak-EPA) was said in December to have applied to the Ministry of Climate Change for approval for three new air quality monitors to improve pollution and air quality measurement across the capital.

The EPA currently had two air quality monitors, fixed and mobile, with the capacity to gauge air quality within a radius of two to three kilometres.



*Sewage contamination of the Korangi river.*

## **Plastic bags**

Four months after they were banned, single use plastic bags were back in the capital in December. Corner shops, grocery stores and fruit and vegetable vendors who had moved to wrapping and packing produce in paper bags had reverted to using plastic carrier bags.

# Azad Jammu and Kashmir



## HIGHLIGHTS

- Significant documentation to formally gauge the state of human rights in AJK is unavailable as AJK has no designated human rights groups or individuals to monitor violations or abuses.
- The situation in Indian-held Kashmir (IHK) sparked a huge uproar in the entire region and led to a massive exchange of fire across the Line of Control (LoC). This resulted in a significant loss of lives and property, as well as the displacement of hundreds of people.
- Despite economic assistance from the government of Pakistan for the rehabilitation and construction of new bunkers to provide safe places, most of the deaths are said to occur due to the absence of adequate health services, such as first aid and a prompt ambulance service.
- Numerous human rights violations took place in Azad Kashmir during the year including suppression of protests and trade union membership.
- Women experience limited economic opportunities, little scope for participation in politics, and lack of access to leadership positions at policymaking levels.
- Eighty percent of the population lives in rural areas where cases of rape are rarely reported to the police so the actual number may be higher than the nine reported cases. Women living along the LoC and in far-flung areas are most vulnerable.
- The last local body elections were held in 1991.
- Legislation on the right to information has yet to be enacted so there is no formal mechanism to obtain information from government bodies about their work and financial disbursements in AJK.



The human rights record of Azad Jammu and Kashmir (AJK) has hardly ever come under scrutiny. While operating within Pakistan's administrative, financial and security ambit, it is considered an autonomous region and not a constitutional or formal province of the country.

AJK has no designated human rights groups or individuals to monitor human rights abuses. The national media is limited and largely unpaid and, therefore, rarely covers events occurring in AJK. Consequently, no significant documentation is available to formally gauge the state of human rights in AJK.

The politics and social life of AJK are closely tied with the Kashmir conflict and the prevailing situation in Indian-held Kashmir (IHK). The revocation of Article 370 and 35-A by the Indian government sparked a huge uproar in the entire region. It also led to a massive exchange of fire across the Line of Control (LoC) which led to a significant loss of lives and property, as well as the displacement of hundreds of people.

Political groups mobilised people against the high-handedness of the Indian government, manifested in activities such as lockdowns, curfews, and internet shutdown. The nationalist groups took to the street and went to the LoC, intending to cross it. During these marches, police and protesters engaged in skirmishes during which one person in Muzaffarabad lost his life while many others were injured.

Political turmoil increased when a deadly suicide attack in the Pulwama district of the Indian-held Kashmir Valley in February 2019 triggered a massive India-Pakistan crisis, bringing both countries to the brink of war.

Consequently, AJK, and particularly the LoC, became a hotspot for warmongering. The political climate of the region was marred by heightened violence on the LoC in Jammu and Kashmir. Against this backdrop, 2019 has been one of the most challenging years in the recent history of AJK.

## Law and order

AJK is largely known as a peaceful and stable region, even during the time when the whole of Pakistan was battling terrorism. The AJK police is primarily responsible for maintaining law and orders in the region, spread over an area of 13,297 square kilometres with a population of 4.045 million. Operating from 46 police stations with 9,047 personnel, the police force has established an efficient surveillance and oversight system.

Despite this, the crime rate has been gradually increasing over the years. Although at 62 cases the murder rate is relatively low, theft, trespassing, rape and abduction are on the rise. Another alarming trend is an increase in the use of narcotics, with 1,030 reported cases. Reportedly, the narcotics supply network is thriving, with the youth a soft target.

Pakistan's National Action Plan (NAP) has also been replicated in AJK. During 2019, a total of 522 suspects were rounded up for alleged involvement in 305 different cases registered under the NAP. It was also reported in the media that at least 12 centres belonging to various banned religious organisations had been sealed in several parts of AJK under the NAP.

## Constitutional violations

The 13th Constitutional Amendment 2018 [of the AJK constitution] has devolved major powers from the Kashmir Council to the AJK Assembly and the government. The 13th Amendment made it the constitutional responsibility of the Election Commission of AJK to hold elections for local bodies. However, the government of AJK has not taken any tangible steps towards holding the elections. The last elections were held in 1991. Since then, the elected and ruling party's associates are being made heads of the local bodies, in violation of the constitution which says: 'The State shall encourage local Government institutions composed of elected representatives of the areas concerned and in such institutions, special representation will be given to peasants, workers and women.'

Several local civic activists have also been demanding that elections be held, and that administrative and financial powers be devolved to the local tier but the authorities are carrying out developmental schemes with the help of the members of the AJK Assembly whose main job is to legislate and not carry out development work.

The 13<sup>th</sup> Amendment also requires the government to legislate a Right to Information Act, which is a legal right enshrined in the constitution of AJK, but has yet to be translated into action. There is no formal mechanism to obtain information from government bodies about their work and financial disbursements in AJK. The AJK's constitution says: 'Every State Subject shall have the right to have access to information in all matters of public importance, subject to regulation and reasonable restrictions imposed by law.'

## Political protests

Azad Kashmir is home to politically active and tech-savvy people, particularly the youth which comprise almost 60 percent of the total population. These young people are also connected with a vast diaspora – over a million people largely settled in Europe and particularly in the United Kingdom.

People in AJK therefore often took to the streets to register their grievances and make their demands public, besides raising issues related to bad governance and political rights. Most of the protests which took place during the last year were in response to the fast-worsening human rights situation in IHK, particularly after 5 August when India rescinded Article 370 and revoked the statehood of Jammu and Kashmir besides dividing it into two parts.



*The people of AJK held several protests against atrocities in Indian-held Kashmir.*

A total of 1,959 demonstrations, strikes and sit-ins took place in AJK in 2019—to show solidarity with the people of IHK as well as to protest on matters such as loadshedding. The protests were handled by the police and the local administration.

## Kohala power project

The 'Save the River Committee' spearheaded a massive and sustained opposition against the construction of the 1124 MW Kohala Hydro Power Project, leading to a sit-in that lasted nearly three months. It was forcefully terminated by the police on 16 June. Police were said to have arrested at least 60 protesters and manhandled activists who were protesting in Muzaffarabad.

The local people were demanding that the ecological impacts should be minimised with drastic changes to the design of the project as a proposed tunnel would divert the river. Civil society activist Faisal Jameel Kashmiri termed it a 'state-made ecological crisis'. The people of Muzaffarabad are still fearful of its negative environmental impact on the communities. The Neelum-Jhelum Hydropower Project was also made by diverting the Neelum river which caused a huge ecological crisis as well as water shortage in the Muzaffarabad region, particularly in the capital city.

## Jail conditions

Almost all the major towns in AJK have proper jails including the Central Jail Muzaffarabad, Central Jail Mirpur, district Jail Kotli, district Jail Pallandri, district Jail Rawalakot and Bagh. Currently, around 900 people are incarcerated in the jails.

The jail infrastructure is, however, inadequate for the needs of the prisoners. Most of the jails are in old buildings, and the spaces allocated for prisoners inside the jails are insufficient. The Muzaffarabad central

jail building is still under construction and the district jails in Bāgh and Rawalakot could not be properly constructed due to lack of funds. The dearth of funds and space has made the rehabilitation of prisoners difficult in AJK.

The AJK government has started a phased reconstruction of jails, which is a positive step. The Inspector General (IG) Jails said that AJK needed a separate juvenile jail. Currently, under-aged boys and girls are kept in the same premises as adults which is against the law.

## Silencing dissenting voices

Numerous incidents of human rights violations took place in AJK during the year. On 19 January, students of the University of Azad Jammu and Kashmir staged a protest on the issue of parking in Muzaffarabad and the police resorted to tear gas shells and *lathi* charge. Dozens of students were injured. Cases were registered against the students for chanting slogans against the state institutions, blocking the highway, damaging government properties, and spreading hatred against the state.

An official order stopped government employees from forming a union or taking part in the activities of the employees' union. The order was challenged in the AJK High Court by the employees' joint alliance, the United Front, who sought its revocation. When the court ruled against them, the United Front appealed the decision in the Supreme Court of AJK which upheld the high court order, depriving them of the right to form organisations. These judgments are contrary to the Azad Jammu and Kashmir Interim Constitution 1974 that upholds the right of every person to form an association or union.

On 21 January, orders were issued by the Director General of the AJK Electricity Department to terminate the president of the organisation of the non-gazetted technical employees for advocating the rights of the employees. On 2 February, the employees protested against the notification, following which orders were issued for the forced retirement of the chairman of the Clerks Association, Sardar Imtiaz. A message was thus sent to all the employees that going on strike and protesting or attempting to form unions would lead to termination of jobs.

On 20 February, 25-year-old Umer Khurshid, of the Jandali village located in the vicinity of Rawalakot, disappeared suddenly from Rawalpindi. The FIR for his disappearance was lodged on 24 February in New Town Police Station, Rawalpindi at the request of his father, Muhammad Khurshid Khan. His guardians were unofficially informed by the police that he had been picked up by the Counter-Terrorism Department or security agents and would be sent home soon.

Five months later, on 25 June, in a news telecast on private TV channels with reference to the Counter-Terrorism Department, Umer Khurshid's arrest was reported as having taken place in Bahawalnagar. A huge number of weapons and explosive material were allegedly found in his possession. There have been similar incidents, but fear prevents relatives from talking to the media.

A group from the student organisation Jammu Kashmir National Students Federation (JKNSF), which is in favour of independent Kashmir, was prevented from holding a protest meeting on 15 March at the Liaqat Bagh Press Club, Rawalpindi. More than thirty young people were arrested by the police right in front of the Press Club, and were detained in different police stations in Rawalpindi. They were released after being beaten severely for four days, but a case was not filed against them.

On 1 May, leaders of the J K Awami National Party and JKNSF attempted a protest walk towards the Neelum sector of the LoC, located in the north and northeast of Muzaffarabad. The participants of the march were stopped in the Muzaffarabad region at Panjgaran. The police tortured a dozen activists and a case was registered against forty-one of them who were arrested.

The convention of the Jammu Kashmir Liberation Front (Sagheer Group) and student wing JKSLF (Jammu Kashmir Students Liberation Front) was held in Rawalakot on 27 June. A case was filed against six workers on allegations of treason, chanting offensive slogans, and making speeches, and three were arrested. Protests were held in Rawalakot and Kotli against the arrests. Cases were then filed in Rawalakot and Kotli against the leaders participating in these peaceful protests. The leaders, Shahid Hashmi and Khaliq Baig, were arrested in Kotli.

Thousands of members of JKLF, setting off towards the Tatrinate crossing point of the LoC in Poonch-AJK for a long march and protests on 7 September, were stopped by a large police contingent at Dwarandi, 10 kilometres from tehsil headquarter Hajira. *Lathi* charge and tear gas were used to push back the marchers, injuring dozens of workers. Later, more than 39 workers were arrested late at night from Hajira bazaar and a case was registered against them.

On the same day, processions coming from Kotli to participate in the JKLF march were stopped by a large number of policemen at a connecting bridge over the River Poonch, a few miles from Kotli bazaar. About two dozen workers were injured by the police *lathi* charge and tear gas and six workers were arrested. Two workers participating in the protest jumped into the River Poonch to evade police torture. One of them died.

On 22 October, a protest rally was held in Muzaffarabad by an alliance of more than seventeen parties in favour of an independent Kashmir. The participants of the rally were to march peacefully from the University grounds to the Assembly Secretariat, but the police stopped the protestors outside the grounds and dispersed them with tear gas shelling and *lathi* charge. An elderly passer-by was killed in the tear-gas shelling while more than eighty-five workers were injured. The police also arrested over 35 workers that night. The police also attacked the Central Press Club, Muzaffarabad the same day and managed to arrest the leadership of People's National Alliance (PNA)—an alliance of nationalist parties. Journalists were tortured and the premises of the Press Club was damaged, with the police resorting to shelling and the political workers pelting stones at them.



*Clashes between protestors and police left several injured and one dead*

Notices were issued to government employees participating in different protests held during the year, including teachers, members of the junior staff of the universities, and other non-gazetted staff members working in other departments. During key profiling, they were implicated in departmental inquiries.

On 26 October, a circular was issued by the Director Administration, Jammu Kashmir Liberation Cell, in which instructions were given to avoid slogans of freedom along with other slogans against Pakistan; alternate slogans were also suggested on the instructions of the Additional Secretary Elementary and Secondary Education. An order was issued warning that slogans against Pakistan should not be raised in future in government educational institutions. This is a serious violation of the basic human rights of the students.

## Line of mayhem

Although the Line of Control has always been a hotspot of tension between India and Pakistan since 1990, this was one of the worst years. Unlike previous years, heavy mortar and anti-tank missiles created havoc on the AJK side of the LoC. AJK authorities state that nearly 600,000 people live in the 5-kilometre area along the LoC. Almost 100,000 of them are living very close to the military posts. At some points, even the military posts are behind the civilian population. Whenever tension rises between the two countries, these people become the first casualties of the conflict.

In 2019, the Kotli district and Neelum Valley bore the major brunt of the deteriorating situation in the form of deaths and economic losses. The Azad Jammu and Kashmir State Disaster Management Authority (SDMA) provides comprehensive data about only the casualties, injuries and property damages inside AJK.

In 2018, not a single casualty or damage to property was reported in the Neelum Valley and around a million tourists visited that year. One and a half million tourists were expected in the Neelum Valley in 2019, but after 5 August only a limited number of tourists turned up, causing huge economic loss and unemployment in the region. The guesthouse owners in the Neelum Valley claimed that they had been expecting over a million tourists and had invested huge amounts of money on infrastructure and facilities for them. According to the State Disaster Department, Muzaffarabad, a total of 59 men and women died, and 259 were injured in 2019 in several districts. Partial or full damage was caused to 717 houses and 83 shops were damaged. Schools and other constructions were also damaged, as well as vehicles and motorcycles. Several heads of livestock perished.

When the hostilities began in June 2019, the government of Pakistan announced economic assistance worth PKR3 billion for the rehabilitation and construction of new bunkers to provide safe places to the vulnerable population. However, the local people regularly complained that most of the deaths occur due to the absence of adequate health services, such as first aid and a prompt ambulance service. The federal government, in a positive move, decided to provide the 'Sehat Insaf card' to all inhabitants of the areas around the LoC without any discrimination.

Educational institutions have also been targeted by firing from across the LoC. According to the data provided by authorities, six schools and colleges were partially or fully damaged. The local communities complain that their children are being deprived of schooling either due to displacement or suspension of classes. The education department and teachers are reportedly not inclined to open schools or colleges in order to safeguard the students' lives. This is reminiscent of the period between 1990 and 2001 when Neelum Valley bore the brunt of firing on an almost daily basis. An entire generation of the Neelum Valley residents was deprived of education.

## International tourism

The Government of Pakistan announced a new tourism policy on 1 January 2019 wherein AJK was opened for international tourists who could enter the region without a no-objection certificate (NOC). This was considered a huge leap forward in making AJK a major tourist destination.

The official notification says, 'Free movement of foreigners shall be allowed in Open Cantonments except prohibited and restricted areas with visible signboards. The border crossings will be open and non-restricted'. AJK, Gilgit-Baltistan and Chitral would be non-restricted/non-prohibited areas as well. However, tourists were told that the areas within five kilometres of the LoC were off-limits.

The lifting of the travel ban made it possible for several international visitors including a reporter of the *New York Times* to go to various scenic places in AJK, unthinkable a few years ago. The AJK authorities claimed

that nearly 200 foreign tourists visited AJK during the year. However, due to the growing tension between India and Pakistan over Kashmir and the exchange of fire along the LoC, the tourism sector was badly affected.



*The Kotli district and Neelum Valley were hard-hit by the deteriorating situation in 2019.*

## Women's rights

The issues of women in AJK are quite similar to those in the rest of Pakistan, such as limited economic opportunities, little scope for participation in politics, and lack of access to leadership positions at the policymaking levels. The political parties do not have meaningful positions for women within their party structures. Most parties allow female political activists only limited and superficial roles.

The five reserved seats for women in the AJK Legislative Assembly are meaningless as these seats are exploited on the basis of political influence. Without women at the policymaking level, the lack of gender-sensitive policy and practice will always remain a challenges for the women of AJK.

Similarly, unlike Pakistan there is no law in AJK to bind families into giving daughters a rightful share in inheritance. Although no survey has been conducted to gauge how many women have been deprived of their share, it is generally believed that very few get their legal share in inheritance in the AJK.

Nine cases of rape and gang rape were reported in 2019. However, the actual number may be considerably higher as 80 per cent of the population lives in rural areas where the honour of a family is more valuable than a woman. Cases of rape are rarely reported to the police. Women living along the LoC and in far-flung areas are more vulnerable.

# GILGIT- BALTISTAN



## HIGHLIGHTS

- The Gilgit-Baltistan Government Order 2018, introduced by the federal government, made the administrative arm of the state more powerful in the disenfranchised region of Gilgit-Baltistan and drew immense criticism from political parties and the public.
- Controversy in the judiciary continues to prevail, with the Gilgit Bar Association asserting that the judiciary is under the thumb of the administration, causing rampant nepotism and corruption in procedures and appointments to jobs.
- The trend of usurping land by the government and other institutions, and private commercial entities, has increased since the inception of CPEC and protests and clashes over the issue of land have been widely reported. The land in non-settled areas such as Hunza, Nagar, Ghizer and Chilas districts are managed through customary laws, whereas the lands in settled districts are managed through statutory laws.
- Conditions in jails are abysmal. Although a new jail has been built in the suburbs of Gilgit city, it has no facilities for prisoners. The women and children prisoners face severe problems owing to the lack of separate barracks and other facilities.
- As in other regions, human rights defenders in Gilgit-Baltistan faced threats from state and non-state actors.
- The lack of health facilities and expertise forces the majority of people to travel to Islamabad, Abbottabad and Karachi for medical treatment.
- Due to the lack of adequate planning, policies, and laws to protect the environment, the local communities have become even more at risk from natural hazards. During the reporting year, dozens of casualties from natural disasters were reported.



## Legislation and policies

The Gilgit-Baltistan Legislative Assembly (GBLA) passed 11 Acts during the year. See Appendix 2.

## Rule of law: political status

Gilgit-Baltistan (GB) is the only region that became a part of Pakistan through a separate armed struggle against the Dogras of Kashmir in 1947. For the last 72 years, the people of Gilgit-Baltistan have wanted to become a constitutional part of Pakistan, but the Kashmir imbroglio has kept its identity in indefinite limbo.

Even the landmark decision on the constitutional status of the erstwhile Northern Areas by the Supreme Court of Pakistan in the case titled 'Al-Jihad Trust versus Federation of Pakistan 1999 S C M R 1379' maintains that the representation of the people of the Northern Areas in the Parliament may not be given in 'the larger interest of the country because of the fact that a plebiscite under the auspices of the United Nations is to be held'.

In the same decision the Supreme Court (SC) of Pakistan said that the 'people of Northern Areas entitled to participate in the governance of their area and to have an independent judiciary to enforce, inter alia, the fundamental rights ... Supreme Court directed the Federation of Pakistan to initiate appropriate administrative/legislative major with a period of six month from 28-5-1999 to make necessary enactments in the Constitution relevant statute/statutes/orders/rule/notification/notifications, to ensure the people of Northern Areas enjoy their fundamental rights...'

It has been 20 years since the decision but no concrete step has been taken to implement the decision in its letter and spirit. Before this decision, the people of GB were given the rights of persons, not of citizens. The decision of the SC in 1999 emphasised the giving of rights of citizens to the people of GB. This decision compelled successive governments to make amendments in the governance system. However, the decisions were not fully complied with and the region is still governed through a presidential order.

The GB (Empowerment and Self-Governance) Order, 2009 gave it a province-like status with its own chief minister and governor, and the Northern Areas were named 'Gilgit-Baltistan'. But the GB Order 2018 negated the negligible powers delegated to the region by the order of 2009; it annulled the GB Council which had local representation, and gave too many powers to the country's Prime Minister.

All the major political parties of the region except Pakistan Muslim League-Nawaz (PML-N) criticised the Order 2018. The Human Rights Commission of Pakistan (HRCP) termed the Government of GB Order 2018 a step backwards as compared to the previous order issued in 2009.

During 2019, the political status of the region as an administrative rather than a constitutional territory did not change. In 2019, there was a great deal of debate and legal wrangling over the GB Order 2018.

On 5 August, the Indian government revoked Article 370, which granted special status to Jammu and Kashmir. The Indian Foreign Ministry then issued a statement claiming GB to be a part of India.

This has weakened the position of Pakistan as regards GB because, unlike Indian-held Jammu and Kashmir, GB enjoys neither special status nor constitutional cover.

For some sections of society in GB, Pakistan's objection to the abolition of special status for Indian-held Kashmir appears odd, because Pakistan itself has not granted special status to one of its components (GB).

To address this anomaly, Chairman Kashmir Committee Syed Fakhar Imam had asked the Government of Pakistan on 2 August 2019 to consider restoring the State Subject Rule (SSR) in GB.

The Maharaja of Kashmir introduced Hereditary State Subject Order in 1927. This rule defined and categorised state subjects and non-state subjects. The rule granted the right to government office, land use and ownership only to the state subjects in Jammu and Kashmir.

Non-state subjects were excluded from these rights. Voices for the rights to land and resources, and protests against settlers, have been getting louder as political parties and civil society organisations demand restoration of SSR to protect the rights and interests of people from exogenous forces and settlers.

The latent confusion regarding the status of the region within the state of Pakistan became evident from the legal wrangling between the SC and the Supreme Appellate Court of GB, and the later repealing of Article 370 of the Indian Constitution.

The SC in a judgment on January 2019 directed the federal government to promulgate the modified GB Order 2018 within a fortnight. The government of Pakistan sought time from the apex court claiming that it needed to seek the approval of the order through an act of parliament. But none of this happened and the region operated in a vacuum between the old and the new order.

The legal fraternity and political analysts believe that, far from ameliorating the situation, the new order deepened the governance crisis.

For instance, the Supreme Appellate Court of GB declared the new order null and void in its decision. The SC ruled that since the Supreme Appellate Court was created from the order, it did not have authority and powers to make decisions about the same order.

The apex court made it clear that 'no part of the 1973 Constitution of Pakistan can be abolished or amended without proper legislation. And that means that the region will—until an amendment to the Constitution—continue to be administered through presidential orders

as against the demand of the residents to declare the region a part of Pakistan'. Since the region has a different judicial setup than the rest of Pakistan, judicial matters always turn political and controversial.

## Judiciary and justice

In February 2019, controversy arose over the appointment of Syed Arshad Hussain Shah as chief judge of the Supreme Appellate Court. There was a strong protest across GB by youth activists, students, political and social organisations, GB Bar Council, Supreme Court Bar Association, High Court Bar Association, and all districts against the appointment of a controversial person as GB's top judge.

The bar associations observed a strike on 17 and 18 May 2019 against the decision. According to a report by the *Pamir Times*, the GBLA also unanimously endorsed a resolution against the appointment.



Controversy arose over the appointment of Syed Arshad Hussain Shah as chief judge of the Supreme Appellate Court.

The superior bars of GB filed a constitutional petition in the SC. The role of the Appellate Court and its appointments have always been a thorny issue, on account of political favouritism and local people being ignored.

HRCF in its 2017 report *Gilgit-Baltistan: Aspiration for Identity, Integration and Identity* also stated that the Supreme Appellate Court fell short of the principles of independence of the judiciary, and that its chief judge was often imported from other parts of Pakistan.

The judiciary of the region continued to be entangled in controversies. Two positions in the Supreme Appellate Court have been lying vacant for the last few years, and the court has been functioning without the full quorum of three judges. This has had a direct effect on the dispensation of justice.

According to sources inside the court, there are still hundreds of cases pending for decision, including the review petitions of Baba Jan and other political prisoners from Hunza.

The Gilgit Bar Association says the judiciary of the region is under the thumb of the executive arm of the state, and this has caused rampant nepotism and corruption in procedures and appointments to jobs. The legal fraternity of GB is of the opinion that it is due to the absence of a judicial commission that inducts judges through a judicial process.

The High Court Bar Association GB launched a protest on 4–12 December 2019 against the illegal appointments and boycotted court proceedings in all districts of GB.

## Political issues

In every election in the region, it is a given that the ruling party in the federal government is the victor. To bring an end to this, some quarters demand that elections in GB be held in tandem with the elections for the National Assembly of Pakistan.

The seat of GBLA-6 from Hunza remained vacant in 2019. The people saw the act of not holding the by-election for a vacant seat as a means of sidelining the valley from decision-making and legislative bodies. The seat fell vacant because of the disqualification of Mir Saleem Khan by the Supreme Appellate Court in April 2018 for defaulting on a bank loan. He is a scion of the royal family of Hunza and son of the former Governor of GB, Mir Ghazanfar Ali Khan.

The internal family dispute over property led to the disqualification of Mir Saleem and he is reportedly barred from entering Hunza, which is against the right of freedom of movement. He was elected in a by-election in September 2016 on a seat that had been vacated by his father.

According to a report in *Dawn*, 'during the election an opposing candidate, retired Colonel Ubaid, filed a petition against him seeking his disqualification on the grounds that he was a defaulter with the National Bank of Pakistan'. However, Mir Saleem was allowed to contest the election by a two-member election tribunal.

Another contesting candidate, Baba Jan, was disqualified from contesting the election by sentencing him to 40 years' imprisonment. The Awami Workers Party termed it a crude victimisation of political opponents, as well as facilitating those in power.

## Land rights

Another underreported issue is the purchase and grabbing of land. The trend of usurping land by the government and other institutions, and private commercial entities, has increased manifold since the inception of the China-Pakistan Economic Corridor (CPEC). The opposition of the people is evident from the protests held periodically across the region against land grabbing, usurpation and purchase through coercive and

covert means. Protest and clashes over the issue of land have been reported in Ghanche, Skardu, Hunza, Nagar, Ghizer and Gilgit districts.

The lands in settled districts are managed through statutory laws where natural resources and land are distributed according to the law of the state. The land in non-settled areas such as Hunza, Nagar, Ghizer and Chilas districts are managed through customary laws, which are traditional laws developed by indigenous communities over the centuries.

In community land, entire groups of people defining themselves along family, tribal and even regional contexts own and have the privilege to use it. Any use whatsoever is subject to general approval and consensus of the whole, or at least nominated representatives, of that community.

Local communities accused the regional government of riding roughshod over people's demands and aspirations. The increasing intrusion of the state in controlling community land without the guarantee of laws is deemed as an act of usurpation of rights of local communities by the government.

The construction of tourist resorts along the banks of Attabad Lake has been cited as an example of how the state machinery and the military are violating customary laws, and allowing big businesses to usurp the land from local people through coercion or proxies.

In the absence of laws protecting people's rights over community land, there have been accusations that the government of GB and federal government have been issuing hundreds of leases to outsiders through unfair means.



*State institutions have been accused of allowing big businesses to usurp land from local people for the construction of tourist resorts.*

The Pakistan People's Party GB launched a 'Movement for Ownership and Governance Rights' to protect the land rights of local people.

Compensation for land continues to be another contentious issue between the people and the government. The controversy is over the appropriation of community lands by mega-projects and government organisations without paying compensation to the local people.

## Administrative issues

In April 2019, GB Chief Minister Hafeez-ur-Rehman announced the carving out of two more districts in the Diamer division. Although the decision is hailed by the people in these districts, it is criticised in some quarters as the accretion of administrative machinery that is already not functioning well despite consuming huge sums on administrative costs.

In June 2019, the government of GB notified the establishment of four new districts, namely Gupis-Yasin in Gilgit Division, district Rondu in Baltistan Division, and district Darel and district Tangir in the Diamer-Astore Division.

The addition of the new districts brings the total number of districts to 14. There are reports that the creation of the announced districts has hit a snag because no funds are available.

CPEC continued to be the main focus of the political leadership, policy and decision-making bodies. During the year, Prime Minister Imran Khan visited Gilgit. His speech to the public made general references to CPEC and the Kashmir issue but did not announce any major project for the region. Similarly, no project was initiated under the aegis of CPEC in 2019.

## Law and order

In 2019, 43 names were withdrawn from the Fourth Schedule of the Anti-Terrorism Act in GB – the law under which people are kept under surveillance by the police for purported affiliation with banned outfits and to prevent their involvement in any terrorist activity.

According to a new report, nearly 140 people in GB have been placed on the Fourth Schedule. Of the 43 names withdrawn, 39 belonged to Gilgit district, one each to Ghizer and Kharmang, and two to Shigar.

Political workers in GB decry the imposition of the Fourth Schedule because they claim it is used to victimise political workers and dissenting voices in the region, and restricts the movement of people.

In January Junaid Arshad, a deputy inspector general (DIG) in GB, was sacked for maliciously posting 'immoral' photographs of his ex-wife on social media. He was also slapped with a fine of PKR1 million by the Federal Ombudsman. PKR500,000 of the fine would be paid to the complainant as compensation. This was one of the first cases of a punishment being imposed for crime on social media.

Two cases of enforced disappearances were reported in GB during the year. In one case, four persons were picked up from village Oshikhandas some 12 kilometres from Gilgit city by unknown personnel in plainclothes.

The local community staged a protest against the incident. Later, three of them were released while one remains missing. There are rumours of many cases of enforced disappearances but no one is ready to share the details out of fear.

The government of GB was criticised for its inaction over an issue related to a disputed pasture in the Handarab valley of Ghizer which borders with district Kohistan in Khyber Pakhtunkhwa (KP).

A group of armed intruders from the Kohistan district of KP abducted four shepherds, Akram, Ali Sher, Amir Wali and Alamgir, at gunpoint and took them across the valley to Kohistan on 17 July 2017.

The district administration in Kohistan then lodged a first information report (FIR) against the kidnapped persons. Later, the abducted persons were released through the intervention of different stakeholders, and a FIR lodged against the prime suspect Malik Afreen Khan. The incident led to angry protests in different parts of Ghizer district.

The surrendering of Abdul Hamid Khan, leader of Balawaristan National Front (Hamid), to authorities in Pakistan on 8 February 2019 after 20 years in exile was an important development in the region. He was spearheading the Balawaristan National Front (Hamid Group) while in exile.

Hamid Khan is accused by the government and agencies of being on the payroll of Indian intelligence and of inciting separatist ideas in the area. He is reported to be in the custody of intelligence agencies of Pakistan along with BNF activist Sher Nadir Shahi.

The government of Pakistan claimed it as a major breakthrough in dismantling the network that was trying to sabotage projects related to CPEC and generate anti-Pakistan feelings in GB. However, his party is too weak to make any dent in the existing system or major political parties in elections.

A worrying trend is the increasing tendency to implicate people on blasphemy charges. There was one reported and one unreported case of blasphemy. The local administration showed great discretion in dealing with both cases.

During the year, several young social media activists were booked under the charges of blasphemy in GB. A female teacher of Ghizer Public School in Gahkuch, district Ghizer, was arrested on the allegation of blasphemy. She is still in jail.

The local courts have rejected the bail petition filed by her legal counsel. In the last three years, more than seven human rights, social and political activists have been booked under sections of the blasphemy laws.

## Jails and prisoners

A prisoner sentenced to life imprisonment passed away in Gilgit jail, reportedly due to cardiac arrest. Rehmat Ali was sentenced by a military court for his involvement in opening fire on a Ranger during sectarian clashes in Gilgit city in 2005. This is just a symptom of the abysmal situation in the jails of GB. Despite repeated requests, two ailing political prisoners from Hunza were not allowed medical treatment in Islamabad. Although a new jail has been built in the suburbs of Gilgit city, it has no facilities for prisoners.

Women and children prisoners face severe problems owing to the lack of separate barracks and other facilities. The opposition leader in GB complained that the government had not allowed the GB assembly committee formed by the speaker at his request access for the inspection of the jail. He said that the prisoners had been shifted to the new jail while it was still under construction.



*Baba Jan and other 11 other prisoners from Hunza remained incarcerated for protesting over compensation for their property lost in the wake of a landslide in Attabad.*

During the year, Baba Jan and other 11 other prisoners from Hunza remained incarcerated for protesting over compensation for their property lost in the wake of a landslide in Attabad on 4 January 2010. The landslide killed 19 people, blocking the Hunza River and forming a 23-kilometre-long lake that submerged three villages upstream in Gojal, rendering around 500 people homeless and 25,000 stranded. The 12 people from Hunza were sentenced to life imprisonment by an anti-terrorism court in Gilgit city. Baba Jan and two others have been sentenced to the equivalent of two life imprisonments of 71 years.

The Hunza prisoners face intimidation and torture. They were not given proper medical treatment and other rights in the prison. During 2019, inmate Rashid Minhas went on a hunger strike against the maltreatment by jail authorities and administration. Later, he underwent open heart surgery at a private hospital in Karachi. Baba Jan and other prisoners have health issues but they are not permitted treatment in a good hospital in Islamabad or Karachi.

Baba Jan is treated not as a political prisoner but as a criminal and all the rights of a political prisoner are therefore denied to him. He is not allowed to speak to relatives or read newspapers. Previously, he was not even allowed to get married within the prison. In 2019, he was denied parole to attend the funeral of his paternal uncle. Baba Jan's family accused the government of intimidating family members.

Protests calling for the release of the 12 political prisoners, including Baba Jan, continued in the Hunza region in 2019. The movement gained wider sympathy as all the parties including Pakistan Tehreek-e-Insaf (PTI), PML-N, Pakistan People's Party, Awami Workers Party and Majlis Wahdat-e-Muslimeen, as well as the Hunza District Bar Association, social organisations, and relatives of prisoners participated in these protests and rallies.

## Education

Diamer district is ranked the lowest in terms of quality of education in GB, and among the ten lowest-ranked districts in Pakistan. There was one incident of the torching of furniture and books in a girls' school in 2019. The previous year, 14 girls' schools in Diamer were torched by miscreants. Budget cuts have affected the only seat of higher learning in Gilgit, Karakorum International University (KIU). In December, students staged huge protests against the increase of fees in KIU.

## Freedom of association

Human rights defenders in GB continued to face threats from state and non-state actors. Many of them have been approached by law enforcement agencies and questioned. At the tail end of 2019, political activists Hasnain Ramal, Mowlana Shah Rais, Asif Naji advocate and others were arrested and then released after protests by civil society. Some senior lawyers, including Wazir Farman and Basharat, and other lawyers and activists were also booked under fake charges in Skardu and other parts of GB. In October, a lawyer in Gilgit was beaten up by unknown persons for his social media activism.

## Women

A case of *vani* involving a teenage girl was reported from Skardu in September. Upon the intervention of civil society organisations and social activists, twelve persons were arrested and the SHO of the local police station was also suspended.

The number of cases of honour killing and suicides has increased in GB. The only female minister in GB was terminated for raising her voice for girls' education in Diamer district, where clergy have prohibited female education.

The GB cabinet does not support representation of women. Harassment of women at the workplace, denial of inheritance and property rights, and female suicides are common issues in the region.

As in other parts of Pakistan, women are a particularly vulnerable segment of society because of the strong patriarchal and tribal culture.

## Children

In February, a 14-year-old boy in Ghizer district was kidnapped and gang raped before being murdered. The boy's body was later recovered from a river. This incident provoked a fierce demonstration in the valley. The four culprits were given death sentences by an anti-terrorism court in GB on 16 April.

In August 2019, the abduction and rape of an 11-year-old girl was reported in Gilgit city. According to family sources, the father of the victim sought the help of police to recover his daughter but they failed to arrest the culprits.

In protest, he committed suicide in front of the Gilgit-Baltistan Legislative Assembly by jumping into the Gilgit river. A senior police official increased the controversy surrounding the abduction and rape by making ambiguous statements.

## Freedom of expression

There was a general disquiet amongst the public and civil society that the census results for GB had not been released.

The data of the 2017 census was released for all the provinces in Pakistan. This act of denying basic statistics about the region is seen as blatant violation of the right to information.

In August 2019, unidentified personnel in plainclothes attacked the president of the Gilgit Press Club, Khurshid Ahmed, inflicting head injuries. The cases of threats to local journalists have increased over the last three years. Local newspapers were threatened with the banning of advertisements if they refused to follow instructions issued to them by the local administration.

Local newspapers continued to face severe financial difficulties due to discrimination in the distribution of advertisements, and the government was accused by journalists and newspaper owners of using advertisements as a tool to coerce them into towing the line. The newspaper owners are also blamed for indulging in self-censorship for the sake of financial benefits or personal relationships.

# People living with disabilities

Although persons with disabilities (PWDs) have had success in their struggle for legislation for their rights, the laws have still not been implemented. They also face health issues without any support from the government.

In February, the GB Alliance of Special Persons organised a protest against lack of employment opportunities in government departments.

## Health

Healthcare is a major issue for the local populace. The lack of health facilities and expertise forces the majority of people to travel to Islamabad, Abbottabad and Karachi for medical treatment. This drains their income and resources.

In a report published on 7 November 2019, British daily *The Guardian* alleged that Pakistani officials tasked with polio eradication had covered up cases of a polio outbreak, mainly in the Diamer district.

Negligence in immunisation coverage on the part of government was said to have resulted in several children being paralysed by the P2 virus, which is much more debilitating than the usual forms of the virus. Amid a blame game, the fact remains that Pakistan is now the only country in the world where the P2 virus exists.



*Healthcare is a major issue for the local populace and polio eradication remains a challenge.*

# Environment

GB is situated in an ecologically fragile and sensitive area. This has made it more vulnerable to natural disasters and climate change. Due to the lack of adequate planning, policies, and laws to protect the environment, the local communities have become even more at risk from natural hazards.

During the reporting year, dozens of casualties from natural disasters were reported. According to the data of the Aga Khan Agency for Habitat, 28 disasters occurred in 2019 in the shape of debris flow (3), flash floods (3), flood (1), landslides (2), river erosion (2), rockfall (2) and avalanches (5). These disasters caused seven deaths and 13 injuries.

Among the districts, Ghizer faced the most disasters with 21 incidents, followed by four in Hunza, and one each in Diamer, Nagar and Gilgit.

# APPENDICES



# Pakistan's constitutional and international obligations

## Laws and law-making

*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.....So that the people of Pakistan may prosper and attain their rightful and honoured place amongst the nations of the World and make their full contribution towards international peace and progress and happiness of humanity.*

### Constitution of Pakistan Preamble

*Whereas 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

## Administration of justice

*To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Pakistan. In particular (a) no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law, (b) no person shall be prevented from or be hindered in doing that which is not prohibited by law; and (c) no person shall be compelled to do that which the law does not require him to do.*

### Constitution of Pakistan Article 4(1) and (2)

*No person shall be deprived of life or liberty save in accordance with law.*

#### Article 9

*All citizens are equal before law and are entitled to equal protection of law.*

#### Article 25(1)

*There shall be no discrimination on the basis of sex alone.*

#### Article 25(2)

*The state shall ensure inexpensive and expeditious justice.*

#### Article 37(2)

*No property shall be compulsorily acquired or taken possession of save for a public purpose and save by authority of law ...*

#### Article 24(2)

*Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.*

### Universal Declaration of Human Rights Preamble

*Everyone has the right to recognition everywhere as a person before the law.*

**Article 6**

*All are equal before the law and are entitled without any discrimination to equal protection of the law.*

**Article 7**

*Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the Constitution or by law.*

**Article 8**

*Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal in the determination of his rights and obligations and of any criminal charge against him.*

**Article 10**

*No one shall be arbitrarily deprived of his property.*

**Article 17(2)**

*No one within the jurisdiction of a State Party to the present Optional protocol [on abolition of death penalty] shall be executed. Each State Party shall take all necessary measures to abolish the death penalty within its jurisdiction.*

**Second Optional Protocol to International Covenant  
on Civil and Political Rights**

**Article 1**

**Law and order**

*No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall be denied the right to consult and be defended by a legal practitioner of his choice. Every person who is arrested and detained in custody shall be produced before a magistrate within a period of twenty-four hours of such arrest.*

**Constitution of Pakistan**

**Article 10(1) and (2)**

*The dignity of man and, subject to law, the privacy of home, shall be inviolable. No person shall be subjected to torture for the purpose of extracting evidence.*

**Article 14(1) and (2)**

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

**Universal Declaration of Human Rights**

**Article 3**

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

**Article 5**

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

**Article 11(1)**

*No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour or reputation. Everyone has*

*the right to the protection of the law against such interference or attacks.*

**Article 12**

*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)**

*No one shall be subjected to arbitrary arrest, detention or exile.*

**Universal Declaration of Human Rights  
Article 8**

*Enforced disappearance is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorisation, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.*

**International Convention for the Protection of  
All Persons from Enforced Disappearance  
Article 2**

**Jails and prisoners**

*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**

*No one shall be subjected to arbitrary arrest, detention or exile.*

**Article 8**

*Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.*

**UN Convention against Torture and Other Cruel, Inhuman or  
Degrading Treatment or Punishment  
Article 2**

*Each State Party shall ensure that all acts of torture are offences under its*

*criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.*

**UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**  
**Article 4**

**Freedom of thought, conscience, and religion**

*... It is the will of the people of Pakistan to establish an order...wherein shall be guaranteed fundamental rights, including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality.*

**Constitution of Pakistan**  
**Preamble**

*Subject to law, public order and morality (a) every citizen shall have the right to profess, 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)**

**Freedom of expression**

*Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions 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 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**

*...promote the exercise of the right to freedom of opinion and expression, including, as a matter of high priority, against journalists or other professionals in the field of information.*

**Mandate of the Special Rapporteur  
UN Human Rights Council**

**Freedom of movement**

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

**Constitution of Pakistan  
Article 15**

*Everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right to leave any country, including his own, and to return to his country.*

**Universal Declaration of Human Rights  
Article 17(1, 2)**

- 1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.*
- 2. Everyone shall be free to leave any country, including his own.*
- 3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognised 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 association**

*Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.*

**Constitution of Pakistan  
Article 17**

*Everyone has the right to freedom of peaceful ... association. No one may be compelled to belong to an association.*

**Universal Declaration of Human Rights  
Article 20(1, 20)**

*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.*

**International Covenant on Civil and Political Rights  
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 authorisation.*

**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**

**Freedom of assembly**

*Every citizen shall have the right to assemble peacefully, and without arms, subject to any reasonable restrictions imposed by law in the interest of public order.*

**Constitution of Pakistan  
Article 16**

*Everyone has the right to freedom of peaceful assembly and association.*

**Universal Declaration of Human Rights  
Article 20(1)**

*...that the rights to freedom of peaceful assembly [and of association] are essential components of democracy, providing individuals with invaluable opportunities to, inter alia, express their political opinions, engage in literary and artistic pursuits and other cultural, economic and social activities, engage in religious observances or other beliefs, form and join trade unions and cooperatives, and elect leaders to represent their interests and hold them accountable.*

**Human Rights Council Preamble  
Resolution 15/21**

**Political participation**

*...the state shall exercise its powers and authority through the chosen representatives of the people...*

**Constitution of Pakistan  
Preamble**

*...the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed...*

**Preamble**

*...fundamental rights [shall be guaranteed] subject to law and public morality...*

**Preamble**

*The state shall encourage local government institutions composed of elected representatives of the areas concerned and within such institutions special representation will be given to peasants, workers and women.*

**Article 32**

*...it is essential, if man is not to be compelled to have recourse, as a last resort, to*

*rebellion against tyranny and oppression, that human rights should be protected by the rule of law...*

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

*All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.*

### **Article 1**

*(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (2) Everyone has the right of equal access to public service in his country. (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.*

### **Article 21**

*Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:*

*(a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) 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; (c) 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 organisations 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**

#### **Women**

*All citizens are equal before law and are entitled to equal protection of law. There shall be no discrimination on the basis of sex. Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.*

*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...*

*Nothing in clause (1) shall prevent the State from making any special provision for women and children. 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...

**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 shall be entered into only with the free and full consent of the intending spouses. Everyone has the right of equal access to public service in his country. Motherhood and childhood are entitled to special care and assistance.

**Universal Declaration of Human Rights**  
**Articles 1, 2, 7, 16, 21(2), 25(2)**

**Children**

No child below the age of 14 years shall be engaged in any factory or mine or any other hazardous employment.

**Constitution of Pakistan**  
**Article 11(3)**

The state shall make provision 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 interests of the child shall be a primary consideration.

**Article 3(1)**

States Parties recognise the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

**Article 24**

The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parents.

**Article 7**

States Parties recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

**Article 32**

*States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse.*

**Article 34**

**Labour**

*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.*

**Constitution of Pakistan**

**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 favourable conditions of work and to protection against unemployment. Everyone, without any discrimination, has the right to equal pay for equal work. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity and supplemented, if necessary, by other means of social protection. Everyone has the right to form and to join trade unions for the protection of his interests.*

**Article 23(1-4)**

*Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holiday with pay.*

**Article 24**

*Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.*

**Article 25(1)**

*State parties recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.*

**UN Convention on the Rights of the Child**

**Article 32(1)**

**Senior citizens**

*All citizens are equal before law and are entitled to equal protection of law.*

**Constitution of Pakistan**

**Article 25(1)**

*Nothing in this Article shall affect the validity of ... (e) ... any law providing for the acquisition of any class of property for the purpose of ... providing maintenance to those who, on account of unemployment, sickness, infirmity or old age, are unable to maintain themselves.*

**Constitution of Pakistan**

**Article 24 (3)(e)(iii)**

**People living with disabilities**

*All citizens are equal before law and are entitled to equal protection of law.*

**Constitution of Pakistan**

**Article 25(1)**

*Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons; Non-discrimination; Full and effective participation and inclusion in society; Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity; Equality of opportunity; Accessibility; Equality between men and women; Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.*

**Convention on the Rights of Persons with Disabilities**

**Article 3 – General Principles**

*States Parties shall ensure an inclusive education system at all levels... States Parties shall ensure that Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability.*

**Convention on the Rights of Persons with Disabilities**

**Article 24(1)(2)(a)**

*States Parties recognise that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability.*

**Convention on the Rights of Persons with Disabilities  
Article 25**

*States Parties recognise that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.*

**Convention on the Rights of the Child  
Article 23(1)**

*Each Member shall, in accordance with national conditions, practice and possibilities, formulate, implement and periodically review a national policy on vocational rehabilitation and employment of disabled persons.*

**ILO Convention 159  
Article 2**

**Refugees and IDPs**

*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**

**Education**

*The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law.*

**Constitution of Pakistan  
Article 25-A**

*...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**

**Health**

*The state shall secure the well-being of the people, irrespective of sex, caste, creed or race...provide basic necessities of life, such as...medical relief, for all such citizens...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 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.*

**Universal Declaration of Human Rights  
Article 25(1)**

**Housing, land grabbing and public amenities**

*The state shall secure the well-being of the people, irrespective of sex, caste, creed and race, by raising their standard of living.*

**Constitution of Pakistan  
Article 38(a)**

*Everyone has the right to a standard of living adequate for the health and wellbeing of himself and his family, including ... housing*

**Universal Declaration of Human Rights  
Article 25(1)**

*The States Parties to the present Covenant recognise 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)**

**Environment**

*All human beings have the fundamental right to an environment adequate for their health and well-being. States shall conserve and use the environment and natural resources for the benefit of present and future generations. States shall establish adequate environmental protection standards and monitor changes in and publish relevant data on environmental quality and resource use.*

**Proposed Legal Principles for Environmental Protection and  
Sustainable Development  
Articles 1, 2, 4**

*The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities.*

**United Nations Framework Convention on Climate Change  
Article 3 - Principles**

*Promote and cooperate in education, training and public awareness related to climate change and encourage the widest participation in this process, including that of non-governmental organisations.*

**Article 4(1)(i)  
Commitments**

## Legislation passed in 2019

In 2019, a total of 107 Acts were passed by Parliament and the provincial assemblies: six Acts were passed federally and 101 were passed provincially. The majority were Amendments.

### Federal

- **The West Pakistan Prohibition of Smoking in Cinema Houses (Repeal) Act, 2019** repeals the West Pakistan Prohibition of Smoking in Cinema Houses Ordinance 1960.
- **The Elections (Amendment) Act, 2019** amends the Elections Act 2017.
- **The Finance Supplementary (Second Amendment) Act, 2019** amends certain laws relating to taxes and duties.
- **The Elections (Second Amendment) Act, 2019** further amends the Elections Act 2017.
- **The Finance Act, 2019** gives effect to the financial proposal of the federal government for the year beginning on the first day of July, 2019.
- **The Heavy Industries Taxila Board (Amendment) Act, 2019** amends certain sections of the Heavy Industries Taxila Board Act 1997.

### Provincial

#### Balochistan

The following is a summary of 11 Acts passed by the Balochistan Assembly.

- **The Balochistan Revenue Authority (Amendment) Act, 2019** amends the Balochistan Revenue Authority Act, 2015.
- **The Balochistan Sales Tax on Services Authority (Amendment) Act, 2019** amends the Balochistan Sales Tax on Services Act, 2015.
- **The Balochistan Infrastructure Development CESS Act, 2019** aims to levy and collect a cess on goods entering and leaving the province from or for outside the country through rail, road, air and sea.
- **The Balochistan Local Government (Amendment) Act, 2019** further amends the Balochistan Local Government Act 2010. Amendments were made in section 7 and section 10.
- **The Balochistan Finance Act, 2019** continues and revises certain taxes and fees in the Province of Balochistan. It takes effect from the first day of July.
- **The Balochistan Charities (Registration, Regulation and Facilitation) Act No. XI of 2019** provides legal cover, substitutes and consolidates the laws for registration, regulation and facilitation of charities in Balochistan.
- **The Balochistan Board of Intermediate and Secondary Education Act No. X of 2019** provides for reconstituting and establishing of the Boards of Intermediate and Secondary Education in Balochistan
- **The Balochistan Mental Health Act, 2019 Act No. IX of 2019**

consolidates, alters and amends the law relating to the ‘mentally disordered persons’ in Balochistan with respect to their care, treatment and management of their property and affairs, and to encourage community care of such persons.

- **The Balochistan Civil Court (Amendment) Act No. VIII of 2019** amends the Balochistan Civil Courts Ordinance 1962.
- **The Limitation (Balochistan Amendment) Act No. VII of 2019** amends the Limitation Act 1908.
- **The Balochistan Essential Education Services Act No. VI 2019** declares the education services in Balochistan as ‘essential services’ and provides for better regulation of education services in Balochistan to make it professional, disciplined, efficient and accountable.

### **Khyber Pakhtunkhwa**

The following is a summary of the 47 Acts passed by the KP Assembly.

- **The Khyber Pakhtunkhwa Minerals Sector Governance (Amendment) Act, 2019** amends the KP Mineral Sector Governance Act 2017.
- **The Khyber Pakhtunkhwa Local Government (Second Amendment) Act, 2019** further amends the KP Local Government Act 2013.
- **The Khyber Pakhtunkhwa Promotion, Protection and Enforcement of Human Rights (Amendment) Act, 2019** amends titles in sections 2, 3 and 5-12 of the Khyber Pakhtunkhwa Promotion, Protection and Enforcement of Human Rights Act 2014.
- **The Khyber Pakhtunkhwa Promotion, Protection and Enforcement of Human Rights (Amendment) Act, 2019** – a second one after the initial April 2019 Act of the same name clarifies ‘Department’ and establishment of regional offices.
- **The Khyber Pakhtunkhwa Enforcement of Women’s Property Rights, 2019** amends sections of the Khyber Pakhtunkhwa Journalist Welfare Endowment Fund Act 2014.
- **The Khyber Pakhtunkhwa Legal Aid Act, 2019** provides for the establishment of a legal aid agency to provide legal aid to indigent persons.
- **The Succession (Khyber Pakhtunkhwa) (Amendment) Act, 2019** inserts a new section for the Succession Act 1925 so that NADRA, in accordance with the family registration certificate, may issue letters of administration and succession certificates to legal heirs of a deceased.
- **The Code of Criminal Procedure (Khyber Pakhtunkhwa) (Amendment) Act, 2019** amends section 14A of the Code of Criminal Procedure 1898.
- **The Khyber Pakhtunkhwa Code of Civil Procedure (Amendment) Bill, 2019** amends the Code of Civil Procedure 1908.
- **The Khyber Pakhtunkhwa Special Police Officers (Regularisation of Services) Act, 2019** provides for the regularisation of the services of Special Police Officers appointed on contract basis or fixed pay basis.

- **The Khyber Pakhtunkhwa Tourism Act, 2019** provides for a legal framework to promote culture and tourism in KP.
- **The Khyber Pakhtunkhwa Regional and District Health Authorities Bill, 2019** provides for a comprehensive and efficient healthcare system in KP and devolves authority and accountability at the regional and district level by reorganising the health facilities in KP.
- **The Khyber Pakhtunkhwa Employees of Transport and Mass Transit Department (Regularisation of Services) Act, 2019** provides for appointment and regularisation of services of motor vehicle examiners, appointed on an ad-hoc basis, and certain employees of vehicular emission testing stations appointed on fixed pay basis in KP's Directorate of Transport and Mass Transit.
- **The Khyber Pakhtunkhwa Levies Force Act, 2019** provides for the maintenance of KP Levies Force and enables its transition to KP Police.
- **The Khyber Pakhtunkhwa Khasadar Force Act, 2019** regulates and maintains the Khasadar Force previously working in the erstwhile FATA and now in the merged districts of KP.
- **The Khyber Pakhtunkhwa Judicial Academy (Amendment) Act, 2019** amends the Khyber Pakhtunkhwa Judicial Academy Act 2012.
- **The National Disaster Management (Khyber Pakhtunkhwa) (Amendment) Act, 2019** amends the National Disaster Management Act 2010.
- **The Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019** provides for the control of narcotics and psychotropic substances to eliminate them more effectively for the socioeconomic wellbeing of the people of KP.
- **The Khyber Pakhtunkhwa Charities Act, 2019** registers and regulates charities and collection of charitable funds.
- **The Khyber Pakhtunkhwa Education Monitoring Authority Act, 2019** provides for establishment of an authority for an effective system of monitoring of entities imparting elementary and secondary education in the public sector of KP in order to achieve desired outcomes, strengthen accountability, promote transparency, and ensure value for money, etc.
- **The Khyber Pakhtunkhwa Continuation of Laws in the Erstwhile Provincially Administered Tribal Areas Act, 2018** provides for the continuation of laws in erstwhile Provincially Administered Tribal Areas which are merged into KP province.
- **The Khyber Pakhtunkhwa Employees of Transport Department (Regularisation of Services) (Amendment) Act, 2018** amends the KP Employees of Transport Department (Regularisation of Services) Act 2017.
- **The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education Department (Appointment and Regularisation of Services) (Amendment) Act, 2018** amends the KP Employees of the Elementary and Secondary Education Department (Appointment and Regularisation of Services) Act 2017.

- **The Khyber Pakhtunkhwa Education Employees Foundation Act, 2018** provides for establishment of the KP Education Employees Foundation for the promotion, welfare, assistance, facilitation and benefit of employees of the Education Department and their families.
- **The Khyber Pakhtunkhwa Medical Teaching Institutions Reforms (Amendment) Act, 2018** amends the KP Medical Teaching Institutional Reforms Act 2015.
- **The Khyber Pakhtunkhwa Ehtesab Commission (Repeal) Act, 2019** repeals the Khyber Pakhtunkhwa Ehtesab Commission Act 2014.
- **The Khyber Pakhtunkhwa Specific Relief (Amendment) Act, 2019** amends the Specific Relief Act 1877.
- **The Code of Civil Procedure (Khyber Pakhtunkhwa) (Amendment) Act, 2019** amends Section 115 of the Code of Civil Procedure Act 1908.
- **The Khyber Pakhtunkhwa Youth Affairs Management and Disposal of Immovable Properties Act, 2019** provides for the management and disposal of the immovable properties of the youth affairs of the Department of Sports, Culture, Tourism, Youth Affairs, Archaeology and Museums.
- **The Khyber Pakhtunkhwa Civil Courts (Amendment) Act, 2019** further amends the West Pakistan Civil Courts Ordinance 1962.
- **The Khyber Pakhtunkhwa Powers of Attorney (Amendment) Act, 2019** amends the Power of Attorney Act 1882.
- **The Khyber Pakhtunkhwa Public Procurement Regulatory Authority (Amendment) Act, 2019** amends the Khyber Pakhtunkhwa Procurement Regulatory Authority Act 2012.
- **The Khyber Pakhtunkhwa Public Procurement Regulatory Authority (Second Amendment) Act, 2019** amends Section 14 of the Khyber Pakhtunkhwa Procurement Regulatory Authority Act 2012.
- **The Pak-Austria Fachhochschule Institute of Applied Sciences & Technology, Haripur Act, 2019** provides for the establishment of the Pak-Austria Fachhochschule Institute of Applied Sciences & Technology for teaching and research in the fields of engineering, sciences and technology.
- **The Khyber Pakhtunkhwa Provincial Buildings (Management, Control and Allotment) (Amendment) Act, 2019** amends Section 2 of the Khyber Pakhtunkhwa Provincial Buildings Act 2018.
- **The Khyber Pakhtunkhwa Energy Development Organisation (Amendment) Act, 2019** amends Section 18 of the Khyber Pakhtunkhwa Energy Development Organisation Act 1993.
- **The Khyber Pakhtunkhwa Urban Mass Transit (Amendment) Act, 2019** amends the Khyber Pakhtunkhwa Urban Mass Transit Act 2016.
- **The Khyber Pakhtunkhwa Land Acquisition (Mines) (Amendment) Act 2019** amends section 12 of the Land Acquisition (Mines) Act 1885.
- **The Khyber Pakhtunkhwa Stamp (Amendment) Act, 2019** amends section 62 of the Stamp Act 1899.

- **The Khyber Pakhtunkhwa Universities (Amendment) Act, 2019** amends Schedule-I of the Khyber Pakhtunkhwa Universities Act 2012.
- **The Khyber Pakhtunkhwa Youth Development Commission Act, 2019** provides for the establishment of the Khyber Pakhtunkhwa Youth Development Commission.
- **The Khyber Pakhtunkhwa Land Acquisition (Amendment) Act, 2019** amends section 46 of the Land Acquisition Act 1894.
- **The Khyber Pakhtunkhwa Continuation of Law in Erstwhile Federally Administered Tribal Areas Act, 2019** provides for the continuation of laws in the erstwhile Federally Administered Tribal Areas the Khyber Pakhtunkhwa.
- **The Khyber Pakhtunkhwa Local Government (Amendment) Act, 2019** further amends the Khyber Pakhtunkhwa Local Government Act 2013.
- **The Khyber Pakhtunkhwa Youth Welfare Endowment Fund Act, 2019** provides for the establishment of Khyber Pakhtunkhwa Youth Welfare Endowment Fund.
- **The Khyber Pakhtunkhwa Finance Act, 2019** provides to levy, continue, revise and exempt certain taxes, fees, cess and duty.
- **The Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2019** amends section 13 of the Khyber Pakhtunkhwa Civil Servants Act 1973.

## **Punjab**

The following is a summary of the 27 Acts passed by the Punjab Assembly.

- **The Punjab Finance Act 2019** levies, alters and rationalises certain taxes, fees and duties in the Punjab and other ancillary matters.
- **The Punjab Right to Public Services Act 2019** provides for delivery of public services to the people within a stipulated time limit, including liabilities of government servants in cases of default, and administrative efficiency.
- **The Punjab Domestic Workers Act 2019** protects the rights of domestic workers, regulates their terms of employment and working conditions of service, provides them social protection and ensures their welfare, and other ancillary matters.
- **The Namal Institute Mianwali Act 2019** provides for the establishment of Namal Institute Mianwali in the private sector, primarily for instruction and training in electrical engineering, electronics engineering and computer sciences.
- **The Punjab Occupational Safety and Health Act 2019** ensures occupational safety and health and protection against risks, and promotes a safe and healthy working environment catering to the physiological and psychological needs of employees.
- **The Punjab Prevention of Conflict of Interest Act 2019** establishes the Punjab prevention of conflict of interest and ethics commission to prevent and minimise the possibility of conflicts arising between the private interests and public duties of public office holders.
- **The Punjab Skills Development Authority Act 2019** establishes the

Punjab Skills Development Authority to promote and regulate the technical education and vocational training sector.

- **The Provincial Assembly of the Punjab Secretariat Services Act 2019** regulates the recruitment and conditions of service of persons appointed in the provincial assembly of the Punjab secretariat.
- **The Mir Chakar Khan Rind University of Technology Dera Ghazi Khan Act 2019** establishes the University to undertake research and development and produce high-quality technical human resource.
- **The Pakistan Kidney and Liver Institute and Research Centre Act 2019** establishes a centre of excellence in medical and surgical care according to international standards.
- **The Punjab Aab-e-Pak Authority Act 2019** provides for a strategy, plan and actionable parameters for the survey of water contamination and provision of clean drinking water by installation of water filtration and purification plants.
- **The Punjab Local Government Act 2019** reconstitutes local governments in the Punjab for effective discharge of public services with authority and duties to divide all areas comprising the Punjab into urban and rural local areas; and identify limits, and classify and name each local area. Persons claiming to be Muslim and contesting an election to any office in the local government are required to submit a declaration given in the sixth schedule along with their nomination papers for the election.
- **The Punjab Village Panchayats and Neighbourhood Councils Act 2019** institutionalises and strengthens civic engagement for non-political action in the Punjab. Where a person contesting an election under this act claims to be a Muslim, they are required to submit a declaration as given in the eighth schedule along with their nomination papers for the election.
- **The Punjab Alternate Dispute Resolution Act 2019** ensures inexpensive and expeditious justice, including disputes relating to possession of immovable property, family disputes such as guardianship and custody of minor children, and cases relating to inheritance.
- **The Punjab Sentencing Act 2019** requires courts to consider and mention aggravating and mitigating factors for the length of imprisonment awarded in criminal cases. Most notably, the court will take into account whether the offence was motivated by hostility pertaining to race, colour, nationality, religion, gender identity, sexual orientation, age or disability, as well as cases involving serious violence against a child under the age of 14 years.
- **The Punjab Animal Health Act 2019** prevents, controls, contains and eradicates animal diseases to meet international standards of import and export of animals and animal products.
- **The Punjab Probation and Parole Service Act 2019** provides for an effective and efficient probation and parole service to assess and manage offenders who have been or may be sent on probation or parole, and for better coordination in the criminal justice system.
- **The Punjab Water Act 2019** comprehensively manages and regulates

water resources in the Punjab in the interests of conservation and sustainability.

- **The University of Mianwali Act 2019** establishes the University of Mianwali.
- **The Punjab Minimum Wages Act 2019** consolidates the laws regulating minimum rates of wages for workers of various categories.
- **The Punjab Public Private Partnership Act 2019** fosters an enabling environment for private sector participation in development in the Punjab through public private partnership.
- **The Punjab Seized and Freezed Facilities (Hospitals and Dispensaries) Act 2019** establishes the hospitals and dispensaries management board to manage the 'seized and freezed' facilities and ensure mainstreaming of employees of such facilities.
- **The Punjab Seized and Freezed Institutions (Madaaris and Schools) Act 2019** establishes a management board to manage the 'seized and freezed' institutions and ensure mainstreaming of students of such institutions.
- **The Punjab Khal Panchayat Act 2019** provides for the establishment of *khal panchayats* and for the rights and the obligations thereof, extended to the areas in which canal irrigation system is maintained by the government.
- **The Punjab Medical Teaching Institutions (Reforms) Act 2019** improves medical education and enhances effectiveness, efficiency and responsiveness of healthcare services in medical teaching institutions.
- **The Punjab Workers Welfare Fund Act 2019** provides for the establishment of the Workers Welfare Fund to facilitate workers.
- **The Rawalpindi Women University, Rawalpindi Act 2019** reconstitutes the Government Postgraduate College for Women, Satellite Town, Rawalpindi as the Rawalpindi Women University, Rawalpindi.

## **Sindh**

The following is a summary of 16 Acts passed by the Sindh Assembly.

- **The Sindh Institute of Cardiovascular Diseases Act, 2018 (passed in 2019)** provides for the establishment of the Institute.
- **The Sindh Zakat and Ushr (Amendment) Act, 2018 (passed in 2019)** amends the Sindh Zakat and Ushr Act, 2011.
- **The Shaheed Mohtarma Benazir Bhutto Institute of Trauma at Karachi Act, 2018 (passed in 2019)** provides for the establishment of the Institute.
- **The Sindh Local Government (Amendment) Act, 2019** amends the Sindh Local Government Act 2013.
- **The Sindh Institute of Child Health and Neonatology Act, 2018** establishes the Institute of Child Health and Neonatology and lists its functions and framework.
- **The Sindh Injured Persons Compulsory Medical Treatment (Amal Umer) Act, 2019** makes provisions for the medical aid and treatment of injured persons in an emergency.
- **The Code of Civil Procedure (Sindh Amendment) Act, 2018** further amends the Code of Civil Procedures Act.

- **The Sindh Local Government (Second Amendment) Act, 2019** amends section 26 of the Sindh Local Government Act, 2013.
- **The Sindh Technical Education and Vocational Training Authority (Amendment) Act, 2019** amends section 5 of the Sindh Technical Education and Vocational Training Authority Act 2009.
- **The Sindh Prisons and Corrections Services Act, 2019** makes provision for the establishment, management, control and security of prisons and correctional facilities, the custody and welfare of prisoners and for related matters.
- **The Sindh (Repeal of the Police Act 1861 and Revival of Police Order 2002) (Amendment) Act, 2019** repeals the Police Act 1861 and revives Police Order 2002.
- **The Sindh Finance Act, 2019** rationalises, levy and enhance certain taxes and duties in the Province of Sindh and to amend certain laws in the Province of Sindh.
- **The Sindh Charities Registration and Regulation Act, 2019** registers and regulates charities and collection and utilisation of charitable funds.
- **The Sindh Institute of Ophthalmology and Visual Sciences (Amendment) Act, 2019** amends the Sindh Institute of Ophthalmology and Visual Sciences Act.
- **The Sindh Reproductive Healthcare Rights Act, 2019** facilitates reproductive healthcare and promotes health rights in Sindh.
- **The Provincial Motor Vehicles (Amendment) Act, 2019** amends the Provincial Motor Vehicles Ordinance 1965 to amend certain sections (such as inserting the words “including differently abled persons with hearing impairment” after the words “defect or disability”).

## **Administrative regions**

### **Gilgit-Baltistan**

- Gilgit-Baltistan Anti-Corruption (Amendment) Act, 2019.
- Gilgit-Baltistan Public Private Partnership Act, 2019.
- Gilgit-Baltistan Persons with Disabilities Act 2019.
- Gilgit-Baltistan Board of Investment & Trade Act, 2019.
- Gilgit-Baltistan Civil Servant (Amendment) Act, 2019.
- Gilgit-Baltistan Subordinate Judiciary Service Tribunal Act, 2019.
- Gilgit-Baltistan (Induction and Regularization of SAP School Teachers) Act, 2019.
- Gilgit-Baltistan Prosecution (Functions and Powers) Act 2019.
- Gilgit-Baltistan Prohibition of Employment of Children Act, 2019.
- Gilgit-Baltistan Service Tribunal (Amendment) Act, 2019.
- Gilgit-Baltistan Minimum Wages Act, 2019.

## Culture of constitutional compliance

*Obedience to the Constitution and law is the inviolable obligation of every citizen wherever he may be and of every other person for the time being within Pakistan.*

### Article 5 (2) of the Constitution of Pakistan

The Constitution is often regarded as the ‘user manual of statecraft’ that provides contours of social contract between the citizens and the state, defines the soul and spirit of the nation, and delineates institutional architecture. The Constitution of Pakistan, 1973 is legalistic in its content and procedural in its nature and approach, entailing the command of numerous sequential steps. However, no culture exists to monitor constitutional compliance.

During 2019, there were two positive developments in terms of adherence to the Constitution. First, on 17 December, Pakistan witnessed the first-ever conviction of a former military ruler, General Pervez Musharraf, on the count of high treason as stipulated in Article 6 of the Constitution. Article 6, read with Article 12 (2), is the only Article that provides for retrospective punishment from 23 March 1956 – the day Pakistan became a republic.

The second adherence to the constitutional commands was seen on 20 July 2019 when the first-ever elections were held for seats from the merged tribal districts (erstwhile Federally Administered Tribal Areas) in the Provincial Assembly of Khyber Pakhtunkhwa. The holding of these elections within one year of the general elections 2018 – held on 25 July 2018 – had been stipulated in Article 106 (1A) of the twenty-fifth Constitutional Amendment enacted on 31 May 2018.

The sad part is that there are many other articles of the Constitution of Pakistan that have either been blatantly ignored or violated. Besides general commands, the Constitution of Pakistan has specifically given timeframes and deadlines for certain actions. There is a defined periodicity of holding the meetings of constitutional bodies such as the Council of Common Interests (Articles 153-155), the National Economic Council (Article 156), and presentation of their annual reports to the Parliament. There are clear instructions to constitute the National Finance Commission (Article 160) and present its biannual implementation reports.

### Council of Common Interests

During 2019, the Council of Common Interests (CCI) held only one meeting – on 22 December 2019 – after a gap of almost 13 months, instead of the four quarterly meetings envisaged in Article 154 (3). Unfortunately, the federating units also did not avail the constitutional window to request a meeting on any urgent matter.

Similarly, there was no tangible progress in establishing the permanent secretariat of the CCI as per the constitutional command since the

passage of the 18th Constitutional Amendment in 2010. Presently, the federal Ministry for Inter-Provincial Coordination serves as the secretariat of the Council. The Council is responsible to both houses of Parliament and is required to lay its annual report before them.

The last report laid was that of 2016-17, meaning that at least two annual reports are pending. The finalisation of the results of the nationwide population census conducted in 2017 remained a pending agenda before the CCI during 2019.

### **National Economic Council**

The Constitution commands that the National Economic Council (NEC) shall meet at least twice a year to review the overall economic condition of the country and shall, for the purpose of advising the federal government and the provincial governments, formulate plans in respect of financial, commercial, social, and economic policies. In formulating such plans it shall, amongst other factors, also ensure that balanced development and regional equity be guided by the Principles of Policy set out in the Constitution (Article 160).

During 2019 there was only one brief meeting of the NEC, on 29 May 2019, to endorse the budget for the financial year 2019-20. The NEC is also supposed to present its annual report before the Parliament. The last report laid was for the year 2016-17. This non-functionality deprives the nation and the federating units of an important constitutional forum to discuss the country's economic direction.

In a surprise development on 13 June 2019, the Prime Minister established an executive forum – the National Development Council – with almost a similar mandate and composition as that of the NEC, but with the addition of the Chief of Army Staff (COAS).

### **National Finance Commission**

The saga of the National Finance Commission (NFC) under Article 160 is in similar vein. The Constitution stipulates an NFC Award after every five years and the last award was the 7th NFC Award inked in December 2009.

Since July 2015 there has been a deadlock among the federating units and the Federation over a new formula for sharing fiscal resources. The bi-annual NFC implementation reports are supposed to be laid before the Parliament and the provincial assemblies. Unfortunately, after 16 reports up until June 2018, there is now an unexplained default on this constitutional obligation.

During 2019 there were two meetings of the NFC but, despite a proclaimed promise to come up with a new award by 31 December 2019, there is still no tangible progress. This culture of rendering vital constitutional bodies ineffective and irrelevant, if not redundant, does not auger well for the already grievance-marred Pakistani federalism.

The Principles of Policy (Articles 29-40) are of significant importance to the people's part of the Constitution. Not only has the NEC failed to extensively debate and discuss them and plan accordingly, the executive

has also failed to lay a constitutionally mandatory annual report before the Parliament and the provincial assemblies. The last report laid before the Parliament is that of 2015-16.

### **Fundamental rights**

The chapter pertaining to the constitutionally guaranteed fundamental rights (Article 8-28) says that the State shall not make any law which takes away or abridges the rights so conferred and any law made in contravention of this clause shall be void. Till 2012, such vires were determined by the apex court. However, after the enactment of the National Commission for Human Rights Act, 2012 this task was assigned to the Commission.

The first Commission (2015-2019) made hardly any progress in this regard but it has been headless since May 2019, although the act requires that vacancies be filled within 60 days.

The chapter pertaining to fundamental rights contains 24 rights with the following 13 law-related qualifiers:

#### Subject to law

- Article 14 Dignity of man and the privacy of home
- Article 20 Freedom to profess religion and to manage religious institutions
- Article 22 Safeguards as to educational institutions in respect of religion etc.
- Article 24 Protection of property rights
- Article 25-A Right to education
- Article 28 Preservation of language, script and culture.

#### Subject to reasonable restriction imposed by law

- Article 15 Freedom of movement etc.
- Article 16 Freedom of Assembly
- Article 17 Freedom of Association
- Article 19 Freedom of speech etc.
- Article 19-A Right to Information
- Article 23 Provision as to property.

#### Regulation prescribed by law

- Article 18 Freedom of Trade, business or profession.

Unfortunately, very little progress has been made to democratise the archaic laws that fetter many fundamental rights. The time-bound constitutional umbrella that provided for quota system (Article 27) expired in 2013 but the practice is still in vogue.

The Right to Education Acts enacted under the spirit of Article 25-A have yet to be implemented to provide free and compulsory education to Pakistani children.

The Right to Information Commission established to realise the spirit of Article 19-A remained without resources in 2019.

Adherence to Article 140-A pertaining to local government was also not implemented in 2019. They completed their terms in Balochistan, Khyber Pakhtunkhwa and in the cantonment boards, and in Punjab they were sent home prematurely. The corresponding legislation, the Election Act of 2017, calls for local government elections within 120 days, but there has been a prolonged delay.

Finally, during 2019 the government and the Parliament failed to adhere to Article 215(4) that stipulated the appointment of the Members of the Election Commission of Pakistan (ECP) within 45 days of a vacancy occurring.

The problem resides within the Constitution, i.e. Article 254, which says, 'When any act or thing is required by the constitution to be done within a particular period and it is not done within that period, the doing of the act or thing shall not be invalid or otherwise ineffective by reason only that it was not done within that period.' The time has arrived to impose time restrictions on the delays exercised by the executive and the Parliament.

## Human rights data

The Human Rights Commission of Pakistan (HRCP) collects and digitises data on human rights violations and other human rights-related issues based on news reports published in the English and Urdu press. In addition, it collects official data issued by institutions such as the police and Law and Justice Commission, as well as international non-government organisations and national rights-based organisations. In many cases, these figures are estimates and should be taken as indicative of a trend. The actual numbers – especially in cases of violence against women and children – may be higher, as it is not uncommon for such incidents to go unreported.

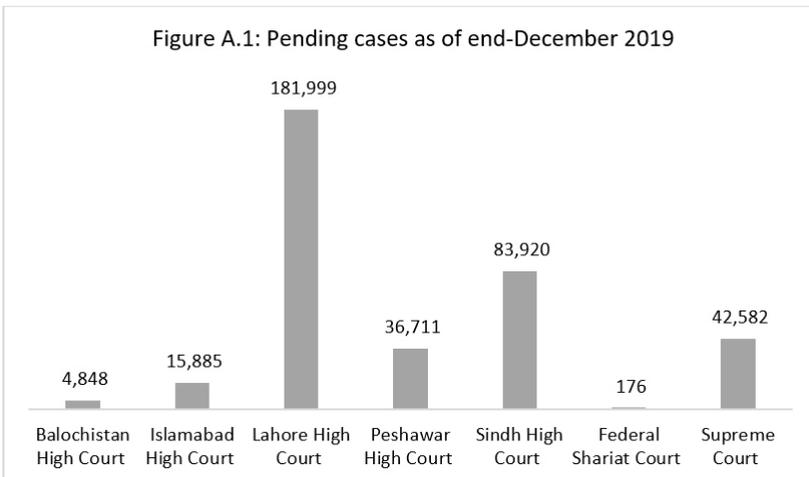
### Administration of justice

#### Judiciary: Pending cases

According to the Law and Justice Commission of Pakistan, as of end-December 2019, there were 1,826,651 pending cases across the judiciary (lower, special and superior courts). The corresponding figure for 2018 was close to 1.9 million cases (HRCP, *State of Human Rights in 2018*).

With 41,910 cases carried over from 2018, 1,557 additional cases were instituted in the Supreme Court of Pakistan, while it disposed of 888 cases (Law and Justice Commission of Pakistan).<sup>1</sup>

For the apex court, this represents an increase of over 2,800 pending cases relative to 2018. Figure A.1 below gives a breakdown of the number of pending cases in the four high courts, the Supreme Court of Pakistan, and the Federal Shariat Court. In the district judiciary, of 1,460,530 cases pending as of end-December 2019, the Punjab accounted for 1,113,948 cases, Sindh for 93,960 cases, Khyber Pakhtunkhwa for 197,515 cases, Balochistan for 13,778 cases, and Islamabad for 41,329 cases (Law and Justice Commission of Pakistan).



Source: Law and Justice Commission of Pakistan ([http://ljcp.gov.pk/nljcp/assets/dist/news\\_pdf/courts.pdf](http://ljcp.gov.pk/nljcp/assets/dist/news_pdf/courts.pdf))

1. The difference in this balance and that reported in Figure A.1 is due to cases that were transferred, reopened or restored, or where remand or leave to appeal was issued.

## Model courts

Pakistan's model criminal trial courts were established in 2017 as a way of providing swift legal redress. An overview of their performance in 2019 is given in Table A.1 below.

**Table A.1: Number of cases decided by model courts in 2019**

Number of cases	
Total number of cases in Pakistan	30,049
Number of murder cases	10,121
Number of narcotics cases	19,928

Source: Director-General, Supreme Court Monitoring Cell (cited in <https://www.pakistantoday.com.pk/2020/01/03/model-courts-disposed-of-30049-cases-in-2019/>).

## National Accountability Bureau

The National Accountability Bureau (NAB) received 51,591 complaints in 2019 (up from 44,315 in 2018), of which 46,123 were resolved. Of 1,464 complaints that were approved for verification, 1,362 were verified.

NAB also approved 574 inquiries, completed 658, and will continue 859 inquiries. It approved 221 investigations, of which 217 were completed; 335 complaints continue to be investigated. As of end-2019, a total of 1,275 corruption references are at different stages of hearing in different accountability courts.

## The death penalty

Relative to 2018, the number of prisoners on death row fell from 4,688 to 4,225 (HRCP, *State of Human Rights in 2018*; Justice Project Pakistan.) Data collected by HRCP from news reports suggests that the death penalty was awarded in at least 584 cases in 2019, while 15 people were executed, 12 of them in Punjab. Data from the Centre for Social Justice indicates that 17 people convicted of blasphemy are still on death row, as of December 2019.

## Law and order

### Crime

In Punjab, police data reveals that a total of 490,341 crimes were reported in 2019 – of these, 51,401 accounted for crimes against persons (10.5 percent), 116,608 for crimes against property (23.8 percent), 154,044 for local and special laws violations (31.4 percent), and 168,288 for 'miscellaneous' crimes (34.3 percent). This represents an unprecedented rise in the number of crimes reported – up from 409,030 in 2018; the latter three categories account for the bulk of this rise, while crimes against persons rose by 918.

Comparative figures for 2018 and 2019 indicate a slight fall in the number of reported murders, from 4,146 to 4,060; a rise in the number of attempted murders, from 4,980 to 5,341; and a significant rise in the number of reported rapes, from 3,300 to 3,881, respectively (HRCP, *State of Human Rights in 2018*).

Table A.2 below illustrates the breakdown of crimes against persons and property in Punjab.

**Table A.2: Crime statistics for Punjab, 2019**

<b>Crimes against persons</b>	<b>Number of crimes reported</b>
Murder	4,060
Attempted murder	5,341
Hurt	14,961
Kidnapping/abduction	15,025
Kidnapping/ransom	71
Rape	3,881
Gang rape	190
Other	7,872
Subtotal	51,401
<b>Crimes against property</b>	<b>Number of crimes reported</b>
Dacoity	951
Robbery	18,253
Burglary	12,643
Theft U/S 382 of the Pakistan Penal Code	1,601
Motor vehicle theft	25,741
Motor vehicle snatching	4,273
Cattle theft	7,003
Other	46,143
Subtotal	116,608

Source: Punjab police (<https://www.punjabpolice.gov.pk/crimestatistics>).

Data from the Sindh police indicates that a total of 70,499 crimes were registered during January to mid-October 2019, accounting for 11,025 crimes against persons, 13,286 crimes against property, 24,195 ‘miscellaneous’ crimes, 21,231 violations of local and special laws, 710 accidents, and 52 cases of blasphemy (the corresponding figure for 2018 was 28). While this data is six weeks short of end-2019, it does indicate a rise in the number of crimes across all categories.

According to a police report shared with the press, as many as 2,093 cases classified as human rights violations were reported to the police in Sindh between end-January 2019 and end-January 2020, while 2,115 suspects were arrested. The report indicates that 735 of the cases had been chargesheeted, 863 were under investigation, and 749 cases were being heard by courts.

While official data from the Khyber Pakhtunkhwa police was not available, press reports indicate that the reported crime rate in the province fell from 138,200 to 131,344, based on data for the first nine months of 2018 and 2019.

Table A.3 below provides comparative figures for the first three quarters of both years.

**Table A.3: Crime statistics for Khyber Pakhtunkhwa, 2018 and 2019**

Crime	2018 (Jan-Sep)	2019 (Jan-Sep)
Murder	1,860	1,853
Attempted murder	2,028	1,974
Rape	170	172
Kidnapping (minors)	33	30
Abduction	717	667
Dacoity	46	40
Robbery	266	263
Burglary	622	589
Theft	815	809
Vehicle theft	216	192
Vehicle snatching	37	30
Fatal accidents	856	850
Terror-related	86	73

Source: Based on data from the Frontier Post

The Balochistan police reported a total of 9,185 crimes registered in 2019 (up from 8,763 in 2018). This includes 78 incidents involving suicide attacks, bomb blasts, and target/sectarian killings.

The Islamabad Capital Territory police reported a decline of almost 16.5 percent in heinous crimes relative to 2018. During 2019, a total of 668 persons were held for involvement in heinous crimes relative to 606 in 2018. Table A.4 below provides comparative crime statistics for 2018 and 2019. See also *Violence against women*.

**Table A.4: Crime statistics for Islamabad Capital Territory, 2018 and 2019**

Crime	2018	2019
Murder	119	106
Kidnapping for ransom	2	1
Dacoity	40	28
Robbery	398	367
Theft after preparation made for causing death, hurt or restraint (S. 382)	108	71
Burglary	365	279
Fatal accidents	158	142
Total	1,190	994

Source: Islamabad police (<http://islamabadpolice.gov.pk/ipwe/crime-statistics>).

## **Human trafficking**

The Federal Investigation Agency claimed that over 4,500 cases of human trafficking were reported in 2019, with at least 1,600 perpetrators arrested. The Associated Press reported that, since 2018, at least 629 girls and women from across Pakistan were sold as brides to Chinese nationals and taken to China.

## **Conflict-related violence**

According to the Centre for Research and Security Studies, 2019 accounted for 1,444 casualties of terrorist attacks and counter-terrorism operations in Pakistan, with 679 fatalities and 765 injured.

This was significantly lower than the corresponding figure of 2,333 reported by the organisation for 2018.

Balochistan was the worst hit, with 621 casualties (43 percent of the total casualties), followed by Khyber Pakhtunkhwa (283), the former Federally Administered Tribal Areas (FATA) (251), Punjab (148), and Sindh (123).

Balochistan and Khyber Pakhtunkhwa (including former FATA) account for the brunt of casualties – nearly 63 percent of the total (CRSS Annual Security Report 2019).

Data from the Pakistan Institute of Peace Studies indicates that sectarian and nationalist outfits perpetrated 229 terrorist attacks in 2019, killing 357 persons and injuring 729 others.

This represents a decline of 40 percent from such attacks in 2018. The bulk of these attacks took place in Khyber Pakhtunkhwa and Balochistan.

More than half such attacks – a total of 118 – targeted security personnel and law enforcement agencies, while 39 attacks targeted civilians.

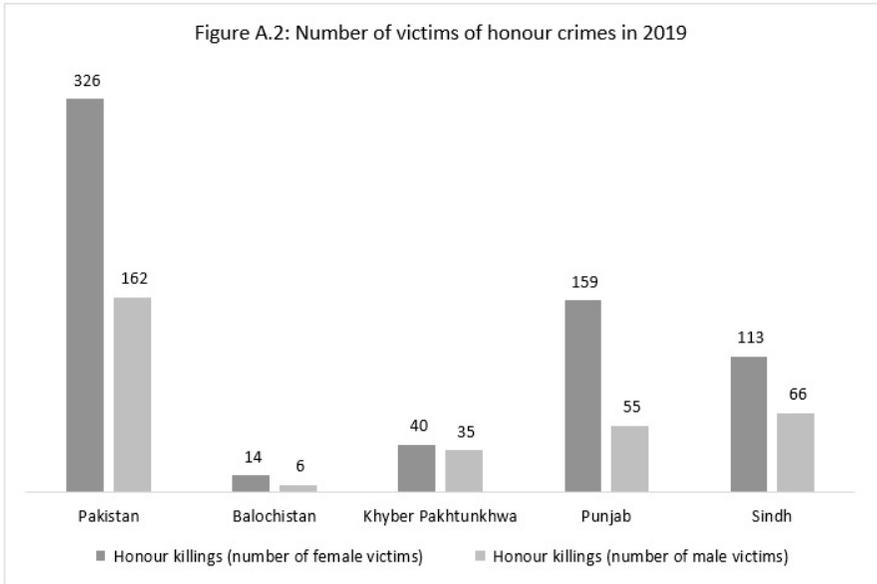
Eleven other such attacks targeted members of the Shia community – primarily the Hazara community, claiming 32 lives and injuring 72 persons, five attacks were against the Sunni community, and nine attacks against political leaders or workers.

## **Gender-based violence**

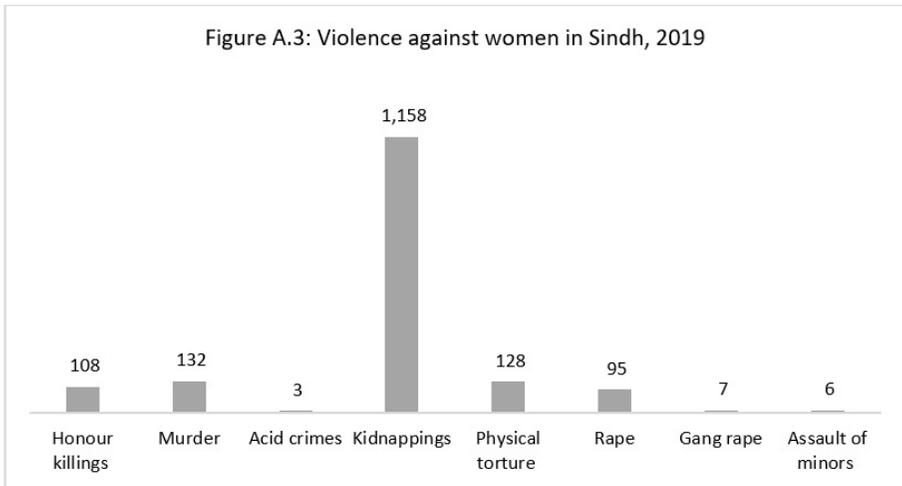
HRCP's data shows that 'honour' crimes continue unabated (see Figure A.2), with Punjab accounting for the highest proportion reported overall.

Statistics from the Sindh police differ slightly, showing that at least 108 women were victims of 'honour' killings in 2019. Figure A.3 also illustrates the incidence of other forms of violence against women in Sindh. In addition, data from the Sindh police shows that 35 cases of workplace harassment were reported in 2019.

While the official crime statistics given in Table A.4 do not include incidents of gender-based violence in Islamabad Capital Territory, data availed separately from the Islamabad police shows that reported cases of violence against women increased by 38 percent from 2018, with 79 cases in 2018 compared to 109 in 2019, including 31 cases of kidnapping and 35 cases of rape.



Source: HRCP Monitor, based on news reports.



Note: Of the number of kidnapping cases reported, 249 were closed on establishing that the women in question had married of their own will.

Source: Based on data from the Sindh police

See Tables A.2 and A.3 for statistics on rape in Punjab and Khyber Pakhtunkhwa.

### Violence against children

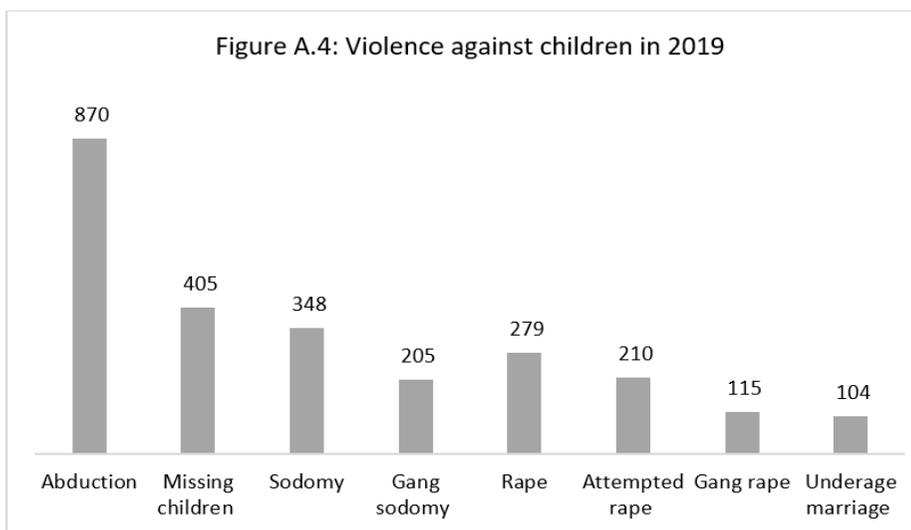
The NGO Sahil documented 2,846 reported cases of violence against children in 2019, as against 3,832 in 2018. Of this number, 64 percent

(1,816) were reported from rural areas and 36 percent (1,030) cases from urban areas.

A gender breakdown reveals that, in 1,524 cases, the victims were female (54 percent); in 1,322 cases, the victims were male (46 percent).

The most vulnerable age group appears to be 6–15 years, accounting for 54 percent of all reported cases.

Figure A.4 illustrates the incidence of violence against children across the eight most reported categories. According to Sahil, of 3,722 child abusers identified in 2019, almost 60 percent (2,222) knew their victims.



Source: Based on data from: Sahil, *Cruel Numbers 2019*.

Sahil’s provincial breakdown reveals that, of the total of 2,846 cases, more than half (53 percent) were reported from Punjab, 30 percent from Sindh, 7 percent from Islamabad Capital Territory, 6 percent from Khyber Pakhtunkhwa, 2 percent from Balochistan, and less than 2 percent from Azad Jammu and Kashmir and Gilgit-Baltistan.

It is worth reiterating that all these figures are based on the number of cases *reported* in the press, possibly accounting for the variation among provinces.

## Cybercrime

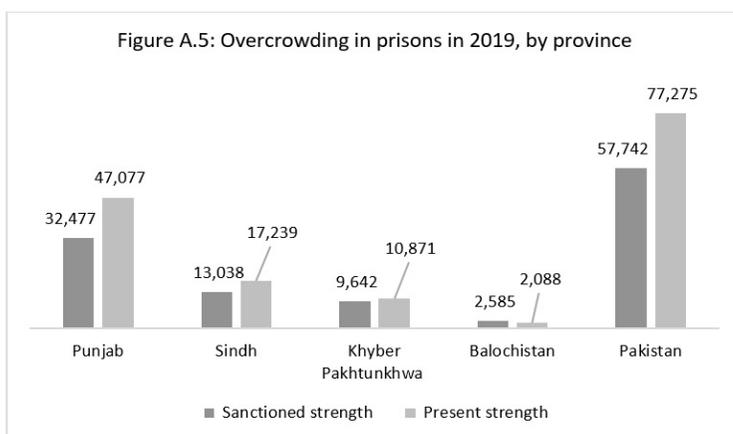
In a report to the Senate Standing Committee on Information Technology and Telecommunication, the Federal Investigation Agency (FIA) said it had received over 56,000 cybercrime complaints, but that only 32 investigations were underway.

The FIA indicated that, of roughly 27,000 complaints received, over 11,000 had been investigated.

## Jails and prisoners

Prisons in Pakistan remain appallingly overcrowded, with an occupancy rate of 133.8 percent in 2019 (see Figure A.5). The proportion of pre-trial detainees/remand prisoners relative to the total prison population was 62.1 percent (*World Prison Brief*).

As Table A.5 below shows, the number of inmates under trial far exceeds that of convicted prisoners.



Source: Fourth quarterly implementation report submitted to the Supreme Court of Pakistan by the Federal Ombudsman (November 2019).

**Table A.5: Composition of prison population in 2019, by province**

Province	Convicted	Under-trial
Punjab	17,056	26,725
Sindh	4,808	12,431
Khyber Pakhtunkhwa	2,794	7,668
Balochistan	798	1,184

Source: Fourth quarterly implementation report submitted to the Supreme Court of Pakistan by the Federal Ombudsman (November 2019).

The overwhelming proportion of prisoners is male (Table A.6).

**Table A.6: Composition of prison population in 2019, by gender**

Province	Male prisoners	Female prisoners
Punjab	45,646	769
Sindh	16,852	214
Khyber Pakhtunkhwa	10,304	201
Balochistan	798	20

Source: Fourth quarterly implementation report submitted to the Supreme Court of Pakistan by the Federal Ombudsman (November 2019).

According to the Interior Ministry, close to 11,000 Pakistanis were in overseas jails in 2019, with Saudi Arabia and the United Arab Emirates accounting for just over 3,200 and 2,500 prisoners, respectively. Another 366 Pakistanis were in Indian jails as of end-December 2019.

In February 2019, Saudi Arabia announced that it would release 2,107 Pakistani prisoners. By October 2019, 579 prisoners were said to have been released.

More than 30 Pakistani prisoners were executed in Saudi Arabia in 2019, including the first Pakistani woman to be executed in the country in at least five years.

### **Enforced disappearances**

According to official data from the Commission of Inquiry on Enforced Disappearances, there were 2,141 pending cases of missing persons as of end-December 2019.

The Commission has received 6,505 cases since its inception in 2011 and disposed of 4,365 cases.

A provincial breakdown of the status of cases is given in Table A.7 below.

**Table A.7: Enforced disappearances reported to Commission of Inquiry on Enforced Disappearances**

Province	Total cases received up to Dec 2019	Cases disposed of up to Dec 2019					Cases deleted	Total number of cases disposed of	Balance on 31 Dec 2019
		Returned home	Internment centre	Prison	Bodies found	Total number traced			
Punjab	1,359	634	78	138	61	911	142	1,053	306
Sindh	1,586	630	32	234	52	948	371	1,319	267
KP	2,472	394	615	63	46	1,118	157	1,275	1,197
Balochistan	472	151	-	6	28	185	132	317	155
Islamabad	275	119	17	26	7	169	43	212	63
Former FATA	278	40	66	23	9	138	8	146	132
AJK	56	9	1	11	2	23	14	37	19
Gilgit-Baltistan	8	-	1	-	-	1	5	6	2
Total	6,506	1,977	810	501	205	3,493	872	4,365	2,141

*Source: Commission of Inquiry on Enforced Disappearances.*

While this information reflects part of the problem of enforced disappearances, it is not indicative of the scale or distribution of cases – the actual numbers in Balochistan and Khyber Pakhtunkhwa are likely far higher because many cases are likely to go unreported by victims’ families for fear of reprisals.

## Women

In 2019, Pakistan ranked 164 out of 167 countries on the Women, Peace and Security Index. Table A.8 provides data for selected indicators for 2019.

**Table A.8: Indicators for women’s access to inclusion, justice and security in Pakistan, 2019**

<b>Inclusion</b>	
Mean years of schooling (average number of years of education of women aged 25 or older)	3.7
Employment rate (percentage of women aged 25 or older who are employed)	24.2
Financial inclusion (percentage of women aged 15 or older who report having an individual or joint account at a bank or other financial institution or who report using a mobile money service in the past year)	7
Share of parliamentary seats (percentage of seats held by women in lower and upper houses of national parliament)	20
Cell phone use (percentage of women aged 15 years or older who report having a mobile phone that they use to make and receive personal calls)	34
<b>Justice</b>	
Discriminatory norms (percentage of men aged 15 years or older who disagreed with the proposition ‘It is perfectly acceptable for any woman in your family to have a paid job outside the home if she wants one’)	73
Son bias (extent to which the sex ratio at birth – ratio of number of boys born to number of girls born – exceeds the natural demographic rate of 1.05)	1.09
Legal discrimination against women (aggregate percentage score for laws and regulations that limit women’s ability to participate in society and the economy or that differentiate between men and women)	38
<b>Security</b>	
Organised violence (total number of battle deaths from state-based, non-state, and one-sided conflicts per 100,000)	1.82
Women’s perception of community safety (percentage of women aged 15 years or older who report that they ‘feel safe walking alone at night in the city or area where you live’)	63.2
Current intimate partner violence (percentage of women who experienced physical or sexual violence committed by their intimate partner in the last 12 months)	14.5

Source: Based on data from the Georgetown Institute of Women, Peace and Security (<https://giwps.georgetown.edu/country/pakistan/>).

Pakistan ranked 151 out of 153 on the World Economic Forum's Global Gender Gap Index in 2019 – by comparison, the country ranked 112 in 2006.

The index places Pakistan at 150 in terms of women's economic participation and opportunity, 143 in educational attainment, 149 in health and survival, and 93 in political empowerment.

In terms of women's access to supports centres and shelters, the NGO Shirkatgah reported that, as of June 2019, there were government-run women's shelters in all 36 districts in Punjab, as well as the Violence Against Women Centre in Multan.

However, there were only five darul-amans in Sindh, five functional in Khyber Pakhtunkhwa and only two in Balochistan.

## **Children**

Pakistan was ranked 94 out of 117 countries on the Global Hunger Index for 2019, based on four indicators: undernourishment, child wasting, child stunting, and child mortality. The prevalence of wasting and stunting in children under five fell to 7.1 percent and 37.6 percent, respectively. The mortality rate of under-five-year-olds also decreased to 7.5 percent in 2019. *See also Education.*

## **Labour**

**Brick kiln workers:** Al Jazeera reported that an estimated 4.5 million people work at brick kilns in Pakistan; a third of these are estimated to be children.

**Rural women workers:** Data from 2018 from UN Women indicates that rural women's labour participation rates are generally underestimated and could be as high as 60 percent. Despite this, their returns to labour are low: only 19 percent are in paid employment and up to 60 percent constitute unpaid labour on family-owned farms or enterprises.

**Children in domestic work:** According to a report in the *Guardian* dated August 2019, an estimated 264,000 children are employed in domestic work.

**Bonded labour:** According to the Global Slavery Index for 2018, an estimated 3,186,000 people were victims of modern slavery.

**Labour inspections:** Human Rights Watch points out that, in 2017, there were 547 labour inspectors for over 350,000 factories around the country, according to one estimate; of these, only 17 were women.

**Mining accidents:** The Pakistan Central Mines Labour Federation estimated that at least 120 coalminers were killed in mining accidents in 2019.

## **The elderly**

According to data from the British Council, as of June 2019, 7 percent of Pakistan's population – roughly 12.5 million – comprised persons over 60 years old.

## People living with disabilities

While the 2017 census shows that only 0.48 percent of Pakistanis are persons with disabilities (PWDs), this is often criticized as gross underestimated.

However, sample-based surveys show that the percentage of PWDs in Pakistan is around 12 percent or slightly more .

## Refugees

Table A.9 provides UNHCR data on refugees in Pakistan as of end-December 2019.

**Table A.9: Data on refugees in Pakistan, 2019**

Registered refugees who returned to Afghanistan between 1 Mar and 20 Nov 2019	6,220
Afghan refugees whose births were registered between 1 Jan and 31 Dec 2019	22,093
Afghan refugees who have received legal assistance since 1 Jan 2019	31,231
Afghan refugees with proof of registration (POR) cards	1,416,078
Afghan mandate refugees (without POR cards)	3,006
Somalian refugees	181
Refugees of other nationality	341
Asylum seekers	8,541

Source: UNHCR

UNHCR estimates that 71 percent of Afghan refugees in Pakistan are women and children, 48 percent are children, 54 percent are male and 46 percent are female.

Table A.10 gives a provincial breakdown of Afghan refugees' area of residence.

**Table A.10: Provincial breakdown of Afghan refugees in 2019, by province**

Province/area	Proportion of Afghan refugees accounted for	Number of Afghan refugees
Khyber Pakhtunkhwa	58	822,429
Balochistan	23	324,778
Punjab	12	166,205
Sindh	5	64,188
Islamabad	2	34,174

Source: UNHCR

## Education

UNICEF estimates that Pakistan has the world's second-highest number of out-of-school children (OOSC), with an estimated 22.8 million children aged 5–16 not attending school, representing 44 percent of the total population in this age group.

In the 5–9 age group, 5 million children are not enrolled in schools and after primary-school age, the number of OOSC doubles, with 11.4 million adolescents between the ages of 10 and 14 not receiving formal education.

Disparities based on gender, socioeconomic status, and geography are significant; in Sindh, 52 percent of the poorest children (58 percent girls) are out of school, and in Balochistan, 78 percent of girls are out of school.

Nearly 10.7 million boys and 8.6 million girls are enrolled at the primary level. This drops to 3.6 million boys and 2.8 million girls at the lower secondary level.

## Health

Table A.11 gives data on Pakistan's health infrastructure, based on data from the Pakistan Economic Survey for 2018/19.

**Table A.11: Number of health centres and registered health professionals in 2018**

Public sector hospitals	1,279
Basic health units	5,527
Rural health centres	686
Dispensaries	5,671
Hospital beds	132,227
Doctors	220,829
Dentists	22,595
Nurses	108,474

Source: Pakistan Economic Survey 2018/19 ([http://www.finance.gov.pk/survey/chapters\\_19/11-Health%20and%20Nutrition.pdf](http://www.finance.gov.pk/survey/chapters_19/11-Health%20and%20Nutrition.pdf)).

The data also indicates that there was one doctor for every 963 persons, one dentist for every 9,413 persons, and one hospital bed for every 1,608 people in 2018.

**Polio:** Of 135 polio virus cases reported in 2019, 91 cases were from Khyber Pakhtunkhwa, 25 from Sindh, 11 from Balochistan and 8 from Punjab.

**Measles:** As of end-November 2019, there were 1,978 confirmed measles cases in Pakistan.

**Tuberculosis:** In terms of tuberculosis, the prevalence, incidence and mortality per 100,000 persons per year was 348, 276 and 34, respectively, in 2018/19 (Pakistan Economic Survey 2018/19).

**Dengue:** From 8 July to 12 November 2019, WHO estimates that a total of 47,120 confirmed cases of dengue fever, including 75 deaths, were reported from the four provinces (Khyber Pakhtunkhwa, Punjab, Balochistan, and Sindh), Islamabad, and AJK.

**Diabetes:** In 2019, over 19 million adults in Pakistan were estimated to be living with diabetes. Some 8.5 million of these were undiagnosed and, as a result, were particularly at risk.

**Malaria:** According to the Pakistan Annual Malaria Report for 2019, a total of 374,513 confirmed malaria cases were reported from all public sector health facilities across Pakistan and private health clinics in high-malaria-burden districts to the federal directorate.

**HIV/AIDS:** UNAIDS' report for 2019 places Pakistan among the 11 countries with the highest prevalence of HIV/AIDS, with a prevalence rate of 13 percent.

According to WHO estimates, from April through to June 2019, a total of 30,192 people were screened for HIV, of which 876 were found positive. Eighty-two percent (719/876) of these were below the age of 15 years.

**Suicide:** One estimate puts the suicide rate in the country at 1.4 per 100,000 persons, although the taboo surrounding suicide and the fact that it is considered a criminal offence makes it likely that this underestimates the actual number of cases.

## **Housing**

According to statistics from the Karachi Urban Lab, the annual demand for formal urban housing all over Pakistan is 350,000 units, while the actual supply lags at only 150,000 units built.

Of this demand for housing, 62 percent is for lower income groups, 25 percent for lower-middle income groups, and 10 percent for higher and upper-middle income groups.

Overall, there is an estimated 8.5-million-unit backlog of housing in Pakistan, which is growing by 200,000 units every year.

## **Environment**

According to the World Air Quality Report for 2019, Pakistan ranked second among the world's most polluted countries in terms of the presence of PM 2.5 in the atmosphere.

In December 2019, Lahore alone was among the world's ten cities with the worst air quality. The World Air Quality Index for 2019 listed nine Pakistani cities in the top 250 most polluted cities in the world, based on the presence of fine particulate matter in the air. Most of these cities are in Punjab, with exceptions such as Peshawar and Karachi.

Gujranwala was identified as the third-most polluted city in the world in terms of air quality, averaging a PM 2.5 score of 105.3 for 2019. Faisalabad was the fourth-most polluted globally, averaging 104.6.

Raiwind (92.2) and Lahore (89.5) were the eight and twelfth most polluted cities.

## HRCP activities

In 2019, the Human Rights Commission of Pakistan (HRCP) carried out a wide range of activities to raise public awareness of fundamental rights and freedoms, to advocate the protection of human rights, and to lobby with policymakers for measures to curb human rights violations.

In addition to organising demonstrations, consultations, seminars, film screenings, campaigns, and workshops, HRCP continued to issue regular statements on (among other issues) the importance of upholding the 18<sup>th</sup> constitutional amendment, the need for a national commission for religious minorities, increasing curbs on freedom of expression, increasing state pressure on students and human rights defenders, the incidence of forced conversions, sectarian violence, coalmine accidents, and Pakistan's mounting environmental crisis.

HRCP conducted four high-profile fact-finding missions to assess the state of human rights in Gilgit-Baltistan, Balochistan, Khyber Pakhtunkhwa (including the former Federally Administered Tribal Areas) and Sindh.

In partnership with the International Federation for Human Rights (FIDH), HRCP also published its findings on the use of the death penalty against the poorest and most marginalised, based on a joint fact-finding mission.

In addition, numerous smaller fact-finding missions were conducted to investigate local human rights violations, including among others, the extrajudicial killing of a family in Sahiwal in a police 'encounter', the rights of residents displaced by the building of the Kartarpur Corridor in Narowal, the alleged forced conversion of two sisters from Ghotki, the concerns of religious minorities in southern Punjab, and the closure of religious minorities' places of worship in various cities.

HRCP continued to campaign against bonded labour and held a series of consultations and focus group discussions with stakeholders in Punjab and Sindh to discuss the implementation of labour laws, specifically the Bonded Labour (Abolition) Act 1992 and subsequent amendments.

In addition, HRCP held a series of workshops for journalists, lawyers, civil society activists, and treaty implementation cell members, to enable them to monitor and report on Pakistan's international human rights obligations more effectively.

In collaboration with the World Organisation Against Torture (OMCT), HRCP also held a national consultation and workshop to gauge

Pakistan's progress against its obligations under the Convention Against Torture. The consultation culminated in a proposal to form a national working group on torture.

Other themes included the right to freedom of expression; the nexus between social citizenship and human rights; the abolition of the death penalty; reclaiming civic spaces; and freedom of religion or belief, including regular meetings of the National Interfaith Working Group set up by HRCP in 2018. HRCP also continued to monitor forced conversions in Sindh and Punjab.

Meetings and demonstrations were organised by HRCP's chapter and taskforce offices to campaign against custodial torture, enforced disappearances, gender-based violence, and the use of the death penalty.

HRCP's main activities in 2019 are listed below.

### **Workshops, seminars, meetings and press briefings**

- 1 January, Multan: Meeting with brick kiln workers to discuss labour conditions.
- 4 January, Islamabad: Discussion on the Convention on the Rights of Persons with Disabilities.
- 23 January, Islamabad. Local chapter meeting of the Pakistan-India People's Forum for Peace and Democracy hosted by HRCP.
- 11 February, Quetta, Turbat, Multan and Peshawar: Memorial for HRCP co-founder Asma Jahangir.
- 18 February, Karachi: Focus group discussions with men and women from the Hindu community to determine any correlation between religious affiliation and poverty levels.
- 20 February, Islamabad: Memorial for HRCP co-founder Asma Jahangir, followed by a panel discussion on the challenges to democracy and people's rights.
- 8 March, Turbat: Joint seminar with civil society organisations to mark International Women's Day.
- 8 March, Lahore, Islamabad and Karachi: Participation in Aurat March with civil society.
- 15 March, Karachi: Meeting organised with the Pakistan-India People's Forum for Peace and Democracy on the potential effects of nuclear war in the wake of the Pulwama incident.
- 10 April, Islamabad: National conference on 'Human Rights and Democratic Participation'.
- 15 April, Islamabad: Launch of *State of Human Rights in 2018*.
- 15 April, Karachi: Meeting with Pearl Continental union workers to discuss their concerns ahead of Labour Day.
- 23 April, Lahore: Consultation to discuss the Supreme Court ruling of 19 June 2014 on the rights of religious minorities.
- 7 May, Multan: Reference in memory of HRCP coordinator, Rashid Rehman.

- 14 May, Karachi: Tribute to anti-colonial activist Shaheed Allah Bux Soomro.
- 21 May, Hyderabad: Participation in the death anniversary of peasant leader Hyder Bux Jatoi.
- 28 May, Karachi: Secretary-General's meeting with staff, HRCP members, Council members and other civil society members to discuss human rights concerns in Karachi.
- 10 June, Multan: Discussion with I. A. Rehman on the human rights situation in southern Punjab.
- 19 June, Islamabad: National consultation on the protection of minorities' rights under the Supreme Court ruling of 19 June 2014.
- 27–28 June, Quetta: Consultation on the rights of religious minorities and the 2014 Supreme Court judgment, followed by regional meeting of HRCP's National Interfaith Working Group.
- 30 June, Lahore: HRCP staff capacity-building workshop on organisational policies and procedures.
- 4 July, Islamabad: Capacity-building workshop for journalists on Pakistan's international human rights obligations.
- 16 July, Lahore: Consultation on Pakistan's international human rights obligations.
- 17 July, Lahore: Capacity-building workshop for journalists on Pakistan's international human rights obligations.
- 16–17 July, Karachi: Consultation on the rights of religious minorities and the 2014 Supreme Court judgment, followed by regional meeting of HRCP's National Interfaith Working Group.
- 18 July, Multan: Focus group discussion with brick kiln workers on their working conditions.
- 19 July, Multan: Stakeholders' engagement on the Bonded Labour (Abolition) Act 1992.
- 19 July, Sukkur: Focus group discussion with peasant community on labour rights.
- 20 July, Quetta: Meeting with coalminers to understand workers' labour issues, especially among those affected by mining accidents.
- 20 July, Peshawar: Observation of elections by HRCP volunteers in the former Federally Administered Tribal Areas.
- 22 July, Islamabad: Focus group discussion on the intersection of human rights and social citizenship.
- 26 July, Nagarparkar: Focus group discussion with women water bearers on labour rights.
- 26 July, Islamabad: Launch of *Education and Inequality: Discerning the Foundations of Citizenry* (co-published with the Institute of Development Research and Corresponding Capabilities).
- 26 July, Darra Adam Khel: Focus group discussion with coalminers on their working conditions.
- 30 July, Faisalabad: Stakeholders' engagement on the Bonded

- Labour (Abolition) Act 1992, followed by focus group discussion with domestic workers on their working conditions.
- 31 July, Lahore: Stakeholders' engagement on the Bonded Labour (Abolition) Act 1992, followed by focus group discussion with bonded labourers on their working conditions.
  - 3 August, Quetta: Consultation on Pakistan's international human rights obligations.
  - 4 August, Quetta: Capacity-building workshop for journalists on Pakistan's international human rights obligations.
  - 6 August, Lahore: Focus group discussion with civil society members on social citizenship and human rights.
  - 8 August, Lahore: Focus group discussion with students on social citizenship and human rights.
  - 19 August, Karachi: Consultation on Pakistan's international human rights obligations.
  - 20 August, Hyderabad: Stakeholders' engagement on the Bonded Labour (Abolition) Act 1992.
  - 21 August, Karachi: Stakeholders' engagement on the Bonded Labour (Abolition) Act 1992.
  - 22 August, Quetta: Provincial launch of *State of Human Rights in 2018* and press briefing on Balochistan fact-finding mission's key findings
  - 22 August, Islamabad: Focus group discussion on the intersection of human rights and social citizenship (for participants from Gilgit-Baltistan).
  - 27 August, Lahore: Reference for trade unionist and political activist B. M. Kutty.
  - 28 August, Peshawar: Screening of a lecture by I. A. Rehman on Pakistan's performance in the third Universal Periodic Review.
  - 28 August, Karachi: Capacity-building workshop for journalists on Pakistan's international human rights obligations.
  - 30 August, Islamabad: Talk by Justice Ali Nawaz Chowhan (chairperson, National Commission for Human Rights).
  - 30 August, Peshawar: Meeting to mark International Day of the Victims of Enforced Disappearances.
  - 30 August, Multan: Meeting to mark International Day of the Victims of Enforced Disappearances.
  - 31 August, Islamabad: Staff capacity-building workshop on programme monitoring and evaluation.
  - 3 September, Karachi: Meeting of the National Interfaith Working Group set up by HRCP.
  - 4 September, Lahore: Memorial on the 25th death anniversary of HRCP founder member Nisar Osmani.
  - 5 September, Lahore: Consultation on the rights of religious minorities and the 2014 Supreme Court judgment, followed by regional meeting of HRCP's National Interfaith Working Group.

- 6 September, Hyderabad: Meeting with civil society members to form the Human Rights Alliance against enforced disappearances in the aftermath of Professor Inam Bhatti's abduction and arrest.
- 7 September, Hyderabad: Joint press briefing with the Human Rights Alliance on enforced disappearances in Sindh.
- 12 September, Chiniot: Stakeholders' engagement on the Bonded Labour (Abolition) Act 1992 and focus group discussion with bonded labourers on their working conditions.
- 12 September, Hyderabad: Seminar on the importance of student unions, to mark the death anniversary of student leader Dado Mataro Dahri.
- 19 September, Islamabad: Consultation on Pakistan's international human rights obligations.
- 20 September, Peshawar: Consultation on Pakistan's international human rights obligations.
- 21 September, Karachi: Meeting to discuss the human rights implications of the Karachi Circular Railway project and anti-encroachment drive, in collaboration with the Joint Action Committee.
- 25 September, Karachi: Students' workshop on the Universal Declaration of Human Rights.
- 6 October, Lahore: Public seminar on reclaiming Pakistan's civic spaces.
- 10 October, Islamabad/Paris: Skype press briefing to launch *Punished for Being Vulnerable: How Pakistan Executes the Poorest and Most Marginalised in Society*, co-published with the International Federation for Human Rights.
- 10 October, Quetta and Turbat: Consultations to mark World Day Against the Death Penalty.
- 21 October, Quetta: Consultation with students and civil society to discuss allegations of harassment and campus surveillance at Balochistan University.
- 24 October, Islamabad: Public seminar on reclaiming Pakistan's civic spaces.
- 27 October, Multan: Meeting with brick kiln workers to discuss their working conditions.
- 28 October, Multan: Meeting with representatives of the Ahmadiyya community to discuss concerns related to freedom of religion or belief.
- 8 November, Islamabad: National consultation in collaboration with the World Organisation Against Torture on developing legislation for Pakistan to eradicate torture.
- 12 November, Lahore: Workshop to examine legislation against torture and the implementation of the Convention Against Torture in Pakistan.

- 20 November, Quetta: Meeting to raise awareness of children's rights on Universal Children's Day.
- 26 November, Karachi: Meeting to raise awareness of the enforced disappearance of human rights defender Idris Khattak.
- 28 November, Hyderabad: Consultation on the Sindh High Court's judgment on tenancy rights, in collaboration with labour rights organisations.
- 10 December, Multan: Civil society dialogue to mark Human Rights Day.
- 15 December, Karachi: Meeting with the transgender community on the Transgender Inheritance Bill.
- 18–20 December, Islamabad: Staff project planning meeting.
- 23 December, Karachi: Public seminar on reclaiming Pakistan's civic spaces.
- 27–28 December, Quetta: Meetings with lawyers and human rights ministry officials to advocate the establishment of a national commission for minorities.
- 30 December, Lahore: Reference for HRCP founder member Air Marshal (Retd) Zafar Chaudhry.
- 30 December, Peshawar: Meeting with civil society activists on strategies to advocate the establishment of a national commission for minorities.

### **Fact-finding missions**

- 1 January, Karachi: Fact-finding mission to investigate the human rights impact of the Karachi Circular Railway project.
- 22 January, Sahiwal: Fact-finding mission to investigate the extrajudicial killing of a family in a police 'encounter'.
- 18 March, Narowal: Fact-finding mission to document human rights violations emanating from the construction of the Kartarpur Corridor, including compensation for displaced families.
- 2–3 May, Ghotki: Fact-finding mission to investigate the alleged forced conversion of two Hindu sisters.
- 18 May, Multan: Fact-finding mission to investigate the death of a young teacher whose parents had accused the school of not having provided first aid, resulting in her death.
- 13 June, Faisalabad: Fact-finding mission to investigate the murder of a Christian child.
- 22–24 June, Dera Ismail Khan and Bannu: Fact-finding mission to assess the state of human rights in Khyber Pakhtunkhwa, based on meetings with civil society activists, lawyers, journalists, internally displaced persons, political parties, and government officials (first leg).
- 8–15 July, Swat, Peshawar and Khyber: Fact-finding mission to assess the state of human rights in Khyber Pakhtunkhwa (second leg).

- 20 July, Karachi: Fact-finding mission to investigate allegations of sexual harassment at Al-Ghazi General Tractors.
- 24 July, Multan: Fact-finding mission to identify the concerns of religious minorities in Multan, Khanewal, Bahawalpur and Rahimyar Khan.
- 30 Jul-2 Aug, Gilgit: Fact-finding mission to assess the state of human rights in Gilgit-Baltistan, based on meetings with civil society activists, labourers, nationalists, lawyers, journalists, internally displaced persons, political parties, and government officials.
- 17-18 August, Karachi: Fact-finding mission to assess the human rights situation in Sindh, based on meetings with families of missing persons, religious minorities, journalists, students, civil society activists, and small vendors affected by the anti-encroachment drive in the city (first leg).
- 17-22 August, Hyderabad: Fact-finding mission to assess the human rights situation in Sindh, based on meetings with the peasant community and bonded labourers in Jamshoro and Kotri, families of victims of enforced disappearance in Larkana, health workers in Mithi, and journalists in Hyderabad, as well as an investigation of the custodial deaths of two Hindu boys in Mirpurkhas.
- 19-24 August, Quetta and Turbat: Fact-finding mission to assess the state of human rights in Balochistan, based on meetings with political parties, religious minorities, students, mine workers, trade union representatives, farmers, and government officials.
- 30 August-10 September, Karachi: Fact-finding mission to investigate the closure of religious minorities' places of worship.
- 4 September, Lahore: Fact-finding mission to investigate the closure of an Ahmadiyya place of worship.
- 7 September, Toba Tek Singh: Fact-finding mission to investigate the closure of a church.
- 23 September, Kasur: Fact-finding mission to investigate the rape and murder of four children in Chunian.
- 22 October, Quetta: Fact-finding mission to investigate the conversion of a Hindu temples into a school library.

### **Demonstrations, rallies and visits in solidarity**

- 13 January, Karachi: Hunger strike in solidarity with persons affected by the encroachment drive in Karachi, organised jointly with the Joint Action Committee.
- 25 January, Quetta: Solidarity visit to missing-persons camp at Quetta Press Club.
- 8 March, Quetta: Solidarity march with local civil society organisations to mark International Women's Day.
- 20 March, Quetta: Solidarity visit to missing-persons camp.
- 1 May, Karachi: Women workers' rally from Karachi Arts Council to Karachi Press Club.

- 17 May, Hyderabad: Protest against the alleged forced marriage of a 12-year-old girl.
- 5 July, Karachi: Demonstration to express solidarity with the family of Vidya, a missing minor.
- 10 July, Karachi: Demonstration to express solidarity with the Shia community and demand the recovery of disappeared journalists.
- 10 July, Quetta: Visit to BMC hospital to express solidarity with an acid attack victim.
- 15 July, Quetta: Solidarity visit to pharmacists' strike camp.
- 26 August, Quetta: Visit to BMC hospital to meet acid attack victims.
- 30 August, Quetta and Turbat: Demonstrations to mark International Day of the Victims of Enforced Disappearances.
- 30 August, Lahore: Protest camp in front of the Lahore Press Club to mark International Day of the Victims of Enforced Disappearances.
- 30 August, Karachi: Sit-in at Karachi Press Club to mark International Day of the Victims of Enforced Disappearances, along with families of missing persons.
- 30 August, Hyderabad: Rally to mark International Day of the Victims of Enforced Disappearances.
- 6 September, Karachi: Protest in solidarity with the family of Professor Inam Bhatti, who was forcibly disappeared.
- 29 November, Lahore, Islamabad and Multan: Participation in Students' Solidarity March.
- 10 December, Quetta: Demonstration at Quetta Press Club to mark Human Rights Day.
- 17 December, Peshawar and Islamabad: Participation in rally in solidarity with the Pakistan Federal Union of Journalists to protest against increasing pressure on *Dawn* personnel.

### **Complaints cell**

HRCP's Complaints Cell received a total of 564 complaints between 1 January and 31 December 2019. The bulk of these related to violence against women and other human rights violations.

### **Internship programme**

Thirteen interns from universities in Pakistan and abroad joined HRCP's internship programme in 2019:

- Mr Amin Shafi (17 June to 12 July) carried out research on Afghan refugees in Karachi and the impact of the anti-encroachment drive on vulnerable populations.
- Ms Mishaal Hyat (24 June to 5 August) assisted with data collection on women's rights in Pakistan in 2019.
- Ms Zoha Attique (8 July to 2 August) assisted with data collection on freedom of expression in Pakistan in 2019.
- Mr Hamza Raza (8 July to 2 August) assisted with data collection on environmental issues in Pakistan in 2019.

- Mr Hasan Ahmad (8 July to 2 August) assisted the Archives Section in digitising human rights data.
- Mr Zakria Jaffar (8 July to 9 August) carried out research on labour rights and human rights developments in former FATA.
- Ms Haniya Faheem (8 July to 2 August) assisted with data collection on children’s rights in 2019.
- Ms Mahnoor Latif (29 July to 23 August) carried out research on federal and provincial legislation passed in 2019 and on the death penalty.
- Ms Afsah Ahmed (29 July to 23 August) assisted the Archives Section in digitising human rights data.
- Ms Zainab Mahmood (29 July to 13 September) assisted with data collection on sectarian violence in 2019.
- Ms Maheen Rasheed (18 September to 30 October) assisted the Complaints Cell in processing complaints and the publications team in proofreading and designing reports.
- Mr Muhammad Hashim (4 November to 6 December) assisted the Archives Section in collating and digitising data.
- Ms Mehreen Usman (16 to 27 December) assisted in editing a fact-finding report on an alleged honour killing in Sindh and helped document referrals for the Complaints Cell.

## **Publications**

HRCP released the following publications in 2019:

- *State of Human Rights in 2018* (annual report).
- *Fixing a Broken Social Contract: Freedom of Religion or Belief in Pakistan* (project publication).
- *Pakistan’s International Legal Obligations* (project publication).
- *Legal Framework Prohibiting Torture in Pakistan: A Resource Handbook* (project publication).
- *KP Reimagined: FATA’s Long-Awaited Merger with Khyber Pakhtunkhwa* (fact-finding report).
- *Balochistan: Neglected Still* (fact-finding report).
- *Sindh: Falling Through the Cracks?* (fact-finding report).
- *Forced Conversions in Ghotki?* (fact-finding report).
- *Faith-Based Discrimination in Southern Punjab: Lived Experiences* (fact-finding report).
- *Punished for Being Vulnerable: How Pakistan Executes the Poorest and Most Marginalised in Society* (fact-finding report co-published with the International Federation for Human Rights).
- *Education and Inequality: Discerning the Foundations of Citizenry* (consultation report co-published with the Institute of Development Research and Corresponding Capabilities).
- *Discrimination and Inequality in Employment* (consultation report co-published with the Child and Labour Rights Welfare Organization).

- *Pakistan's International Legal Obligations: A Human Rights Perspective* (consultation report).
- *Revisiting the Bonded Labour System (Abolition) Act 1992: A People's Assessment* (consultation report).
- *Implementation of the Convention against Torture: What Pakistan Must Do* (consultation report).

## HRCP stands

### **The legacy of Asma Jahangir**

**11 February 2019:** On the occasion of Asma Jahangir's first death anniversary, the Human Rights Commission of Pakistan (HRCP) said that, although the blow of losing its co-founder had not lessened, this loss had translated into a renewed determination to carry her legacy forward.

### **The loss of fellow human rights defenders**

**27 August 2019:** HRCP noted with sorrow the loss of veteran trade unionist, political activist and writer Biyyothil Mohyuddin Kutty, who passed away in Karachi on 25 August.

HRCP's Secretary-General Harris Khalique said that Mr Kutty's profound interest in different facets of life was matched by his deep interest in humanity and the human condition.

**18 December 2019:** HRCP mourned the passing of one of its founder members, Air Marshal (Retd) Zafar Chaudhry. A committed human rights activist, he was instrumental in supporting HRCP as an independent human rights organisation in the mid-1980s, when no such body existed. Subsequently, he served on its Council and continued to come to HRCP's office even in frail health. The Commission said it was indebted to him for helping establish its secretariat in Lahore.

### **Peace and human rights in South Asia**

**26 February 2019:** Following reports of India's violation of Pakistani airspace, HRCP expressed alarm over the escalating tension between the two countries.

HRCP condemned the Indian incursion as a provocative measure, adding that, 'despite the fact that national sentiments are running high in Pakistan, we strongly urge restraint on both sides. The ongoing verbal duel between representatives of the Indian and Pakistani governments must cease and give way to sensible, mature diplomacy. There is nothing to be gained from military action for either country.'

**6 March 2019:** Along with other civil society organisations across South Asia, HRCP expressed its concern about tension between Pakistan and India. In a joint statement, the signatories called on the governments of the two countries to take immediate steps to de-escalate the tension, to create an enabling environment for peace dialogue, and to protect human rights in Kashmir.

The statement added: 'While we strongly and unreservedly condemn the suicide attack [in Pulwama], the response from the Indian authorities does not contribute to finding a sustainable solution to the conflict in Kashmir. Issues of mistrust, political struggle and self-determination need to be addressed through political dialogue and not through suppression and military might.'

**5 August 2019:** HRCP said it was deeply alarmed at the decision by the Indian government to revoke the special constitutional status of Jammu and Kashmir. The increased deployment of troops and curfew-like restrictions on citizens are ominous signs of what may come.

This could have grave repercussions for Kashmiri citizens on both sides of the Line of Control (LOC), should the escalation turn into armed conflict. The recent increase in exchange of fire along the LOC and the rise in casualties, especially with the use of cluster bombs, whose victims reportedly include children, is a matter of grave concern.

**5 October 2019:** HRCP strongly condemned the failure of the Indian government to lift the lockdown on some ten million Kashmiris, who continued to face gross human rights violations at the hands of the state.

In a statement, the Commission said: 'It has now been two months since the Indian government revoked the special status of Kashmir under Article 370 of the Indian constitution and placed the region under curfew. HRCP is alarmed by continuing reports that thousands of Kashmiris – including minors – are being arbitrarily detained, that demonstrations are quelled by force, and that people's access to food and medicines is increasingly tight.'

### **Rule of law**

**12 January 2019:** HRCP expressed grave concern at the government's decision to table a bill in favour of extending the tenure of military courts, which were otherwise due to end their term in January 2019. HRCP stated categorically that the institution of military courts was an anomaly in any democratic order that claimed to uphold the fundamental rights and freedoms of its citizens.

**23 January 2019:** HRCP urged President Arif Alvi to defer the enforcement of the controversial Government of Gilgit-Baltistan Order 2018 pending necessary consultations with the people of Gilgit-Baltistan.

In a letter to the President, HRCP said: 'In view of the time-limit fixed by the Supreme Court for your assent to the Government of Gilgit-Baltistan Order 2018, the Human Rights Commission of Pakistan calls upon you to give due weight to the sentiments of the people of Gilgit-Baltistan and defer the enforcement of this controversial order pending necessary consultations with the people concerned.'

**22 March 2019:** After two minor Hindu girls in Ghotki were allegedly abducted and converted forcibly to Islam, HRCP called on the Sindh Assembly to 'take swift, serious measures to resurrect and pass the bill criminalising forced conversions.' HRCP said that it was imperative this bill be passed and steps taken to implement it.

The Commission added: 'At present, forced conversions are too easily – and too often – disguised as voluntary conversions, leaving minor girls especially vulnerable. The ugly reality of forced conversions is that they are not seen as a crime, much less as a problem that should concern 'mainstream' (Muslim) Pakistan.'

**11 June 2019:** HRCP said it was deeply concerned about the timing of,

and apparent intention behind, the presidential reference with the Supreme Judicial Council against the Honourable Justice Qazi Faez Isa under Article 209 of the Constitution.

HRCP said it believed that ‘the government does not fully appreciate the repercussions this reference will have on the sanctity of the superior judiciary and the subsequent political fallout. We believe that any mala fide acts on the government’s part will further weaken the constitutional institutions of the state.’

**18 September 2019:** HRCP said it was appalled to learn that the Khyber-Pakhtunkhwa (KP) government had promulgated an ordinance extending certain powers of the armed forces that were applicable to erstwhile FATA and PATA under the 2011 regulations ‘in aid of civil power’ to the entire province.

Responsibility for maintaining law and order in KP, said the Commission, lay squarely with the KP government and should not be outsourced in this manner. HRCP strongly urged the KP government to heed the aspirations of the province’s people and focus instead on strengthening civilian authority and capacity in KP.

**6 October 2019:** On concluding its biannual meeting, the HRCP Council said it was seriously concerned by the government’s recent attempts to undermine the political opposition, adding: ‘There are alarming signs that the role of Parliament is receding: this is evident from the government’s attempts to rule by ordinance.’

The Council condemned the practice of enforced disappearances as a means of coercion by state actors and expressed concerns over the surge in recent cases of child abuse, adding that both the state and society must take responsibility for protecting children. The Council urged the state to grant Gilgit-Baltistan provincial status and to ensure that its people had access to all the same fundamental rights as other citizens of Pakistan.

**8 October 2019:** In a new report, the International Federation for Human Rights (FIDH) and its member organisation, HRCP, detailed the systemic bias faced by the poor and marginalised with regard to the death penalty in Pakistan. The report, published ahead of the World Day Against the Death Penalty (10 October), urged the Pakistani government to reform the criminal justice system to eradicate the procedural and policy issues that were among the primary causes of high rates of capital convictions and executions for the most vulnerable members of society.

**20 December 2019:** HRCP expressed deep concern at the mounting tension between two key institutions of the state and deprecated the sustained assault on the judiciary. The court’s verdict, which had found General Pervez Musharraf guilty of treason, set an important precedent. The objections to paragraph 66, and the storm it had created, should not depreciate the main body of the judgment.

**21 December 2019:** HRCP said it was dismayed by the verdict handed down to academic Junaid Hafeez by the Multan district and sessions

court on charges of blasphemy, adding that it believed the blasphemy laws were heavily misused. This was compounded by a trial process ridden by delays and pressures at the level of the lower judiciary.

The offence itself was already associated with vigilantism and entrenched impunity – underscored by the 2014 murder of Mr Hafeez’s lawyer, Rashid Rehman. The resulting pressure on lower courts became apparent when most such verdicts were overturned by the High Court or Supreme Court.

### **Enforcement of law**

**21 January 2019:** HRCF said that it was horrified at the recent incident in which four individuals were killed by an elite force of the Punjab police, allegedly in a counter-terrorism operation.

In its statement, HRCF said that, ‘increasingly, it appears that what was initially termed “an encounter with terrorists” was the unnecessary, violent death of four people, including two parents and their teenage daughter.

**5 February 2019:** In the wake of several incidents in which state and law enforcement agencies appeared to have acted with impunity, HRCF expressed serious concern over the alleged harassment of a Pashtun woman in the village of Khaisor in North Waziristan.

The Commission strongly condemned the incident, saying that there could be no justification for state agency officials to enter a private home and threaten to rape a woman whose husband and elder son were arrested reportedly in an earlier security operation.

**8 March 2019:** HRCF strongly condemned the murder of Afzal Kohistani, who was gunned down in Abbottabad on 6 March. In its statement, HRCF said: ‘It is highly likely that Mr Kohistani was murdered for his role in exposing a series of suspected ‘honour’ killings that occurred in 2011, after a video that showed a gathering of young men and women in northern Kohistan singing and clapping to the beat of a wedding song, was posted online. Mr Kohistani’s murder follows only seven months after an FIR was finally filed last August on his petition to the Supreme Court – an FIR that took seven years to be filed.’

**12 April 2019:** HRCF strongly condemned an attack in Quetta, which killed at least 20 people and injured about 48 others. The Commission stated: ‘The fact that this incident occurred in a vegetable market that is frequented by the Shia Hazara indicates that they remain consistently vulnerable, despite efforts to help ensure their right to life and security. This reflects a deeper sectarian problem that will not be resolved until the state makes a concerted effort to eliminate militancy and religious extremism.’

**19 April 2019:** HRCF strongly condemned the brutal murder of at least 14 people near Ormara, Balochistan – including 11 security personnel – who were shot dead by gunmen while traveling from Karachi to Gwadar.

HRCF said that it was shocked at the calculated way in which these

passengers were identified by their identity cards, forcibly offloaded from buses by gunmen impersonating security personnel, and killed in cold blood.

**10 May 2019:** HRCP said that the recent sit-in by the Shia Missing Persons Relatives Committee in hopes of finding out what had happened to their family members had not produced a satisfactory response on the part of the state.

HRCP also expressed its support for the families of missing persons from Karachi's Shia community, and said that, 'Foremost is the right to due process. While the police have claimed that five of the missing people were arrested on suspicion of 'anti-state activities, the Committee's rejoinder, that the people in question are innocent of these charges, must be investigated fairly and transparently.'

**21 May 2019:** HRCP said that it was appalled to learn that ten-year-old Farishta, who disappeared from her home on 15 May in Islamabad, was allegedly raped and murdered.

The Commission added: 'There is a chilling resemblance to the case of seven-year-old Zainab in Kasur, which points to an increasingly brutal society in which children are abused and discarded at whim.'

**27 May 2019:** HRCP said it was alarmed by the use of military force, causing the deaths of at least three Pashtun Tahafuz Movement (PTM) activists in North Waziristan.

HRCP believed this would escalate tensions between PTM supporters and security institutions, consequently leading to a permanent wedge between the people of tribal districts and the state - this would be detrimental to the interests of the country and its citizens.

**4 June 2019:** On the occasion of Eid-ul-Fitr, HRCP said: 'We must not forget the plight of the families of missing persons.' While acknowledging that the release of Mr Khadim Hussain Arijo and Mr Hidayat Lohar in Sindh was a step in the right direction, HRCP urged that all missing persons must be produced before Eid-ul-Fitr and all those detained for political reasons, freed.

**16 July 2019:** HRCP said it was deeply concerned over the grave allegations it had received regarding senior PML-N leader Rana Sanaullah's treatment in detention. The Commission reminded the state of its obligation to ensure that 'all prisoners have access to the food and medicine they need. To deprive any prisoner of this basic standard of care amounts to cruel, inhuman and degrading treatment.' HRCP strongly advised the government to take urgent action in this regard if it was to refute the claims of political victimisation.

**30 August 2019:** Observing International Day of the Victims of Enforced Disappearances, HRCP expressed solidarity with all victims of enforced disappearance the world over, adding: 'Our thoughts are also with those Kashmiris who have been forcibly disappeared as part of the state crackdown in India-held Kashmir.'

**25 September 2019:** HRCP said it was extremely concerned at the continued disappearance of Ahmad Mustafa Kanju, spokesperson for the Seraiki National Party.

The Commission pointed out that there was already a legal structure in place for charging people accused of any offence. Enforced disappearances had no place in this system and only added to the prevailing sense of fear that was damaging Pakistani society.

**11 October 2019:** HRCP said that the alleged disappearance of writer Mudassar Mahmood Naru had caused great concern, not only to his family but civil society and the literary community at large.

HRCP said that it supported all investigation to ensure the safe return of Mr Naru, adding that the state of affairs regarding missing persons in Pakistan must be fundamentally altered. Enforced disappearances were illegal and inhuman, and perpetrators must be held to account.

**8 November 2019:** On concluding a national consultation held in collaboration with the World Organisation Against Torture (OMCT), HRCP said that a comprehensive legislative framework to eradicate torture and all forms of cruel, inhuman and degrading treatment or punishment was long overdue.

The Pakistani state must not only define and criminalise torture, but also set up independent oversight mechanisms to curb impunity. This required effective coordination and consultation with the police and prison systems, including better training and resources.

**20 November 2019:** HRCP said it had strong reason to believe that the abduction of human rights defender and political activist Idris Khattak was a possible enforced disappearance, given that the family said there was no evidence of kidnapping for ransom.

In its statement, the Commission said: 'That the state has not responded to this incident is cause for concern because it reflects indifference towards the grave problem of enforced disappearances and arbitrary detention, and little respect for the due process of law.'

**3 December 2019:** HRCP conducted a fact-finding mission in response to allegations that the Kashana Home for Destitute Girls in Lahore was being used to 'supply' young girls and women – ostensibly for marriage – to several senior government functionaries in Punjab. The allegations were made by the home's former superintendent, Afshan Latif.

HRCP said it was concerned over the lack of transparency surrounding this matter and the possibility that residents of social welfare institutions may be vulnerable to exploitation by those in positions of authority.

### **Democratic participation**

**7 April 2019:** On the conclusion of its 33rd Annual General Meeting, HRCP noted with concern the state's amendment of the requisites of participatory democracy to the concept of a majoritarian state.

In its statement, HRCP said: 'This trend must be arrested as it runs counter to the dictates of pluralism. HRCP has no quarrel with attempts

to improve the scheme ushered in by the 18th Amendment, but any attempt to curtail the rights and interests of the federating units will undermine the integrity of the state.’

Among other issues, the Commission also expressed concern over the rapidly closing space for civil society organisations in Pakistan, the pressure on the media in the shape of job terminations and escalation in the harassment of journalists, the scale of child abuse across Pakistan – especially in Balochistan’s mining sector – and the state of the mining sector, which was still characterised by hazardous working conditions and little regard for occupational health and safety among mine owners.

**10 April 2019:** Concluding its national conference on human rights and democratic participation in Islamabad, HRCP said that this was an opportune time to re-energise the human rights discourse, given that intense political polarisation had overshadowed the human rights enterprise at all levels.

HRCP’s honorary spokesperson, Mr I A Rehman, said that it was the right of the people of Pakistan to be governed democratically and that political parties needed to come together to work on a new charter of democracy. The conference examined crucial questions relating to freedom of expression, assembly and association, federalism, freedom of religion and belief, and rule of law and constitutionalism.

HRCP said it hoped the conference would bring greater visibility to human rights issues in Pakistan, including that of empowering the more vulnerable sections of the population and projecting them as a priority for the government to tackle.

**15 April 2019:** At the launch of its flagship annual report, *State of Human Rights in 2018*, HRCP noted that, in a year of general elections, it was perhaps inevitable that the progress and observation of human rights issues might be suspended, if not forgotten altogether.

The elections themselves were plagued by allegations of pre-poll manipulation and vote rigging as well as some appalling outbreaks of violence, notably in Mastung and Quetta. Nonetheless, there were more women candidates for general seats in these elections than in any past election, and for the first time, transgender candidates contested the polls.

HRCP also commented on the unprecedented level to which the fundamental right to freedom of expression was overtly violated in 2018, particularly in the run-up to the elections, adding that, in the guise of ‘national security concerns’, restrictions on media coverage had been stepped up.

**22 July 2019:** HRCP expressed its overall satisfaction with the provincial elections conducted in the erstwhile Federally Administered Tribal Areas (FATA). That these elections were held as planned – despite the brief delay – was a milestone for the people of western Khyber Pakhtunkhwa.

It was also to the Election Commission of Pakistan’s credit that, by and

large, polling remained peaceful and was conducted in accordance with the Elections Act 2017.

### **Fundamental freedoms**

**14 February 2019:** Amid growing fears of curbs on social media – especially on social media activists and journalists who had spoken out on subjects that received little, if any, space in the mainstream media – HRCP said it strongly felt the need to equip human rights defenders with measures to use social media apps safely and productively.

**4 March 2019:** HRCP criticised the notification issued by the University of Engineering and Technology in Lahore, imposing a ‘dress code’ on its students that made it compulsory for women to wear a scarf or dupatta, and barred students from attending class if they did not conform to the dress code.

HRCP said that ‘freedom of choice lies at the heart of human rights. Imposing a dress code that clearly projects a regressive notion of what women “should” wear in public is needless and absurd.’

**13 April 2019:** Following attempts to malign academic Dr Arfana Mallah and the FIR lodged against journalist Shahzeb Jillani, HRCP expressed its alarm at the frequency with which human rights defenders and journalists were made the subject of propaganda amounting to incitement.

The fact that an unverified news item implying that Dr Mallah had expressed ‘anti-state’ sentiments was troubling. In addition, the FIR lodged against Mr Jilani under the Prevention of Electronic Crimes Act 2016, accusing him of casting aspersions on state institutions, was baseless and absurd.

**25 May 2019:** HRCP said it was deeply concerned at the way Fauzia Viqar, chairperson of the Punjab Commission on the Status of Women, had been removed summarily from her position by the Government of Punjab.

HRCP called for an immediate withdrawal of the notification and the reinstatement of Ms Viqar. Given the already narrow confines in which human rights bodies operate, they must not be subjected to political expediency. Rather, they must be allowed to function independently if they are to remain effectual.

**3 June 2019:** Human rights activists gathered at HRCP on the fifth anniversary of the Supreme Court’s 2014 landmark judgment on the rights of religious minorities.

Members of civil society expressed their concern that, despite the lapse of five years, no real progress had taken place on implementing this judgment, except for the establishment of the one-man Suddle Commission, whose report was still pending.

**19 June 2019:** Observing the fifth anniversary of the landmark Supreme Court judgment on the protection of religious minorities’ rights, HRCP held a conference with other civil society organisations to reiterate the

importance of implementing the judgment. HRCP's honorary spokesperson, Mr I A Rehman, said that the implementation of the Jillani judgment was 'not just a matter of concern for minorities alone. It is the concern of all Pakistanis.'

HRCP Secretary-General Harris Khalique noted that there was no concept of equal citizenship in Pakistan's constitution and that their representation on almost all forums was nominal. The conference panel agreed that the swift implementation of the Jillani judgement was critical if Pakistan's religious minorities were to enjoy the same fundamental rights as all other citizens of the country.

**5 July 2019:** HRCP was seriously concerned over reports that activist Gulalai Ismail's family had been threatened, allegedly by state agencies, in connection with her work as a human rights defender.

The Commission said that, 'as a well-known human rights defender who has consistently highlighted human rights violations, especially in KP, attempts to harass and threaten [Ms Ismail] through her family and other household members are unacceptable. The state must protect civil society's right to dissent by ensuring that the incident is investigated transparently and those involved, held accountable.'

**30 July 2019:** On learning that civil society organisations such as Voice of Baloch Missing Persons now required a no-objection certificate to hold missing-persons camps, HRCP urged the government to remove this requirement and to focus on eliminating the problem of enforced disappearances rather than devising new methods to suppress dissent.

**2 October 2019:** HRCP released a detailed report after a fact-finding mission to Balochistan. Titled *Balochistan: Neglected Still*, the report said that Balochistan continued to be shortchanged politically. Incidents of enforced disappearance continued: in most cases, victims' families said they were afraid of communicating their cases to the authorities.

HRCP's investigation revealed that hundreds of coal mines were being operated by people who possessed neither the financial resources nor the technological skills to provide for operational safety or deal with emergencies.

HRCP also said it believed that the level of the Frontier Corps' presence in Balochistan and its degree of control undermined provincial government and civilian administration.

**16 October 2019:** HRCP expressed concern over allegations that elements associated with the administration at Balochistan University were using campus surveillance videos - including those filmed by 'secret' cameras - to harass and blackmail students.

HRCP said it supported those students who had called this a gross violation of their privacy and a means of coercion, adding that it welcomed the Balochistan High Court's decision to take suo moto notice of the matter.

**24 October 2019:** Speaking at a seminar on 'Reclaiming Civic Spaces in Pakistan' organised by HRCP, Honorary Spokesperson I. A. Rehman

said that the government was becoming opaque rather than being transparent in its decision making and governance.

On the one hand, there was unprecedented censorship across different forms of media. On the other hand, rifts and divisions had appeared among the judiciary, the bar and trade unions, which had weakened the collective struggle for fundamental rights. Citizens had the right to know which bills were introduced in Parliament and any policies and decisions made by the government that affected their lives.

**25 October 2019:** HRCP condemned the use of force by the police to disperse a peaceful protest by teachers at D Chowk, Islamabad, on 23 October. Terming the state's response 'shockingly disproportionate',

HRCP urged the government to respect people's right to peaceful assembly and to meet their demand for a living wage and regular employment without further delay. The Commission added that a state that failed to respect teachers' right to a decent livelihood would end up failing its people.

**25 November 2019:** HRCP said it was deeply concerned at the National Press Club's decision to bar senior journalists from entering the premises to hold a forum to debate current issues on Pakistan's economy, society and polity. The Commission pointed out that, for journalists, columnists and media personnel, holding such debates was part of their duty; as citizens, it was their right.

**27 November 2019:** HRCP deplored the government's response to the Students' Solidarity March, held on Friday 29 November across cities and towns in Pakistan. HRCP said it was alarmed by reports that students supporting the march were being harassed, facing rustication or being dislodged from their hostels in an effort to restrain them from participating.

This was a flagrant violation of their right to peaceful assembly. Moreover, the propaganda that was being circulated on social media platforms to malign march supporters was not just repugnant, it could also put them at risk of harm.

**13 December 2019:** In a joint statement with members of the International Federation for Human Rights (FIDH), HRCP expressed its concern over recent attacks against the independent media in Pakistan. Signatories to the statement said that the pressure on the media in Pakistan – and especially on *Dawn* – was rapidly taking a dangerous turn.

The statement also said: 'We are concerned that the government has tacitly enabled the intimidation and harassment of the media in cases where news reports were deemed "against the national interest."

Despite laws against hate speech and incitement to violence (including under various anti-terrorism laws) in Pakistan, the authorities have repeatedly failed to take concrete action against threats, intimidation, and harassment against journalists, and to unequivocally condemn attacks against independent media.'

**13 December 2019:** As part of its ongoing work on freedom of religion or

belief, HRCP held a meeting of the National Interfaith Working Group, attended by representatives of the Christian, Hindu, Ahmadiyya, Sikh, Ismaili, Shia Hazara and Baha'i communities.

Participants demanded that an effective, independent national commission for religious minorities be set up in the spirit of the 2014 Supreme Court (Justice Jilani) judgment. They also agreed that the official census data on minorities should be released as soon as possible.

### **Rights of the disadvantaged**

**14 June 2019:** After 63 bonded labourers were recovered from a brick kiln in Basti Pir Ismail near Multan, following a writ petition filed by HRCP, the Commission strongly urged the provincial government to ensure that the district vigilance committees set up to implement the 1992 Act were made operational and able to execute their mandate effectively and consistently.

**13 September 2019:** Deploring the Punjab government's ban on labour inspections in factories, HRCP termed the move 'callous' and 'ill-thought-out'. The Commission said that, although the government should be strengthening labour inspection mechanisms and extending these to all sectors of the economy, it had effectively dismissed labour welfare. Where Article 37(e) of the Constitution emphasised that the state 'shall make provision for securing just and humane conditions of work', the government had created conditions in which employers were no longer obligated to ensure occupational health and safety.

**15 October 2019:** HRCP said it supported an ongoing protest by visually impaired persons at Charing Cross in Lahore, where protestors, comprising provincial government employees, claimed they had been working on a daily wage basis for the last five years, which barely allowed them to make ends meet.

Terming the situation 'unacceptable', HRCP urged the Punjab government to support the right of persons living with disabilities to earn, at the very least, a living wage – especially when they were more likely than others to be affected by spiralling inflation.

### **Social and economic rights**

**20 March 2019:** HRCP expressed its strong concern over the land acquisition being carried out to develop the Kartarpur Corridor. Following a fact-finding mission in the area, HRCP said that, 'while the development of the Kartarpur Corridor will help improve Pakistan's relations with India, this should not happen at the cost of people's homes and livelihoods.'

HRCP urged the government to ensure that no involuntary resettlement should occur until a systematic census and inventory had been carried out to the satisfaction of the residents affected by the project.

Given the lack of information that many people had complained about, there should be a transparent and efficient grievance redressal mechanism to address any violation of people's economic, social or cultural rights.

**26 June 2019:** HRCP said it was concerned that the government's bid to reduce budgetary expenditure on higher education through the Higher Education Commission would affect both existing and prospective students, especially those from poorer vulnerable or marginalised groups.

HRCP urged the government to avoid straining the resources available to the higher education sector and to give those who were protesting against these budget cuts a fair hearing before the budget was passed.

**6 October 2019:** On concluding its biannual meeting, the HRCP Council said that the state had a constitutional duty to provide its citizens with access to education and a moral duty to take all possible steps to provide acceptable levels of healthcare across the country.

The Council also said that it stood in solidarity with the global and national movement to check climate change and urged the state to heed warnings that, if it did not incorporate measures to halt irreversible damage to the environment, it was ultimately depriving future generations of the right to life.

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# Human Rights Commission of Pakistan

Established in 1986 and registered in 1987, the Human Rights Commission of Pakistan (HRCP) is the country's apex independent human rights body. A membership-based organisation, HRCP is committed to realising the entire ambit of human rights—civil, political, economic, social and cultural—for all citizens and persons present in the country. HRCP uses the framework provided by the fundamental freedoms guaranteed in the Constitution of Pakistan as well as international human rights instruments, to some of which Pakistan is a state party.

HRCP's office bearers for 2017–20 are: Dr Mehdi Hasan (chairperson), Uzma Noorani (co-chair), Naazish Ata-Ullah (treasurer), Habib Tahir (vice-chair, Balochistan), Kamran Arif (vice-chair, Khyber Pakhtunkhwa), Salima Hashmi (vice-chair, Punjab), and Asad Iqbal Butt (vice-chair Sindh). I. A. Rehman is the organisation's honorary spokesperson.

HRCP is represented by its secretary-general, Harris Khalique. Its day-to-day operations are overseen by the director, Farah Zia, from its secretariat in Lahore. HRCP's work is supported by human rights defenders across the country. It maintains a comprehensive website at [www.hrcp-web.org](http://www.hrcp-web.org).

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