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HRCP Human Rights
Commission of Pakistan



STATE OF HUMAN RIGHTS IN 2017



State of Human Rights in 2017



Human Rights Commission of
Pakistan

Dedicated to Asma Jahangir

The Human Rights Commission of Pakistan proudly dedicates this 29th edition of its State of Human Rights report to the memory of Asma Jahangir, who laid the foundations of the human rights movement in Pakistan and played a leading role in its nourishment till her last breath.

Asma Jahangir was the moving spirit behind the formation of the Human Rights Commission of Pakistan (HRCP) in 1986 and under the guidance of the commission's first chairperson, Justice (R) Dorab Patel, she defined the vision, mission and priorities of HRCP as its first Secretary-General (1987-1993) and as its second chairperson (1993-1999). Thanks to her leadership, HRCP was able to draw upon the wisdom and experience of a galaxy of politicians, jurists, academics and human rights activists who served on its governing body*. HRCP thus won recognition at home and abroad as Pakistan civil society's most credible voice in the defence of human rights.

HRCP was able to achieve this distinction by steadfastly pursuing the objectives its founding parents had set for themselves. At its foundation conference three demands were made on the state: hold general elections as the first step towards restoration of democratic governance; replace separate electorates with joint electorate; and abolish death penalty. A general election was held two years later and there have been more general elections since than needed; separate electorates were abolished (except for the Ahmadis) in 2002; and a moratorium on executions was maintained during 2009-2013.



HRCP owed its success to its refusal to compromise on the people's right to democratic governance. It invested considerable time and resources to promoting free, fair and democratic elections, campaigned for recognition of the Gilgit-Baltistan people's fundamental freedoms and democratic rights, and mapped out through its fact-finding reports the ways to end the political crisis in Balochistan.

Non-partisanship was an essential plank of HRCP strategy since the very beginning. When Nawaz Sharif as leader of the opposition asked HRCP to probe the charges of harassment of his party workers by President Leghari of the PPP, HRCP carried out a fact-finding mission and both parties found its report fair and objective. Some time later Benazir Bhutto, as leader of the opposition, complained of harassment of her supporters by the Nawaz Sharif government and HRCP's report again satisfied both parties.

That within a few years of its existence HRCP had won the state's respect for its capacity to carry out projects of national importance was confirmed in 1995 when the government asked it to hold on its behalf a UNESCO-sponsored seminar on tolerance. The seminar was addressed by the then prime minister, Benazir Bhutto, while the keynote speaker was the chief justice of South Africa's constitutional court and a former counsel to Nelson Mandela, Justice S. Mohammad.

An important factor of HRCP's acceptability as a responsible watchdog has been its record as a body with the largest membership of any civil society organisation in the country that has a federal structure and whose affairs are managed by a council elected every three years.

Asma Jahangir was too good a team player to claim exclusive credit for what HRCP has been and what it has done over all these 29 years, but her ability to grasp the essence of political happenings earlier than many others, her total repudiation of any political system except undiluted democracy, her capacity for offering a prompt response to any assault on the people's rights, and her boundless courage played a decisive role in determining HRCP's policies and activities.

HRCP is also grateful to Asma Jahangir for the material support it received from her. The first HRCP office was set up in her one-room office above a radio shop. When the commission acquired a core staff it shifted to an apartment in Lahore's Gulberg market that Asma had bought for herself and where it stayed till moving to its own premises in 2006. When Asma Jahangir was awarded the King Baudouin Prize for development, she named HRCP a co-awardee and gave it the whole of the substantial prize money. All the cash part of the Dorab Patel awards for Rule of Law and the Nisar Osmani awards

for Courage in Journalism (Rs100,000 each) were given by her out of her own pocket.

Selfless struggle for the people's basic human rights and freedoms, especially to their right to a genuinely representative and responsible political system, rule of just laws, gender equality, and elimination of all forms of discrimination and exploitation are essential features of the precious legacy Asma Jahangir has bequeathed to HRCP. It could not have wished for a nobler inheritance.

**The members of HRCP's governing body at various times included: Former federal ministers Dr Mubashir Hasan and Tahir Mohammad Khan; Aitzaz Ahsan, Iftikhar Gillani and Syed Iqbal Haider (till they became federal ministers); former Senator Afrasiab Khattak, Khurshid Mahmud Kasuri, Shahid Kardar (till he became State Bank Governor); Yahya Bakhtiar (till he became the Attorney. General); Jam Saqi; Justices (R) Fakhruddin G Ebrahim, Qazi Mohammad Jamil, Khalid Mahmud Chaudhry, Sher Mohammad Khan, Javed Buttar; Sabihuddin Ahmed and Nasirul Mulk (till they became judges); Air Marshal Zafar A Chaudhry, former PAF chief; minority communities' leaders Rochi Ram, Father Arnold Heredia; Peter Jacob, Joseph Francis and Ronald D'Souza; educationists Dr Mehdi Hasan, Salima Hashmi, Naazish Atta-Ullah, and Dr Amiruddin; advocates Hina Jilani, Kamran Arif, Muneer A Malik, Tahir Husain Khan and Habib Tahir; social activists Uzma Noorani, Asad Iqbal Butt, Nasreen Azhar, Tahira Abdullah, Suraiya Amiruddin, Nuscie Jamil, Saadia Bokhari and Dr Tahira Kamal; and media celebrities Nisar Osmani, Saleem Asmi, Zohra Yusuf and Ghazi Salahuddin.*

Sources

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

Published by

Human Rights Commission of Pakistan
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Lahore-54600

Tel: +92-42-35864994 Fax: +92-42-35883582

Email: hrcp@hrcp-web.org

URL: www.hrcp-web.org

Printed by

Latiffi Printers
Lahore

March 2018

Price:

PKR 500/-

US \$9/-

£Stg 6/-

(Postage extra)

ISBN:

978-969-8324-86-5

Cover design: Haris Hidayatullah | Rida Fazal

Format and layout: Rida Fazal

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Abbreviations

ADB	Asian Development Bank	EPA	Environment Protection Agency
AJK	Azad Jammu and Kashmir	EPI	Expanded Programme for Immunisation
ANP	Awami National Party	FATA	Federally Administered Tribal Areas
ASI	Assistant Sub-Inspector [of Police]	FCR	Frontier Crimes Regulation
ASJ	Additional Sessions Judge	FIA	Federal Investigation Agency
ATA	Anti-Terrorism Act	FIDH	International Federation for Human Rights
ATC	Anti-Terrorism Court	FIR	First Information Report
BHC	Balochistan High Court	HEC	Higher Education Commission
BHU	Basic Health Unit	HRCP	Human Rights Commission of Pakistan
CDA	Capital Development Authority	ICCPR	International Covenant for Civil & Political Rights
CEC	Chief Election Commissioner	ICESCR	International Covenant on Economic, Social and Cultural Rights
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women	IDMC	Internal Displacement Management Centre
CCI	Council of Common Interests	IG	Inspector General [of Police]
CIA	Criminal Investigation Agency	IMF	International Monetary Fund
CII	Council of Islamic Ideology	ISI	Inter-Services Intelligence
CJ	Chief Justice	ISPR	Inter-Services Public Relations
COAS	Chief of Army Staff	IUCN	International Union for Conservation of Nature
CNIC	Computerised National Identity Card	IUS	UNESCO Institute for Statistics
CrPC	Criminal Procedure Code	JI	Jamaat-e-Islami
CRC	Committee on the Rights of the Child	JJSO	Juvenile Justice Systems Ordinance
DCO	District Coordination Officer	JUI (F)	Jamiat-e-Ulema-e-Islam (Fazlur Rehman Group)
DIG	Deputy Inspector General [of Police / Prisons]	LHC	Lahore High Court
DPO	District Police Officer	LHV	Lady Health Visitor
DSJ	District and Sessions Judge	MNA	Member of the National Assembly
DSP	Deputy Superintendent of Police	MPA	Member of the Provincial Assembly

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

Glossary

[Terms commonly used in discourse on rights and laws]

abadi:	settlement; habitation; also population
amir:	literally, leader. Frequently used to refer to leaders of Muslim groups
Assalam-o-Alaikum:	"May peace be upon you." Muslim greeting
ameen:	righteous
atta:	wheat flour
azaan:	the Muslim call to prayers
azad:	free
baitul mal:	originally the state treasury in an Islamic state. In Pakistan it mainly disburses zakat
basant:	spring kite-flying festival
begaar:	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
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
gherao:	laying a kind of siege to someone important to pressure him into acceding to your demands (literally, 'to surround')
hadd:	Islamic punishment (plural: hudood)
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
jirga:	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
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
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
Muharram:	the Muslim month of mourning, especially for Shias
murtad:	apostate
naib qasid:	office boy
najis:	unclean; something religiously regarded as impure
nazim:	mayor, also administrator
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
peshgi:	advance payment against labour
pir:	spiritual guide who often acts as a faith healer
pucca:	literally solid, generally refers to houses made of baked bricks
purdah:	veil
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 challenge the legality of a corporation's charter
Ramazan:	the Muslim month of fasting
sangchatti:	Sindhi term for swara
suo moto:	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
<i>shakwar:</i>	loose pyjama-like trousers held up by a drawstring. The legs are wide at the top and narrow at the ankle
<i>taaleem:</i>	education
<i>tandoor:</i>	a clay oven used to bake <i>chapattis</i>
<i>tazia:</i>	replica of Imam Hussain's mausoleum displayed during Muharram processions
<i>tonga:</i>	a light horse-drawn vehicle
<i>ulema:</i>	persons learned in Islamic practices [singular: <i>aalim</i>]
<i>ushr:</i>	Islamic land tax
<i>vani:</i>	a cultural custom in parts of Pakistan, called <i>swara</i> in the 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 <i>jirga</i> , a council of tribal elders.
<i>wadera:</i>	a big landowner; <i>jagirdar</i> ; powerful feudal lord
<i>watta satta:</i>	the swap system of marital alliances in which a brother and sister of one family are married to the siblings of another
<i>Youm-e-Ashur:</i>	The tenth day of Muharram
<i>zakat:</i>	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
<i>zaakir:</i>	religious preacher who mostly recounts events of Imam Husain's sacrifice at Karbala
<i>ziarat:</i>	pilgrimage
<i>zina:</i>	adultery; fornication. Rape is <i>zina-bil-jabr</i>

Introduction

This was the year Pakistan was elected as one of the 47 member states on the United Nations (UN) Human Rights Council, an inter-governmental body within the UN system that is 'responsible for the promotion and protection of all human rights around the globe.' Pakistan's Permanent Representative to the UN hailed it as a 'diplomatic success' and 'a manifestation of the international community's trust in Pakistan.'

It was also the third time Pakistan went through its Universal Periodic Review (UPR) and faced a raft of observations and recommendations from Member States. In 2008, Pakistan accepted 43 recommendations and rejected eight. In 2012, Pakistan accepted 126 recommendations, 'noted' 34 and rejected seven.

In these earlier reviews, the rejected recommendations referred to decriminalisation of defamation and non-marital sexual relations; repeal of blasphemy laws; legal reforms to ensure punishments in 'honour' killings, abolition of the death penalty, and ending the ongoing military operation in Balochistan.

In 2017, the review noted that Pakistan had failed to develop plans for the implementation of previous UPR recommendations. Among other things, the Human Rights Committee expressed concerns about enforced disappearances, extrajudicial killings, the extension of the jurisdiction of military courts, false accusations of blasphemy and the ensuing violence, the number of children engaged in labour under hazardous and slave-like conditions, and violence against women. An overarching concern was that, even where the protection of legislation existed, prosecution and conviction of perpetrators remained at a very low level.

The delegation of Pakistan will examine the 289 recommendations made under the 2017 UPR and provide its responses no later than March 2018 to the Human Rights Council, a body on which it now has a place.

Against this backdrop, the realities that unfolded during 2017 raised doubts about whether Pakistan's commitment to human rights can be fulfilled.

Deaths linked to terrorism may have decreased, but the 'soft targets' of

religious minorities and law enforcement agencies continue to bear the brunt of violence. In an environment where 'innocent until proven guilty' carries no weight, an accusation of blasphemy leads to a lynching by a zealous mob. A child employed for arduous domestic work is tortured. A young boy and girl are electrocuted by their own families on the orders of a tribal council, over a matter of 'honour'. A rights activist disappears overnight without trace. Single tales that tell a collective story.

Murder, rape, acid crimes, kidnappings, domestic violence and, of course, the so-called 'honour' killings, persist and, in the main, go unreported. Children are subject to all forms of violence despite the enactment of a number of child protection legislations in recent years. Similar legislation in favour of the transgender community has not ended the violence and discrimination against them.

Journalists and bloggers continue to sustain threats, attacks and abductions, and the blasphemy law serves to coerce people into silence. The people's right to socio-cultural activities is curtailed by intolerance and extremism, and authorities are lenient for fear of a political backlash.

Pakistan still has the most absolute number of children out of school anywhere in the world and spends considerably less on health than the six percent of national Gross Domestic Product (GDP) recommended by WHO. The shortfall in housing is now up to 10 million units.

Countless offenders are not brought to justice, yet the jails are overcrowded, and the courts are overwhelmed with a backlog of cases. The overhaul of the judicial system, recommended by the UN Special Rapporteur and promised in the National Action Plan, has yet to start in earnest.

Pakistan's bid to stand tall among the international defenders of human rights may be well-intentioned, but simply enacting legislation will not suffice. The national human rights institutions need adequate authority, independence and resources to carry out their mandates effectively. Without that, the only recourse left to the unrepresented and the disadvantaged is through the activists and human rights defenders who risk their own freedom to speak out on their behalf.

Maryam Hasan
Editor

Key Issues

Laws and law-making

- The federal parliament made a total of 34 laws in 2017, a drop from 2016 when 51 laws came into effect.
- Pakistan passed two federal acts to meet obligations under ratified international conventions, namely the Climate Change Act and the National Commission on the Rights of the Child Act.
- Provincial laws adopted in 2017 numbered 44, just over half of the laws enacted in 2016.
- This year, Sindh had the highest legislative output, enacting 14 laws, closely followed by Khyber Pakhtunkhwa, and then the Punjab and Balochistan.

Administration of justice

- There were 333,103 cases pending in the country's courts in 2017.
- The most significant decision by the Supreme Court held the Prime Minister of the country, Nawaz Sharif, to be disqualified on the basis of not being 'sadiq' or 'ameen' under Articles 62 and 63 of the Constitution.
- Clashes between legal practitioners and the judiciary intensified.
- The operation of the military courts was extended for a further two years through the 23rd constitutional amendment.
- For the first time, the 2017 national census included a category for khawaja siras, or transgender women, and the government issued a passport with a transgender category.

Law and order

- The number of deaths linked to terrorism continued to decline, but violence against 'soft targets' such as religious minorities and law enforcement agencies increased.
- In total, more than 5,660 crimes were reported against women in Pakistan's four provinces during the first 10 months of the year.
- A study shows more Pakistanis died in incidents described as 'encounters' than in gun violence or in suicide attacks in 2017.
- In 2017, Pakistan witnessed an increase in blasphemy-related violence and mob attacks while the government continued to

- condone discriminatory prosecutions.
- The first death sentence for alleged blasphemy on social media was handed down to a member of the Shia community.

Jails, prisoners and disappearances

- As at November 2017, Pakistani prisons held 82,591 prisoners. Punjab jails held 50,289 inmates against a capacity of 32,235; Sindh 19,094 against 12,613; Khyber Pakhtunkhwa 10,811 against 8,395, and Balochistan 2,397 against 2,585.
- The total number of female inmates was 1,442. Punjab held 959, Sindh 214, Khyber Pakhtunkhwa 247, and Balochistan 22.
- Pakistan courts awarded the death sentence to 253 people, including five women, in 197 different cases.
- 64 people were executed in 2017, 43 of them following convictions by military courts.
- The Commission of Inquiry on Enforced Disappearances received 868 cases in 2017, and disposed of 555.

Freedom of movement

- Restrictions on freedom of movement continued to prevail, mainly because of a poor law and order situation, protests and sit-ins, militancy, and counterinsurgency measures.
- The Pakistani passport remained ranked as the second worst to travel on, with visa-free access to only six countries.
- The use of the Exit Control List appeared arbitrary at times, with names being freely placed on it, and sometimes removed despite allegations of corruption.

Freedom of thought, conscience and religion

- A few hundred protestors held the capital and the garrison cities hostage for 23 days in November in Faizabad, Islamabad until their demands were accepted.
- There was no abatement in violence against religious minorities, with Christians, Ahmedis, Hazaras, Hindus and Sikhs all coming under attack.
- Amendments to the Christian Marriage Act and Christian Divorce Act have been proposed as the provisions in both are outdated.
- In a landmark development, 'The Punjab Anand Karaj Bill 2017' seeking official registration of marriages of the Sikh community at union council level was introduced in the Punjab Assembly in October 2017.

Freedom of expression

- Use of the Internet and social media to launch character assassinations or anti-state and anti-religion accusations escalated.

- Journalists and bloggers continued to sustain threats, attacks and abductions.
- The blasphemy law is being used to coerce people into silence.
- Assaults continued on media houses, TV channel and newspaper offices, and press clubs.

Freedom of assembly

- Lack of crowd management strategies and traffic control measures to deal with the proliferation of sit-ins and rallies resulted in severe disruption to daily life.
- Intolerance and extremism restricted the people's right to engage in socio-cultural activities.
- Section 144 was used indiscriminately to control and restrict the right to assemble in peaceful protest.

Freedom of association

- Pakistan is among the countries which are the worst in the world to work in, according to the International Trade Union Confederation (ITUC) 2017 Global Rights Index.
- Senate Committee of the Whole passed a resolution calling for the revival of student unions in educational institutions.
- Ratification of the ILO Domestic Workers' Convention (No 189) to facilitate the freedom of association rights of domestic workers across the provinces is still outstanding.
- The banning and restricting of international non-governmental organisations and their local partners was stepped up.

Political participation

- Another elected prime minister was removed from office.
- No sooner had the new Election Act gained public approval for its provisions relating to women's enfranchisement and their participation in elections when it was flouted during local government by-elections in the Lower Dir area of Khyber Pakhtunkhwa.
- An amendment to the constitution to allow allocation of National Assembly seats on the basis of provisional census data was adopted.

Women

- Yet again, Pakistan did not fare well in its rankings in international indices measuring gender equality and women and girls' empowerment, particularly in the Global Gender Gap Report (GGGR 2017) of the World Economic Forum.
- The preliminary findings of the 2017 census shows the inverse gender ratio to be unchanged since the census of 1981: Women and girls at 48.76% still remain less than men and boys at 51.24%.

- Twelve million women voters were not yet registered in the run-up to the 2018 general elections, due to the absence of women's computerised national identity cards (CNICs), especially in the remote rural areas.
- Reported cases of violence against women in 2017 were considered to be the tip of a huge iceberg, especially in the rural areas, where it remains largely unreported due to a number of reasons including conservatism, illiteracy, fear of stigma, shame and dishonour, and poverty.

Children

- Pakistan accounts for 10% of all newborn deaths occurring globally and is one of the five countries which account for half of infant deaths worldwide.
- In 2017 Pakistan was able to almost entirely contain the endemic transmission of polio.
- The National Commission on the Rights of Child Bill 2017 that had been pending since 2015 was finally passed as law by the National Assembly.
- Despite the enactment of a number of child protection legislations at national and provincial level in recent years, children continued to suffer all forms of violence in 2017.
- The Senate passed the Prohibition of Corporal Punishment Act 2017 in Islamabad Capital Territory. Sindh and Gilgit-Baltistan have also passed laws specifically prohibiting this practice.

Labour

- The labour force continues to be denied fundamental rights of association and collective bargaining rights. According to estimates, currently only one percent of labour is organised under trade unions in Pakistan.
- Legislation on occupational safety and health facilities awaits adoption. During 2017, more deaths were reported from coal mines in Balochistan, where occupational safety and health facilities are negligible.
- Reports of abuse of domestic child workers continue while adoption of a law to protect their rights is still outstanding.
- Implementation of international ILO and UN conventions and covenants relating to labour standards and human rights is an ongoing problem in Pakistan.

Education

- With Pakistan due to report on Sustainable Development Goals to the UN in 2018, the country is no nearer to meeting the deadline of 2030 for ensuring that all children receive their primary education.

- Pakistan still has the most absolute number of children out of school anywhere in the world, with 5.6 million out of primary schools and around 5.5 million out of secondary schools.
- In the financial year 2017-18, authorities in Pakistan again failed to fulfil their promise of allocating at least 4-6% of their GDP and at least 15-20% of the total public expenditure for the education sector.
- The Global Gender Gap report 2017 showed that Pakistan continues to rank as the second worst country – 143 out of 144 countries – with a score of 0.546 on a scale where zero denotes gender imparity and one represents parity.
- Parents were again compelled to protest against illegal and unrealistic increases in fees by private educational institutions.
- Entry test results for admissions to medical universities and colleges in the Punjab had to be cancelled after a leak of the question papers was exposed.

Health

- WHO suggests the outlay on health should be six percent of national Gross Domestic Product (GDP) and in Pakistan it has remained at less than one percent.
- There has been investment in the health sector over the years, but the rate of progress is lower than most other countries, with the disease pattern heavily dominated by malnutrition and poor dietary practices.
- According to WHO, Pakistan is ranked fifth among high-burden countries worldwide and accounts for 61% of the TB burden in the WHO Eastern Mediterranean Region
- The prevalence of thalassaemia and HIV/AIDs has increased, as many as 35.5 million adults in Pakistan are diabetic, and the country has the world's second highest prevalence of hepatitis C, second only to Egypt.

Housing

- A World Bank report estimated the housing shortage in Pakistan to be up to 10 million units and the deficit continues to grow, particularly in the urban areas.
- Development authorities have had to step up their efforts to control illegal housing schemes across the country.
- Collapsing structures caused numerous deaths due to lack of safety standards and controls in housing construction.

Environment

- The Pakistan Climate Change Act 2017 was passed to meet Pakistan's obligations under international conventions relating to climate change and its effects.

- Pakistan features in the high risk category of countries considered to be most vulnerable to climate change.
- Pakistan still has the world's fourth highest rate of water use and the Pakistan Council of Research in Water Resources (PCRWR) recently issued a stark warning that the country was on track to run out of water by 2025. Despite this, Pakistan still lacks a Water Policy to ensure coordinated planning and implementation. A policy was drafted in 2002, but never approved.
- Pakistan has one of the highest deforestation rates in Asia, a major factor in climate change.
- The average air pollution in Pakistan's major cities is reported to be about four times higher than the World Health Organisation limits.
- According to a WHO report, only 36 percent of the Pakistani population on average, including 41% in urban areas and 32% in rural areas, has access to safe drinking water in the country.

Refugees

- Official estimates put the number of Afghan nationals in Pakistan at over 2.5 million, including 1.4 million registered Afghan refugees. There are at least one million undocumented Afghan nationals residing in the country.
- According to the UNHCR, a little over 50,000 refugees repatriated to Afghanistan by the end of the year, a steep decline in the number of refugees opting to go back to Afghanistan as compared to the previous year.
- In February 2017, the Federal government announced a policy that extended the stay of Afghan refugees until 31 December 2017 (which was later extended by 30 days to January 2018).
- Afghan nationals in Pakistan continued to bear the brunt of deteriorating relations between Afghanistan and Pakistan in 2017.
- No progress was in evidence in ending the predicament of a quarter of a million Pakistanis stranded in Bangladesh.

A black and white photograph capturing a chaotic scene, likely a riot or a large-scale protest. In the foreground, several riot police officers are visible, wearing helmets and carrying shields. One officer's shield prominently displays the word "POLICE". The officers are positioned in a line, facing a dense crowd of people. In the background, a man in a dark suit and tie is seen running or being pushed through the crowd. The overall atmosphere is one of intense conflict and disorder.

I Rule of Law

Laws and Law-making

...Fundamental rights, including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to the law and public morality...[shall be guaranteed]...the independence of the judiciary shall be fully secured.

**Constitution of Pakistan
Preamble**

To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen, wherever he may be and of every other person for the time being within Pakistan.

Article 4

Any law, or any custom or usage having the force of law, in so far as it is inconsistent with the rights conferred by this Chapter [on Fundamental Rights], shall, to the extent of such inconsistency, be void.

Article 8(1)

It is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.

**Universal Declaration of Human Rights
Preamble**

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

Article 21(1)

This report contains summaries of thirty-seven of the Federal Acts passed in 2017 (of which eighteen were amendments) as well as briefs of the provincial legislation passed in 2017. Sindh passed fourteen laws, nine of which were amendments, making it the most legislatively active in 2017, while Khyber Pakhtunkhwa passed thirteen, seven of which were amendments. The Punjab passed twelve laws, of which five were amendments, and Balochistan passed five acts of which one was an amendment.

Pakistan passed two federal acts in order to meet obligations under ratified international conventions, namely the Climate Change Act and the National Commission on the Rights of the Child Act. An Act amending the Constitution was also made law under which the allocated seats for the National Assembly

were slightly altered. This amendment added that for the 2018 elections, allocations are to be made on the basis of provisional results of the 2017 census. Moreover, efforts were made to reduce the backlog of cases pending in courts through the Cost of Litigation Act and the Alternative Dispute Resolution Act.

The state also extended the jurisdiction of military courts for two years in order to purportedly counter terrorism. Moreover, the Elections Act was also passed which raised a furore due to a mistaken perception that it offended religious sensibilities. As a result, a regressive amendment was passed to the Act which stated categorically that the status of Ahmadis was to remain unchanged and any person not signing an oath regarding the finality of the Prophethood of Muhammad (PBUH) was to be deemed non-Muslim and added to the non-Muslim electoral roll.

Provincial milestones include the Punjab Assembly passing the Punjab Women Protection Authority Act 2017 aiming to provide protection, relief and rehabilitation for women, and amendments to the Punjab Destitute and Neglected Children's Act which provides more stringent protection for such children as well as harsher penalties for offences against them under the Act.

Balochistan also instituted a number of acts including the Balochistan Commission on the Status of Women Act and the Balochistan Persons with Disabilities Act which aims to provide more rights and support for those marginalised and vulnerable in our society.

In Sindh, legislation was passed prohibiting the employment of children and an amendment was made to the Code of Civil Procedure, 1898 which provides for DNA testing for all rape victims.

Lastly, Khyber Pakhtunkhwa passed a Mental Health Act authorising the establishment of psychiatric facilities to, inter alia, treat mentally disordered people found in public places. The province also passed legislation for free and compulsory primary and secondary education to all children between 5 and 16.

Federal

A total of 37 Acts were passed in 2017, a drop from 2016 when 51 laws came into effect.

- The **Pakistan Climate Change Act, 2017** was passed to meet Pakistan's obligations under international conventions relating to climate change and its effects, notably the UN Framework Convention, the Kyoto Protocol and the Paris Agreement.
- The **Central Law Officers (Amendments) Act, 2017**, renamed the post of

'standing counsel' to 'Assistant-Attorney General' on the recommendation of the Attorney General. His/her required qualification was also changed from that of a High Court judge to someone who has been a High Court Advocate for no less than 7 years.

- The **Explosive Substance (Amendment) Act, 2017** aims to avoid the undue delay caused in obtaining the Provincial Government's consent for a trial which is usually either not given or denied.
- The **Illegal Dispossession (Amendment) Act, 2017** makes the act of dispossessing an owner of property forcibly and wrongfully, punishable by 3 years or a fine or both.
- The **National Commission on the Rights of Children Act, 2017** aims to fulfil Pakistan's obligations under the UN Convention on the Rights of the Child and its Optional Protocols.
- The **Companies (Appointment of Legal Advisors) (Amendment) Act, 2017** amends the original 1974 Act to ensure better regulation and compliance.
- The **Legal Practitioners and Bar Councils (Amendment) Act, 2017** amends section 57 of the original 1973 act which allows the Federal and Provincial Governments to make grants-in-aid to Bar Councils as they deem fit. The Act amends this to make the grant contingent to the total number of advocates enrolled and that particular Bar's requirements.
- The **Cost of Litigation Act, 2017** aims to discourage vexatious and false proceedings under the Code of Civil Procedure.
- The **Alternate Dispute Resolution Act, 2017** aims to deplete the massive backlog in cases in the courts by offering ADR as a less expensive and quicker alternative to the courts in solving legal problems.
- The **Criminal Laws (Amendment) Act, 2017** amends section 182 of the Pakistan Penal Code, 1860 and increases the punishment for false reporting to a public servant which harms others to seven years for information on offences punishable by the death penalty, five years for those punishable by life and to a quarter of the longest term as provided with the specific offence.
- The **Hindu Marriage Act, 2017** stipulates that Hindu marriage is to be solemnised so long as the parties are of sound mind and capable of giving consent, none of the parties are below 18, parties are not within the degree of prohibited relationship, neither party has a living spouse (except if a female spouse cannot conceive and this is medically declared). Every Hindu marriage is to be registered under the rules of the Act within 15 days and the marriage register must be open for inspection.
- The **Post Office (Amendment) Act, 2017** amends section 45 of the original

Act to allow the public at large to be issued postal orders which are valued at more than 50 rupees.

- The **Pakistan Army (Amendment Act), 2017** revives Military Courts in Pakistan in continuation of the Pakistan Army (Amendment) Act, 2015 for another two years. The Amendment aims to counter terrorism by trying alleged terrorists in special courts.
- The **Constitution (23rd Amendment) Act, 2017** gives legal cover to the Pakistan Army (Amendment) Act, 2017 and its purpose is to renew the tenure of military courts for another two years in order to combat terrorism till the expiry of the renewed sunset clause.
- The **Compulsory Teaching of the Holy Qur'an Act, 2017** extends to Islamabad Capital Territory alone and reiterates the principles laid down in Article 31 (2) of the Constitution of Pakistan, 1973 which obliges the State to make teaching of the Holy Quran and Islamiat compulsory.
- The **Senate Secretariat Services Act, 2017** aims to regulate the recruitment and conditions of service of persons appointed to the secretariat staff.
- The **National School of Public Policy (Amendment) Act, 2017** seeks to revitalise and reorganise the National School for public policy for good governance to improve its image, efficient delivery and capacity to face challenges of ever-changing socio-economic milieu by removing some lacunas or inconsistencies in the administrative processes, and to improve and integrate Federal Government's training infrastructure.
- The **Witness Protection, Security and Benefit Act, 2017** establishes a witness protection programme which will allow a witness to
 - a. Establish a new identity
 - b. Wear a mask
 - c. Give statements through video calls
 - d. Be relocated.
- The **Land Acquisition (Amendment) Act, 2017** aims to quicken the land acquisition process in Pakistan.
- The **Elections Act, 2017** consolidates electoral laws in Pakistan and effectively repeals the several legislative instruments. It also lays down a revised system for members of political parties, intra-party elections and the governance of these parties, as well as recognising agreements preventing women from voting as a cognisable offence.
- The **Pakistan Council for Science and Technology Act 2017** aims to establish a Council which will advise the government on national policies relating to science, technology and innovation.
- The **Federal Board of Intermediate and Secondary Education (Amendment) Act, 2017** amends the original 1975 Act by including within

it those colleges and intermediate colleges which are affiliated with imparting intermediate education and not just those 'recognised' as imparting such education.

- The **Pakistan Commissions of Inquiry Act 2017** applies to all Commissions of Inquiry instituted by the Federal Government which will constitute them by notifying the members appointed to the Commission in the Official Gazette.
- The **Pakistan Air Force (Amendment) Act, 2017** amends the original 1953 Act and is to take retrospective effect from 1 January 2000.
- The **Public Private Partnership Authority Act 2017** applies to all kinds of projects undertaken by an implementing agency under private public partnership.
- The **Pakistan National Accreditation Council Act 2017** establishes the Council for the accreditation of Conformity Assessment Bodies enabling them to assure the quality of products, services and management systems in accordance with international and national standards for sustainable socio-economic development.
- The **Benami Transactions (Prohibition) Act, 2017** aims to prohibit holding property benami, restrict the right to recover or transfer property held benami, and provide a mechanism and procedure for confiscation of property held benami.
- The **Finance Act 2017** is legislation which incorporates the Federal Government's annual budget into the law. This year's Act introduces a new concept of an 'online marketplace' defined as an information technology platform which facilitates transactions between buyers and sellers.
- The **Election Laws (Amendment) Act, 2017** amends Section 241 of the Election Laws Act, 2017 whereby the Conduct of General Elections Order, 2002 (Chief Executive's Order No.7 of 2002) was repealed.
- The **Right of Access to Information Act, 2017** repeals the Freedom of Information Ordinance, 2002 and aims to improve access to records held by public authorities and to make the Government more accountable to Pakistani citizens by improving the latter's participation in public affairs.
- The **National Counter Terrorism Authority (Amendment) Act, 2017** amends the National Counter Terrorism Authority Act, 2013 requiring the Board of Governors to meet once in a year.
- The **Provincial Motor Vehicles (Amendment) Act, 2017** amends the Provincial Motor Vehicles Ordinance, 1965 and inserts two new provisions, firstly establishing a medical panel to assess whether an individual is physically and mentally fit to acquire a license for operating

public transport and secondly, binding public transport vehicles to ensure comprehensive insurance of passengers.

- The **Companies Act, 2017** repeals the Companies Ordinance, 1984. The Act aims to amend the definition of associated undertakings to exclude associate relationships due to the existence of independent directors in a company.
- The **Limited Liability Partnership Act, 2017** aims to regulate and make provisions for the formation of limited liability partnerships.
- The **Public Interest Disclosure Act, 2017** provides protection to "workers" making disclosures in the public interest and allows such individuals to claim compensation for victimisation following such disclosures.
- The **Constitution (Twenty-Fourth) Amendment Act, 2017** amends the number of seats allocated to each province, the Federally Administered Tribal Areas, and the Federal Capital to:

Province	General	Women	Total
Punjab	141	33	174
Sindh	61	14	75
KPK	39	9	48
Balochistan	16	4	20
FATA	12	-	12
Federal Capital	3	-	3

The previous allocations had been:

Province	General	Women	Total
Punjab	148	35	183
Sindh	61	14	75
KPK	35	8	43
Balochistan	14	3	17
FATA	12	-	12
Federal Capital	2	-	2

The Act further provides that, with regards to FATA, the seats in the National Assembly shall be allocated to each province and the Federal

Capital on the basis of population in accordance with the last preceding census officially published. The Amendment adds that this is provided that, for the 2018 elections, the allocation shall be made on the basis of provisional results of the 2017 census which is to be published by the Federal Government.

- The **Elections (Second Amendment) Act, 2017** inserts section 48A into the 2017 Act which stipulates that the status of Ahmadis [or a person who does not believe in the 'absolute and unqualified finality of the Prophethood of Muhammad (PBUH)] is to remain unchanged. The provision further states that if a person has enrolled himself as a voter and an objection is filed before the Revising Authority that the voter is not a Muslim, he will be issued notice to appear within 15 days and is required to sign a declaration regarding his belief in the absolute and unqualified finality of the Prophethood of Muhammad (PBUH). If he refuses to sign this, he shall be deemed non-Muslim and his name deleted from the joint electoral rolls and added to a supplementary list of voters as a non-Muslim. If he/she does not appear after receiving notice, an ex-parte order may be passed against him.

Provincial Acts

Punjab

- The **Punjab Destitute and Neglected Children's (Amendment) Act, 2017** amends the original Act of 2004 by adding the requirement that organisations managing accommodation for destitute and neglected children must be registered within 120 days.
- The **Punjab Finance Act, 2017** aims to abolish, rationalise and merge certain taxes and duties in the Punjab. The Act includes a wider definition of urban area.
- The **Rawalpindi Medical University Act, 2017** aims to reconstitute and upgrade Rawalpindi Medical College as a University to impart better medical education, encourage extensive research and publications in medical sciences, hold exams, and award medical degrees.
- The **Faisalabad Medical University Act, 2017** aims to reconstitute and upgrade Punjab Medical College Faisalabad as a University to impart better medical education, encourage extensive research and publications in medical sciences, hold exams, and award medical degrees.
- The **Nishtar Medical University Act, 2017** aims to reconstitute and upgrade Nishtar Medical College Multan as a University to impart better medical education, encourage extensive research and publications in

- medical sciences, hold exams, and award medical degrees.
- The **Police Order (Amendment) Act, 2017** amends Article 11 of the Police Order of 2002 which formerly stipulated that the provincial government shall select the Provincial Police Officer out of a list of three police officers provided by the National Public Safety Commission.
 - The **Punjab Shehr-e-Khamoshan Authority Act 2017** regulates matters related to cemeteries or graveyards located in the province of the Punjab.
 - The **Punjab Boilers and Pressure Vessel (Amendment) Act 2017** amends the Boilers and Pressure Vessels Ordinance, 2002 (CXXI of 2002) for the purposes of regulating pressure vessels and other related matters.
 - The **Punjab Women Protection Authority Act 2017** aims to provide a comprehensive, efficient, effective and gender equitable system for protection, relief and rehabilitation of women against all forms of violence in the Punjab, seeks to control, monitor, and oversee that system, and to deal with matters ancillary thereto.
 - The **Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Act 2017** amends the Punjab Private Educational Institutions Ordinance of 1984 which regulates the functioning of private schools in the province. The Amendment restrains private educational institutions charging fees above four thousand rupees per month from increasing their fees beyond four percent of the fee charged by them in the previous year. Subject to the Authority's approval, such a school may also increase their fees up to eight percent of the fee charged previously.
 - The **Punjab Civil Administration Act 2017** aims to create a comprehensive system of civil administration for improved service delivery, coordination, supervision and enforcement.
 - The **Punjab Drugs (Amendment) Act 2017** amends the Drugs Act, 1976 (XXXI of 1976), in its application to the extent of the Punjab to counter and eradicate the increasing use and distribution of substandard drugs, to improve the quality of drugs by updating the enforcement mechanisms under the law, and to provide for a regular monitoring system and stricter penalties.

Sindh

- The **Jacobabad Institute of Medical Sciences (Amendment) Act 2017** amends the original 2013 Act by removing the requirement that the institute be established by re-constituting and re-organising the District Headquarter Hospital Jacobabad. Among other provisions, the

amendment also gives the institute the right to confer or award degrees, diplomas, certificates and other academic distinctions to those who have passed its exams.

- The **Sindh Coal Authority (Amendment) Act 2017** amends the original 1993 Act by adding a clause which states the Authority may execute schemes, within and outside the coal mine area, which are assigned to it by the government. The amendment also adds a proviso whereby the government may issue directions it considers necessary to remove any difficulties occurring as a result of giving effect to the Act.
- The **Altaf Hussain University at Hyderabad (Amendment) Act 2017** amends the original 2014 Act by renaming the institution the 'Mohtarma Fatima Jinnah' University at Hyderabad. The Act also makes some minor changes to the composition of the Board.
- The **Altaf Hussain University at Karachi (Amendment) Act 2017** amends the original 2014 Act by renaming the institution the 'Maulana Abdul Sattar Edhi' University at Karachi. The Act also makes some minor changes to the composition of the Board.
- The **Sindh Arms (Amendment) Act 2017** amends a clause in the original 2013 Act which prohibits the acquisition, possession, sale or transfer of firearms for those who are not permanent residents of Sindh, with certain exceptions.
- The **Code of Criminal Procedure (Sindh Amendment) Act 2017** amends the Code of Criminal Procedure, 1898 to add a clause whereby in cases involving the offence of rape, DNA testing of the victim shall be mandatorily conducted by a Police Officer through laboratories recognised by the Government of Sindh, and that the DNA sample and its results shall be preserved in privacy in the hospital or laboratory and that records must be maintained in the Central Police Office in confidentiality under the control of an officer who is not below the rank of BS-19.
- The **Etihad University Act 2017** establishes the Etihad University at Karachi comprising of, inter alia, the Chancellor, Board of Governors, Vice Chancellor, Registrar, Deans, Head of Teaching Department and an Academic Council. The Act affords complete autonomy to the University on deciding various factors including means of affiliation, courses to be taught and establishment of faculties and teaching departments.
- The **Sindh Prohibition of Employment of Children Act 2017** repeals the Employment of Children Act, 1991 to the extent of Sindh. The Act appoints an Inspector to register the particulars of all children employed in establishments which also include charitable or welfare organisations.

The Act also establishes a Sindh Coordination Committee on Child Labour, to advise the Government on appropriate legislative, administrative and other measures for the eradication of child labour as per international instruments and to set the minimum age for the purpose of employment in Sindh.

- The **Sindh Development And Maintenance Of Infrastructure Cess Act 2017** aims to consolidate the laws relating to the levy of a cess on goods entering into and leaving the province from or for outside the country through air or sea, for development and maintenance of infrastructure of the province.
- The **Sindh Laws (Amendment) Act 2017** amends various laws in the province of Sindh, having retrospective application from 1st July, 2016. The Amendment Act aims to amend existing laws to change the pay scales and allowances afforded to public officials and government servants in the province of Sindh.
- The **Sindh Shaheed Recognition And Compensation (Amendment) Act 2017** amends the Sindh Shaheed Recognition And Compensation Act, 2014 which was enacted to honour and recognise the services of persons who sacrificed their lives in protecting citizens from acts of terrorism while performing their duties and sought to provide compensation to their legal heirs. The Amendment Act alters Section 3 (5) of the 2014 Act, now allowing only two legal heirs of the Shaheed to be inducted into government service in BS-01 to BS-15.
- The **Sindh Revenue Board (Amendment) Act 2017** amends the Sindh Revenue Board Act, 2010 and aims mainly to provide a new framework for the establishment of a Board, allowing the Board to delegate its powers and also allowing for an Acting Chairperson of the Board to be appointed.
- The **Sindh Payment of Wages Act, 2015** was passed on 22nd March, 2017 and it sought to regulate the wages of individuals employed in commercial establishments and industries in the province of Sindh by establishing an Authority for such regulation.
- The **Sindh Occupational Safety and Health Act, 2017** aimed to ensure provision for occupational safety and health conditions at all workplaces for the protection of persons at work against risk of injury arising out of the activities at workplaces. It also provides for the promotion of safe, healthy and decent working environments adapted to the physical, physiological and psychological needs of all persons at work. A fully representational Occupational Safety and Health Council will be established to advise the government on all matters relating to the objectives of the Act as well as

those which the government might refer to the council. The council will also review legislation relating to occupational safety and health and recommend amendments, expansion, and clarification under the said legislation.

Khyber Pakhtunkhwa

- The **Khyber Pakhtunkhwa Private Schools Regulatory Authority Act 2017** has been enacted to establish an Authority for the registration, regulation and supervision of private schools in Khyber Pakhtunkhwa.
- The **Khyber Pakhtunkhwa Finance Act 2017** amends the West Pakistan Urban Immovable Property Tax Act, 1958 by increasing the amount of tax owed for property. It also increases the amount of tax owed by petrol pumps and CNG Stations with convenience stores and service stations for vehicles.
- The **Khyber Pakhtunkhwa Health Foundation (Amendment) Act, 2017** amends the original 2016 Act to change the definition of a 'health agency' from any public or private entity in the health sector to any health department or office or body controlled by the health department. It also adds definitions for healthcare delivery services and health projects, and allows for health agencies to enter into public private partnerships.
- The **Khyber Pakhtunkhwa Consumer Protection (Amendment) Act, 2017** amends the original Act of 1997 by allowing Additional District and Sessions Judges to preside over consumer courts as well as District and Sessions Judges. The original Act required the court to be presided over by District and Sessions Judges only.
- The **Khyber Pakhtunkhwa Medical Teaching Institutions Reforms (Amendment) Act 2017** amends the original 2015 Act by allowing members of the Board of Governors to hold office for a period of 3 years and be eligible for re-appointment. The government is also given the power to take any measures it deems fit to remove difficulties and ensure effective and efficient healthcare management.
- The **Khyber Pakhtunkhwa Food Safety Authority (Amendment) Act 2017** amends the original 2014 Act by renaming the Food Safety Authority to the Food Safety and Halal Food Authority. It includes in the Act's long title the need to provide for the safety and standard of food, including Halal food. It adds a definition of Halal (anything permitted by the laws of Islam) among other terms.
- The **Khyber Pakhtunkhwa Mental Health Act, 2017** establishes the Mental Health Authority, its members and functions. These involve

advising the government regarding mental health issues, developing provincial standards for patient care, recommending measures to improve existing mental health services, prescribing a code of practice, setting up helplines and crisis centres, and approving psychiatrists etc.

- The **Khyber Pakhtunkhwa Local Government (Amendment) Act, 2017** amends the original 2013 Act by adding a section stating that the Finance Commission may make recommendations to the government on the amount of the grant for local governments, provided the government may allocate a certain amount from the 30% grant to a government-administered public interest fund to be used by public functionaries for the development of local governments.
- The **Khyber Pakhtunkhwa Free Compulsory Primary and Secondary Education Act, 2017** stipulates that the government shall provide free compulsory primary and secondary education to all children between 5 and 16 years of age in the province. Parents are to make their children attend school until the child completes their secondary education unless they have a reasonable excuse. The Authority may also establish a Taaleem Fund for a school for the welfare of students.
- The **Khyber Pakhtunkhwa Public Private Partnership (Amendment) Act, 2017** amends the original 2014 Act by including a special exemption clause for projects undertaken in Public Private Partnership mode where the Concessionaire is an entity, agency, corporation, company, a consortium or other body, or institution owned or controlled by the federal or provincial government; also for projects where the concessionaire is a person where the majority shareholder is a state owned enterprise, entity, agency, corporation or company, owned or controlled directly or indirectly by a foreign state, and projects undertaken in result of an international obligation.
- The **Khyber Pakhtunkhwa Employees of Health Department (Regularisation of Services) Act 2017** aims to regularise the services of doctors, drug inspectors and other employees appointed on a contract or ad hoc basis in KPK's Health Department.
- The **Khyber Pakhtunkhwa Police Act 2017** aims to make the police apolitical and accountable to the people through democratic institutions and civilian oversight bodies, and also aims to reconstruct and regulate the police so it is responsible, service-oriented and responsive to uphold the law through modern proactive policing and community participation.
- The **Khyber Pakhtunkhwa Ehtesab Commission (Second Amendment) Act, 2017** amends the original 2014 Act by revising the membership of the Committee.

Balochistan

- The **Balochistan Commission on the Status of Women Act, 2017** authorises the government to establish a Commission in order to promote the rights of women as provided under the Constitution. The Commission will examine the policy, programmes, and other measures taken by the government for gender equality and women's empowerment.
- The **Balochistan Persons with Disabilities Act, 2017** requires that the government ensure that every disabled person has the right to respect for their individual dignity and to lead a decent life with equal opportunity in all respects, with the ability to participate in educational, social, economic and religious activities. The government shall also establish a non-endowment fund for the protection of disabled persons as well as special disability courts and the council shall establish a comprehensive life, medical, and accident insurance plan.
- The **Balochistan Motor Vehicles Amendment Act, 2017** imposes speed limits as well as fines for their breach. Fines were also put in place for those who violate parking rules.
- The **Balochistan Special Development Board (for low cost housing schemes) Act 2017** aims to provide low cost housing and shelter home schemes for needy and homeless people in Balochistan.
- The **Balochistan Mass Transit Authority Act, 2017** aims to achieve a safe and efficient urban transport system. The Authority's functions, qualifications, duties, powers (including the power to make rules and regulations) as well as its constitution are established in the Act.

Recommendations

- The Cost of Litigation Act and Alternative Dispute Resolution Act are much needed attempts to curb the excessive backlog in cases pending in the judiciaries across Pakistan. However, more is required to make the legal system itself more efficient. For instance, increasing the number of judges and courts, especially in the superior judiciary; modernising and digitising the courts, or overhauling archaic laws and decisions which invite much frivolous legislation.
- The revival of Military Courts for a further two years is a huge step backward in Pakistan's human rights record. It not only belies the fact that this was supposed to be a transient, remedial step taken at a time of emergency and which now seems to be a constant fixture in our judicial system, but it also indicates that these courts are not working to counter terrorism as they are supposed to since they have not been able to do so within the two-year initial mandate they received.

- The Election Act was a welcome clarification to a much over-legislated area of the law and included many progressive measures aimed at making the voting process easier and more transparent. It is unfortunate that this was hijacked by a movement which led to the passing of the very regressive Election (Second Amendment) Act which further marginalises Ahmedis who are forced to sign a declaration or be deemed non-Muslim and added to a supplementary list. It is hoped that this will be repealed in the future.
- The Right of Access to Information Act, 2017 gives too wide a remit to the state to exonerate itself from having to allow access to records under the legislation. The Act provides that information is prohibited from disclosure if it is likely to damage Pakistan's international relations, the economy, security and defence. Since even non-governmental organisations are considered to be public bodies under the Act, it is likely that such institutions will be more accountable under this Act than the government.
- The Constitution (Twenty-Fourth) Amendment Act tweaks the number of National Assembly seats allocated to each area. Without provisional results from the 2017 census it is impossible to accurately alter the number of seats and, as such, it seems this tweaking was a little premature. However, the amendment whereby the 2018 national election allocations are to be made on the basis of the provisional results is a welcome alteration to the law.

Administration of Justice

To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Pakistan. In particular (a) no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law, (b) no person shall be prevented from or be hindered in doing that which is not prohibited by law; and (c) no person shall be compelled to do that which the law does not require him to do.

**Constitution of Pakistan
Article 4(1) and (2)**

No person shall be deprived of life or liberty save in accordance with law

Article 9

All citizens are equal before law and are entitled to equal protection of law.

Article 25(1)

There shall be no discrimination on the basis of sex alone.

Article 25(2)

The state shall ensure inexpensive and expeditious justice

Article 37(2)

No property shall be compulsorily acquired or taken possession of save for a public purpose and save by authority of law ...

Article 24(2)

Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

**Universal Declaration of Human Rights
Preamble**

Everyone has the right to recognition everywhere as a person before the law

Article 6

All are equal before the law and are entitled without any discrimination to equal protection of the law.

Article 7

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the Constitution or by law.

Article 8

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal in the determination of his rights and obligations and of any criminal

charge against him.

Article 10

No one shall be arbitrarily deprived of his property.

Article 17(2)

No one within the jurisdiction of a State Party to the present Optional protocol [on abolition of death penalty] shall be executed. Each State Party shall take all necessary measures to abolish the death penalty within its jurisdiction.

**Second Optional Protocol to ICCPR
Article 1**

In 2017, the Supreme Court instituted 7,350 cases, with 1,698 cases filed in December alone. The Court disposed of 1,614 cases in November, and 1,848 cases in December. However, 38,589 cases remain pending. The High Courts of the country entertained 16,283 newly-instituted cases, disposed of 14,509, and 293,947 cases remain pending. The Federal Shariat Court instituted 205 cases, disposed of 294, and 567 remain pending.

Notably, the most important case of the year decided by the Supreme Court held the Prime Minister of the country, Nawaz Sharif, to be disqualified on the basis of not being 'sadiq' or

'ameen' under Articles 62 and 63 of the Constitution. Moreover, the leader of an opposition party, Imran Khan, was held to be 'sadiq' and 'ameen' whereas another member of the National Assembly, Jahangir Tareen, was held to be dishonest under Article 62 and was also disqualified. These judgments resulted in the perception of a political court whose decisions



Nawaz Sharif was disqualified on the basis of not being 'sadiq' or 'ameen'.

were having a paramount effect on the composition of the political parties of the day.

Additionally, there were a number of cases of first impression decided by the courts in 2017. In the Orange Line case, the Supreme Court gave the go-ahead for construction of the train. The Peshawar High Court also upheld the executive's decision in the Pakistan Army Amendment Act 2017 to extend the term for military courts for a further two years. It also held that the High Court could only interfere in the decision made by the Military Courts in certain limited circumstances.

The provincial High Courts decided in a number of cases that fundamental

rights enshrined in the Constitution include the right of minorities to marry and to divorce, the right to have clean drinking water, the right to health, the right to civic amenities, and disability rights, among others. Other human rights cases include one in the Sindh High Court in which it was held that local elections decided with a show of hands rather than a secret ballot violated the Constitution. Moreover, the Lahore High Court restored a provision in the Divorce Act which allowed Christians the right to divorce in cases where there was no adultery but the marriage had broken down.

Interestingly, the implementation of Point 20 of the National Action Plan (NAP) requires reform in the criminal justice system, and this remains one of the most neglected actions, with no distinct progress at either federal or provincial level. Several of the other points in the NAP are interlinked with criminal justice which has a direct impact on their effective implementation. The continuing excessive delays in the trial process and low conviction rates resulted in the extension of the mandate for military courts until 2019.

Much of the delay in reforms could be the direct result of confusion and lack of coordination between federal and provincial authorities. The decentralisation of legislative powers under the 18th Constitutional Amendment meant that both Parliament and a provincial assembly could make laws with respect to criminal law, criminal procedure and evidence.

In August, the Interior Minister admitted that the National Counter-Terrorism Authority (Nacta) tasked to implement the National Action Plan (NAP) had not been effective. He stated that law and order was the prime responsibility of the provinces and the interior ministry would improve coordination among the provinces besides monitoring the overall situation.

Universal Periodic Review

The Special Rapporteur on the independence of judges and lawyers recommended that Pakistan urgently improve the formal justice system in order to discourage recourse to informal 'justice' systems such as *jirgas* and *panchayats*. The UN Convention against Torture (CAT) was concerned about reported discrepancies in the administration of justice, including with respect to the jurisdiction of the Federal Shariat Court.

The Committee on the Elimination of Racial Discrimination (CERD) remained concerned that persons belonging to ethnic and religious minorities, refugees and the scheduled castes (Dalits) had limited access to justice. UNESCO urged Pakistan to continue to investigate the cases of killed journalists. The Working Group on Enforced Disappearances (WGEID) and CAT observed that there was a climate of impunity with regard to enforced disappearances and torture, respectively. The Centre for Economic and Social Rights (CESR) was

concerned at the prevalence and magnitude of corruption among high-level officials.

Judiciary – pending cases

The lengthy proceedings of high profile cases saw the backlog of cases increase to 38,589 in the Supreme Court in 2017. The Panama Papers case which led to the disqualification of Nawaz Sharif alone lasted for months. Another petition seeking the disqualification of Imran Khan and Jehangir Tareen of the PTI took almost a year to arrive at a conclusion. According to reports, the increasing number of pending cases was primarily due to there not being sufficient judges to hear the cases.

Two Acts were passed during the year to address this problem. The Cost of Litigation Act 2017 aims to discourage vexatious and false proceedings under the Code of Civil Procedure, and the Alternate Dispute Resolution Act 2017 aims to deplete the massive backlog in cases in the courts by offering ADR as a less expensive and quicker alternative to the courts in solving legal problems. ADR centres were subsequently established in all the lower courts throughout the Punjab.

Early in the year it was reported that a bill was being drafted to establish evening courts in Islamabad, to operate between 5.00pm and 8.00pm, 'for speedy disposal of cases and clearance of backlog.' The district and sessions judge would supervise and monitor the courts, under the overall control of the High Court. At the end of August, the Standing Committee of the Cabinet for Disposal of Legislative Cases (CCLC) approved the Evening Courts Bill 2017.

Accountability

It was an eventful year for the judiciary. The chequered history of attempts to enforce the principle of accountability in Pakistan suggests that this vexed issue will not be completely resolved until it is applied across the board, without exception. To some, the disqualification of Nawaz Sharif and the ongoing court proceedings against him indicates an affirmation of the rule of law through the apex court. To others, it threatens to destabilise the democratic process.

The recently drafted Bill for the National Accountability Commission (NAC), which is meant to replace the National Accountability Ordinance (NAO) 1999, hit a new snag in its final stages when the Parliamentary Committee on National Accountability Laws failed to reach a consensus at its meeting in November. The debate continued over the applicability of the proposed legislation. Committee members from all parties had previously agreed to the withdrawal of a suggestion that the law should also cover generals and judges.

The existing Ordinance had brought public office-holders, civil servants, politicians and even civilians under the law, but personnel of the armed forces and judges of superior courts were exempted.

In March, the Supreme Court nullified appointments to the Sindh Public Service Commission made through the Combined Competitive Examinations in 2013, on account of a number of discrepancies during the examination, interview and selection process which were discriminatory towards those not selected. The Supreme Court ordered the process of selection to the Commission to be restarted for only those who had appeared in the Commission's examination conducted in 2013. The Court also issued a number of directions to the Government of Sindh, requiring it to ensure fairness and transparency in the renewed process.

In October, the accountability court in Islamabad was forced to postpone the indictment proceedings in a corruption reference filed against Nawaz Sharif and his children after lawyers associated with the Pakistan Muslim League-Nawaz (PML-N) protested in the courtroom about being denied entry and clashed with law enforcement personnel. Videos showed lawyers slapping police outside the court.

With both sides accusing the other of force, the IHC issued notices to law enforcement officials over the manhandling of lawyers at the FJC and sought their reply. For his part, the Interior Minister sought a report from the interior secretary on the altercation between police and lawyers, saying that lawyers involved in the misconduct and violation of laws could not be considered guardians of the law, adding that court safety would be ensured at all costs. According to the minister, court entry passes had to be issued because of strict security arrangements and limited space.

There is increasing confrontation between lawyers and judges. In 2016, the Lahore High Court formed a supervisory committee to control misbehaviour in the courts and instil respect for court proceedings. Such infringements were normally referred to bar councils to resolve internally, but the committee was created to take immediate and direct action. This attempt to introduce an accountability procedure was met with opposition from bar councils across the country.

In 2017, the clashes between legal practitioners and the judiciary have only intensified. In March, Mianwali lawyers boycotted courts and took out a procession against a district and session judge, demanding his removal.

Judges of all the subordinate courts of Lahore observed an unannounced strike in May after a group of lawyers abused a civil judge, thrashed his court

staffer, and snatched court files from the judge.

Sialkot lawyers locked the courtroom of an additional district and sessions judge in July, observed a complete strike and demanded the judge's transfer on the call of the District Bar Association (DBA) following an exchange of words between the judge and the president of the DBA.

Police resorted to tear gas and water cannons in August to disperse protesting lawyers gathered at the Lahore High Court, where contempt of court proceedings were underway against the president of the Lahore High Court Bar Association's (LHCBA) Multan chapter. A large number of lawyers resorted to violence after the court issued non-bailable arrest warrants.

The conflicts are not limited to judges and politics. In June, a 70-strong group of lawyers attacked the legal team of a petitioner in a case against Pakistan Bar Council (PBC) member Maqsood Buttar. The attack elicited a strong condemnation from the HRCP which said, 'Resort to hooliganism at this scale inside the LHC courtroom aimed at impeding the judicial process is a worrying new development which, if not challenged immediately, will lead to those uncertain about the strength of their cases to try and overcome or eliminate their opponents physically and violently.'

Enraged lawyers in Multan stormed the new judicial complex in December, smashing windows, doors and mirrors with sticks, in protest over the shifting of the courts for a second consecutive day.

Lawyers are also becoming increasingly vocal in matters of politics but this also led to violence and strikes during 2017 which adversely impacted the administration of justice.

Chaos descended in the Lahore High Court in May as groups of lawyers affiliated with different parties clashed with one another over the lawyers' convention on the Panama Leaks case.

The Lahore High Court Bar Association organised a rally in July against the then Prime Minister Nawaz Sharif and demanded his resignation over the Panama Leaks. For the first time, they extended this protest from their premises to the main road, marching towards the Punjab Assembly and chanting slogans. The rally on The Mall snarled up traffic and traders closed their shops.

In November, besides staging a protest in front of the Punjab Assembly in Lahore, lawyers boycotted courts and took to the streets in a show of solidarity with the religious groups protesting all over the country against the

Faizabad operation.

Ultimately, the most affected by these actions remained the litigants whose cases were postponed and deferred, no doubt adding to the backlog of cases.

Military courts

The 21st constitutional amendment in January 2015 allowed military courts to conduct trials of civilian suspects of terrorism offences, with a sunset clause of two years which expired on 6 January 2017. This move was severely criticised at the time by human rights activists and institutions as denying individuals their right to a fair trial under Article 10-A of the Constitution and Article 14 of the ICCPR. Despite this, the Federal Government once again extended the operation of the military courts for another two years through the 23rd constitutional amendment. The extraordinary circumstances and grave and unprecedented threats to the country which the ordinary courts were unable to handle were again cited as reasons and, once again, a promise was made to reform the criminal justice system.

According to media reports and ISPR statements, since their inception in 2015 military courts have awarded 274 convictions including 161 death sentences and 113 other sentences. During that time, 56 convicts had been executed. The record shows that some of those convicts had been missing from 2007-8 and either their habeas corpus petitions were pending in the High Court or their cases were pending in Commission of Inquiry on Enforced Disappearances.

In May, the Peshawar High Court in an exceptional judgment set aside the death penalty awarded by the military court in the case of Muhammad Imran. It held that the military court lacked the legal jurisdiction to award the death penalty for the charges made against the convict. It therefore remanded back the case to the military court to either reconsider the degree of punishment awarded or to reframe the charges. This was the first time since the military courts were established for civilian trials that the evidence, charges and other aspects of a judgment made by a military court had been discussed.

During the third cycle of the Universal Periodic Review, concern was expressed at the use of military courts to try civilians for terrorism-related offences. The concluding observations of the UN Human Rights Committee on Pakistan's initial report also expressed concern at the extension of the jurisdiction of military courts to consider cases of persons detained under the Actions (in Aid of Civil Power) Regulation (AACPR). It noted with concern the number of civilians, allegedly including children, that had been convicted or sentenced to death in secret proceedings, and that some 90 percent of convictions were based on confessions. The Committee was further concerned that the military courts had allegedly convicted at least five

'missing persons' whose cases were being investigated by the Commission of Inquiry on Enforced Disappearances.

Death penalty

See *Jails, prisoners and disappearances*.

Blasphemy

There was an increase in blasphemy-related violence in 2017. As a senior government official described blasphemers as 'enemies of humanity' and the Islamabad High Court ordered the removal of allegedly blasphemous content online, calling for proceedings to be initiated against anyone responsible for uploading it, an already volatile environment was exacerbated.

Accusations of blasphemy had an instantly inflammatory effect, with mobs feeling empowered to take matters into their own hands. The lynching in April of Mashal Khan, a young student at a university in Mardan, shocked the nation, but more incidents were to follow.

The proliferation in reporting of 'blasphemous' content online may have been further incited by the mass text message sent out by the Pakistan Telecommunications Authority (PTA) in May, informing people that uploading and sharing blasphemous content was a punishable offence and encouraging them to report it.

In June an anti-terrorism court handed down the first death sentence for blasphemy on social media. The 30-year-old accused from Okara was a member of the Shia community and had allegedly posted derogatory content about prominent Sunni religious figures and the Holy Prophet Muhammad and his wives.

In August, the Islamabad High Court asked parliament to make changes to the current decree to prevent people from being falsely accused of the crime, which is punishable by death, fine or a prison term depending on the specific offence.

The lengthy 116-page order suggested that parliament amend the law to require the same punishment of the death penalty for those who falsely allege blasphemy as for those who commit the crime.

It is widely accepted that the blasphemy law is used to settle personal scores, appropriate property, or attack a particular sect. However, previous attempts to amend the blasphemy law have not met with any success and it remains a highly sensitive issue.

Citizenry

Transgender people

Pakistan has taken a number of steps to legally recognise transgender people. In August, the first bill safeguarding the rights of transgender persons was introduced in parliament. For the first time, the 2017 national census included a category for khawaja siras, or transgender women. In June, in yet another first, the government issued a passport with a transgender category, a move welcomed by the transgender community as an important milestone.



The 2017 national census included a

The Khyber Pakhtunkhwa government introduced some initiatives towards giving the transgender community equal rights as citizens. Plans were announced to establish a skill development and rehabilitation centre for transgender people in Peshawar. The transgender community was also consulted in order to facilitate their travel under the Peshawar Sustainable Bus Rapid Transit Corridor Project (PSBRTC). In a further move, a protection policy is under consideration which aims to end the social stigma attached to the transgender and intersex community and remove discrimination towards them in all aspects. The comprehensive policy covers everything from health issues and education to public places and political participation.

Census

Political parties had voiced concerns over the authenticity of the preliminary results of the census released by the Pakistan Bureau of Statistics (PBS), claiming that it was impossible for Karachi and Lahore to not have shown major differences. They called for the records to be compared to that of the Pakistani Army. The Census Chief Commissioner rejected this, saying that the Pakistani Army had been fully involved and that the reasons for the lack of difference between Karachi and Lahore was that the entire district of Lahore was classified as urban, while two districts of Karachi were still classified as rural.

The transgender community had also claimed that the method of counting transgenders was flawed and the data was inaccurate and misleading. The Commissioner dismissed their objections, saying that only those who had registered as transgender had been included in that category.

Leaders of nationalist parties argued for the inclusion of non-Sindh and illegal immigrants to be counted in the census. They claimed that around 40% of adults in Sindh did not have an identity card and if they were not counted

in the census, adequate representation in the national and provincial legislatures would be affected. This too was rejected by the Statistics minister, who pointed out that the Sindh government had no reason to object to the results when the door-to-door census had been conducted by employees of provincial and local governments under the supervision of deputy and assistant commissioners.

Racial profiling

There was a widespread crackdown against anyone who merely looked like a Pashtun or Afghan after a spate of terrorist attacks in the country. Pashtuns, or Pathans, are the second largest ethnic group in Pakistan. Official and unofficial circulars and notices were distributed by the police specifically targeting the Pashtuns and portraying all of them as 'suspected terrorists'.

A notice from a traders' association posted in a market in Lahore did the rounds on Twitter in February. It asked for all Pashtun traders to submit their National Identity Card copies, photos, as well as business details to the nearest police station or face legal action from the government.

The HRCP strongly condemned the Punjab government officials for the 'apparent racial profiling' and 'stereotyping' of Pashtuns in the province.

Cases of significance

Supreme Court

- In considering a case on the denial of fundamental rights to clean drinking water, sanitation and a safe environment for the people in various parts of Sindh, the Court made a number of recommendations, including the replacement of poor and faulty infrastructure lines, the rehabilitation of filter plants and the establishment of a water lab to monitor the quality of drinking water. The Judicial Commission was ordered to submit a report on the directives.
- A three-member bench of the Supreme Court heard a petition seeking the disqualification of Pakistan Tehreek-i-Insaf (PTI) Chairman Imran Khan and PTI Secretary General Jehangir Tareen. The Court disqualified Jehangir Khan Tareen from being a member of the National Assembly, after finding him not to be 'honest' in disclosure of his assets after more than 50 court hearings. The petition against Imran Khan was dismissed.
- The Supreme Court dismissed a judgment of the Lahore High Court halting work on selected sites of the Orange Line Metro Train (OLMT) project. While giving the construction the go-ahead, the Court prescribed 31 directions to the Punjab government ordering it to undertake immediate remedial measures for the protection of heritage sites along the proposed route of the train.

Lahore High Court

- The Court considered a challenge to the Lahore Development Authority's attempt to convert two parks in a residential scheme into residential plots, and allowed the appeal, acknowledging that civic amenities constitute a basic right of citizens and conversion of the open space would constitute a radical change or modification in the original scheme.
- The Court ruled in favour of a religious organisation who had been denied permission to hold an ijtima because of the security situation. The Court held that since there was no restriction on gatherings in that area, the petitioner could not be discriminated against on the pretext of a law and order situation.
- The Court ruled in favour of the petitioner over the sealing of his shops for non-payment of tax levied under the Punjab Urban Immovable Property Tax Act 1958. The petitioner contended that he was exempt from property tax as he was in possession of the shops as a lessee of Pakistan Railways and thus the property was owned by the Federal Government. The Court ruled that due process had not been followed as the petitioner was not associated with the assessment proceedings, and this was in violation of his fundamental rights.
- The Court examined the constitutionality and legality of the repeal of section 7 of the Christian Divorce Act 1869 under a petition from a Christian who wanted to divorce his wife but would have to allege and prove adultery. Section 7 would have granted him a divorce on the grounds that the marriage had broken down. The Court ruled that the repeal of the section was 'unconstitutional and illegal being in violation of the minority rights guaranteed under the constitution to the petitioner and the Christians in Pakistan' and ordered that it be restored.
- The Court dismissed a notification issued by PEMRA banning the broadcast of all Indian content in Pakistan in retaliation against an Indian broadcaster who had stopped airing Pakistani content. The Court held that PEMRA had no lawful justification to vary the rights of licensees and the Authority was duty bound to encourage diversity and plurality in the media.
- The Court dismissed a notification issued by the Ministry of Information decertifying the Urdu feature film 'Maalik' for containing a series of controversial dialogues which offended the country's image. Recognising artistic freedom of expression as a fundamental right, the Court noted that the film was a work of fiction and concluded that the decisions adopted by the authority had to be proportionate and reasonable.
- The Court allowed a petition challenging a notification from the Punjab University terminating the petitioner's services, rather than accepting his resignation, without assigning a reason. The Court agreed that in failing to furnish reasons for his termination and without processing his resignation, the respondents had violated the petitioner's fundamental rights and had adversely affected his future in academia.

- The Lahore High Court allowed a petition filed by individuals suffering from bilateral blindness who had passed the CSS written examination, medical examination, physical assessment and viva-voce but, instead of being posted to their preferred groups, were allocated seats in another group as per the CSS rule which restricts individuals with disabilities to four permitted Occupational Groups. The Court struck down Rule 9 of CSS Rules, 2014, holding that it was against the fundamental rights of citizens protected under the Constitution of Pakistan, 1973.
- In hearing a petition concerning the inaction of the Government in addressing the issue of pollution and smog in Lahore, the Court directed the Government to not only abide by a Smog Health Emergency Action Plan, but to also upload daily readings of the air quality monitoring on its website, additionally involving the Health Department and School Education Department in formulating future policies to control smog.

Quetta High Court

- An appellant was convicted and sentenced to death by the Anti-Terrorism Court for firing a Kalashnikov and killing an individual. The charge was framed against the Appellant in his absence and it was presumed that he did not plead guilty. The Court ruled that the appellant was not convicted according to law because the pre-requisites of a fair trial were not provided to him and thus the procedure adopted by the trial court was not in accordance with the Constitution. The appeal was accepted and the case remanded to the trial court where the appellant was allowed to rebut the charges against him.

Sindh High Court

- In hearing a case against the Larkana Civil Hospital, the Court held that the provision of health care was the absolute responsibility of the State. It noted that the Commission that had been established under the Sindh Health Care Commission Act 2013, had not started functioning and directed that it be formed within a month. In the interim, a Committee was to be constituted to manage and control hospital affairs and take action in the event of any violations of the law. The Court issued a number of directions including handing over all teaching hospitals to universities, surprise visits to medical stores to ensure no fake or expired medicines were being sold, and proper police protection for doctors and paramedics. Moreover, doctors and paramedics were not allowed to go on strike as that might endanger lives.
- The Muttahida Qaumi Movement challenged the 2015 amendment to the Sindh Local Government Act 2013 which allowed a show of hands for election of the local government. They also challenged the inclusion of one youth member to a reserved seat in the election. The Court held that the election of the local government must be conducted in accordance with Article 226, i.e. by secret ballot, and also stated that no cogent reason was

given for the preferential advantage given to youth.

- In a case filed by a couple who had married of their free will and were facing threats from their relatives, the Court allowed the petition and directed the police to extend complete protection to the petitioners from undue harassment by their relatives or any authority, thus enabling them to enjoy their married life.
- The Court dismissed a petition from a pharmaceutical company alleging that the price of medication considered to be the cure for Hepatitis-C had been arbitrarily set by the Ministry of National Regulation and Services and was in violation of the Drug Pricing Mechanism. The Court acknowledged Pakistan's obligations under several international covenants to provide its citizens adequate and affordable health facilities, and said the State could not favour expensive health services that benefited only the privileged few, overlooking the public's health entirely.

Peshawar High Court

- The Court heard a petition challenging the conviction and death sentence awarded to a convict by a military court and held that the court lacked legal jurisdiction to award the death penalty for the charges framed against him. The case was therefore remanded back to the military court.
- The Court allowed a writ against the placing of the petitioner's name on a list of suspicious persons as a result of which he had faced harassment and threats. The court held that in this case the government had not provided any evidence to support their report and restraining and detaining him was illegal, unlawful, and unconstitutional, and therefore untenable. The government was further directed to provide the petitioner with protection against undue harassment.
- The Court overturned the conviction by a trial court of a couple, where the woman had been accused of entering into an unlawful marriage, and the man had been accused of abducting her. The Court stated that there was no evidence of illicit intercourse between the appellants and that the question of abduction had not been adequately answered by the witnesses. The Court also observed that there was no justification as to why the marriage was being considered unlawful and that the confessional statement was involuntary and made under duress and could not be considered reliable. In light of the evident discrepancies, the Court set aside their conviction.

Islamabad High Court

- The Court quashed the FIR registered against a petitioner on the basis of allegedly offensive banners erected in Islamabad. The Court held that the police were required to obtain the sanction of the federal or provincial governments before filing FIRs against individuals for criminal conspiracy or sedition. The Court also noted the importance of freedom of expression/speech, and stated that a proper balance had to be struck

between the freedom of expression guaranteed by Article 19 of the Constitution and the social control permitted thereby.

- In a 116-page detailed judgment on criticism of the blasphemy law, the IHC suggested that parliament make the law tougher by fixing the same punishment for any person misusing it or falsely accusing someone of blasphemy. It said that the maximum punishment of six months or a fine up to only Rs1,000 was a very minor punishment for such a serious offence as accusing someone of blasphemy. It also ordered a complete ban on the social networking site Facebook if the website management did not conform to Pakistani laws, and directed the Pakistan Telecommunication Authority (PTA) to create a firewall to block unwanted and sacrilegious content in Pakistan. The report was a follow-up to a short order on a petition seeking elimination of blasphemous content from social media.

Federal Shariat Court

- The Court dismissed a petition challenging the rite of stoning of the 'shaitan' during Hajj which had caused casualties and affected citizens' fundamental rights. The Court stated that the practice was religiously sanctioned and the casualties were attributable more to the negligence of authorities rather than the act itself.

Recommendations

- Expedite the reforms of the criminal justice system under the National Action Plan and ensure implementation across the country to improve coordination and conformity in law and order.
- Courts must actively address issues of conflicting jurisprudence on similar questions of law. Conflicting judgments give rise to frivolous litigation and larger backlog of cases and will create uncertainty in the interpretation of legal provisions and maxims.
- The discretionary power of taking suo motu notices must be exercised sparingly by the Supreme Court, ensuring that these matters are expeditiously disposed of with directions to concerned parties, as opposed to being kept in pendency for long periods. In addition, all decisions delivered under Article 184 (3) of the Constitution of Pakistan, 1973 (in exercise of the Supreme Court's suo motu powers or on an application by anyone) should be made appealable.
- The judiciary should acknowledge that the accountability of judges – without scandalising the courts – is important. It adds to the independence of the judicial system.
- Ensure inclusion in the selection criteria for the appointment of judges an assessment of the candidates' knowledge of human rights issues. Candidates who demonstrate a bias against gender or minorities should not be elevated to the bench.

A black and white photograph showing several women in a prison cell. They are looking out through metal bars. A padlock is visible on the door. The women are wearing traditional Islamic clothing, including headscarves and long dresses. The scene is dimly lit, with light coming from a window in the background.

II Enforcement of Law

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

Although there was a drop in the number of terrorism attacks in 2017, violence against 'soft targets' such as religious minorities and law enforcement agencies was on the increase. The practice of enforced disappearances targeting suspected militants had previously been restricted to the conflict areas of Balochistan, the Federally Administered Tribal Areas (FATA), and Khyber Pakhtunkhwa. In 2017, disappearances became a nationwide issue with the targeting of bloggers, activists, journalists and others all over Pakistan.

Extrajudicial killings that take place under the euphemism of police

encounters are not unique to Pakistan alone. But the level of impunity involved, and the apparent perception among law enforcement agencies that it is an effective and legitimate way of dispensing justice, does raise questions about the extent to which the practice has become institutionalised.

Confidence and trust in the police force to combat crime and protect citizens is low across the country. There are frequent clashes during protests. Police are often unable to control mob violence. A particular case in point was their ineffective response to the protestors at the Faizabad sit-in, when the army had to be called in to end the situation. A report subsequently submitted by the Islamabad police indicated that the security personnel sympathised with the protestors and were reluctant to follow the orders to take action against them.

Legislation and budgets

The federal government's total budget for the Ministry of Interior and Narcotics Control was Rs91 billion. The National Counter Terrorism Authority (NACTA) received only Rs140 million, while Rs2.48 billion went to Narcotics Control.

The Punjab government allocated Rs149 billion for law and order, with Rs97 billion reserved for the Punjab Police. The budget had stood at Rs145 billion the previous year. The Police Order (Amendment) Act, 2017 amended Article 11 of the Police Order of 2002, eliminating the role of the National Public Safety Commission in the appointment of the provincial police officer (PPO aka IGP).

Sindh allocated 15% of its entire budget to improving law and order in the province, an increase of 10% over the previous year. The home department received Rs90.5 billion, including Rs8.1 billion for the Sindh police. A total of 10,000 new posts of different ranks was proposed for the police, while Rs2 billion was allocated for the purchase of transport vehicles. Around 3,000 posts were proposed for the security of CPEC-related projects.

Khyber Pakhtunkhwa created several new posts to establish police training schools and open new police stations, as well as to strengthen the telecommunications wing. The budget for security and law and order was Rs39.7 billion, an increase of 21% increase. An amount of Rs700 million was allocated for CPEC security. The province also introduced the Khyber Pakhtunkhwa Police Act 2017, which aims to make the police apolitical and accountable to the people through democratic institutions and civilian oversight bodies. It also aims to reconstruct and regulate the police so it is responsible, service oriented and responsive to uphold the law through modern proactive policing and community participation. The Act stated that

all provisions of the Police Order 2002 which related to the 'Federal Legislative Field' would continue to remain in force.

Balochistan allocated Rs34.8 billion under the head of public order and safety affairs to help improve the peace situation across the province. (Unlike the more cautious approach of Khyber Pakhtunkhwa, in enacting the Balochistan Police Act 2011, the government repealed the application of the Police Order 2002 to the province in its entirety.)

Violence

For the third year running, the country saw a decline in violence-related deaths, according to the Centre for Research and Security Studies (CRSS). As many as 4,131 casualties were reported in violent incidents in 2017, including 2,057 deaths and 2,074 injuries. Two incidents of cross-border attacks from neighbouring countries were included in the figures. During 2016, there were 2,613 deaths, with 4,647 in 2015. Only the Punjab province recorded an actual increase in violence, although Balochistan still had the highest in absolute numbers. Karachi, Lahore and Quetta were among the districts with the highest number of deaths.

Balochistan recorded 489 killings in various incidents, followed by the Punjab at 469, Sindh at 455, and the Federally Administered Tribal Areas at 436. The most noticeable change was in Khyber Pakhtunkhwa, where fatalities dropped from 357 in 2016 to 192 in 2017, a decline of 53 per cent.

The CRSS recorded sectarian violence-related casualties at 955, with 319 deceased and 636 wounded. In Sindh, it went up three-fold in 2017, while in FATA it more than doubled. The Shia and Shia Hazara communities bore the main brunt of sectarian violence, followed by Sufi devotees. Christians, Sunnis, Ahmadis, and Hindus were also targeted [see *Freedom of Thought, Conscience and Religion*].

In 2017, Pakistan witnessed an increase in blasphemy-related violence while the government continued to encourage discriminatory prosecutions and other forms of discrimination against vulnerable groups by failing to repeal discriminatory laws and using religious rhetoric that incited hatred against minority groups.

In 2017, journalists resorted to self-censorship in the wake of attacks by security forces and militant groups in retaliation for any articles voicing criticism. Media outlets remained under pressure to avoid reporting on or criticising human rights violations during counterterrorism operations.

Violence perpetrated by police

There were reports throughout the year of government security forces

engaged in extrajudicial killings during operations against militants, as well as causing civilian casualties. Some observers believed that at least some of these incidents may have been orchestrated by security forces.

In May, two suspected robbers had been arrested in Faisalabad when the police said their accomplices started firing on them. The two in custody were shot dead. In another incident in Sheikhpura the same month, two robbery suspects were also shot dead in what police claimed was a shootout.

In February, a 27-year-old man was shot dead in Islamabad when he allegedly failed to comply after police signalled him to stop. The two policemen involved fled the scene.

In November, Faisalabad police were involved in a shootout with two robbery suspects and were filmed while they continued to shoot one of them who was on the ground and clearly injured.

More Pakistanis died in incidents described by law enforcement agencies as encounters than in gun violence or in suicide attacks in 2017, according to the findings of research conducted by the Centre for Research and Security Studies.

The study shows that 495 people were reported killed in what the law enforcement agencies said were shootouts. The number of those killed in gun violence was 399, those in suicide attacks 298, and in bomb explosions 144. The corresponding numbers for 2016 were 645 in alleged encounters, 485 in gun violence, and 376 in suicide attacks.

The Baloch Human Rights Organisation (BHRO) has alleged that between January and December 2017, security forces carried out 516 military operations across Balochistan and that they had received 2,114 cases of enforced disappearances committed by military forces in raids and military operations across Balochistan and Sindh.

The report also alleged that there had been 545 cases of extrajudicial executions, including 129 people killed by forces during military operations, 40 people tortured to death in custody, and 92 mutilated bodies recovered from different areas of Balochistan.

According to media reports, the Punjab province saw a decrease in the incidents of police encounters or extrajudicial killings during 2017 as compared to the previous year. At least 269 alleged criminals were killed in 'police encounters' during the year across the province. In 2016, the police had killed 340 alleged criminals in armed encounters during the same period.

A performance report issued by the Karachi police listed as many as 184 criminals and 7,373 terrorists killed during at least 480 'police encounters' in the city.

Police crime/dereliction of duty

Punjab: The information in the Accountability section on the Punjab Police website has not been updated with data for 2017. For 2016, it records that 70 DSPs, 1,886 inspectors, 10,022 sub-inspectors, 9,834 assistant sub-inspectors, 4,262 head constables, and 35,348 constables were disciplined for offences ranging from corruption, absence from duty, and inefficiency, to misuse of official power, disobeying orders, misbehaviour, and failure in their duty. The offences included eight cases of torture, 471 deaths in custody, 609 cases of corruption, 10,317 cases of negligence, and 1,736 criminal cases. Absence from duty accounted for 26,914 of the cases. In total, 2,588 officers were dismissed. Others were compulsorily retired, censured, forfeited approved service, had a reduction in pay/rank, or had increments or promotions withheld.

In April it was reported that the National Accountability Bureau (NAB) had arrested a deputy superintendent police (DSP) Okara in a Rs860 million embezzlement case. In September, a corruption scandal involving the Multan police was uncovered when it was found that 93 ghost employees were withdrawing salaries. In November, it was reported in the press that the Accountant General Punjab had uncovered eight cases of corruption worth billions of rupees in the Punjab Police dating back to 2000.

Sindh: A report submitted by the Inspector-General of Sindh to the Supreme Court stated that as many as 12,000 officers of the Sindh police were involved in illegal and criminal activities. The judges had expressed dissatisfaction at leniency and lack of action against as many as 66 police officials named in the criminal records and the report named 130 police officers and personnel who had been forced to retire.

Khyber Pakhtunkhwa: The police department penalised 1,340 police officers on various complaints and 114 were dismissed from service.

Balochistan: Statistics unavailable.

Targeted attacks against law enforcement personnel

13 February: A suicide attack targeted police officials on Lahore's Mall Road - the first of three major terror attacks to hit the provincial capital this year, all of them targeting law enforcers, army and security personnel. At least 13 people, including six police officers, were killed and 85 others injured when

the suicide bomber struck a protest of around 400 chemists and pharmaceutical manufacturers in front of the Punjab Assembly.

5 April: A suicide bomber targeted a census team in Lahore's Bedian Road area, killing four army men, an off-duty Pakistan Air Force airman and a civilian. At least 19 others were injured in the attack.

23 June: Seven police were among 14 people killed in a suicide blast near the Balochistan police chief's office on Quetta's Gulistan Road. At least 20 other people were injured in the attack.

23 June: Four policemen were gunned down in Karachi's SITE area when they were having iftar at a roadside hotel, and the same murder weapon was used to gun down a DSP Traffic and a constable in Azizabad on 11 August.

10 July: A District Police Officer (DPO) and his guard lost their lives in a blast near Boghra Road in Balochistan's Chaman area.

13 July: A police superintendent and three other policemen were gunned down in Quetta's Killi Deba area.

17 July: At least one Frontier Corps man was killed in a suicide blast in Balochistan's Chaman area near the Pak-Afghan. The same day, two FC personnel were killed in Peshawar's Hayatabad area when a suicide bomber rammed his motorcycle into an FC vehicle on patrol. Nine people, including two security personnel, were injured in the explosion.

24 July: At least 26 people were killed and 58 others were injured in a suicide explosion that targeted the police providing security to Lahore Development Authority. Officials said the suicide bomber targeted police officers during a campaign by city government officials against illegal construction and encroachment by vendors and vegetable sellers on Ferozepur Road, in a busy neighbourhood of Lahore.

12 August: At least eight security officials were among 15 killed in a suicide



blast targeting a military truck near Quetta's Pishin bus stop. At least 32 others were wounded in the attack.

18 October: At least eight people, including seven policemen, were killed and 24 others injured in an explosion targeting a truck carrying police officials in the Sariab Mill area of Quetta.

10 November: The DIG Police Telecommunication and two other police officials were killed in a suicide bombing in Quetta's Chaman Housing Society.

15 November: A Police Superintendent and three members of his family were gunned down in Quetta's Nawan Killi area.

25 November: An Additional Inspector was killed when a suicide bomber rammed a explosives-laden motorcycle into his vehicle near Zarghoni Masjid in Peshawar's Hayatabad area. The Lashkar-i-Islam claimed the attack.

25 November: A Frontier Corps convoy was targeted by a suicide blast on Quetta's Sariab Road area. Five people were killed and 27 others, including two FC men, were injured in the attack.

29 November: A landmine blast in Balochistan's Sibbi district killed two Frontier Corps (FC) men and injured three others on a routine sweep of the area.

Seven policemen were kidnapped in Balochistan's Awaran area in June 2017 but later released when security forces blocked all entry and exit points.

Crime

Punjab

A media report said the Punjab Police recorded at least 405,895 crime cases during 2017, including 3,992 cases of murder and around 13,000 cases related to armed robberies, against a total of 408,283 in 2016.

According to police data, at least 49,027 cases were registered under the head of 'crimes against person' in 2017, and 79,176 cases in the category of 'crime against property'.

The official records revealed that the police investigators failed to trace at least 21,145 crime cases reported across the province. More than 29,743 cases were still under investigation. Police investigators were unable to solve many blind murder cases which included several women and children victims who were found brutally murdered in different parts of the province. The police reported at least 13,618 abduction cases, with most of the victims women and young girls who were abducted by gunmen, and at least 41 cases of kidnapping for ransom.

At least 2,980 rape cases were registered with the provincial police from January to December in 2017, against 2,942 reported rape cases in 2016. Similarly, at least 190 cases of gang rape were registered by police in 2017

against 223 such cases reported in 2016. The police also failed to trace criminals involved in at least four gang-rape cases and six cases of rape. There was also a disturbing rise in reports of organised gangs impersonating police officers or other officials to gain entry to homes or rob drivers of vehicles.

Islamabad

According to the Senior Superintendent of Police (Operations), the Islamabad police arrested 4,450 criminals during 2017 and recovered valuables worth more than Rs400 million from them. A total of 234 criminal gangs were busted, 289 stolen vehicles and 122 motorbikes were recovered, and 851 proclaimed offenders held.

During 2017, 89 murders were reported as compared to 95 in 2016, while 14 robberies were reported in 2017 and 17 in 2016. A total of 272 cases of street crime and snatching of valuables were reported in 2017 as compared to 280 in 2016; 73 burglary cases in 2017 as compared to 92 such cases in 2016, while theft cases in 2017 numbered 315 as compared to 354 in 2016.

A significant reduction of 46 percent had been observed in car lifting incidents as 148 vehicles were lifted in 2017 as compared to 249 in 2016. Police busted 73 gangs involved in robberies, 116 gangs of burglars, and 45 gangs of bike and car lifters.

The Islamabad police had also launched a crackdown against those involved in supplying drugs at educational institutions and caught 68 drug pushers. The SSP also said that Human Rights officers had been appointed at police stations to ensure the protection of rights of all segments of society.

Sindh

According to the Karachi police performance report for 2017, 587 criminals were caught red-handed. In separate incidents, 7,134 criminals, two terrorists, two highway robbers, 12 kidnappers, 392 proclaimed offenders, 3,321 absconders and 49 extortionists were arrested. The law enforcers also busted 466 organised gangs and killed 184 criminals and 73 terrorists. The Karachi police force lost 16 policemen in the line of duty while 30 were injured. They also recovered 969 two-wheelers and 31 four-wheeler vehicles in 2017.

Khyber Pakhtunkhwa

The Khyber Pakhtunkhwa police said the incidence of terrorist incidents came down by 51 percent during 2017 compared to 2016 with the number of incidents dropping to 126 from 258.

There were three major incidents, including suicide attacks on police AIG Ashraf Noor and Frontier Corps Major Jamal Sheran and an attack in December on the Agriculture Training Institute Peshawar, where nine people including eight students were killed.

The report claimed the counter-terrorism department (CTD) arrested 428 terror suspects, foiled 95 incidents of terrorism, and arrested 79 terrorists. Around 350 cases were traced and notices submitted before the courts. It further claimed that police managed to safely rescue 15 hostages during the year, while the CTD conducted about 1,000 intelligence based operations and arrested 1,346 suspects.

The report said that under the National Action Plan, around 12,248 search and strike operations were carried out throughout the province and 76,244 suspects taken into custody.

Other crimes, including kidnapping, armed robbery, theft, vehicle theft and car snatching, were said to have decreased compared to the previous year: kidnapping incidents by 10 percent, armed robbery by 34 percent, vehicle theft by 26 percent and car snatching by 36 percent. The number of murders reportedly dropped by seven percent and attempted murders by 10 percent. The report said the police registered 6,266 FIRs against celebratory firing compared to 4,662 in 2016. In addition, 37,666 cases were registered against drug peddlers and 39,497 people arrested during the year.

A tweet by the head of the Tehreek-e-Insaf claimed a significant decrease in crime since 2014, particularly: murder down by 26%, attempted murder down by 18%, 'hurts' decreased by 3%, kidnapping for ransom down by 82%.



KPK Rapid Response Force

Balochistan

Figures were available up to 17 April 2017. These included 664 under crimes against person, 443 under crimes against property, 23 incidents of terrorism, four cases of sabotage, 10 target killings, and one attempted sectarian killing. Under the heading of local and special laws were 1,152 crimes, and 533 miscellaneous crimes. The total number of crimes up to April were 2,830. The total for 2016 had been 8,563 and before that 8,917 in 2015.

Violence against women

According to a report compiled by a newspaper and published in December, at least 274 women had been killed in the name of 'honour', 206 gang-raped, 2,840 raped, and 681 murdered across the country. In total, more than 5,660 crimes were reported against women in Pakistan's four provinces during the first 10 months of the year.

Punjab is the most populous province of the country and, as expected, it had the worst record of the number of crimes. More than 3,400 women were the victims of shocking crimes in the province during the first six months of the year.

The province of Khyber Pakhtunkhwa reported the lowest number of crimes against women with 202 cases between 1 January and 30 June 2017. Sindh witnessed 1,704 crimes in the first 10 months of the year, while Balochistan reported 354 cases during the same period.

Some experts believe that more crimes are reported in the Punjab and Sindh which could account for the higher number of recorded crimes in those provinces. In Khyber Pakhtunkhwa and Balochistan, tribal culture and the jirga system discourage women from reporting crimes.

Punjab

The report quoted data obtained through the provincial right to information (RTI) law which showed that despite pro-women legislation, violent crimes against women were on the rise across the Punjab with over 3,400 incidents of murder, honour killing, gang rape and acid attacks during the first six months of 2017. As many as 2,608 women had been raped, 159 were gang-raped, and 337 were murdered. [Punjab Police records show 181 reported cases of 'honour' killing in 2017.]

In March, the first Violence Against Women Centre (VAWC) was inaugurated in Multan as part of the Punjab Protection of Women Against Violence (PPWAV) Act 2016. The main objective of the VAWC was to streamline and speed up the justice process for women, providing free legal services for the lodging of FIRs and prosecution, as well as medical

examinations, forensics, post-trauma rehabilitation, and a shelter for female victims.

The government has also established a hotline for complaints and counselling on violence.

Sindh

During the first 10 months of the year, there were 2,934 crimes against women. As many as 57 women were killed in the name of honour during this period, while 215 were murdered. There were 156 cases of rape in Karachi and other parts of Sindh, while 47 women were gang-raped during the same period. In addition, there were 135 kidnapping cases, 1,099 abductions, and three forced marriages. At the time the report was made, no one had been convicted for these crimes although 1,316 people had been arrested out of a total of 3,553 accused.

In 2016, rural Sindh had witnessed 100 incidents of 'honour' killing, 165 rapes, 13 gang rapes, 5 acid attacks, and six forced marriages, while the total number of crimes against women was 2,817. Just seven convictions were recorded for all these crimes in 2016.

Khyber Pakhtunkhwa

The police data obtained from KP showed 202 crimes against women in the first six months of the year, although no cases of sexual or physical harassment were recorded. As many as 97 women were murdered in the province during this period while there were 24 cases of killing in the name of honour, 72 rape cases, and six incidents of domestic violence. In comparison, in the previous year there were 211 murders, 44 'honour' killings, 163 rapes, and one gang-rape incident, besides 24 cases of domestic violence and one acid attack. The province had 112 incidents of physical harassment in 2016.

Balochistan

The province recorded 354 crimes against women during the first 10 months of the year but, compared to the other provinces, the per capita crime average was discouraging. According to the 2017 census, the province had a population of 12.3 million, which equates to 28.6 crimes against women per million people. According to police data compiled in the report, there were 24 incidents of 'honour' killing, 32 murders, four rape cases, and no gang-rapes. There were also 84 recorded incidents of domestic violence. The previous year, the province had seen 371 crimes against women, including 43 murders, 31 'honour' killings, five rapes and one gang-rape. Two incidents of acid throwing and 105 incidents of domestic violence were also reported in 2016.

Violence against children

A newspaper report quoting official sources in the Central Police Office (CPO) said 'over 750 cases were registered against suspects in 2017 for committing crimes against children, including girls and boys, mostly aged between 3 and 15 years. This represented an increase of 30 percent compared to 2016. Apparently, most of such crimes were reported in Lahore, Faisalabad, Gujranwala, Kasur, and Rawalpindi.

Violence against transgender community

Legislation alone will not eradicate the violent crime that transgender people have to endure. In June, shortly after Pakistan made headlines for issuing a passport with the gender marked 'X', a video emerged of a crowd of men of all ages harassing and molesting two transgender women in a busy street in the hill station of Murree during the Eid holidays.

In August, armed men opened fire on a group of transgender people, killing one, in an affluent neighbourhood in Karachi. In October, Peshawar police recovered the body of a brutally tortured transgender person, who had reportedly been murdered three days earlier. In November, a transgender person was shot dead in the city of Peshawar.

In December, armed men attacked three human rights and trans rights advocates in Peshawar, where violent crime targeting transgender people has been on the increase. Members of the TransAction Alliance say they regularly face persecution and harassment in connection with their human rights work, and reports of the police not registering cases related to transgender persons are common.

Cybercrime

When the Prevention of Electronic Crimes Act was introduced in 2016, primarily to combat terrorism and prevent blasphemy, concern was expressed by human rights activists at the latitude given to the Pakistan Telecommunications Authority to decide what was illegal, and the fear that it could lead to curtailment of free speech and unfair prosecutions.

The crimes covered by the Act include spreading false information, making and spreading explicit images or videos of individuals and minors, child pornography, cyber stalking, hacking, making explicit images or videos and distributing without consent, hate speech, glorification of an offence, and online recruitment/funding of terrorism.

In the severest of cybercrime-related penalties so far in the country, a death sentence was handed down to a member of the Shia community for allegedly posting blasphemous content about Islam on social media.

On 1 January, a Sindh University student, Naila Rind, was found hanging from the ceiling fan in her hostel room. According to a judicial investigation, Naila had allegedly committed suicide when she was blackmailed and exploited by a lecturer at a school after the two had exchanged intimate photos. The suspect was granted bail. The case was due to be heard in December.

In March, a Pakistani woman became the first female to be taken into custody under the Prevention of Electronic Crimes Act 2016 (PECA). The woman was accused of blackmailing a London resident, and 'sending threatening, abusive, and lewd messages.' She was granted bail.

In May, the first sentence under PECA was awarded to a man arrested for filming an objectionable video with secret cameras. He was reportedly sentenced to one and half years' imprisonment and a fine of Rs200,000.

In June, Zafarullah Achakzai, a reporter for the Daily Qudrat newspaper in Quetta, was remanded in police custody under the cyber law. His family believed that he was picked up because he had posted a comment on Facebook after a suicide bombing in Quetta, questioning why the Frontier Corps had responsibility for policing the city.

In July, a man arrested for creating a fake Facebook profile of a woman, and then blackmailing her, was handed down 12 years in prison in Peshawar, an unprecedentedly long sentence for cybercrime cases.

In a bizarre case in December, a 20-year-old girl apparently confessed to killing her own teenage sister. She claimed that two of her younger sister's friends had made an objectionable video of her, and that her sister was forcing her to become friends with one of the boys. She and her fiancé decided to kill her sister when she refused to delete the videos and pictures.

Days after the Information minister had warned that action would be taken under the cybercrime law against anyone using social media for slanderous and negative propaganda against the constitutional state institutions, the Federal Investigation Agency (FIA) apparently detained an official of Pakistan Tehreek-e-Insaf's social media team. PTI leaders accused the government of using the cybercrime law to 'politically victimise PTI social media activists', which was 'unacceptable in a democracy.'

According to a media report in October, in the Punjab province alone, from January to September 2017, the FIA's National Response Centre for Cybercrime (NR3C) Lahore had received around 4,500 complaints; the verification of 3,500 complaints was in process, and 2,200 of them related to

Facebook crimes. The report said that over 1,600 females were victims of social media abuse in the Facebook related complaints.

In its submission to the UN Special Rapporteur on violence against women, the non-government non-profit organisation Digital Rights Foundation (DRF), stated that the NR3C was 'severely understaffed and under-resourced, which hampers its ability to effectively deal with the scale of the problem at hand.' It also expressed concern that there were no Standard Operating Procedures in place to ensure data privacy and confidentiality of cases.

Attacks on institutions

Nine people were killed and 37 injured in a militant attack on the Directorate of Agricultural Training Institute (ATI) in Peshawar in December 2017 when four burqa-clad gunmen wearing suicide vests stormed the hostel. The institute was considered to be vulnerable although security had not been enhanced at the location. The quick response by law enforcement officers was said to have prevented a higher number of casualties. At least 15 suspects were arrested following the attack. Police said the terrorists had contacted their handlers in Afghanistan as the attack was underway and also broadcast the siege live to then via a smartphone.

Mob attacks

One of the most sickening incidents of a frenzied mob attack was the murder of Mashal Khan by fellow students at Abdul Wali Khan University in Mardan. So many were involved in the lynching that twenty police officers were only able to rescue another student from a brutal beating and could not protect Mashal from being beaten and shot. At least 45 students were later taken into custody. The mob was said to have been incited by rumours spread amongst the student body of the publishing of blasphemous content online.

A mob attacked a man accused of blasphemy during Friday prayers in Chitral in northern Pakistan, injuring six police officers after they intervened to rescue him. Security officials fired tear gas and live rounds on the mob, injuring eight protesters, after they attacked the local police headquarters and demanded that alleged blasphemer Rashid Ahmed be released to face justice from the mob.

In the town of Hub in Balochistan, a member of the Hindu community was detained for allegedly posting an incendiary image on social media. When news of his arrest was published in local newspapers, a crowd of around 500 people, reportedly led by an influential cleric and a politician, converged on the police station and demanded that he be handed over. The mob turned

their fury on the police when they refused, beating up officers and local government officials. A 10-year-old boy died and five others were wounded in the ensuing riot. The government had to send in paramilitary troopers to restore order.

In Fateh Jang in the Punjab province, a mob attacked a police station to free a spiritual healer after he was arrested for defying a ban on his entry to the town. His followers occupied the police station where they burnt documents and thrashed the police personnel including the station house officer. They threatened to set the entire police station on fire if the spiritual healer was not released. A heavy contingent of police was called in to control the situation.

Women in the police force

According to a report compiled by the National Police Bureau (NPB) in 2017, women made up less than two percent of the police force despite having a reserved quota of 10 percent. Of the 391,364 police personnel recorded across the country, only 5,731 were women. Senior police officers and legal experts were said to believe that women police officers could project a softer image of the police and encourage women victims of violence to seek help from police services.



Women make up less than two percent of the police force.

Perhaps surprisingly, Gilgit-Baltistan had the highest female participation at 3.4 per cent. Less surprising was the fact that the percentage of women in the

police force in Balochistan was as low as 0.48 percent.

Lack of encouragement from within government institutions was considered to be a contributing factor to the low representation of women as much as the restrictions of cultural norms and traditions.

Recommendations:

- Abide by the UN Human Rights Committee recommendation to repeal all blasphemy laws or amend them in compliance with the strict requirements of the Covenant, to prevent widespread use of the law to falsely accuse and incriminate innocent people.
- Eliminate human rights violations by law enforcement agencies, particularly in relation to enforced disappearances and torture, and ensure adherence to the rule of law.
- Introduce more stringent procedures for the recruitment and subsequent training of police officers to ensure integrity, honesty and professional conduct in a police force that earns the respect and trust of citizens.
- Establish more Violence Against Women Centres (VAWC) to encourage women to report crime and seek help.

Jails, Prisoners and Disappearances

No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall be denied the right to consult and be defended by a legal practitioner of his choice. Every person who is arrested and detained in custody shall be produced before a magistrate within a period of twenty-four hours of such arrest.

Constitution of Pakistan Article 10(1) and (2)

The dignity of man and, subject to law, the privacy of home, shall be inviolable. No person shall be subjected to torture for the purpose of extracting evidence.

Article 14(1) and (2)

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Universal Declaration of Human Rights

Article 5

Everyone has the right to recognition everywhere as a person before the law.

Article 6

No one shall be subjected to arbitrary arrest, detention or exile.

Article 8

According to the data assembled during 2017 by the HRCP media monitoring, 47 cases of violence were reported in which 32 person were killed and 20 were injured. Besides these, 21 cases of custodial torture, 17 cases of illegal detention and 51 cases of police excesses were also reported. Pakistan did not introduce legislation to specifically criminalise torture. The admissibility of the extrajudicial confessions under the Actions (in Aid of Civil Power) Regulation 2011 and subsequent convictions by the military courts also created reasonable suspicions about torture and coercion in custody. The government extended the lifetime of the military courts trying civilians accused of terrorism, but failed to introduce promised reforms in the criminal justice system.

The overcrowding in prisons and the challenges of health and hygiene remained key concerns for Pakistan, despite the few initiatives taken by the

prisons departments. Pakistan failed to comply with its international responsibilities after becoming a state party to the United Nations Convention against Torture (UNCAT) and the International Covenant on Civil and Political Rights (ICCPR).

In 2017, Pakistan continued to carry out executions. The constitutional courts, including the Supreme Court, have many times acquitted people where charges against them could not be proved but, because of the slow judicial system process, even those acquitted were forced to spend many years in pre-trial detention. In one case, the Lahore High Court acquitted a person three years after his death in prison. His family had been unable to pay for legal representation.

During 2017, Pakistan failed to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) and the incidents of enforced disappearances were higher than in previous years. The Commission of Inquiry on Enforced Disappearances failed to initiate criminal proceeding against any of the perpetrators of enforced disappearances and, by the end of the year, it had 1,498 cases pending before it.

Jails

Security in the jails, overcrowding, and health and hygiene conditions continued to challenge the prisons departments in Pakistan in 2017.

A Karachi jailbreak in June, in which two members of the banned militant group Lashkar-e-Jhangvi (LeJ) escaped, raised serious questions about the security of prisons. The investigator found that 40% of the CCTV cameras were out of order and recommended the removal of the Inspector General Prisons.

In September, the Supreme Court was informed of measures that the Punjab government was taking to ameliorate the conditions in jails, including proposals for three new prisons. The report stated that 31 prisons had been exempted from loadshedding through an independent electricity feeder, double source supply and dedicated electric supply lines. Cellular jammers had also been installed in 28 prisons to address security concerns arising from the misuse of cell phones by inmates. Family rooms with attached kitchen and washrooms had been constructed in each of the central jails in Lahore, Multan and Faisalabad where inmates could spend time with their spouses and children for three days every quarter.

The KP Prisons Department provided an elite force to the Central Prisons

to ensure maximum security and avoid the incidents that had happened in previous years. The Department also introduced a computerised prison records system and claimed that the data of prisoners in the Peshawar Central Jail had been completed.

In 2017, the KP Government announced a scheme for the installation of water filtration plants in 11 prisons across the province but this project never materialised after being struck off the Annual Development Programme (ADP) due to unavailability of funds.

It was announced in October that the Elementary and Secondary Education Department (ESED) of Khyber Pakhtunkhwa had launched a literacy programme at the Mardan prison to rehabilitate inmates and increase employment opportunities for them upon their release. A similar programme had already been initiated in the Peshawar Central Jail. It was also reported that a library would be inaugurated at Mardan jail, and that a hospital for the inmates would be established on the jail premises.

The Khyber Pakhtunkhwa chief minister's Adviser on Prisons said in November that a state-of-the-art training academy had also been set up in Haripur for the provision of training and capacity-building of the Prison Department Force. Again, due to lack of funds in the budget, this project never materialised and was removed from the ADP.

According to the information shared with the Sindh Assembly at the beginning of 2017, over the previous three years, 104 people had died in the prisons of Sindh Province. Of those, 90 had died due to natural causes, eight died during jail riots and two committed suicide. Eighteen prisoners reportedly died in Karachi jails in 2017, under questionable circumstances. Apparently, most of them were recorded as having died during treatment at hospital following heart attacks.

It was reported in September that the Sindh government had shifted some 90 'high-profile' inmates from the Central Prison Karachi to jails in other districts of the province and Rawalpindi on the advice of intelligence and law enforcement agencies. A further 270 inmates were due to be relocated, possibly in phases. This was apparently to break up an 'organised network' and improve prison security.

According to HRCP documented media reports, 39 children along with their mothers contracted pneumonia due to extreme cold and insufficient health care in various KP prisons – nine in Peshawar, eleven in D. I. Khan, four in Charsadda, three in Mardan, seven in Haripur and five in Bannu. The report declared the Malakand Prisons to have the worst health and hygiene

conditions.

In March, it was reported that prisoners at the Kasur District Jail were forced to drink contaminated water due to a delay in the installation of a water filtration plant.

The HRCP fact-finding team, following visits to the Sindh prisons, reported that there was a shortage of vehicles to transport prisoners to the courts on their hearing dates. It was claimed that prisoners have to bribe the police to take them to the courts for their hearing.

Dispensaries were found to be deficient in certain important facilities, including x-ray machines and essential medicines. Irrespective of the emergency, prisoner patients were forced to wait for at least a week for their treatment, after obtaining permission from the IG Prisons. There was no quick mechanism for treating a patient in an emergency, including pregnant women. Many prisoners were drug addicts with no rehabilitation facility available in the Sindh prisons.

According to the report of the HRCP fact-finding team that visited Central Jail Mach in Balochistan during 2017, the prison's hospital was lacking basic health facilities, where the x-ray machine was out of order and there was no facility for HIV / AIDS and hepatitis testing at the hospital. It was found that the last blood screening had been conducted in 2010. Cases of tuberculosis



Security in the jails, overcrowding, and health and hygiene conditions continued to challenge the prisons departments in Pakistan in 2017.

were also reported in the jail and two TB patients were admitted in the hospital during the HRCP visit.

There was a lack of psychotherapy for prisoner patients, while the senior doctor had visited the prison's hospital only twice in the year. There were no special arrangements for drug addict prisoners. The food quality and quantity was inadequate and most of the prisoners were making their own arrangements for food.

Overcrowding

In May, the UN Committee against Torture, in its consideration of Pakistan's initial report, shared its concerns about the high level of overcrowding and very poor conditions in places of detention, with a high proportion of detainees held on remand. Some of them were reportedly in pre-trial detention for periods longer than the maximum sentence for the crime.

In its concluding observations, the Committee asked Pakistan to take tangible and concrete action to reduce overcrowding in jails and other detention centres and take necessary measures to improve the health and hygiene conditions.

Punjab jails were the most overcrowded, followed by Sindh, then Khyber Pakhtunkhwa and Balochistan.

In September, the Supreme Court was informed that the Punjab government was considering the development of three new prisons in the province during the current financial year to reduce overcrowding of jails. In addition, two new prisons in Lahore and Rawalpindi with a capacity of 4,000 inmates had been designed to reduce overcrowding and improve the living conditions of prisoners. According to the report of the Inspector General of Prisons Punjab, the existing capacity of 40 prisons in the Punjab was stated to be around 30,330 inmates as opposed to the number of inmates of 47,674 (see Fig.1 below which shows capacity at 32,235, and total inmates at 49,330).

In March 2017, the Khyber Pakhtunkhwa Home and Tribal Affairs Department report revealed that the total number of prisoners in jails across the province exceeded capacity by 47 percent. According to the report, KP prisons had a total capacity of around 7,547, while the total number of inmates was 11,061, comprising 10,767 male and 294 female prisoners. Some 70 percent of them were under trial. (See Fig.1 below for November statistics.) Peshawar apparently posed the biggest challenge to the prisons department.

Forty babies were with their mothers in the highly overcrowded Sindh

prisons.

The high ratio of under trial prisoners was alarming in all the prisons across the country.

Fig.1

Region*	Total male	Total female	Under trial	Total juvenile	Total prisoners	Total sanctioned capacity
Punjab	49,330	959	29,706	550	50,289	32,235
Sindh	18,880	214	14,267	208	19,094	12,613
Khyber Pakhtunkhwa	10,564	247	7,737	320	10,811	8,395
Balochistan	2,735	22	1,210	34	2,397	2,585

**Law and Justice Commission of Pakistan, as at 30 November 2017*

Female prisoners and juveniles

In January, the federal ombudsman held a special meeting to review the status of women and children in jails across the country. The need for an inspection committee to monitor jails was emphasised. The provinces were urged to raise issues related to fundamental rights in parliament and the national assembly, and to be more proactive in addressing the issues. A number of recommendations were made on rehabilitation, sanitation facilities, overcrowding, separate jails for women and children, and delays in hearings. It was noted that the apex court had asked the ombudsman to forward recommendations on improving jails.

According to the data shared by the Prisons Department of the provinces, there were 57 female and 36 juvenile prisoners in the Balochistan prisons, 210 female prisoners and 208 juvenile prisoners in Sindh, and 247 female prisoners and 360 juvenile prisoners in the jails of Khyber Pakhtunkhwa. (See Fig.1 for November statistics.)

In October, a member of the Balochistan Assembly alleged that nearly 99 per cent of juvenile prisoners in jails across the province faced sexual harassment and drug abuse. It was further stated that there were no separate prisons for juveniles in the province nor any mechanism for monitoring in the jails.

Pakistani prisoners in foreign jails

According to Justice Project Pakistan, there were 2,393 prisoners in various jails of the Kingdom of Saudi Arabia in 2017 with no information on their

condition, or access to counsel. In March 2017 two transgenders were picked up by Saudi police and died in custody. Cross dressing is not tolerated in the Kingdom. According to reports, 34 other Pakistani transgender persons were arrested and detained in the Kingdom prisons.

Torture in Prisons

According to the HRCP media monitoring in 2017, a total of 47 cases of violence and torture occurred in Pakistani jails, in which 32 men lost their lives, and one woman and 21 men were tortured.

In June 2017, a death row prisoner was allegedly tortured by prison officials in the Peshawar Central Jail. The Peshawar district and sessions judge ordered an inquiry into the matter.

In November 2017, Sher Afzal died in Bannu Jail, with signs of torture clearly visible on his body. He had allegedly been tortured by the jail officials and his neck and ribs were fractured. He had been arrested five days earlier by the Parachinar, Kurram agency administration on charges of carrying narcotics and was shifted to Bannu Jail. His mother and doctors confirmed the marks of violence on his body. The KP Governor ordered an inquiry when this issue was raised on the floor of the National Assembly.

Pakistan is a state party to the Convention against Torture and other Cruel, Inhumane or Degrading Treatment, yet it failed to specifically criminalise torture. Pakistan also failed to amend the Actions (in Aid of Civil Power) Regulation 2011 (AACPR) in FATA and PATA, under which internment centres have been established. The AACPR provides immunity for the security forces (military and paramilitary) for actions committed in good faith and at the same time makes the confessional statement 'admissible' and sufficient for conviction, raising concerns about custodial torture.

When Pakistan's initial report to the Committee against Torture was reviewed, the Committee held that Pakistan failed to provide the information requested on the alleged torture committed by the military and their other acts amounting to torture. The Committee asked Pakistan to amend the AACPR to eliminate the legal impunity for committing torture and acts of violence in 'good faith' by the security forces.

The Committee also shared its concerns that domestic legislation did not specifically criminalise 'torture'. The concerns related to the alleged torture throughout Pakistan to obtain confessions in custody. In addition, the allegations of torture were not properly investigated, nor were the perpetrators brought to justice.

During the review, Pakistan informed the Committee that disciplinary measures had been taken against more than 7,500 police officers in the Punjab and Khyber Pakhtunkhwa for involvement in torture, death in custody, misuse of power, misbehaviour, and illegal confinement, but no information was shared about what criminal proceedings were initiated against any of those police officers. Pakistan shared only 13 cases where perpetrators were criminally charged with alleged extrajudicial killings and torture but there was no evidence shared by Pakistan that a single perpetrator was penalised.

Pakistan has so far failed to honour the Committee's recommendation to amend its laws in order to ensure the prohibition of torture, to investigate the allegations of torture and to prosecute and punish the perpetrators. During the review, the Committee urged Pakistan to ensure confessions extracted through torture and coercion were not admissible in court and also to take all other appropriate measures to curtail torture.

Death Penalty

According to the Death Penalty Worldwide Global Executions Monitor 2017, Pakistan was among the top three countries in the world for death sentences and executions, after Iran and Saudi Arabia. It was also on the list of 23 countries in the world where the death penalty had not been abolished.

Pakistan continued to carry out executions in 2017, with the weak criminal justice system allowing the courts to award the death penalty for 27 different offences including blasphemy, sexual intercourse out of wedlock, and narcotics smuggling.

According to Justice Project Pakistan, since the moratorium was lifted in 2014 after the Army Public School attack, Pakistan has executed 489 people.

Justice Project Pakistan also records 8,200 prisoners on death row, which is one of the highest figures in the world. These prisoners are kept in death row cells. In Pakistan, six or more prisoners are kept in a cell built for one or two people and are confined for 23 hours a day in these cells.

According to HRCP monitoring, in 2017 Pakistan courts awarded the death sentence to 253 people, including five women, in 197 different cases. Among these punishments, 177 were death sentences awarded by the ordinary session courts. At least 64 people were executed from January to December 2017, 43 of them after conviction by military courts.

In January, the Lahore High Court stayed the execution of Khizar Hayat, a convict suffering from paranoid schizophrenia who was sentenced to death

in 2003 for murdering a fellow police officer over a land dispute.

In February, the Lahore High Court gave release orders for Syed Rasool, three years after his death in a jail, citing insufficient evidence and a questionable method of investigation. Rasool's family were too impoverished to pay for a lawyer and the court had been asked to provide one. Rasool had died in jail in 2014 from a heart attack.

In May, Rizwanullah was hung in Kohat Jail after he was convicted by a military court. His appeal was filed in May 2016 and it took one year for the Supreme Court of Pakistan to write a letter to the jail authorities staying his execution. Before the SC letter reached the authorities, his body was handed over to his family.

In October, the Supreme Court three-member bench acquitted Shaukat Sagheer over lack of evidence, 14 years after he was wrongfully convicted of a murder by the Karachi Session Court and Sindh High Court.

The UN Human Rights Committee issued its concluding observations and recommendations in August, following the review of the initial report of Pakistan. The Committee expressed concern that the moratorium on the death penalty had been lifted in December 2014 and that, since then, Pakistan had been one of the States with the highest rates of executions. The Committee was particularly concerned that the death penalty applied to crimes such as drug trafficking and blasphemy; that juveniles and people with psychosocial or intellectual disabilities were reportedly being sentenced to death and executed; and that executions were allegedly 'carried out in a manner that constitutes torture or cruel, inhuman or degrading punishment.'

The large number of Pakistani migrant workers who had been sentenced to death and executed overseas and the reportedly insufficient consular and legal services made available to them was also noted with concern.

During 2017, the military courts trying civilians were given an extension by Parliament for the next two years. Most of the military court's convictions were based on confessions, creating serious concerns about torture and coercion.

Enforced Disappearances

In 2017, the number of enforced disappearances continued to pose a real threat for human rights in Pakistan. A judge of the Islamabad High Court was even heard saying during court proceeding that he would either disappear or be assassinated when he was hearing the sensitive issue of the

Faizabad dharna. The autonomy, independence and financial resources needed for the Commission of Inquiry on Enforced Disappearances (COIED) in order to achieve its mandate remained a key challenge for the Pakistani government. In 2017, the Commission failed to initiate criminal proceedings against any of the perpetrators involved in enforced disappearances and the number of pending cases was very high.

According to the Commission, it inherited 136 cases at the time of its inception. Since then it had received 4,608 cases of disappeared people, of which 3,076 cases had been disposed of, and 1,532 cases were still pending, with 867 from the KP province alone. The Commission had traced 2,306 missing persons. The sub judice cases in the High Court(s) and the Supreme Court of Pakistan were not included in this figure. The Commission received 868 cases in 2017, and disposed of 555.

During 2017, Pakistan failed to ratify the International Convention for the Protection of all Persons from Enforced Disappearance and specifically criminalise enforced disappearances. In September 2017 the UN Working Group on Enforced or Involuntary Disappearances (WGEID) presented its report to the thirty-sixth session of the UNHRC. According to that report, the working group transmitted 119 cases of enforced disappearances to the government of Pakistan under urgent action. There were 723 cases of Pakistani citizens who had disappeared pending with the UNWGEID.

In this report, the UNWGEID expressed its concerns regarding the 119 new cases under its urgent action procedure and reiterated the importance of respecting the provisions of the Declaration on the Protection of all Persons from Enforced Disappearance. The UNWGEID asked the Government of Pakistan to implement the recommendations contained in the follow-up report made by the Working Group after its visit to Pakistan in 2012.

Besides the UNWGEID data, the Commission of Inquiry on Enforced Disappearances received 868 fresh cases during 2017, higher than the previous two years – 649 in 2015, and 728 in 2016. The COIOED disposed of 555 cases during this period whereas in 2015 a total of 524 cases were disposed of. In 2016 the figure was 899.

The Committee against Torture during the review of Pakistan's initial report expressed its concerns at Pakistan's failure to specifically criminalise enforced disappearances as a distinct crime as well as the increasing number of reported disappearances in recent times. The Committee shared its dismay at the reported cases of intimidation, harassment and attacks on HRDs, lawyers and journalists, and the lack of investigation and prosecution of the perpetrators.

At the review of Pakistan's initial report in August 2017, the UN Human Rights Committee raised reservations about the AACPR, the internment centres and the alleged prolonged detentions, with powers conferred on the army without judicial supervision. The Committee also objected to the alleged high number of people held in internment centres under the AACPR as well as the alleged intimidation and discouraging of families from filing cases of enforced disappearances. The Committee asked Pakistan to fulfill its international obligation under ICCPR for ensuring individuals' right to a fair trial and bringing its national laws including AACPR into conformity with the rights protected by ICCPR and UNCAT.

In January, four social media rights activists and bloggers disappeared from Lahore and Islamabad. Ahmed Waqas Goraya, Asim Saeed, Salman Haider and Ahmed Raza Naseer were later released. The bloggers' disappearance and harassment created a climate of fear for the human rights and social media activists in the country. On 7 January, Qamar Abbas, a human rights defender, disappeared in Islamabad when he was travelling from Karachi to Islamabad for work.

In May, four political activists, Raza Jarwar, Ali Ahmed Bughio, Shadi Khan Soomro, and Abdul Aziz Gurghaiz from villages in Badin district, Sindh were abducted by policemen and personnel in black or dark blue uniforms and civilian clothes. There was no information on their whereabouts.

Zeenat Shahzadi, who raised her voice for disappearance victims, was picked up near her house in Lahore in July 2015. She remained missing for more than two years until she was released in October 2017. No information was released about the condition of her health, nor were her perpetrators brought to justice.

In December, a peace activist from Lahore, Raza Mehmood Khan, was abducted. He was working as a member of the Aaghaz-e-Dosti (Initiation of Friendship) organisation and was known for his grassroots activism around the issue of India-Pakistan friendship.



Social activist Raza Mahmood Khan went missing on 2 December

Internment centres

In 2011 the Pakistani government promulgated the Actions (in Aid of Civil

Power Regulation (AACPR) for FATA and PATA with retrospective effect from February 2008, conferring wide-ranging powers on the security forces. Under this law, internment centres were established where the military could detain terrorism suspects for a prolonged and unlimited time. The reports of the COIOED and the petitions disposed of by the High Court(s) suggest that missing persons were many times traced to these internment centres. Even so, the petition challenging the AACPR was not heard or decided by the Supreme Court in 2017.

The AACPR was heavily criticised by the UN Human Rights Committee and UNHRC at the time of the third UPR cycle. According to the AACPR, there is an Oversight Board consisting of four members, two from the military and two civilians, to review the cases of interned persons and look into the conditions at the internment centres as well as any evidence of torture and ill-treatment. There is no public report to date indicating how many cases have been reviewed by the Oversight Board.

With the FATA reforms, it is hoped that the Federal government will also repeal the draconian law of the AACPR, which legalised the prolonged detentions at internment centres. The COIOED, the High Court(s) and the Supreme Court of Pakistan have on many occasions traced missing people to these centres where they were being kept in secret or incommunicado detention.

Recommendations

- Repeal Actions (in Aid of Civil Power) Regulation 2011 and other domestic laws related to prolonged and preventive detentions and also take concrete and cogent measures to specifically criminalise torture.
- Specifically criminalise enforced disappearance as a distinct and autonomous crime under the national criminal law and ratify the International Convention for the Protection of All Persons from Enforced Disappearance.
- Reinstate the moratorium on the death penalty and also consider abolishing it by ratifying the Second Optional Protocol of the ICCPR.



III

Fundamental Freedom

عبدالولی
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#JUSTICE4SHAKEEDMASHALKHAN

NATIONAL YOUTH ORGANIZATION

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 movement is one of the most fundamental of freedoms, yet restrictions on it continued to prevail during the year 2017 for a variety of reasons - unstable law and order situation, political and religious protests, militancy and counter-insurgency measures among others. International travel remained especially problematic with the Pakistani passport ranked as the second worst passport to travel on after Afghanistan.

Travel for certain religious minority communities continued to be dangerous during the year. Journalist and human right defenders were largely excluded from areas with ongoing military operations and faced serious risks. Illegal

human trafficking persisted, often culminating in tragic consequences. Extensive use of the Exit Control List (ECL) was made by both the government and the judiciary.

Paradoxically, it was announced in December that Pakistan had been ranked the world's top travel destination for 2018 by the British Backpacker Society, which described Pakistan as 'home to some of the world's friendliest and most hospitable people', offering some of the world's 'most dramatic mountain scenery' and probably one of the globe's most special road trips. Which appears to indicate that movement within Pakistan is less problematic for visitors than for the citizens of the country.

Challenges

Law and order

Certain restrictions controlled the movement of individuals 'on the grounds of maintenance of law and order.'

The ban imposed on the issuance or renewal of Pakistan Origin Cards (POCs) for foreign spouses in 2016 remained in place, despite assurances of its removal being made by various senior government ministers and functionaries.

Around 300 Turkish nationals associated with the Pak-Turk schools, remained under threat of deportation. In a hostile environment most chose to leave for safer destinations, while some were forcefully repatriated. In defiance of court orders the former director of the Pak-Turk International School, Mesut Kaçmaz, his wife and two young daughters were abducted by the authorities in Lahore in September and subsequently deported.

Protests

The country was marred by a spate of religious and political protests. Ignited by the Panama off-shore holding company disclosure, various protests and rallies were staged by the political opposition culminating in the disqualification of the Prime Minister by the superior courts.

A protest organised by the Tehreek-i-Labbaik Ya Rasool Allah blackouts, the protest culminated in the resignation of the law minister, Zahid Hamid, and a compromise with the protestors brokered by the army.

At one point, the Supreme Court took notice of the sit-in and asked government authorities to explain what steps had been taken to protect the public's basic rights under Article 15 of the Constitution which allowed freedom of movement.

Protests against the Election Bill changes spilled over to the rest of the country, with major urban centres shutting down upon news of a

government crackdown upon the protestors in Faizabad. Lahore remained another epicentre with city-wide protests. Sadly, its fallouts included various segments of society including a significant number of the legal fraternity and the fanning of further hostility against the Ahmedi community.



Protesters blocked the Faizabad interchange connecting Islamabad-Rawalpindi, affecting millions of commuters between the two cities.

In December there were country-wide protests against the US president's decision to officially recognise Jerusalem as the Israeli capital.

Other protests remained a persistent part of the national landscape, with the people taking to the streets against electricity outages, gas shortages and price hikes, various professional associations such as the Young Doctors Association demanding wage increases and benefits, parents demonstrating against significant increases in private school fees, and residents complaining about local issues.

Roads were also blocked off to clear the path for privileged VIPs. Mega-development projects in large urban centres, especially in the Punjab caused major obstructions for commuters. Police often lacked an alternative plan to ensure the smooth flow of traffic, and major roads were clogged with traffic tailbacks and frustrated motorists. Pakistan's national airline PIA continued its financial and operational free fall and its non-core assets are slated for privatisation.

Yearly ban

During the Islamic month of Muharram, magistrates placed the yearly restrictions on potentially volatile areas to curb the entry of khateebis and zakiris (sermonisers) known for their tendency to stir sectarian sentiment.

Twenty-two religious scholars were banned entry to the Abbottabad district by the civil administration to maintain law and order during the month.

Nine clerics belonging to the banned outfits of Ahle Sunnat Wal Jamaat (ASWJ) and Majlis Wahdat-e-Muslimeen (MWM) were barred from entering Gilgit.

Twenty-one religious scholars were banned from entering Kasur.

Various other clerics of various schools of thoughts were banned from the Capital and adjoining cities. In Islamabad, 14 clerics were banned from entering for two months, while 11 clerics within the city were barred from any religious activities. In Rawalpindi, 31 scholars and zakirs were denied entry for two months. Ninety religious scholars were banned from entering Taxila.

Of the 227 members of banned outfits placed on the Fourth Schedule of the Anti-Terrorism Act 1997, 14 were missing from their homes prior to Muharram. The Counter Terrorism Department was unable to ascertain their whereabouts.

Militancy and counterinsurgency measures

The violence against people visiting places of worship or shrines, as well as the measures taken to counter the threat, imposed restrictions to movement.

In February a suicide bomber attacked the revered Sufi shrine of Lal Shahbaz Qalandar in Sehwan, Sindh. The attack claimed 88 lives, including women and children, and left around 300 wounded. In another attack, a bomb explosion at the Fatehpur shrine in Jhal Magsi, Balochistan, claimed the lives of 20 people with 33 injured.

At least 24 people were killed and 90 injured in a blast outside a Shia imambargah in Parachinar, Kurram Agency, FATA.

While there was a decline in terrorist attacks compared to the previous year there were some major incidents, for example:

- A suicide bomb attack in the heart of the Punjab capital of Lahore, in front of the Punjab Assembly, killed at least 14 people, including three senior police officials.
- In the Mastung district of Balochistan, an explosion killed at least 28 people. Forty others were injured including the Deputy Chairman of the Senate of Pakistan.

Pakistani security forces including army, ranger and police personnel, bore the brunt of such attacks at the borders and internally, though the aftermath obviously affected the free movement of citizens in general.

Despite registering 700,000 undocumented Afghan refugees by the end of the year, their repatriation remains contentious. The registered refugees lost their legal status on 31 December, the government extended their stay in the country for a month but was under pressure to extend this further. Khyber Pakhtunkhwa shares a long border with Afghanistan and hosts the majority of Afghan refugees in Pakistan. The refugees faced major restrictions on their right to freedom of movement, since a significant number of them were

confined to refugee camps. Unregistered refugees remained at risk due to their legal status and the perceived 'security risk' posed by their repatriation. The Torkham and Chaman (Balochistan) border crossings were closed off several times during the year.

A new stricter visa and passport regime imposed by the Pakistan government in 2016 continued to severely hamper the flow of people between the two countries. In 2017 all Pakistani citizens were required to produce their passports while entering and exiting Afghanistan, ostensibly because of widespread forgery of documents. Previously, they had been able to travel across the border on computerised national identity cards and route permits. The local political administration also cancelled all temporary rahdari cards issued to tribesmen living on both sides of the border, mostly Shinwaris.

Visa restrictions at Torkham border, usually used by 10,000 to 15,000 people on a daily basis, left many Afghans stranded, causing economic hardship and hampering access to health facilities and families in Pakistan. Protests by transporters on both sides led to some relaxation in enforcement of the rules.

In July, it was announced that the Khyber Agency political administration and Frontier Corps had introduced new computer readable Radio Frequency Identification (RFID) cards for local customs clearing agents and Afghan students enrolled in private schools on the Pakistan side of the Torkham border. The officials said all such cardholders would be allowed multiple border crossings and would be exempted from repeated and prolonged verification process.

The military conducted operations in certain areas in the Federally Administered Tribal Areas (FATA) which remained out of bounds for the general public. In February, the Pakistani military launched a major offensive, Operation Radd-ul-Fasaad (RuF), aimed at 'indiscriminately eliminating the residual/latent threat of terrorism' across the country. The offensive was in response to an increase in attacks against Pakistani security forces and civilians by the Tehrik-e-Taliban Pakistan (TTP) and other militant groups. Operation Khyber-4, a sub-operation of RuF conducted in the Rajgal Valley area of Khyber Agency to prevent further infiltration into FATA from Afghanistan, was completed in August.

Some provinces of Balochistan also remained affected due to counterinsurgency operations against separatists.

International travel

The Pakistani passport remained ranked as the second worst to travel on after an Afghani one, with visa-free access to only six countries.

Despite hints of Pakistan being placed on the list of countries banned from

travelling to the US, it was finally excluded but visa applicants face 'extreme vetting'.

At the beginning of the year a visa was denied to Senate deputy chairman, Abdul Ghaffor Haderi, for an official visit. Another Jamiat Ulema-e-Islam (JUI) senator also claimed that his visa was

In a landmark move, the first Pakistani passport with a gender option other than male and female was issued in June – a welcome step towards the recognition and realisation of transgender rights in the country. This follows in the wake of the Supreme Court's decision in 2009 granting transgenders national identity cards with a third gender option. Other rights conferred by the court include the right to inherit property and assets, the right to vote and to be counted as a separate category in the census.



Pakistan issued its first third-gender passport to a transgender activist in Peshawar

In April visas on arrival were suspended for all foreigners and visa rules were to be updated and revised on the orders of the interior minister, including the implementation of an online visa regime.

Exit control list

The government made extensive use of the Exit Control List (ECL), often arbitrarily and sometimes politically. Numerous names were placed on the list and then subsequently removed, despite charges of corruption. Of the more prominent cases, many belonged to the Pakistan People's Party (PPP).

The case of the model, Ayyan Ali, was still pending by the end of the year. She had been arrested in 2015 on charges of money laundering after being caught attempting to smuggle US\$506,800 to Dubai. Despite pleading guilty, her name was taken off the ECL on the orders of the Supreme Court earlier in the year. She had been warned to appear before the customs court or be declared an absconder. She failed to appear before the court in December due to illness, and the case was adjourned until January 2018.

In March, the Islamabad High Court (IHC) ordered the interior ministry to block all web pages containing blasphemous content and to put the names of blasphemers on the ECL.

The government imposed an international travel ban on Jamaat-ud-Dawa

(JuD) chief Hafiz Mohammad Saeed and 37 other activists of his organisation by placing them on the ECL.

The Supreme Court kept the name of Ali Musa Gillani, son of former Prime Minister Yousaf Raza Gillani, on the ECL. The accused is charged with financial corruption in awarding quotas to two pharmaceutical companies. The court case continues.

The family of Shakil Afridi, the doctor who helped the CIA in their hunt for Osama bin Laden, were denied national identity cards and their names were placed on the ECL. His case remains a cause of major contention between the US and Pakistan.

Two senior PPP leaders, Dr Asim Hussain, former petroleum minister and a close aide to former President and Chairman PPP, Asif Ali Zardari, and information minister Sharjeel Memon's name were put on the ECL in corruption cases. Dr Asim was formally struck off the ECL in December although he had been allowed to travel abroad for treatment by the Supreme Court in November. At the time, the Supreme Court questioned why the law restricting people from leaving the country was not being applied uniformly, implying that certain individuals who had left the country were involved in suspicious activities.

The former Pakistan International Airlines CEO, a German national, had been placed on the ECL after corruption allegations had been levelled against him. Despite this, he was allowed by the interior ministry to leave the country in May but failed to return to Pakistan.

Former federal minister for religious affairs Hamid Saeed Kazmi, accused in a Hajj corruption case, moved the courts for removal of his name from the ECL. His plea was that if the model Ayyan Ali and former minister Dr Asim Hussain were allowed to travel abroad, he should also be allowed to do so. The IHC directed the Interior ministry to file a reply by end September as why his name was still on the ECL. The hearing in September was later deferred due to the unavailability of the judge.

Unsafe movement and travel

The right to freedom of movement includes the right to be protected from public and private interference. A number of incidents during 2017 demonstrated the authorities' inability to fulfil that obligation.

Five people were killed, including three members of the Shia community, in a drive-by shooting in Quetta, Balochistan in October. The ethnic Shia Hazara community in Balochistan remains in the crosshairs of militant religious groups. Approximately 14 members were killed during the year.

A number of knife attacks on women in the street spread fear in several

Karachi localities. Similar attacks were reported in Sahiwal, Karachi and Lahore. A suspect apprehended by the police was said to have been arrested for similar crimes in 2015, but later released in 2016 for lack of evidence.

Violence against minorities, transgenders and women declined in comparison to the previous year. The overall security situation improved, especially in the major urban centre of Karachi.



Bonded labour is still prevalent in Pakistan, despite being unconstitutional

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

Modern slavery

The Global Slavery Index 2016 estimated the number of modern slavery victims in Pakistan as 2.134m (1.13pc of the total population). In terms of absolute numbers, Pakistan ranked 3rd (out of 167 countries) in this index after India (18.354m) and China (3.388m). Using the above referred percentage of 1.13pc with the new population estimates of Census 2017 (207m), the potential number of victims rises to 2.34m in Pakistan.

Modern slavery has many manifestations in Pakistan: forced labour including labour trafficking, sex trafficking including child sex trafficking, bonded labour and debt bondage, domestic servitude (in the form of domestic work), and forced child labour (including begging). Throughout the country adults and children are forced into labour, their freedom of

movement restricted, and their right to negotiate terms of their employment denied. They are coerced into servitude by their employers and even their families.

In September, police helped free 15 of a family who were being held as bonded labourers by a brick kiln owner in a village on the outskirts of Islamabad. One of them had escaped and appealed to the Islamabad High Court. According to the family, the first year had been bearable when they had been given food and wages and allowed to roam freely after working hours. Then, working conditions had worsened. They were not given food or paid wages, and the owner of the kiln restricted their movements and deployed a man to watch them and keep them within the premises of the kiln.

Harrowing accounts abound of domestic workers, the most disturbing involving children. A 12-year-old girl in Islamabad said that she had been tortured with hot knives, beaten with leather belts, and denied permission to visit her family for four years. A 10-year-old girl working as a maid ran away from her employers in Multan after being tortured by the woman of the house.

Slavery is unconstitutional in Pakistan, yet the law continues to be circumvented with ease. Implementation of legislation to protect those vulnerable to slavery remains an insurmountable issue.

Disasters

There were no significant natural disasters during the year which hindered or interfered with travel within the country. A sign of environmental degradation, 'smog' became the bane of commuters throughout the North of the country. The Punjab was particularly affected, especially the city of Lahore, where various development work, including the Orange Line Metro train



Heavy smog in the Punjab

project, an exponential increase in vehicular traffic, brick-kilns and industrial emissions all contributed towards posing travel and health hazards for the populace.

Malpractice

Human trafficking continued unabated, often with disastrous consequences.

In the worst incident 15 men from the Punjab, hoping to reach Europe, were killed by Baloch separatists near the Iranian border.

There were over two dozen arrests by the FIA, in cases of locals attempting to travel abroad using fake travel documents. Some foreigners were also held attempting to enter the country using fake visas.

The absence of a central database of visas issued to foreigners at the Ministry of Interior remains disturbing.

Corruption remained an integral part of the passport and immigration regime, despite numerous transfers and arrests of officials. An official of the interior ministry was also arrested by the FIA for extending visas to foreigners in exchange for money.

Director immigration and passports Karachi was suspended for extorting money from Chinese engineers for visa extensions.

Recommendations

- Guarantee citizens freedom of movement across the entire territory of Pakistan, making sure that there are no restricted areas, and that the people are safe while travelling throughout the country.
- Protect freedom of movement from public and private interference. Special efforts should be made to ensure that women are denied none of the rights available under Article 12 of the ICCPR.
- Make public the ECL, as well as the reasons for placing anyone's name on it, and stop its arbitrary use. Any anomalies in the passport issuance process should be addressed.
- Make special efforts to protect citizens' right to reside in a place of their choice by protecting them against all forms of enforced displacement.
- Ensure implementation of laws against bonded labour as the most vulnerable sections of society find themselves in conditions of virtual slavery.
- Take steps to make road, train and air travel affordable, efficient and reliable.

Freedom of thought, conscience and religion

... It is the will of the people of Pakistan to establish an order...wherein shall be guaranteed fundamental rights, including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality.

**Constitution of Pakistan
Preamble**

Subject to law, public order and morality (a) every citizen shall have the right to profess, practice and propagate his religion; and (b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.

Article 20

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

**Universal Declaration of Human Rights
Article 1**

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 18

No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice. No one shall be subject to discrimination by any state, institution, group of persons, or person on the grounds of religion or other belief.

**UN Declaration on the Elimination of All Forms of
Intolerance and of Discrimination Based on Religion or Belief
Articles 1(2) and 2(1)**

In a year when freedom of thought, conscience and religion continued to be stifled, incitement to hatred and bigotry increased, and tolerance receded even further, the state remained ineffective in tackling the issue of persecution of minorities and fell far short of its obligations. Little wonder that the numbers of religious minorities are shrinking. At the time of Independence, Pakistan's religious minority constituted over 20 percent of

the population. The 1998 census reported that the numbers had declined to a little over three percent. While the recent census data has not yet been made public, it is expected that the numbers of religious minorities will show a further decline.

Persecution of religious minorities and targeted sects within Islam force people like the Hazaras to seek asylum in European countries. A significantly large number of Ahmadis has migrated to Europe and lives in exile. The Indian government has announced its willingness to accept those suffering from religious persecution in 'neighbouring countries'. The migration of Hindus to India may soon turn into an exodus if the discrimination against them continues. Faith-based violence in the name of religion continues unabated and the government has failed miserably to protect minority members against attacks and discrimination. Extremist forces bent on creating an exclusive Islamic identity for Pakistan appear to have been given a free hand. A few hundred fanatics held the capital and the garrison cities hostage for 23 days in Faizabad, Islamabad in November this year until their demands were accepted. In ceding to the demands of the violent demonstrators, the state has virtually given blanket licence to fundamentalism and militancy in the name of religion.

This impunity has vested extremist religious groups with the confidence to proudly claim responsibility for targeted killings and mob attacks against Ahmadis, Christians and Hazara Shias in Balochistan, to name but a few, and has created an environment conducive to bigotry and hate speech. Banned religious organisations openly operate on Facebook, disseminating their sectarian ideology and spewing out venom against religious minorities and other Muslim sects. The Government seems powerless to stop this hate crime on social media.

There is no doubt that religious minorities have suffered the most, but sects within Islam have also been targeted and frequently subjected to violence in 2017.

Sectarianism

Thousands of lives have been lost to sectarian killings in the last two decades in Pakistan. More than 5,000 Shias have been killed since 2001. Sufi shrines have been attacked. Hazaras in Balochistan have faced the most horrendous faith-based violence. Yet government officials still downplayed the sectarian aspect of the militancy. A report by a think tank (the Centre for Research and Security Studies) revealed that there were 955 casualties in 2017, 319 deceased and 636 wounded. In Sindh, the numbers went up three-fold, while in FATA they more than doubled. Overall, there was a 32% increase against the number of casualties of sectarian violence during 2016.

Eighty-eight people were killed and at least 343 injured on 16 February when a suicide bomber attacked the crowded Sufi shrine of Lal Shahbaz Qalandar in the Jamshoro district of Sindh.

In another attack on a shrine in Balochistan, 24 people including a police constable were killed and more than 30 injured when a suicide bomber blew himself up outside the Pir Rakhel Shah shrine in Fatehpur, a small town in the Jhal Magsi district.

The community of Hazaras has been devastated by a series of targeted killings and suicide bombings with security agencies largely unable to protect them. Under relentless assault in Pakistan, the Hazaras have very little choice other than to flee as refugees. They face desperation and danger in doing so but, according to community elders, 70,000 Hazaras have moved out of Quetta.



Targeted killings and suicide bombings have devastated the Hazara community

In January, five Hazaras were injured in a targeted attack in Qila Mubarik in Balochistan.

In March, 23 Hazaras were killed in a car bomb blast near the Parachinar Imambargah. In June, two members of the Hazara community, including a woman, were gunned down in the Spiny Road area of Quetta. In July, four Hazaras, including a woman, travelling from Quetta to Karachi were killed and one other injured in the Mastung district of Balochistan. All the victims were from the same family.

In September, eight members of the Hazara Shia community were travelling to Quetta from Chaman town on the Afghan border when two men on a

motorcycle fired indiscriminately on them, killing three people on the spot. Two injured people later succumbed to their injuries.

In October, two attackers on a motorcycle opened fire on a van bound for a nearby vegetable market, killing the driver and four others. The police claimed to have created a special convoy to guard the Hazara community to and from the vegetable market, and the five people murdered were not travelling in the convoy. The Hazara community leaders disagreed, claiming that the protection of the convoy was not regular, even though vegetables had to be purchased on a daily basis.

HRCF strongly condemned the incident of wanton violence against the Hazara Shia community in Balochistan and deplored the government's failure to curb violence against a minority community and its inability to crack down on known militant outfits.

Members of the Shia Muslim community continued to be targeted across Pakistan because of their faith. In January, Shia cleric Mohammad Kazim Raza was gunned down. At the end of January, unidentified assailants hurled a grenade at an Imambargah in Karachi. Luckily, it did not explode. In February, three persons belonging to the Shia community were gunned down in Dera Ismail Khan, Khyber Pakhtunkhwa.

In March, at least 24 people were killed and another 100 injured in a suicide attack on an Imambargah in the Noor Market area of Parachinar area in Kurrum Agency. In June, 67 people were killed and 200 injured in back to back explosions in the Toori Bazaar area of Parachinar when the market was crowded for Iftar and Eid shopping.

In June, a Shia barber, Mohsin Abbas, was gunned down in Karachi because he played *nohas* at his shop. In November, two people died and four were injured when two gunmen opened fire at an Imambargah in Islamabad. There is evidence that sectarian terrorists are being aided by jail personnel, allowing them to continue their communications from behind bars and, in one instance, to escape.

There have been some cases of successful action by government agencies to foil sectarian attacks. In June, four militants who had planned a suicide bombing on a procession in Karachi were arrested, a major terrorist bid was prevented ahead of Youm-e-Ashur in Peshawar, and in November Rangers foiled terrorist activity on a chehlum in Rohri.

In the main, however, there is a lack of national narrative and concerted efforts to tackle the scourge of sectarianism.

Ahmadis

The persecution of Ahmadis was harsher in 2017 than the previous year, and the killings continued unchecked. A hate speech reared its head in Parliament. The Ahmadi places of worship were attacked. Their burials were denied in common cemeteries. Demands were made by clerics at the Faizabad sit-in to further strip Ahmadis of their rights as citizens. Ahmadis have faced the worst intolerance in Pakistan and their persecution apparently has the support of the administration.

The mob violence against Ahmadis is usually instigated in rural Punjab by Barelvi clerics. In a conference in Nankana Sahib, Barelvi leaders called for the implementation of the death penalty for apostasy. Speakers vowed to persecute Ahmadis until their last breath.

Some sections of the media sanction discrimination against Ahmadis and glorify clerics who justify violence against them. The younger generation is influenced by the rhetoric, unaware of, or choosing to ignore, the fact that Ahmadis are entitled to full citizenship rights enshrined in the Constitution. Since the promulgation of the anti-Ahmadi Ordinance XX in 1984 by General Zia, 264 Ahmadis have been killed for their faith. Of these, 182 were murdered in the Punjab alone.

Between March and May 2017, three members of the Ahmadiyya community were gunned down and a fourth, a retired female professor, was stabbed to death in her home.

In June, Ahmad Ibrahim survived an attack on his life. He was travelling to work in Thokar Niaz Baig, Lahore when assailants fired several bullets at him which narrowly missed him. His home is adjacent to Ittefaq Hospital and the administration of the hospital wanted to buy his house, but he had not agreed. A year earlier, they attempted a forced takeover of his house which he resisted. They had threatened him with dire consequences.

An eyewitness at the scene of the shocking lynching of Mashal Khan at Abdul Wali Khan University in Mardan said Mashal and Abdullah, two Mass Communication students, were attacked because they were believed to be 'promoting the Ahmadi faith on Facebook'.

Places of worship have also come under attack. In August, the local Ahmadiyya mosque in Muridke, District Sheikhpura, was set on fire by a youth. It was extinguished before it could spread. The Ahmadiyya mosque in Dulmial, vandalised in 2016, remains sealed despite an order from the National Commission for Human Rights, leaving local Ahmadis with no place of worship. Since the declaration of the Ahmadiyya community being

beyond the pale of Islam, 27 of their worship places have been demolished, 33 sealed, 21 set on fire, 17 forcibly occupied, and authorities have barred the construction of 17 worship places.

Ahmadis have also been targeted in blasphemy cases. Mubashir Ahmad, Ghulam Ahmad and Ihsan Ahmad of Bhoiwal were sentenced to death in Ferozewala on 11 October 2017 for allegedly tearing up an anti-Ahmadiyya sticker/pamphlet in May 2014. Khalil Ahmad, the fourth accused in the same case, was killed while in police custody. Qamar Ahmad Tahir was awarded life imprisonment on 1 July 2017 in Rawalpindi for allegedly defiling the Holy Quran. He was arrested on 20 November 2015 after a major arson attack in Jhelum by a mob on a chipboard factory owned by an Ahmadi.

Two Ahmadis, Idrees Ahmad and Sabah-ul-Zafar, were sentenced to three years' imprisonment by a judge in Faisalabad on 31 May 2017. These two Ahmadis were among the four arrested and seven charged in the case registered after the raid by the Counter-Terrorism Department on the Ahmadiyya central offices in Chenab Nagaron on 5 December 2016.

Tahir Mahdi Imtiaz, a printer of Ahmadiyya publications, was one of six Ahmadis booked for preaching Ahmadiyyat. He was prosecuted under the blasphemy law, anti-Ahmadi law, and anti-terrorism law. He had been at his home over 150 kilometres away at the time of the alleged preaching, and was acquitted by an anti-terrorism court on all counts on 5 May 2017. He had been incarcerated for two years and one month.

Social boycotts of Ahmadis prevailed. Approximately 90 percent of shops in Nankana Sahib and several shops in Lahore and southern Punjab carried this warning: 'Entrance of Qadianis (Ahmadis) is prohibited'. At one point, the majority of complaints against Ahmadis in Sindh were filed by a single preacher in a town near Hyderabad. The offences varied from writing 'Bismillah' in a private letter to preaching the Ahmadi faith. In the Punjab, several Ahmadis were targeted when they were merely delivering their monthly magazine to subscribers, or had made the mistake of buying a goat in the days preceding Eid ul Azha.

The Azad Kashmir (AJK) Assembly passed an anti-Ahmadi resolution on 26 April 2017, calling for Ahmadis to be registered as non-Muslims. Those who did not comply were to be punished in accordance with the law. Muslims who joined the Ahmadiyya sect were to be designated apostates (*murtad*) and subjected to effective penal action.

A relentless hate campaign against Ahmadis continued throughout the year, including banners on rickshaws, press statements by clerics, and speeches in

seminars and conferences by bigots, branding them infidels and calling them *wajib ul qatal* (worthy of death). Sane voices in the media were either silenced through threats or forced to leave the country. Rana Tanveer, a journalist known for reporting on religious minorities, was run over by a speeding car on 9 June. The incident came just days after the police refused to investigate death threats against him.



This message on a donkey cart denouncing Ahmadis went viral

Anti-Ahmadi rallies and conferences are organised all over Pakistan in September to commemorate the anti-Ahmadiyya 2nd Amendment to the Constitution. This amendment was introduced by the Bhutto government in 1974, through which Ahmadis were declared non-Muslims. The amendment opened the floodgates of persecution of the Ahmadis in Pakistan.

While the Jama'at-i-Ahmadiyya is denied permission to hold public gatherings, seminars and even sports functions, extremists are free to organise as many gatherings as they want to vent their hatred against a peaceful minority.

An anti-Ahmadi conference was organised by Markazi Jamiat Ahle Hadith in Lahore with the support of the Ahle Hadith Students' Federation. Tehreek-i-Labbaik Ya Rasool Allah took out a procession, led by Khadim Hussain Rizvi in Lahore. He exhorted the participants to wage a holy war against Ahmadis. Another Khatam-e-Nabuwwat conference was held in Lahore. Speakers urged the audience to socially isolate Ahmadis. Yet another Khatam-e-Nabuwwat conference was held at the shrine of Hazrat Shafee Nizami, Fayyaz Park. Speakers urged people to banish Qadianis from Pakistan. A Tajdar-e-Khatam-e-Nabuwwat conference was held in the Jamia

Masjid Madni to urge the masses to boycott Ahmadis.

On 7 September 2017, Jamiat Ulema Pakistan led a motorcycle rally from the Quaid-e-Azam interchange to Data Darbar in Lahore. Another anti-Ahmadi conference was held in Jamia Masjid Anwar-e-Medina, Lahore. Here also, clerics urged the audience to boycott Qadianis as 'they are busy in destroying the beloved country and Islam.'

In a petition submitted to the Islamabad High Court, cleric Allah Wasaya of Tehreek-i-Khatam-e-Nabuwwat demanded that the court direct the Federal Government to maintain a separate database of individuals belonging to the Qadiani/Lahori group entering the civil service so that in future they may not be posted to offices involving sensitive matters.

When a parliamentarian from the ruling party stood up in the National Assembly and called for discriminatory actions to be taken against the Ahmadis, he was neither challenged nor his statement condemned. Only after a question was raised in the British Parliament did the ruling party distance itself from the remarks.

HRCF condemned in the strongest possible terms the targeting of any Pakistani religious minority group, and deplored the use of the National Assembly floor to advocate discrimination, hatred and exclusion for citizens in this manner, without challenge or condemnation.

Christians

The Christian community fared no better in 2017. Pakistan ranked fourth on the Christian support group Open Doors World Watch List 2017 of the 50 countries where it is most difficult to be a Christian. Violent persecution of Christians is a common occurrence in Pakistan. Christians are targets for murder, bombings, abduction of women, rape, forced conversions, and eviction from home and country. Fake cases under blasphemy laws are regularly used to terrorise Christians.

In April, vandals purportedly torched a makeshift church built on a vacant plot in Lahore. The incident occurred after the congregants had observed Good Friday prayers.

Also in April, Christian residents of Salik Town, a neighbourhood of Faisalabad, were told to leave the area or convert if they wished to continue living in the neighbourhood, following a communal dispute when a local Christian girl converted and eloped with a Muslim boy.

Shahzad Masih, a 16-year-old sweeper at the Shahmim Riaz Hospital in

Dinga city in Punjab Province's Gujrat district, was accused of blasphemy by a member of an Islamist extremist party. Since his arrest on 14 July 2017, his family have had no contact with him and police have denied holding the boy.

In August, 17-year-old Christian student Sharoon Masih was ruthlessly lynched by his classmate at Government MC Model High School for Boys in Burewala of Vehari District for daring to drink water from the same glass as him.

In September, an anti-terrorism court in Bahawalpur sentenced a 35-year-old Christian, Nadeem James, to death on blasphemy charges. James, a tailor by profession, was accused by a friend of sharing 'blasphemous messages' on WhatsApp.

Police in Pakistan allegedly beat a 14-year-old Christian boy to death on 9 October because he had got into a fight with a Muslim classmate who tried to bully him into renouncing his faith. In October, militants hurled a grenade at the Gospel Faith Church in Quetta. No casualties were reported as there was no one inside the church at the time.

Five Christian families in rural Pakistan have gone into hiding after death threats were made against an 18-year-old because of his alleged blasphemy against Islam. Sonu Arshad, who lives in the remote village of Sukheki, 200 kilometres north of Lahore, belongs to one of the families - the only Christians in the village. The families fled on 3 November 2017 after a Facebook page purporting to be that of a local TV channel posted a photograph of the teenager and asked locals to 'burn his church and give him the death penalty'.

Asia Bibi is still languishing in jail following her conviction for making blasphemous remarks over seven years ago. When her death sentence was



Asia Bibi's fate is uncertain seven years after her conviction for blasphemy

upheld by the Lahore High Court, she filed an appeal in the Supreme Court. However, when her case finally came up for hearing, a judge recused himself and the case was adjourned indefinitely.

The year ended with a suicide bomb attack on Bethel Memorial Methodist Church in Quetta while hundreds of worshippers were attending service. Nine Christians died and 60 were wounded.



Suicide bomb attack on Bethel Memorial Methodist Church in Quetta

There have been some attempts to meet the needs of Christians. Amendments to the Christian Marriage Act and Christian Divorce Act have been proposed as the provisions in both are outdated.

Under the Marriage Act, it has been proposed that the parties must have attained the age of 18 if they are getting married without the consent of a guardian. It has also been proposed that the registration of marriages will be the responsibility of the State and solemnisation will be done by the Church.

An amendment to the present applicable Christian Divorce Act 1862 has proved more contentious. Currently, adultery is the only grounds for divorce and under the amendment other grounds were being proposed. Representatives of the Christian community were opposed to a change as they believed the law as it stood was in accordance with the teachings of the Bible and adultery should remain the only grounds for divorce.

The Christian Marriage and Divorce Bill 2017 has been finalised following several rounds of discussions among various segments of the Christian community. The Ministry of Human Rights has now forwarded the Bill to the law ministry to be vetted before being presented to the Cabinet.

Hindus

With a population of around seven million, Hindus form the largest religious minority in Pakistan. Concentrated mainly in Sindh, Hindus continue to live an uneasy existence. Their perceived association with India has made life for them tougher than other religious minorities in Pakistan. According to their representatives, the greatest issue of concern to the community is that of forced conversions, the majority of these involving young women. In most cases the girls, many of whom are minors, are abducted, forcibly converted to

Islam and then married to Muslim men.

The Sindh Assembly's Bill to check forced conversions, passed last year and heralded as a landmark achievement, was put on the backburner after pressure from religious parties who rallied against it. The Sindh Assembly had unanimously passed the Bill in November 2016, but it became controversial because of the provision under which no person under 18 could convert to Islam even of their own free will and choice. Such a bar was not only considered against the teachings of Islam but also in violation of the Constitution. It was widely reported in the press that PPP Co-chairperson Asif Ali Zardari had given his word to the Jamaat-e-Islami chief Sirajul Haq that the Sindh Assembly led by his political party would strike down the recently passed law.

The Sindh Governor Justice refused to ratify the Bill and asked for it to be reconsidered. He called for a meaningful consultative process in which the opinions of all stakeholders should be taken into account. The fate of the Bill is as yet unknown.

Clerics urge Muslims to convert non-Muslims as it is their holy duty and a source of blessings. When one leader openly bragged in Parliament about his conversion activities, no action was taken against him.

The abduction in Gambat of a school teacher, Aarti Kumari, by an influential feudal made the rounds on social media. A 16-year old girl, Ravita Meghwar, was also allegedly abducted near Nagar Parkar in southeastern Sindh Province and married off to a Muslim man twice her age. In both cases, the women gave statements to the court that they married of their own free will after converting to Islam.

There has been a consistent stream of conversions of lower caste minor Hindu girls over the past several years. According to the National Commission for Justice and Peace, around 1,000 Christian and Hindu minority women were converted to Islam and then forcibly married off to their abductors or rapists. This practice is being increasingly reported in the districts of Tharparkar, Umerkot, and Mirpur Khas in Sindh.

With kidnappings and forced conversions of teenage Hindu girls, abduction of Hindu traders for ransom, and desecration of temples, many Hindus have been forced to migrate to India and elsewhere.

The growing intolerance and extremism in Balochistan manifested itself when a mob turned violent as the police refused to hand over a Hindu blasphemy suspect to them for vigilante justice. Prakash Kumar, a local

business owner in Lasbela, was suspected of sharing a picture on WhatsApp containing blasphemous content.

Sikhs

Sikhs are a small religious minority in Pakistan. According to the last census, there are around 7,000 registered Sikhs living in Pakistan, mainly in Khyber Pakhtunkhwa province, including the semi-autonomous tribal region that shares a border with Afghanistan. The 2017 census results are not yet available. The Sikh leadership complains that rough and usually inaccurate estimates are made about their exact number.

The Sikh community has also been subjected to continued discrimination and violence from extremists over the years because of their religious affiliation, but they are generally better treated by government agencies as compared to other religious minorities.

In December, the Sikh community raised serious concerns after 'being forced to convert to Islam' by a government official in the Hangu district of Khyber Pakhtunkhwa (KP). The Sikh community said they had lived in the area since 1901 and had never encountered any such problems in the past. They claimed that the Assistant Commissioner Tehsil Tall was behind the alleged forced conversions.

India, home to tens of millions of Sikhs, swiftly reacted to the incident. India's External Affairs Minister said in a tweet that India would discuss the matter with Pakistan at the highest level of government.

Over the years, there have been a number of religiously motivated attacks against minority Sikhs in the Khyber Pakhtunkhwa province. In some cases, they have been kidnapped for ransom. Ironically, the money extortion and kidnapping for ransom was all done in the name of Islam. Some Sikhs relocated to other regions of Pakistan or left the country. The Sikhs say they feel extremely vulnerable in Pakistan and, according to media reports, the recent allegations indicate that those who are supposed to protect their rights are instead forcing them to convert to Islam.

The Sikh community moved the Supreme Court of Pakistan when Sikhism as a religion was not included on the census form. Social media erupted with angry posts by members of the Sikh community living in the Punjab and Khyber Pakhtunkhwa as soon as the news of their non-representation on the census form came to light.

The community believes their non-representation in both national and provincial assemblies is one of the reasons they are overlooked and

disadvantaged when it comes to the disbursement of the minority development funds.

On a more positive note, in a landmark development, 'The Punjab Anand Karaj Bill 2017' seeking official registration of marriages of the Sikh community at union council level was introduced in the Punjab Assembly in October 2017. The Bill asks for registration of marriages of the Sikh community at union council level, while a copy of the certificate (marriage deed) of a registered marriage will also be issued to married people within 90 days after payment of a fixed amount. The Deputy Speaker referred the Bill to the Standing Committee for Human Rights for further consideration with the directive to present its report by the end of the year.

The Sikh community in Khyber Pakhtunkhwa has insisted the provincial government should introduce a similar Sikh Marriage Bill in order to resolve various legal problems faced by the community.

Blasphemy laws

Blasphemy laws continued to be abused in 2017. According to official figures for January – November 2017, there were 135 blasphemy cases in the Punjab, 41 in Sindh, 11 in Khyber Pakhtunkhwa, and 2 in Balochistan. The majority of accusations under the blasphemy law are based on false allegations stemming from property disputes or other personal or family vendettas, rather than genuine instances of blasphemy, and they inevitably lead to mob violence against the entire community.

Despite numerous convictions under the law, so far no blasphemy convict has been executed by the state. However, since 1995, at least 65 people have been murdered in Pakistan over unproven allegations of blasphemy. People accused of blasphemy have been murdered before their trials ended, and sometimes even after being cleared by the court. The blasphemy allegations alone are enough to put someone's life in danger.

Although the religious minorities, especially Christians, continued to suffer because of the misuse of the law, a large number of Muslims are also in jail under blasphemy charges. The trend in the recent past has been to kill Ahmadis rather than level blasphemy allegations against them. Even after an acquittal in a blasphemy case, the accused is still at risk. In most cases, after proving their innocence, blasphemy law victims relocate to avoid trouble after their release from prison. Proving innocence in a false case of blasphemy is a very long process and by the time the accused is cleared, they will already have spent eight to ten years in prison. Asia Bibi has been incarcerated for the past seven years and the hearing of her case is not expected anytime soon.

The most gruesome example of manipulation of the blasphemy law was Mashal Khan's lynching by a mob at Abdul Wali Khan University on 13 April 2017. Mashal was killed and another student seriously injured by a vigilante mob for allegedly 'publishing blasphemous content online'. The attackers wanted to burn the body before police intervened. The 13-member Joint Investigation Team (JIT) constituted by the Supreme Court of Pakistan cleared Mashal of all blasphemy charges in its final report presented on 3 June 2017, and termed his lynching a premeditated barbaric murder conducted by certain elements in the student body and the university administration.



Protest against lynching of student Mashal Khan

HRCF strongly condemned Mashal's lynching and urged the state to take effective steps to bring all those involved to justice, and to tackle the panic and horror among citizens in the aftermath of the barbaric murder.

The bloggers who took a stand against religious intolerance on social media made international headlines when they went missing in January 2017. Asim Saeed, Waqas Goraya, Ahmed Raza Naseer, Samar Abbas and academic Salman Haider vanished within days of each other and, after their disappearance, a virulent campaign accused them of blasphemy, immediately triggering a flood of threats. The Federal Investigation Agency found no evidence against the five men and the campaign underlined how extremist groups use the blasphemy law to malign and endanger those guilty of having an ideology or belief different from theirs.

Another example of taking the law into their own hands after blasphemy

accusations was the killing of a man near Sialkot by three armed burqa clad sisters. They accused him of committing an act of blasphemy thirteen years earlier. The three suspects were arrested but showed no remorse because they had 'fulfilled their religious duty.'

A suspect in a blasphemy case, released from jail after a medical board declared him 'mentally challenged', was gunned down while bathing in a watercourse near Tando Adam Town in Sindh on 12 August 2017.

In January, it was reported that after Shaan Taseer, a Muslim, posted a video message on his Facebook page wishing Christians a happy holiday and asking for prayers for Asia Bibi and others victimised by the blasphemy law, he received 'very credible death threats' from supporters of the hard-line Muslim philosophy that inspired his father's killer. An extremist religious group issued a fatwa demanding his prosecution and execution.

The Senate Functional Committee on Human Rights is finally talking about ways to prevent misuse of the blasphemy law without offending the sentiments of the masses or amending the central law itself. This time round, the committee seems to have the support of several ministries, including the Ministry of Religious Affairs, and political parties. Efforts are also being made to include the Council of Islamic Ideology (CII) in the consultations.

A positive step

In the first project of its kind for religious minorities in Pakistan, the Sindh government has proposed a plan to bring hundreds of places of worship of non-Muslims across the province under video surveillance for their security and monitoring of their infrastructure. Four religious minorities, Christians, Hindus, Parsis and Sikhs, have been selected for the project. This is welcome news but the exclusion of the Ahmadiyya places of worship is deplored. However, as of December 2017, no progress on the project has been evident.

Recommendations

The Human Rights Commission of Pakistan and the AGHS Legal Aid Cell have proposed amendments to the laws relating to religious minorities in Pakistan. The amendments are based on intensive research into federal and provincial laws which discriminate against religious minorities in the country.

- A law should be enacted to criminalise incitement to violence on the basis of religion. It should be worded in line with Article 20 of the International Covenant on Civil and Political Rights to read: 'Any advocacy of sectarian or religious hatred that constitutes incitement to violence shall be punishable with rigorous imprisonment of up to 10 years or fine up to

Rs2,500,000, or both'.

- Through an amendment to Rule 7 of the National Database Rules 2007, the marriage certificate issued by the Hindu Panchayat should be recognised as a valid document for purposes of issuance of certificate/national identity card under the rules, unless and until the government makes alternative provisions for registration.
- The Evacuee Trust Properties (Management and Disposal) Act 1975 should be repealed as a whole and evacuee properties be handed over to the recognised religious or community-based institutions/organisations of the relevant religious minorities.
- Until the above is done, religious minorities should be represented on the Evacuee Trust Property Board and the chairman should be from the requisite minority.
- The legal provisions regarding Zakat/Ushr are part of a larger trend towards Muslim-centric legislation and either ignore religious minorities or exclude them. These should be amended to provide (without any faith-based discrimination) for all citizens in need, an equal distribution of income support based on a uniform criterion.

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**

Freedom of expression in Pakistan in the year 2017 is best defined by the climate of fear and culture of silence that hung over the country since the very beginning of the year. The disappearance of bloggers and activists and the labelling as anti-state and blasphemers of those seeking their recovery; investigations and prosecutions against activists and journalists for their social media posts under the Prevention of Electronic Crimes Act (PECA) 2016 by the Federal Investigation Agency (FIA); notices by the Pakistan Electronic Media Regulatory Authority (PEMRA) to electronic media channels; litigation and court orders ruling on content on the electronic and social media involving regulators PEMRA and the Pakistan Telecommunications Authority (PTA); threats and intimidation in the form of targeted abuse and hate campaigns on television and social media against individuals and groups; and physical attacks on journalists, media houses and press clubs. This is broadly what 2017 was about.

Today, irrespective of the mode of communication and manner of

expression, the individual and collective freedom of Pakistani society as a whole and all those part of it – citizens, professionals, groups, collectives, organisations, political parties, institutions – stands threatened.

Discourse on the missing bloggers

In January, five bloggers went missing in Pakistan: Ahmed Waqas Goraya and Asim Saeed from Lahore on 4 January; Salman Haider from Islamabad on 6 January; Ahmed Raza Naseer from Nankana Sahib and Samar Abbas from Islamabad on 7 January. Soon after, they were linked to Facebook pages by the names of 'Mochi' and 'Bhensa', and accused of being the anonymous



Rights activists call for the return of the missing bloggers

admins of those pages that were, allegedly, critical of the military. As protests for the recovery of the bloggers and demands for due process of law to be applied gained momentum, there was a dangerous shift in the allegations levelled against the missing bloggers, as they came to be known. After being held as anti-state, they were suddenly accused of putting out blasphemous content from these pages. Curiously, these pages were operational while the bloggers were still 'missing'.

On 18 January, the families of two bloggers addressed a press conference to dispel the accusations of blasphemy. The same night, a vicious attack was launched on television against activists participating in the press conference and civil society members protesting outside the press club. Aamir Liaquat Hussain, in his programme 'Aisa Nahin Chaley Ga' on Bol TV, vilified the bloggers and those campaigning for their release. These 'liberals', 'leftists' and 'progressives' were derided as being anti-state, anti-Islam, and blasphemers. People were named, their pictures flashed incessantly on channels, their reputations and characters attacked, not once but repeatedly, on multiple shows that followed. The list also included journalists and anchors belonging to rival media houses, and their management. Anybody

who raised the issue of disappearances became a target.

As the shows continued, concerns arose regarding the safety of the people named. The content of the programmes was not only considered to be defamatory, but also life-threatening, given the nature of the allegations. Many questioned why PEMRA, that was otherwise quick to act against content it deemed offensive, did not act against Bol or the anchor that were, in their view, spewing hate and inciting violence. Pressure mounted; complaints in the form of letters were addressed to the Chairman PEMRA by those named in the programmes; numerous public complaints were made to PEMRA through its report form online, calling for action due to the violation of PEMRA's code of conduct. Complaints were also received by the National Commission on Human Rights (NCHR) and the Sindh Human Rights Commission (SHRC) who then wrote to PEMRA and the Inspector General Police, Sindh.

Bol, PEMRA and the courts

On 26 January, PEMRA, exercising powers under Section 27 of the PEMRA Act, issued a prohibition order to Labbaik Private Limited (Bol TV) disallowing the programme 'Aisa Nahin Chalay Ga' from being aired on Bol TV, and anchor Aamir Liaquat Hussain from appearing on television in any capacity. Despite the notification, the programme was aired. PEMRA then issued a show-cause notice stating the prohibition order had been violated. The scope of PEMRA's action was called into question: an outright ban was viewed as an overbroad regulatory measure, likely to be set aside. And thus began an extraordinary series of events in which PEMRA, Bol, the Supreme Court (SC), the Sindh High Court (SHC) and the Islamabad High Court (IHC) all had leading roles.



Aamir Liaquat celebrates lifting of ban by SHC

The next day, the Sindh High Court (SHC) suspended the PEMRA notification for being 'unlawful and arbitrary', and for 'condemning' the anchor unheard. PEMRA filed an appeal before the Supreme Court (SC), challenging the SHC stay.

The SC issued notices to the management of Labbaik Private Limited (Bol TV) to appear before it on 6 February. In the meantime, the case pending before the SHC came up for hearing on 1 February. Activists and citizens filed intervener applications in the same case, maintaining Bol and Aamir Liaquat were propagating hate speech, and urging the court to take action against the network and anchor. The court adjourned the matter until after the SC hearing.

On 6 February, the SC directed Labbaik's management to desist from airing 'hateful content' or face contempt proceedings. The management assured the SC it would not air the programme 'Aisa Nahin Chalay Ga,' and the case was adjourned to 8 February. The SC directed the channel to file a reply with PEMRA, after which the Authority should pass appropriate orders in accordance with the law.

The same day, Bol approached a divisional bench of the SHC and obtained a stay against the PEMRA notification, and the programme was aired that night, despite the SC decision.

On 10 February, the SHC withdrew its stay and directed Bol to stop airing the show and abide by the SC order.

Aamir Liaquat then approached the Islamabad High Court (IHC) which suspended the PEMRA notification. The IHC directed the Chairman PEMRA to appear before the court on 7 March, and to produce a report explaining how many anchors and guests who propagated against the ideology of Pakistan, Islam and State institutions such as the judiciary and army had been banned, what action had been taken against those criticising the creation of Pakistan and propagating against its disintegration, and whether those under the influence of alcohol or narcotics were permitted to appear on live programmes and allowed to use abusive language. In the same order, the PTA was directed to block websites containing blasphemous content.

PEMRA appealed the IHC order through the SC, arguing that the IHC could not circumvent the SC's order. Hussain maintained that the SC directions were issued to the company, while he had petitioned the court as an individual.

On 6 March, the SC allowed Hussain to host the programme, on the condition that he would not violate the PEMRA code of conduct or broadcast any

programme which contained hate speech. The SC said it aimed to strike a balance between people voicing dissent and people spreading hatred. It was not in favour of banning Hussain completely as expressing opinions was 'a fundamental human right.'

Hussain was also directed to file a response to the numerous complaints pending before the PEMRA Council of Complaints (COC). The COC was directed to meet in Karachi, Lahore and Islamabad to hear complaints after which the Authority should pass an order in accordance with the law.

PEMRA's Council of Complaints then entered the fray and called a hearing on 10 March. The hearing was attended by Hussain and various complainants, who included activists, television anchors and journalists from other networks who were named in programmes.

On 27 March PEMRA issued a notification directing Hussain to apologise for the remarks he had made on his programme. Both the channel and the anchor were told to 'apologise unconditionally to the viewers' in a broadcast to be aired by 31 March. PEMRA also imposed a fine of one million rupees to be paid within 15 days.

On 24 March, a contempt petition filed against Hussain by Jibran Nasir was dismissed by the SC who held that the petitioner did not establish grounds for why Hussain should be held in contempt, observing that Hussain had already tendered an unconditional apology to both the IHC and SC. However, if anything objectionable was found in future programmes, then contempt proceedings would be initiated.

On 18 November, Hussain resigned from Bol during a live transmission and made the announcement on Twitter. In a video message released through his Twitter account, he apologised for everything he had said, alleging that it was the channel that had compelled him to level allegations against those named by him on the programme over the year.

On 8 December, a regional meeting of the Council of Complaints held in Karachi finalised its recommendations based on complaints received against Aamir Liaquat Hussain and his programme, 'Aisa Nahin Chalay Ga'. A fine of Rs300,000 was imposed, payable within 15 days, with the recommendation that an in-house editorial council be formed to ensure content conformed to PEMRA laws and its code of conduct.

On 15 December, while hearing a petition filed against Hussain, the IHC issued an interim order barring Hussain from making any television appearances and directing PEMRA, PTA and Hussain to file a response. The case was adjourned until 10 January 2018. The petition also held PEMRA responsible for not stopping Hussain.

On 27 December, Bol TV through its show 'Aisa Nahin Chalay Ga', hosted by an anonymous anchor wearing a Guy Fawkes mask, yet again initiated a campaign against rights activist Jibran Nasir – one of the petitioners challenging the SHC order for the acquittal of Shahrukh Jatoi and a retrial of the case. This time the channel accused Nasir of having links with an organisation that received money from India and accused him of blasphemy and treason. This once again led to a flurry of complaints to PEMRA which at the time was operating without a Chairman after the Lahore High Court ordered his removal in response to a petition challenging his appointment.

Social media in the dock

While four out of the five bloggers returned as mysteriously as they had disappeared at the end of January, the ordeal did not end there. While in captivity, the first allegation of blasphemy appeared against them on 9 January, in an Urdu newspaper, Daily Ummat, and on a Facebook page by the name of Pakistan Defence. Haider, Goraya and Saeed were linked to the page called 'Bhensa'. Subsequently, a police complaint was filed by a group called the Civil Society of Pakistan, demanding the bloggers be charged under the blasphemy law.

On 1 February, the Federal Investigation Agency (FIA) lodged a report against the bloggers on charges of blasphemy. The move was questioned at the time by the Interior as an overstepping of the FIA's mandate.

A petition was then filed before the IHC against the five bloggers. The IHC on 27 February sought responses from the secretaries of the interior and information technology ministries, as well as the Chairman PTA, the DG FIA and the Inspector General of the Islamabad Police, instructing them to appear before court on 7 March.

During the hearing on 7 March, the court called on religious scholars to deal with the issue of blasphemy, an act of terrorism, on social media as the bureaucracy had failed to perform its job. The Interior Minister was summoned to appear before court the next day.

On 8 March, the interior ministry was directed to put the bloggers on the Exit Control List (ECL). The Chairman PTA informed the court it was not possible to examine all such content as there were up to 1.4 billion pages, and shutting down social media platforms was not a solution as they could be accessed through proxies. The PTA was directed to set up teams to monitor and remove blasphemous content and the interior ministry told to submit a progress report the next day. The same day, the interior minister threatened to shut down social media platforms if the companies did not comply with the government's demands to block and remove blasphemous content.

On 13 March, on the instructions of the IHC, a PTA notice instructed citizens to report blasphemous content. Half-page ads appeared in newspapers and public service messages by the government were run on television, reminding citizens that their right to freedom of speech and expression was not unconditional, and what types of speech was considered to be criminal and carried penal consequences. The then Prime Minister was quoted as saying that blasphemy was an 'unpardonable sin' and that all those spreading blasphemous material through social media should be apprehended and prosecuted.

On 14 March, the National Assembly of Pakistan unanimously passed a resolution condemning the circulation of blasphemous content on social media, and subsequently the interior ministry said Facebook had agreed to send a delegation to Pakistan to discuss the issue of blasphemous content on its platform.

Meanwhile, the FIA arrested three people in connection with publishing blasphemous content online, who were presented before an anti-terrorism court and then remanded into FIA custody for seven days. Their devices were also seized and sent for forensic examination. Earlier, the court was informed of one arrest and that names of others were being considered to place on the ECL. On 17 March, the court was informed that the FIA was investigating over 75 people and also planned to take the matter up in the International Court of Justice. During the hearing on 22 March, the court said it might order a ban on social networking sites if the content was not blocked or removed.

On 27 March, the court was informed of Facebook's cooperation, saying 85% of the material had been removed by them. The court was informed that the Interior Minister had discussed this issue with envoys from 27 Muslim countries. The court instructed the FIA to provide details of the bloggers who had gone missing, activities they were involved in and how they managed to leave the country. The IHC directed the PTA to provide a report on progress with Facebook over the blocking and removal of content, observing that the Ministry of IT was 'behaving like a silent spectator' and that the government's top leadership needed to do more on this issue. The assistance of the attorney

PTA
پاکستان ٹیلی کمیونیکیشن اتھارٹی

اطلاع عام

عوام الناس سے گزارش ہے کہ انٹرنیٹ بالخصوص فیس بک اور دیگر سوشل میڈیا پر موجود توہین رسالت ﷺ اور اسلام دشمنی پر مبنی مواد کو بلاک کرنے کیلئے پی ٹی اے کی مدد کیجئے۔ ایسے مواد کی اطلاع مندرجہ ذیل سائٹ پر دیں۔

ای میل : info@pta.gov.pk

ایڈریس : اسسٹنٹ ڈائریکٹر (WAD)
پاکستان ٹیلی کمیونیکیشن اتھارٹی
پیکو کارڈ، F-5/1، اسلام آباد
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PTA notice regarding blasphemous content.

general was sought for the insertion of blasphemy and pornography provisions in PECA and measures to criminalise false accusations of blasphemy.

In an order issued on 31 March, the IHC ordered the FIA to bring back the bloggers if there was evidence against them, and directed the Ministry of Interior to identify and take action against NGOs propagating blasphemy and pornography as well as all those indulging in these acts. The PTA was told to devise an effective mechanism to monitor and take action against such content, not only so such content could be removed but also to be able to identify those publishing such material.

On 2 May, the Lahore High Court issued a verdict in response to a petition seeking action against people posting blasphemous content on social media. The order instructed the federal government to amend PECA to empower the PTA to directly block social media platforms if the service providers failed to remove blasphemous content.

On 9 May, the IT ministry told the National Assembly's Standing Committee on Information Technology and Telecom that 3,000 public complaints via email had been received regarding blasphemous content online and that the PTA itself had searched for, identified and blocked 12,968 websites.

It was announced in July that Facebook's Vice President Global Public Policy, Joel Kaplan, had committed to the interior ministry 'to remove fake accounts, explicit, hateful and provocative material that incites violence and terrorism.' In August, the IHC issued a 116-page judgment, recommending that parliament make the blasphemy law stronger to prevent its misuse and deter people from making false accusations. It also ordered a ban on Facebook if the platform did not comply with Pakistani law, and directed the PTA to create a firewall to filter out content. In December, the PTA published another public service message highlighting speech that was criminalised under Pakistani law.

On 22 December, the FIA informed the court that no evidence had been found against the five bloggers who had disappeared earlier in the year. The judge remarked that while a false accusation was 'twice the crime' and no innocent should be falsely implicated, whether the case against the bloggers was one of 'false accusation' or 'lack of evidence' was something to be determined by the trial court.

On 26 December, the federal cabinet approved amendments to PECA to include blasphemy and pornography as prosecutable offences under the Act – a recommendation made earlier by the court to deal with blasphemous and 'objectionable' material online.

Prosecutions under PECA

In April, the Prime Minister's office finalised and released the 'Dawn Leaks' inquiry report. Among other recommendations, disciplinary action was recommended against the Dawn newspaper, Dawn Editor Zaffar Abbas, and journalist Cyril Almeida. Their case was referred to the All Pakistan Newspaper Society. Soon after the report was issued, the DG ISPR tweeted that the report was 'rejected.' In a press release issued by the ISPR on 10 May, it was clarified that the tweet referred to the 'incomplete' notification issued by the PM's office, which was later rectified by issuing the complete notification. To that extent, the statement read, the Twitter post stood 'withdrawn' and was 'infructuous'. This, once again, offset the fragile civil-military fault lines with criticism levelled at the army and chief of army staff.

The Minister for Interior announced anti-institution propaganda would not be tolerated in the name of freedom of speech. In a press conference on 13 May, the State Minister for Information said defamation laws and the cybercrime law would be used against those carrying out propaganda against the prime minister and his family and 'constitutional institutions of the state.' This threat was also levelled against the Chairman of the Pakistan Tehreek-e-Insaf (PTI) who, according to the minister, was defaming the family and trying to influence the Supreme Court judgment on Panama.

What followed was an onslaught against political activists as well as journalists on social media. On 17 May, Salar Kakar, a member of the PTI's social media team, was served a notice and detained by the counter-terrorism wing of the FIA, and asked to submit his laptop and phone. Soon after, a list of 200 Twitter accounts and Facebook pages surfaced which were reportedly under investigation.

On 20 May, news emerged of another member of PTI's social media team, Owais Khan, being taken into custody by the FIA. PTI chief Imran Khan expressed his ire, tweeting that the party would take to the streets if action was taken against PTI activists 'under the garb of national security.' On 21 May, the FIA summoned and detained six others for questioning, without any formal charge.

On 18 May, Taha Siddiqui, an Islamabad-based journalist, received a phone call from an FIA officer instructing him to appear for questioning at the FIA station. On 23 May, Siddiqui moved the Islamabad High Court (IHC) against intimidation and harassment by the FIA. The IHC issued notices to the FIA to appear before the court on 29 May, restraining the FIA from harassing the petitioner and instructing them to proceed in accordance with the law. Despite court orders, the FIA issued a summons directing Siddiqui to appear before them for questioning, failing which there would be legal consequences.

The FIA continued its crackdown unabated into June, identifying 27 more people allegedly involved in anti-army propaganda. However, the first arrest was made on 28 May, when Adnan Afzal Qureishi was booked under Section 20 and 24 of PECA and taken into custody.

On 6 June, the SHC issued notices to the Ministry of Interior and FIA in response to a petition challenging the detention and arrests of activists and journalists under PECA, filed by nine citizens who viewed the FIA action as a violation of fundamental rights. The petition argued that criticism of the armed forces did not constitute a criminal offence, nor did it fall within the restrictions stipulated by Article 19. The application of Section 20 of PECA was also called into question; a non-cognisable offence, the section pertained to a crime against an individual, not an institution and was hence being misapplied.

On 15 June, the court directed the interior ministry and the FIA to submit a reply and adjourned the case until 6 July. The FIA then filed a brief response in the case, informing the court of the one arrest. Hearing the case on 7 August, the SHC directed the interior Ministry and the FIA to submit a detailed report to court.

On 25 June, the FIA arrested Quetta-based journalist Zafarullah Achakzai, employed with the local daily Qudrat. Charged under Section 20 of PECA, Achakzai was produced before a magistrate and remanded into FIA custody for six days. He was granted bail on 4 July against a bond amount of Rs80,000. In a turn of fortune and events, on 20 October the ousted prime minister Nawaz Sharif issued a statement from the PML-N's official Twitter account, raising alarm over the disappearance of the party's social media activists. He called it an attack on the freedom of speech and condemned the 'suppressing of political views of opponents.' Two activists were believed to be in the custody of the FIA, namely Anwar Adil and Wajid Rasul Malik, after an investigation against Twitter accounts posting defamatory material against the judiciary.

In November, Dawn News anchor Mubashir Zaidi, through his Twitter account, announced he had been summoned by the FIA for questioning.

Campaigns targeting groups and individuals

While state and regulatory action dominated the news in 2017, there was also a sharp rise in the number of individuals and groups using the Internet and social media to launch attacks on anyone they might have a grievance against. The attacks ranged from character assassination to declaring them as being anti-state and anti-religion.

On 16 February, a suicide bomber attacked the Sufi shrine in Sehwan in

Sindh, killing at least 88 people and injuring countless others. This attack took place during the middle of the dhamaal – when the shrine is most populated. To show solidarity, Sindh-based activists paid a visit to the shrine. Female activists from Karachi and Sindh joined in the dhamaal. Among them was renowned classical dancer and performer Sheema Kermani. The next day, Kermani's picture was pasted across newspapers and shared online. While this show of solidarity was heralded by many as a brave act, Kermani and the other female activists came under attack for 'dancing' at the shrine which some considered to be disrespectful and others unIslamic, giving rise to concerns for safety.

Earlier, in January, Hussain had also targeted Kermani on his show and used derogatory language while referring to her as a 'dancer', when she was campaigning for the recovery of the missing bloggers.

Later in April, a similar show of solidarity was held outside the Karachi Press Club, where the Attan dance was performed after the IJT beat up students on the premises of Punjab University for cultural activities.

In August, due to pressure by televangelists and right-wing groups, the Karachi Grammar School dropped John Lennon's song 'Imagine' from their concert line-up. The song was deemed unIslamic.

In April, Dr Riaz Ahmed, a professor of the University of Karachi, was on his way to the Karachi Press Club along with fellow professor Mehr Afroze and activist Naghma Shaikh to protest against the prolonged detention of former colleague Dr Hassan Zafar Arif, who had joined the London faction of the Muttahida Qaumi Movement. They were detained by Rangers. Dr Riaz was later arrested and jailed on charges of carrying 'illicit weapons.' Not only was he labelled anti-state and accused of having links with a banned party, but a journalist who interviewed him after he was granted bail came under attack for performing her job. Sexualised memes of Iram Abbasi of BBC Urdu were spread via a Twitter account by the name of Nazgul Baloch and the words 'presstitute' were plastered across it, accusing her of having ties with India, being anti-state and army, and lobbying against the blasphemy law.

Following the Faizabad operation in November, Imaan Mazari put out a video from her Twitter account, criticising the army in strong words for its role in the agreement that was signed between the government and protestors. Her mother, PTI legislator Shireen Mazari, sent out a tweet distancing herself from her daughter's views. What followed, however, was a vicious campaign against Imaan Mazari. Much abuse was hurled at her. Messages in response to Mazari accused her of being anti-Pakistan and against the army, and used abusive language against her. Old pictures of her at a party were re-circulated in an attempt to shame her. On 21 December,

Mazari tweeted a legal notice she sent to a Brigadier Tariq Izaz for maligning her by posting a video on a Facebook account and insinuating it was her.

Over the year, personal attacks on women were common. Sindh-based professors and activists Arfana Mallah and Amar Sindhu were targeted with gender-based slurs, and threats of physical attacks were made towards them for pursuing a case of harassment at a university. These activists also came under attack online for participating in the dhamaal at the shrine along with Kermani and others.

When Ayesha Gulalai accused Imran Khan of harassment, she was called a liar and not only was her reputation dragged through the dirt, but pictures of her sister, Maria Toorpakai Wazir, a squash player, were circulated to shame her for her choice of sports attire – shorts.

A video interview of Maryam Nawaz Sharif was circulated on social media with people questioning her piety and double standards for donning traditional attire and a dupatta on her head when in Pakistan, yet wearing jeans without a dupatta in London.

A picture of Mahira Khan in a summer dress, smoking with co-worker Ranbir Kapoor, set alight the Internet. She was accused of shaming the nation and all manner of abuse was hurled at her online. Malala Yusufzai was also similarly 'shamed' when a picture of her in jeans was circulated on the Internet, soon after she had started college at Oxford.

When Sharmeen Obaid-Chinoy took to Twitter and levelled allegations against a doctor at Aga Khan Hospital for harassing her sister with a Facebook request after examining her in the emergency room, what stood out among the abuse hurled at Obaid-Chinoy was the creation of a Facebook page that called upon people to proudly own up to being harassers and send Obaid-Chinoy Facebook requests.

While these are only a few of the visible, well-known examples, the list goes on. Bullying, trolling and harassment are common on the Internet and social media. Women especially are routinely shamed, bullied and even blackmailed for expressing their opinion or making choices. Some are able to resist and push back while others, due to the consequences these acts have, end up leaving these spaces to preserve their safety and sanity.

Censorship and content regulation

On 25 January, satirical news website Khabaristan Times, via its Facebook page, announced its website had been blocked in Pakistan. To date, the website remains inaccessible in Pakistan. According to the PTA, they received complaints against the website for objectionable content. However,

no notice was served to the website or its editors nor any avenue for an appeal or hearing provided. The ban was initiated exercising Section 37 powers under PECA, which give the PTA power to block and censor at will.

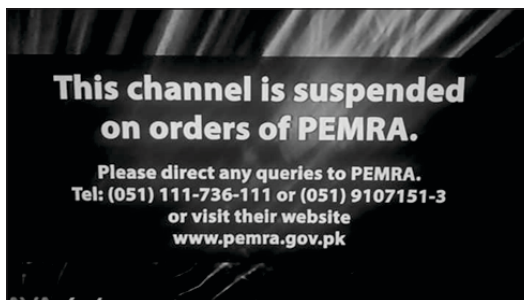
Since Pakistan does not have jurisdiction over content hosted on Twitter, Facebook and other foreign platforms, nor the technical means to block or remove it, the government tends to shut down entire websites – though they still remain accessible through proxies and VPNs. However, the government regularly makes requests to foreign platforms through the PTA and the FIA for user data and content removal and restriction. Compliance with the request depends on the platforms' governing law and guidelines. According to the transparency reports released by Twitter and Facebook, Pakistan made seven account information requests to Twitter and 24 removal requests, none of which were complied with.

On the other hand, upon the request of PTA and the FIA (as cited in Facebook's report), Facebook restricted 177 pieces of content between January and June 2017. Google, in its report for the period January to June 2017, received eight user data disclosure requests and 12 user/account requests, of which 25% were complied with. During the same period, content removal requests were made under the following heads: religious offence, hate speech, defamation and violence. There was 71% compliance with the 10 requests under religious offence; 14% for the two hate speech requests, and 7% compliance each for the one defamation request and the one under violence.

On 10 September, news surfaced of a secretive press law prepared by the government, which drew widespread criticism and was condemned by journalist associations. The law, in essence, was an attempt to bring the print media under a regulatory authority similar to PEMRA, and make it mandatory to obtain fresh licences every year, much in the way electronic media channels do, in order to operate. This was viewed as a direct attack on the freedom of the press. The matter was also raised in the Senate. Following pressure and meetings by heads of journalist associations, the Prime Minister and Information Minister assured journalist groups no such law was being introduced and a probe into the matter was announced.

Well past a week into the Faizabad sit-in, following a clash between protestors and the police on 13 November, the government took notice of the hate speech disseminated through mobile phones and social media. As the operation intensified, Khadim Rizvi, leading the sit-in on behalf of Tehreek-e-Labbaik Ya Rasool Allah, put out videos on Facebook calling protestors to Faizabad. During the entire duration of the sit-in, the group used social media to incite and inflame sentiments.

On 25 November, PEMRA issued a notification prohibiting channels from showing live coverage of the operation. Hours later, channels were pulled off air. Facebook, YouTube, DailyMotion, Twitter and Instagram were also blocked. Internet services around Faizabad and adjoining areas were suspended, as reported by the PTA. The next day, PEMRA and the PTA issued orders for the restoration of channels and social media platforms. During a hearing on November 30, the SC called into question the role of the media and directed PEMRA to be vigilant and present a report.



On 14 November, the Lahore premiere of Shoaib Mansoor's film Verna was cancelled as it did not receive the go-ahead from the censor board. Objections raised against the movie were to the effect that it projected the state and its institutions in a negative light.

PEMRA notices

13 February: Based on recommendations by the Sindh Council of Complaints, PEMRA banned Dr Shahid Masood's programme for 30 days for airing defamatory remarks against the Pakistan Army and ministers for finance and defence. A fine of rupees one million was also imposed on Bol, the channel that aired the programme.

17 February: PEMRA asked the media to show responsibility towards the families of the victims of terrorism.

23 February: PEMRA issued show-cause notices to 29 TV channels for airing false news of a bomb blast in Lahore and 'creating panic' amongst the public. On 25 February PEMRA scheduled a hearing on 2 March to hear the defence of the 29 channels who were issued notices. PEMRA decided to impose a one million rupee fine on each channel and also directed them to air an apology on their screens on 6 March in the same manner and magnitude as the fake news was aired.

2 March: A show-cause notice was issued to music channel 8xM for airing an 'indecent and objectionable song.'

10 March: A show-cause notice was issued to the three presenters of the programme 'Zara Hut Kay' on Dawn News for discussing a reference filed against Justice Siddiqui before the Supreme Judicial Council. On 21 March, exercising powers under Section 27, PEMRA issued a notification suspending the programme on Dawn News for three days.

24 March: A series of notices were sent to as many as nine channels for airing 'fake news' regarding a plane crash.

28 April: PEMRA issued a notification against airing of ex-TTP head Ehsanullah Ehsan's interview.

31 March: A five-day ban and a Rs1 million fine was imposed on Geo News for 'airing objectionable/indecent content'.

29 April: PEMRA issued a show-cause notice to Nickelodeon for airing a cartoon in which characters were dressed 'indecently'. The channel's management was directed to respond within a period of seven days, or face a fine of one million rupees or a suspension or cancellation of landing rights.

4 May: PEMRA issued a set of rules and instructions to channels to ensure they did not include content that incited violence, sectarianism or hurt the sentiments of viewers in soap operas and morning shows.

14 July: PEMRA decided to challenge the Sindh High Court's order to allow Urdu-1 TV channel to air Indian teleplays.

10 August: PEMRA issued several warnings to TV channels. APNA TV was issued a warning for airing 'indecent' content during their morning show on the subject of infertility among men and women, when certain words and terminology 'could have been avoided.' Samaa TV was issued a warning for airing scenes where a girl tried to commit suicide in a hospital ward. Dharti TV was issued a warning for airing an advertisement of a 'spiritual' centre, thus 'inciting viewers to resort to black magic.'

10 August: PEMRA cautioned ARY Digital against airing any advertisement or commercial prohibited by it.

29 August: Geo Entertainment, Hum TV and ARY communications were warned for airing indecent content over the previous few months.

30 August: ARY Digital and TV ONE were cautioned for the shows aired on August 28 and 29, respectively, for indecent content.

6 September: Geo News was censured for issuing an unverified report that Pakistan's Ambassador to the US had been reprimanded by the White House for posting a picture with Michelle Obama.

27 September: A show-cause notice was issued to Geo for airing abusive language by a panellist on its show 'Aaj Shahzeb Khanzada Kay Saath'.

Network disruptions

A frequent measure employed by the government in the name of security is the suspension of mobile phone services. On many occasions during 2017, cellular services were suspended, impacting citizens' rights under Article 19 and 19A, as well as disabling their access to emergency and health services.

Cellular phone services were suspended on 19 March ahead of Pakistan Day. On 14 August, the country's Independence Day was celebrated by switching off mobile phone services. Mobile phone services remained suspended on 30 September on Ashura in multiple cities. The government again suspended

cellular phone service on 10 November on Chehlum.

Access to the Internet and Media

There are still parts of the country where there is little to no access to the media and Internet services. In the various regions that comprise the Federally Administered Tribal Areas (FATA), mobile Internet services are not available, although broadband is available in some areas. However, since 2016, there has been an Internet ban after disruptions at the Torkham border. Cellphone coverage is also limited to certain areas. The access of independent media or NGOs is curtailed and regulated through the issuance of NOCs. Residents are constantly under the gaze of state and non-state actors, and subjected to outdated and harsh treatment by the state through colonial laws, or threats and attacks by non-state actors.

In Balochistan too, there are frequent blackouts or even threats. In parts of Balochistan such as Dalbandin, Qilla Abdullah, Qalat and Panjgur, mobile Internet was inaccessible from February. These areas do have access to broadband, but cost is a factor that deters many who belong to low-income households from investing in it.

Journalists and media houses face threats from outlawed organisations for not covering their activities and come under pressure from the government to ensure there is a blackout of their statements and activities. Three papers in particular came under attack in October. The Baloch Liberation Front issued a warning to dailies *Azadi Quetta*, *Tawar* and *Intekhab*, for not providing them with coverage.

On 25 October, it was reported that newspapers were not delivered in Quetta and other parts of Balochistan due to threats by militant organisations, leading the HRCP to issue a strong condemnation. Despite assurances by the Inspector General of Quetta of additional security for the delivery of publications, many media houses chose not to send copies to the market or to hawkers, after an announcement that they would not be delivered. Though the circulation was restored for two days in between, until the first week of November newspaper delivery remained suspended in several areas of the province.

Between state forces, the government, and militant groups, it is a stifling and volatile environment for groups and individuals trying to report on the regions. While constitutional rights extend to those residing in Balochistan, there is little protection by the state. In FATA, which still operates under the FCR, the residents do not enjoy constitutional rights even on paper and are subjected to oppressive and colonial practices which continue in this day and age.

Intimidation, threats and attacks on journalists, media houses and press clubs

Pakistan still ranks among the 12 countries on the 2017 Global Impunity Index, produced by the Committee to Protect Journalists (CPJ). According to the Index, threats from violent extremist groups operating beyond the reach of authorities underpin high impunity rates in Pakistan, Bangladesh, and Nigeria.

4 January: The walls of the Karachi press club were vandalised and slogans sprayed across the faces of figures painted on them.

19 January: Activists protesting against the disappearance of the bloggers were pelted with stones at a protest.

25 January: Larkana Press Club was vandalised by an armed group belonging to the PPP.

26 January: An armed group occupied Larkana Press Club hours after it was unsealed.



Walls outside Karachi Press Club vandalised

12 February: Taimoor Abbas, a cameraman employed with Samaa TV, was killed in an attack on the DSNG van while they were reporting on a grenade attack on the police. The Tehreek-e-Taliban Pakistan (TTP) claimed responsibility for the attack.

23 February: State Minister for Information Technology and Telecom Anusha Rahman threatened to put a journalist in jail under PECA for 14 years.

2 June: Azaz Syed, senior correspondent for Geo, escaped a kidnapping attempt on his way home in Islamabad.

9 June: Days after finding graffiti on the main door of his house, Rana Tanveer survived an attempt on his life when a car tried to run him over in Lahore. The threat and attack is believed to be in connection with his reporting on minorities, especially stories on the Ahmadi community.

11 June: Bakhshish Elahi, a senior journalist and bureau chief of The K2 Times, was gunned down on his way to Haripur.

24 September: Senior journalist and anchorperson Matiullah Jan was travelling with his family from Bhara Kahu to Islamabad when motorcyclists threw a rock at his car, smashing a part of the windscreen.

30 September: Islamabad-based journalist Shabbir Saham was summoned by the Anti-Terrorism Court to appear before it on 7 October. Saham was booked on charges of defaming PML-N members of the Gilgit-Baltistan Assembly in a column.

27 October: The News journalist Ahmed Noorani was attacked by assailants

with knives near Zero Point in Islamabad.

13 October: Haroon Khan, a correspondent for Waqt News TV in Swabi, was killed outside his home. As reported by BBC Urdu, the Taliban claimed responsibility for the attack. The police, however, maintained his killing was over a land dispute with family.

14 October: Two journalists were abducted by unidentified persons and freed on 16 October. Shahnawaz Khan Tarkzai, a correspondent for Mashal Radio, was taken by armed men from Shabqadar Press Club in Charsadda. Islam Gul Afridi, employed with Akhbar-i-Khyber, was picked up when he was travelling to Peshawar from Islamabad.

14 October: Junaid Khan, a student of journalism at the University of Swat and a freelance contributor, was kidnapped from his house in Saidu Sharif.

29 October: Shamsul Amin Pirzada, a journalist from Landi Kotal, was beaten by a member of Khasadar when he was covering a protest outside a NADRA office. He sustained multiple injuries and was rushed to the hospital for treatment. His camera and mobile were also snatched.

22 November: Muhammad Asim associated with White Star / Dawn and Jehangir Chaudhary with Daily Jang, were beaten up by protestors at Faizabad who also tried to take away their cameras when they were trying to photograph them attacking the police.

23 November: A police officer in Peshawar filed an application before court bringing criminal defamation charges against Islamabad-based journalist Umar Cheema for a story against him.

24 November: Khalil Jibrani, a reporter, and four other journalists, namely Imran Khattak, Farhad Shinwari, Hazrat Umar Khan Shinwari and Mehrab Khan Afridi, were arrested by the Frontier Corps in Landi Kotal after a bomb was found in Jibrani's car. Hassan Ali, a press club employee, was also arrested.

24 November: Aleem Hassan Zaidi, a correspondent for a private TV channel based in Kohat, was shot near his house. He sustained injuries and was taken to hospital for treatment.

20 December: Hassan Farhan Tariq, a crime reporter for Dawn News in Peshawar registered a complaint with the police after he received threats over the phone by persons calling from unknown numbers, warning him of consequences due to his reports being against the 'national interest.'

The chilling effect

In 2017, the use of coercive tactics as well as legal notices and proceedings determined what could or could not be discussed – and to what extent. Collectively, disappearances, abusive campaigns and legal consequences led to a culture of silence cultivated by the state and non-state. Though there were those who lodged complaints with regulators and approached courts to contest these actions, the prevailing environment deterred many from stepping forward from fear of the consequences and reprisals in taking on

those more powerful than themselves, or being implicated in issues that would lead to questions and insinuations regarding character, patriotism or faith.

Though red flags were raised when PECA was being passed and warnings issued that it was an attempt to muzzle dissent, the gravity of the situation did not sink in for most until the bloggers went missing, followed by FIA's detention of political activists, the summoning of journalists for their social media posts, and the initiation of prosecutions under PECA. After the disappearance of the bloggers, there was a spike in disappearances in general around the country – including the disappearance of those protesting against disappearances.

Following the brutal lynching of Mashal Khan, many people reportedly deactivated their social media accounts. There was a very real fear at the time of social media accounts being hacked, and blasphemous content being put on them. Those who chose to retain their accounts did so by going mute on certain subjects, including religion and politics. Those who still posted on these subjects were routinely issued friendly warnings by peers and well-wishers.

Live transmissions of talk shows on television channels were often replaced with recorded programmes in order to exert greater editorial control and edit out what may cause trouble – all due to the fear of what may be misconstrued on 'sensitive' topics, and the repercussions. The ability to question and speak on issues without fear of consequence – ranging from a disappearance or a targeted campaign or physical attack to investigations and prosecutions by the FIA, or notices by PEMRA or the court – was greatly reduced and the potential consequences became the biggest determinants with respect to what was said and how much.

On television, content policing had more to do with checking 'obscene', 'objectionable' or 'immoral' than what was said about the government, state functionaries and institutions. In February 2017, the Minister of State for Information, Broadcasting and National Heritage, assured the Senate that PEMRA had an effective monitoring mechanism to check obscene, sectarian and immoral content.

Very little remained outside the sphere of what was sensitive. Inevitably, questioning state policies and institutions became tantamount to being anti-state. Added to that were labels of being foreign-funded agents peddling an anti-Islamic agenda and, by extension, a blasphemer. And while the ability of citizens and the media calling for due process and rule of law was curtailed, state organs adopted a light-footed and conciliatory approach towards those

who used religion as a tool to attack others – including the state and its functionaries. This was most visible in the Faizabad agreement.

If one had power – whether monetary or the ability to threaten – a different policy and legal standard seemed to apply to them. Where it was the case of less influential individuals or groups, seeking redress and protection against arbitrary actions of the state or under attack by individuals, there was little urgency and action. Complicit and culpable in this culture of abuse are individuals, groups, social media wings of political parties, and cyber armies believed to serve various state agencies.

The cycle of viciousness that started the year closed it as well, serving as a reminder that expression is anything but free. Raza Khan, an activist from Lahore who disappeared in December, remains missing.

There is still no news about the whereabouts of Zeenat Shahzadi, who disappeared a second time. All roads lead back to establishing rule of law in the absence of which space for expression will continue to shrink and threats against those who dare to speak will continue to become more dangerous and violent. Rule of law would require ensuring fundamental rights are protected and citizens are shielded from the excesses of the state – which laws and procedures also enable – and the threat of the non-state.

Recommendations:

- Deweaponise the blasphemy law which is being used to coerce people into silence and putting their lives in danger with false accusations being levelled against them.
- Review powers under the PEMRA Act that allow arbitrary decision-making and moral policing.
- Remove Sections 20 and 37 from PECA which give the state overbroad powers to censor and place yet another tool in the hands of the state to initiate criminal prosecutions against dissidents.

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**

The right to peaceful assembly is separate from the freedom of association but they are both inextricably intertwined, and linked to the freedom of expression. Assembly so often provides the platform to effectively exercise the right of association or the freedom of expression. The UN Special Rapporteur believes that beneficiaries of their mandate 'must be the people who gather and meet in peaceful assemblies, in private or public space, offline or online, to protest or for any other peaceful purposes.' In its broadest sense, therefore, the freedom of assembly is not just the right to form and join trade unions and associations, or to participate in political activities, it is also the right of people to come together to engage in artistic pursuits, cultural and social activities, and religious observances.

The freedom of assembly is enshrined in Article 16 of the constitution of Pakistan, but its application is all too often hampered or curtailed by the imposition of Section 144 of the Criminal Procedure Code (CrPC). If the administration and law enforcement agencies believe there is a risk of obstruction, annoyance or injury to any person lawfully employed, or if there

is a perceived danger to human life, health or safety, or a 'disturbance of the public tranquility', or a riot or affray, they can 'direct a person to abstain from a certain act.'

The restrictions embedded in the law governing freedom of assembly notwithstanding, the citizens of Pakistan continued to exercise their right to protest, demonstrate and hold rallies on everything from power outages and water shortages to legal and political issues. Section 144 prohibits public gatherings of five or more people, processions, protests and rallies in any public place. The year had its fair share of agitation and Section 144 was imposed and extended freely throughout the year on apparently any and every occasion.

In one of its more bizarre applications, the Punjab Agriculture Department ensured that the cotton harvest would start at the right time by imposing Section 144 in January. Cultivation of the crop was banned before 15 April. Farmers were cautioned that any early cultivated cotton crop would be destroyed under Section 144 and legal action would be taken against the violators.

Section 144 also accompanied a ban on swimming in the coastal areas of Karachi during the Eid-ul-Fitr holidays as one of the 'reasonable precautions' taken for the safety of picnickers. It is worth noting that thirty picnickers drowned in rough seas in 2014.

In general, the demonstrations and protests passed off peacefully, with little interference from the authorities. At times, however, the events erupted into violence with blame apportioned to both agitators and law enforcers. Sometimes the restrictions appeared unnecessary and at other times politically motivated.

Those who did take to the streets for peaceful protest, demonstration or any purpose also faced a much deadlier threat than state imposed restrictions. They became vulnerable to terrorism, presenting an opportunity for maximum casualties.

The case for control

Justification for limiting freedom of assembly is generally accepted in situations where the protection of public safety and public order is necessary. Other considerations are the need to counter crime and control traffic. If lessons had been learned from previous years, they were not applied in 2017. In Islamabad, political and religious parties were denied the right to hold protest gatherings and rallies in free spaces when the Islamabad High Court (IHC) banned all such activities except at the Democracy Park and Speech Corner at the Parade Ground.

On 16 February, a detailed judgment was issued on petitions that had been

filed against a planned 'lockdown' of Islamabad by Tehreek-e-Insaf (PTI) in November 2016. The judgment directed the federal government 'to formulate a comprehensive strategy outlining restrictions based on public policy on the right to assemble' and to 'keep paramount the fundamental rights of the public at large while pursuing the broader aims of national security and public safety.' The judgment was released after 14 people, including two senior police officers, were killed in a terrorist attack outside the Punjab Assembly in Lahore.

The petitions submitted to the IHC against the protest said a lockdown of Islamabad would affect the fundamental rights as given in the Constitution's Article 9 (the right to life), Article 14 (the right to dignity), Article 15 (freedom of movement), Article 18 (right to trade), Article 25-A (right to education), and Article 26 (non-discrimination in respect of access to public places).

The court observed that besides Article 16, Article 26 of the International Convention on Civil and Political Rights recognised the right to peaceful assembly as no restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interest of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedom of others.

Similarly, the judgment noted that Article 12 of the Charter of Fundamental Rights of the European Union says: 'Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters which implies the right of everyone to form and to join trade unions for the protection of his or her interest.'

The verdict said the right to assemble was subject to 'reasonable restrictions.' It regretted that those who speak about democracy, fundamental and constitutional rights ignored the rest.

It said the court had a duty to strike a proper balance between the freedom to peacefully assemble and the competing rights of those who live, work, shop, trade and carry on business in the locality affected due to the assembly, adding this balance should ensure that other activities taking place in the same city/region may remain unaffected if they themselves do not impose unreasonable burdens.

The court directed that in order to ensure the protection of life, security of citizens, property and fundamental rights of the citizens living in Islamabad, the state was duty bound to protect these rights and take all remedial steps in accordance with the law.

'If any attempt is made to block or lock down Islamabad or any effort is made to disrupt the normal life in the city, the administration has the authority to

deal with the situation as per mandate of law,' the judgment concluded. Interestingly, many protests and demonstrations either ignored the bans and restrictions on venue, or were permitted by the authorities.

March, Karachi: Thousands of commuters were caught up in a massive gridlock caused by the Tehreek-i-Labbaik Ya Rasool Allah demonstrating against the detention of their leaders in Lahore. Efforts by the police failed to persuade them to move from the red zone where they had gathered in defiance of a ban on protests and rallies under Section 144. Police finally used tear gas followed by a baton charge and water cannon to disperse them.



One of the many demonstrations that plagued the country during 2017.

June, Lahore: It was reported that dozens of policemen forcibly shut down a protest organised by the Pakistan Kisan Rabta Committee (PKRC) to demand the release of arrested leaders of the Anjuman-i-Mazareen Punjab (AMP). Earlier, AMP members and farmers found their villages barricaded early in the morning, and were unable to join the demonstration organised in front of the Lahore Press Club.

When members of the PKRC and supporters arrived at the Lahore Press Club, they found a heavy police contingent already deployed there. According to reports, the police claimed they had received special directions to clamp down on the farmers' protest without specifying where those directions had come from and why.

June, Parachinar: Tens of thousands of people protested in Parachinar to demand better security after twin bombings in a market there killed 75 people. The crowd, enraged over what they saw as the failure of authorities to ensure security, had been further outraged by the shooting of three protesters by police trying to keep order.

June, Quetta: Local authorities and the police prevented nurses from state-run hospitals from holding a rally. They were told by the local administration and police officials that Section 144 was in force. The nurses had been on strike for three days to press the government for acceptance of their demands.

July, Dera Ismail Khan/Kohat: Consumers in various localities of Dera Ismail Khan reacted to excessive power outages by setting the Wapda House at Panyala on fire. They blocked roads for several hours, shouting slogans against the Peshawar Electric Supply Company, the federal government, and others for their failure to ensure an adequate power supply.

August, Karachi: Police fired shots in the air and used tear gas shells as well as water cannon to stop participants in an Imamia Students Organisation (ISO) rally from marching towards the US consulate general to protest over remarks made by President Donald Trump against Pakistan. A police spokesperson said that in view of the prevailing security situation and the past history of violent protests at the consulate general, the ISO had been asked to hold their protest at the Karachi Press Club but they had refused.

October, Lahore: The administration decided to avoid the possibility of a religious clash by preventing members of religious-cum-political parties to hold a 'manazara' (open debate) on the issue of a recent constitutional amendment about Khatam-e-Nabuwwat. The police arrested as many as 100 followers of different religious schools of thought, to maintain law and order under Section 144 that had been imposed a day earlier.

October, Lahore: Law enforcement personnel remained alert and vigilant to maintain law and order, while avoiding any untoward situation around the Lahore Press Club. On Thursday, the Labbaik Ya Rasool Allah chairperson had challenged a Senator, who was a religious leader of Ahle Hadith, to a debate in front of the press club over changes in the Khatam-e-Nabuwwat laws. After the imposition of Section 144, police arrested several protestors. Police contingents surrounded the area and claimed to have arrested 45 people, including the leader of Tehrik-e-Labbaiq Ya Rasool Allah (TLYR).

October, Kasur: Residents of Mahmoodpura village were shocked when police raided their houses to arrest around 50 accused in a case registered against them for holding a protest against the railways authorities after a death on an unmanned crossing. The villagers escaped and no arrests were made. They claimed to have been unaware of the cases registered against them.

November, Lahore: Several activists of Tehreek-i-Labbaiq were arrested in different cities over rioting and blocking roads, while cases were registered against hundreds of others. Later, various protest demonstrations were held against the arrests and police action against the party activists and the leaders demanded the immediate release of the detainees.

November, Gujrat: The law enforcement agencies arrested around 30 more Tehreek-i-Labbaiq activists after a group of agitating students blocked traffic at a bridge along the old GT Road. The protesters, carrying placards and

clubs, were demanding the release of their fellow students who had earlier been arrested and detained by the police. The protestors started dispersing after the police contingent blocked them off, but around a dozen were arrested.

Counting the cost

Time and again, the public has voiced its concern about the disruption to business and daily life caused by numerous rallies and sit-ins.

The year began with Lahore experiencing massive traffic jams as all major roads were blocked off with containers in anticipation of a rally organised by Tehreek-i-Labbaik Ya Rasool Allah. On the eve of the 6th death anniversary of the former governor of the Punjab, Salman Taseer, the group had demanded that a ban should be imposed on lighting candles in remembrance of the governor, who had allegedly committed blasphemy.

The HRCP voiced grave concern over the official closure of Lahore city and the government's method of crowd management. It drew comparisons with how protests were managed in other countries without resorting to excessive force or draconian measures.

Following his disqualification by the Supreme Court, Nawaz Sharif embarked on a rally from Islamabad to Lahore in August. Massive security measures were put in place and thousands of police were deployed. Before his arrival in Lahore, an explosive device detonated in a fruit truck placed on the route that the rally was to take. The previous week, Islamabad Police had cited threats from various militant groups and expressed reservations about the rally.

Later in September, multiple political rallies in Lahore triggered traffic chaos across the city. Police reinforcements had to be sent in to control the situation. As the huge rallies passed through major roads, police blocked off several of them, citing security as the reason. Traffic officers struggled to clear traffic as motorists were trapped in long tailbacks.

The increasing predilection for sit-ins in areas likely to cause the most inconvenience has become the bane of the average citizen. The most contentious during the year was the prolonged sit-in during November at the Faizabad Interchange by the religious group Tehreek-i-Labbaik Ya Rasool Allah. The action was over a sworn oath affirming a politician's belief in the finality of prophethood (Khatam-i-Nabuwat) which the protestors said was deliberately modified as part of a larger conspiracy during the passage of the Elections Act 2017. The eventual surrender to the long list of demands made by the demonstrators was seen as an ignominious and ominous submission to radicalism.

The Pakistan Electronic Media Regulatory Authority (PEMRA) banned live



A child died on the way to hospital because the roads were blocked by the sit-in

TV coverage of the sit-in. The protesters were also accused of beating up two photojournalists and several others during their sit-in.

Skirmishes developed between law enforcement agencies and the protesters, who burned cars and reportedly shut down markets. They also reportedly looted and burnt police vehicles and motorcycles, set fire to a police checkpoint, and set alight a TV channel van. The Metro bus station on Sixth Road was damaged. Trees were also cut down to block roads.

The situation escalated into violent scenes with the security personnel employing tear gas and rubber bullets to disperse agitators, and the protesters hurling stones, rocks and even tear gas shells at the advancing security forces.

After the unsuccessful day-long operation to disperse the protesters, the civil and military leadership decided against the use of force to disperse the violent protesters, a move that astounded many given the lack of restraint shown when curbing the activities of other more peaceful sections of society. The pressure mounted as demonstrations in support of the protesters spread throughout the country.

The assistance of the armed forces was sought and the sit-in eventually ended when the protesters' demands were met. Placatory scenes involving cash being handed out by the Director General Rangers went viral on social media. Seven people had been killed and scores injured. The federal minister for law resigned.

While the sit-in dragged on and a series of deadlines expired, the citizens had

become more and more agitated themselves as businesses, commercial centres and educational institutions remained closed.

According to media reports, as part of the security measures police impounded over 200 containers to control access to the city, hired five cranes and ten trailers to move the containers around, and requisitioned 19 water tankers – 15 to refill water cannons and four to supply drinking water to on-duty personnel. A further 40 vehicles, including buses and wagons, had been acquired to transport personnel.

Police officials, intelligence agencies and the Punjab government submitted reports to the Supreme Court in the aftermath of the sit-in. According to one report, the losses incurred stood at Rs146 million.

The leaders and organisers of the rally were charged over the death of an eight-month-old child who passed away after the ambulance taking him to hospital was blocked by protesters. According to the father, the demonstrators would not allow them through.

In August, the Mall Road Traders Association (MRTA) challenged the sit-in being organised by the women's wing of the Pakistan Awami Tehreek (PAT) on Lahore's Mall Road. Counsel for the petitioners said that the protest would be in violation of the high court order that had already banned protests and processions on Mall Road and the government had also imposed Section 144. It was further stated that Mall Road was vulnerable to terrorist attacks. In addition, it would also badly affect business activities. The Lahore High Court (LHC) initially barred the party from holding the sit-in, but permission was later given by the Punjab government on the assurance that the gathering would not obstruct traffic and would conclude by 10pm.

The Lahore Chamber of Commerce (LCC) also urged police to strictly deal with those flouting the ban on protests and sit-ins on the Mall Road, as they were affecting routine business activities and creating traffic and security issues.

Terrorism and freedom of assembly

There were several incidents of terrorist attacks on places where people had congregated for one purpose or another:

21 January, Parachinar: People had gathered to buy and sell fruit and vegetables in the Kurram agency's major town when a powerful explosion struck leaving more than 25 people dead and over 60 injured.

13 February, Lahore: A suicide bombing killed at least 14 people and injured 87 others at a large protest rally in Lahore. Hundreds of pharmacists and pharmaceutical manufacturers had rallied in front of the provincial assembly building against government regulations on drug sales. Senior law officials

were among those killed.

16 February, Sindh: A powerful explosion took place in Sehwan city of Jamshoro district in Sindh. Hundreds had gathered at the shrine of Lal Shahbaz Qalandar for the dhamaal and the place was packed when a loud blast occurred. The incident left around 88 people dead and countless injured.

31 March, Parachinar: A busy marketplace outside an imambargah was targeted by a powerful bomb explosion, killing at least 24 people and leaving 90 others injured.

23 June, Parachinar: A third major attack in this area claimed the lives of at least 45 people with 300 others wounded. Twin blasts were timed at a peak time when people were shopping in the Turi Bazaar for iftar and Eid.

24 July, Lahore: An explosion in a busy vegetable market killed at least 26 people, including nine policemen.

7 August, Lahore: Explosives were detonated in a truck laden with fruit that had been parked on the route that the Nawaz Sharif rally was due to take. One person was killed and 35 others were injured by the blast.

5 October, Balochistan: A suicide blast at Fatehpur shrine in Jhal Magsi district of the province targeted worshippers as they visited a Sufi shrine. At least 24 people were killed and over 30 others injured.

17 December, Quetta: A church in Quetta was attacked in the week leading up to Christmas, killing nine and injuring at least 50 others.

Exercising the right to assemble

Notwithstanding the restrictions imposed both by law and decree, the citizens of Pakistan exercised their right to take to the streets or organise sit-ins on anything ranging from the price of petrol to political rallies and everything in-between.

January

Supporters of radical Islamist cleric Hafiz Mohammad Saeed held large protests in different cities across the country, including Karachi, Lahore, Rawalpindi, Peshawar, and Faisalabad against the detention of Jamaat-ud-Dawa chief Hafiz Saeed, who was put under house arrest.

Other Islamist groups denounced the government for the crackdown and called for further protests. Saeed was accused of masterminding a terrorist siege in 2008 in Mumbai that killed 166 people.

March

Islamabad: Thousands of people in Islamabad defied a ban on demonstrations to observe the death anniversary of Mumtaz Qadri, the convicted murderer of the former governor of Punjab. The Punjab government had said that protests would not be allowed to take place in the city due to a spate of bombings and attacks that have killed more than 130 people nationwide. However, police termed the protests peaceful and said

the crowds dispersed after the speakers had finished.

June

Multan: Citizens of Multan held protest demonstrations across the city against the waste management authorities as heaps of garbage remained scattered in many areas.

July

Mansehra: Police lodged an FIR against hundreds of people who blocked the Abbottabad road to traffic while holding a protest against power outages. The protesters had blocked the Mansehra-Abbottabad road after placing big rocks on it, causing inconvenience to passengers on Tuesday night.

September

Lahore: Various religious parties staged rallies and demonstrations across the country to express solidarity with the oppressed Rohingya Muslims and demand the expulsion of the Myanmar envoy. They also called for ties with the Buddhist country to be severed.

October

Gilgit: Lawyers' strikes apparently paralysed the entire judicial system of Gilgit-Baltistan. According to reports, the GB lawyers' associations went on strike against the vacant posts of judges in the chief court, supreme appellate court, service tribunal and election tribunal in the region.

Islamabad: Over 70 students of Quaid-i-Azam University (QAU) were apprehended by the police after they continued to protest and disrupt academic activities at the university. Students had been on strike since 4 October, but following acceptance of almost all their major demands, including the withdrawal of a 10 percent increase in fees, five of the six student councils called off the strike. However, the Baloch Students Council said it would continue the strike until all the students expelled for their involvement in a clash on the campus in May were reinstated. Groups of protesters swarmed into classrooms asking the students to leave. The students gathered in open areas and started their protest once again. The vice chancellor then asked the police to intervene.

November

Lahore: Religious parties and lawyers blocked city roads at three different locations causing huge problems to traffic. The MWM staged a sit-in outside the Lahore Press Club for a few hours till late in the evening against the kidnapping of its deputy secretary; the Tehreek-i-Labbaik blocked GT Road at Shalamar Chowk for the release of their leaders and workers who were arrested for protesting on the Khatam-i-Nabuwwat issue, and lawyers were protesting following a scuffle between a lawyer and a citizen at Safanwala Chowk.

Lahore: The provincial capital saw 200 different demonstrations by health workers in 2017. In most cases, the protests were against public medical institutes being privatised. Despite repeated assurances from the government, the number of demonstrations indicated that the health department employees were far from convinced.

Lahore: The Parent Action Committee (PAC) launched another protest drive against private educational institutions over an unjustified and unexplained increase in fees.

Lahore: A number of electricity workers staged a demonstration in front of the Lahore Electric Supply Company (Lesco) headquarters on Queen's Road to press for the acceptance of their demands.

Karachi: As in other parts of the country, activists and workers of the Pakistan People's Party (PPP) took out rallies, held demonstrations and staged sit-ins across Sindh in protest against the fresh hike in prices of petroleum products.

Karachi: The Karachi chapter of the Democratic Students Federation organised a token hunger strike outside the Karachi Press Club to show solidarity with the ongoing hunger strike by students of the Quaid-e-Azam University in Islamabad and call for the reinstatement of the expelled Baloch students.

The use and abuse of freedom

The battle to secure the right to peaceful assembly hits a roadblock of its own when protestors turn violent and provoke forcible police intervention. When tensions run high on both sides, law enforcement officials do not always exercise restraint or use force proportionate to the offence and, in fact, may not have a choice if their own or the public's safety is taken into account.

In February, Bunder Road in Sukkur resembled a battlefield amid clashes between the police and an unruly mob that set a police van and motorcycle ablaze. The protestors were demonstrating against the disappearance of two men.

The University of Gujrat in February banned least 18 students from its campuses for leading protest demonstrations on the Hafiz Hayat campus. The protesting students had gathered in front of the Vice Chancellor Secretariat and some of them turned violent. During the protest the Vice-chancellor and his personal staff were allegedly manhandled. The protesters had also smashed windowpanes and damaged the varsity's vehicles.

In May, a member of the Khyber Pakhtunkhwa cabinet, a PTI MNA, and at least five others, were arrested for leading a mob into ransacking an SDO's office in the Batkhela area. According to eyewitnesses, baton-wielding protesters stormed the Peshawar Electric Supply Company's (Pesco) Dargai subdivision office and set the offices on fire. They then smashed computers, doors and windowpanes, destroyed office records, and damaged the

executive engineer's vehicle.

Two activists of the Pakistan Tehreek-e-Insaf were killed and 14 others wounded in a violent protest against prolonged power loadshedding in the Dargai tehsil of Malakand, Khyber Pakhtunkhwa. The army was called in to stop the violence. Similar protests had been held in several districts.

In June, two women were shot at and wounded in Karachi when a protest against the alleged detention of three persons by law enforcement personnel turned violent on the main National Highway in Malir. According to police and rescue officials, several residents including women had held a sit-in on the highway near the Malir district courts. They set tyres on fire, blocking traffic on the main artery linking the city with the airport.

Also in June, the standoff between members of the Young Doctors Association (YDA) and the Khyber Pakhtunkhwa government took a turn for the worse in Peshawar after police at the Hayatabad Medical Complex (HMC) baton-charged the protesting doctors who were trying to close down wards and the out-patient department.

In August, the Young Doctors' Association staged a sit-in in Lahore and clashed with police. Water cannons and tear gas were employed to disperse the protestors.

Over a hundred lawyers marched down the Mall Road and forced their way past the judges' entry gate of the Lahore High Court in August, clashing with security personnel. They were protesting against non-bailable arrest warrants issued for the Multan bench president of the Lahore High Court Bar Association, who had repeatedly refused to join the contempt of court case initiated against him for misbehaving with an LHC judge.

The riot police deployed inside the high court premises were unable to contain the protesting lawyers and resorted to using water cannons and tear gas to disperse them. The tear gas affected passers-by and commuters within a 2km radius of the high court and traffic on the Mall Road remained jammed most of the day. Around a dozen lawyers were taken to Mayo Hospital where they were treated for minor bruises received during the clash with the security personnel. A few policemen were also slightly injured. The lawyers then staged a sit-in in front of the judges' gate.

Three cases were registered in September against more than 200 students of the Government Islamia College in Faisalabad on the charges of arson and hooliganism. They were protesting against a student's death in an accident and set ablaze at least six buses.

In October, on the sixth day of a 25-day strike over their demands for the separation of the hospital from the University to secure civil servant status,

dozens of Pakistan Institute of Medical Sciences protestors entered the administration block. They forced the Vice-Chancellor of the Shaheed Zulfiqar Bhutto Medical University out of his office and locked his room.

In November, police resorted to tear gas and baton charge while firing shots in the air to disperse a mob that had blocked both tracks of the Karachi national highway. They were protesting against an anti-encroachment drive in Malir and pelted the police with stones.

Again in November, a large number of residents of Citizen Colony and other localities in Hyderabad protested against the Water and Sanitation Agency over the dilapidated sewerage system, stagnant sewage, and potholed roads. The protestors wielded sticks and threw stones, burning tyres and garbage to block the traffic.

The heavy hand of the law

In January in the city of Karachi, police and religious party activists attacked social activists and women who were protesting over the disappearance of Salman Haider and other human rights activists in Islamabad a few days earlier. The protest was organised by the National Trade Union Federation (NTUF). The protesters alleged that these activists had been kidnapped by Law Enforcement Agencies (LEAs) and chanted slogans against the LEAs. Workers of Jamaat-e-Ahle Sunnat Pakistan arrived at the scene to protest against the NTUF. According to eye witnesses, these workers along with the police suddenly attacked the protesters. Rangers and FC personnel were also rushed to the site. The police baton charged the protesters and arrested some of them.

In April, the Ghaziabad police in Sahiwal division registered a case against 40 wheat farmers when they protested at being inconvenienced at the wheat procurement centre where they had gone to collect gunny bags. The farmers later complained about police high-handedness and refusal to hear their grievances. Eyewitnesses said police resorted to baton-charge and manhandling of the farmers and the food centre had to stop dealing.

Again in April, police broke up a peaceful demonstration of the Pakistan Tehreek-e-Insaf (PTI) regarding the Panama Papers case in Muzaffarabad, the capital of Azad Jammu and Kashmir (AJK). They resorted to a baton charge and briefly detained activists. As the PTI leaders started making speeches, police swung into action, using batons to disperse the PTI workers. Police said they took action because the gathering was held in violation of Section 144 of the CrPC. The PTI leaders complained that the Pakistan Muslim League-N had been allowed to hold a rally at the same place on 20 April to celebrate the court's verdict. The detainees were, however, released after two and a half hours.

The arrests of PTI activists in April from outside the Karachi Press Club when they were protesting the removal of the Sindh IG and calling for police reforms were seen by many as yet more evidence of the Sindh government's attitude to any form of opposition. The PTI activists had been protesting outside the press club when they were baton-charged and water cannons were used by the police to disperse them. They started marching towards the Chief Minister's House when they were arrested and booked for violation of Section 144.



Police break up a peaceful protest

Also in April, police stopped several hundred primary schoolteachers from holding a sit-in outside the Bhutto mausoleum, in Garhi Khuda Bukhsh. The teachers from the Larkana and Sukkur divisions had marched for a kilometre, carrying banners with their demands, when they were stopped by police. The president and general secretary of the All Sindh Primary Teachers Association who were leading the peaceful protesters were unsuccessful in persuading the police to allow them to proceed to the mausoleum.

In May, ten workers of the Pakistan Tehreek-e-Insaaf (PTI) along with the party's District West president were arrested by police in Karachi after they held a demonstration outside the K-Electric (K-E) office in SITE's Metroville area. They were protesting widespread power outages across the city during the first sehri of Ramazan. The workers were apparently arrested after K-E officials summoned police to remove the protestors. According to a senior party leader, the people were exercising their basic right to protest and this was a form of oppression against the masses in the holy month of Ramazan. In another incident in May, over two dozen demonstrators and at least eight policemen, including three DSPs and an inspector, were injured in

Islamabad. Law enforcement officials used a baton charge and tear gas to disperse protesting farmers, who had gathered to press for their demands on budget day.

Yet another incident in Islamabad in May saw around 200 clerks taken into custody by the police from various localities of the capital. The police said it was because they planned to hold a protest. No legal action was initiated against them and they were later released. Clerks apparently have regularly staged protests before the budget, demanding increases in their salaries and other benefits and privileges. According to the police, the protests had turned aggressive over the previous two years and force had to be used to disperse them.

Right to enjoyment

On 13 February, the Islamabad High Court prohibited the celebration of Valentine's Day in public spaces across the country 'with immediate effect'. The order was handed down on a petition submitted by a citizen who called for a ban on the celebration on the grounds that 'immorality, nudity and indecency is being promoted which is against our rich culture.'

For the third year running, the Lahore Literary Festival was affected by 'security concerns'. The planned three-day event in February was curtailed to one day and moved to a different venue that was deemed more manageable by the authorities concerned.

Also in February, the town of Sibi in Quetta shut down in protest against the last-minute postponement of a week-long cultural and traditional festival by the provincial government. The dissenters said it gave out the wrong message that the government was unable to provide security for such events. In May, an event celebrating arts and culture at the University of Peshawar was marred by a protest by the student group Islamia Jamiat-e-Talaba (IJT). The event was to feature a session on Pashto poetry and music. The IJT general secretary on campus said the university 's rules prohibited professional musicians from performing in events on campus where boys and girls could mingle. According to him, both male and female students were performing the Attan dance together, which was 'shameful for an educational institute.' He claimed the IJT did not interfere in the function or forcibly stop it but 'just held a peaceful protest against the spread of vulgarity.'

In November, the HRCP issued a statement expressing alarm at an incident where a peace committee in Wana, South Waziristan, had issued a ban on virtually all socio-cultural activities in the region, including prohibiting locals from using public spaces after 10pm. The South Waziristan authorities publicly denied the incident, despite the wide availability of the pamphlet setting out the restrictive guidelines.

Recommendations

- Create platforms to address the concerns of citizens and bodies to carry out reforms. Many of the protests held during the year demonstrated the people's justifiable frustration with the very difficult conditions they have to endure and their perception that their grievances are not being addressed.
- End the indiscriminate use of Section 144 to restrict the freedom of peaceful assembly.
- Develop a policy for the future that seeks to alleviate inconvenience and discomfort to the people in cases where protests need to be regulated.
- Ensure that law enforcement agencies are given specialised training in crowd management to deal with demonstrations, rallies and protests. Above all, the use of disproportionate force must be avoided.
- Take steps to prevent the proliferation of an environment in which intolerance and extremism seriously impact on the freedom of citizens to engage in all forms of socio-cultural activities.

Freedom of association

(1) 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.

**ICCPR
Article 22**

Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous 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**

The constitution and laws provide for the freedom of association, under which citizens have the right to form and be part of a trade union, a political party or any other association or voluntary group, but these freedoms have been subject to restrictions.

The International Trade Union Confederation (ITUC) 2017 Global Rights Index puts Pakistan in the category of countries which are the worst in the world to work in. While certain rights are enshrined in law, workers have no guarantee of rights and are therefore exposed to unfair labour practices.

Pakistan became eligible in 2014 for the Generalised System of Preferences (GSP) Plus, an instrument of the EU's trade policy that encourages developing countries to comply with core international standards in return for trade incentives. Valid for ten years, the status has to be reviewed every two years and the next review is due in January 2018.

The status can be withdrawn earlier if Pakistan is found to be violating any of the core principles of the Conventions it has ratified, one of them being labour rights. The core labour standards relate to the categories of freedom of association and the effective recognition of the right to collective bargaining; the elimination of forced or compulsory labour; the abolition of child labour, and the elimination of discrimination in respect of employment and occupation.

Freedom of association and the right to collective bargaining are considered inalienable rights and fundamental to democratic principles. This freedom is allied to the freedoms of assembly and expression, and is covered under Target 8.8 and Target 16.10 of the Sustainable Development Goals.

Trade Unions

When labour was devolved to the provinces under the 18th Amendment, provinces implemented their own industrial relations Acts in 2011. In 2012, Parliament passed a new Act that took International Labour Organisation (ILO) conventions into account but applied them only to the Islamabad Capital Territory and to trade federations that operated in more than one province. Coordination of labour matters still rests with the federal government, which has to ensure that provincial agreements comply with the Conventions that Pakistan has ratified.

In general, these Acts incorporate the requirements of the relevant international conventions, but the main difficulty is compliance with the terms of the legislation because of explicit and implicit exclusions of certain categories of workers.

Explicitly excluded from organising and forming trade unions are public sector workers which include civil servants, police, armed forces, workers in Ordnance Factories, charitable organisations, hospitals and people working mainly in managerial and administrative capacity. Not specifically mentioned but without any recourse to representation are agriculture workers, and home-based workers. Although the Punjab Department of Labour registered the Domestic Workers' Union in 2015, this group of workers remains largely isolated and unrepresented. (Sindh and Balochistan have amended their industrial relations legislation allowing the formation of trade unions in the agriculture and fisheries sectors.) At the provincial level, laws providing for collective bargaining rights excluded banking and

financial sector workers, forestry workers, hospital workers, self-employed farmers, and persons employed in an administrative or managerial capacity. Early in March 2017, the Pakistan Workers' Federation, a body that represents over 1,400 trade unions across the country, called for reforms in labour law, particularly in the forming of trade unions. The Federation says that only three percent of workers in the country are associated with trade unions, with the vast majority unwilling to form or join unions out of fear of their employers.

While there is no doubt that work on the China-Pakistan Economic Corridor (CPEC) may create employment for a vast number of Pakistani workers, the labour laws that will be applicable to them have yet to be clarified, and have probably not yet been addressed. China has the same Global Rights Index ranking as Pakistan, but arguably has less favourable working conditions and attitudes towards workers' rights. This is an opportunity for negotiators on the Pakistani side to demonstrate a willingness to take workers' rights into account.

In May 2017, it was reported that 32 workers had been terminated by the textile garment manufacturer Khaadi after they tried to form a union and demanded the minimum wage. The workers claimed they were not given employment letters, and had to work long hours in unfair working conditions.



32 workers were terminated by Khaadi after they tried to form a union and demanded the minimum wage.

The dispute was eventually resolved when agreement was reached with the National Trade Union Federation (NTUF), with Khaadi agreeing to improve the implementation of labour laws at its production units, including minimum wage regulations. It also agreed that employees would be issued with appointment letters, and registered with the EOBI and Sindh Social Security. The brand also clarified in the agreement that 'Khaadi discourages all kinds of gender-based discrimination against women'.

In September, it was reported that two employees of the Capital Development Authority (CDA) Islamabad were demoted for attending a union protest despite being officers of the authority.

Riaz Khan and Javed Masih were both given the 'major penalty i.e. reduction to lower post' for 'misconduct by attending Union protest being officers'.

In September, scores of powerloom workers held a protest sit-in at Shahbaz Chowk in Toba Tek Singh. The Powerloom Workers Association said the Punjab government had notified the factory owners to pay Rs665 per eight hours to each worker but labourers were being paid just Rs450 for 12 hours to run six powerlooms.

They said the owners of the powerloom factories had closed their units when the workers insisted on implementation of the notification, rendering 7,000 workers jobless.

The Powerloom Owners Association claimed that they had been forced to close the factories because they were already facing losses and could not meet the demand for a wage increase.

In December, the workers threatened to launch a protest campaign if their demands were not met, and claimed that the rights of the factory owners were being put before the rights of the workers.

INGOs

The Pakistan government has in recent years restricted the operations of international non-governmental organisations and their local partners by withholding visas, and introducing complicated registration and project approval requirements. INGOs also have to have annual financial and performance audits.

Groups that work on human rights and democracy are reportedly facing additional scrutiny and harassment, with one foreign-funded human rights organisation claiming they had been assigned Ministry of Interior and Inter-Services Intelligence liaison officers.

In June, the federal government barred 23 international aid groups from operating in Pakistan.

In December, a further 21 foreign-aid groups were ordered to wrap up their activities and prepare to leave after they failed to re-register under the tough regulations. Among them were Open Society Foundation (OSF) and ActionAid. The government was reported to be looking at 19 other foreign-aid groups.



Many of the organisations which have now been banned, including Open Society Foundation and Action Aid, have worked in Pakistan for decades, enabling access to education, health, food, and emergency relief for hundreds and thousands of ordinary people, as well as empowerment of women and children.

According to the Ministry's website, by the end of the year 139 INGOs had applied for registration, 66 had been approved, and 72 were 'under process'. Both the federal and provincial governments similarly restricted the access of local NGOs, requiring them to obtain NOCs before accepting foreign funding, booking hotels or university spaces for events, or working on sensitive human rights issues. Even then, some domestic NGOs with all the required NOCs reportedly faced government harassment.

Victims by association

The long-persecuted Ahmadi community, forbidden to call themselves Muslim, have suffered victimisation and violence, as reported elsewhere in this publication. Ahmadis are denied the right to freely and fairly vote in local, provincial and national elections and thus lacked representation at national, provincial and district level. In a possible bid to win the support of conservative voters, a lawmaker in the National Assembly called for Ahmadis to be barred from employment in the government, judiciary and military, and his remarks were not censured at the time.

A member of the Sindh Assembly, belonging to the Muttahida Qaumi Movement-Pakistan (MQM-P), survived a gun attack in Karachi's Central District in June. MPA Jamal Ahmed was fired upon near his home by an unidentified motorcyclist. The lawmaker was unhurt and his attacker fled the scene.

In September 2017, Khawaja Izharul Hassan, another MQM lawmaker and Leader of the Opposition in the Sindh Assembly, survived an assassination attempt when he was returning home from Eid prayers. One of the assailants was killed in the crossfire, along with one of Khawaja Izharul Hassan's guards and a teenager. Four other people were reported to have been injured.

In July, two workers of the Pak-Sarzameen Party (PSP) were gunned down in Orangi Town in Karachi.

ProtectDefenders.eu, a European Union human rights defenders' mechanism that works to protect defenders at risk around the world, launched its index of attacks against human rights defenders in March 2017. According to the index, there were 18 verified reports of violations against defenders: two killings, one attempted murder, eight enforced disappearances, six physical attacks, and one case of judicial harassment.

Student unions

In a welcomed move, the Senate Committee of the Whole passed a resolution on 22 August calling for the revival of student unions in educational institutions. Senate members said that student unions had an important role to play and claimed that Mashal Khan's murder would not have taken place had a student union been there to back him.

The Senators observed that violence on campuses had increased in the years of the ban and that students were joining informal ethnic groups instead which were very divisive.

It was also stressed, however, that the federal and provincial governments must enforce a no-weapons policy on campuses and that administrations of educational institutions should impose a set code of conduct to maintain peace and order.

The ban on student unions was imposed in 1984 by the regime of General Ziaul Haq. The orders were later rescinded by the first government of Benazir Bhutto in 1988. Three years later, the unions were challenged in the Supreme Court of Pakistan on the grounds that they were contributing to on-campus violence. In 1993, the Supreme Court imposed a ban on the political nature of student unions.

Banned organisations

While bloggers are regularly picked up and even sentenced to death on charges of blasphemy, banned organisations in Pakistan continue to operate freely on social media sites where they spread hate, recruit, raise money and demand a rigid Islamic system. According to media investigations and reports, of the 64 banned organisations, at least 41 are functioning without regulation.

The majority appeared to be based in larger urban centres such as Karachi, Lahore, Peshawar and Quetta. Where information on educational institutions they had attended was mentioned, it mostly indicated large, government-run universities, particularly in Sindh and Balochistan.

In July, a senior Facebook official met with Pakistan's interior minister to discuss a demand that the company prevent blasphemous content or be blocked. The company issued a statement expressing its 'deep commitment to protecting the rights of the people who use its service, and to enabling people to express themselves freely and safely.'

The Parliamentary Committee on National Security had apparently sought a briefing on the reported activities of banned outfits on Facebook in May, and in November it was reported that at least nine Facebook pages purportedly spreading anti-state propaganda had been taken down at the request of the

Pakistan Telecommunication Authority.

In September, media reports revealed that members of a Senate committee had protested against a list, allegedly issued by the Intelligence Bureau (IB), that contained the names of over 37 lawmakers suspected of having links with banned organisations. A private television channel had aired a report claiming that former prime minister Nawaz Sharif had directed the IB on 10 July – three weeks before his disqualification – to monitor the listed legislators, mostly belonging to the PML-N.

A number of ministers whose names appeared on the ‘fabricated’ list claimed it was meant to damage their reputation and called for strict action to be taken. The intelligence agency denied the media reports. A PEMRA handout subsequently reported that the IB had lodged a complaint with the television channel and the show’s host and PEMRA had forwarded the complaint to the Council of Complaints for further action.

Political affiliations

In January, the Punjab government placed Hafiz Saeed and four other party leaders under house arrest after issuance of a letter by the Interior Ministry which stated ‘The Jamaat-ud-Dawa and Falah-e-Insaniat Foundation (FIF) – public welfare arm of the Jamaat-ud-Dawa – have been put on the watch list and listed in the second schedule of the Anti-Terrorism Act.’

The Interior Ministry had earlier indicated that the JuD and the Falah-e-Insaniat Foundation were allegedly engaged in activities that could be prejudicial to peace and security, and were in violation of Pakistan’s obligations to the UN Security Council Resolution 1267.

Hafiz Saeed carries a bounty of US\$10 million announced by the US for his role in terror activities. He had been put under house arrest after the Mumbai attack but was released about six months later in June 2009. According to the Interior Minister, Hafiz Saeed had been under observation by the UN Security Council since 2010.

The global anti-money laundering watchdog founded by the G-7 Group in 1989 had placed Pakistan on its grey list in 2012, indicating that the country was not fully compliant with standards set for combating money laundering and terrorist financing. Subsequently, the Financial Action Task Force (FATF) removed Pakistan from its grey list and elevated it to the white list in 2015 following Islamabad’s legal and procedural actions vis-à-vis anti-money laundering/combating of financing of terrorism (AML/CFT).

To comply with the conditions of FATF and remain on the white list, the government has decided to put Jamaat-ud-Dawa and Falah-e-Insaniat Foundation onto a watch list and approved the freezing of their assets as well

as cancellation of their passports and arms licences under UN resolution 1267.

In February, a division bench of the Lahore High Court (LHC) sought a reply from the Punjab Home Department to the challenge of the detention. In March the LHC turned down a request of the counsel for the Punjab Home Department for more time to reply to the petition.

At its meeting in October, FATF put Pakistan on notice for terror financing, and sought from Pakistan a compliance report by February 2018 on action taken against terror groups such as Lashkar-e-Tayyaba and Jamaat-ud-Dawa.

Despite this, the JuD leader walked free 24 November 2017 after about a 300-day house arrest as his latest 30-day detention had expired. The Punjab government set him free after a provincial review board ordered his release following the failure of the home department to justify his detention.



The US announced a bounty of US\$10 million on Hafiz Saeed for terror activities

In December, Hafiz Muhammad Saeed announced that his Jamaat-ud-Dawa party would take part in the next general elections to help 'highlight the Kashmir cause internationally.'

Recommendations

- Respond to the outstanding request of the UN Rapporteur on Freedom of Association to visit Pakistan and issue an invitation at the earliest opportunity.
- Review the restrictions imposed on NGOs and facilitate visas and accreditation of INGOs.
- Issue guidelines on the code of conduct of student unions on campus and ensure the strict enforcement of a no-weapons policy.
- Ratify the ILO Domestic Workers' Convention (No 189) to facilitate the freedom of association rights of domestic workers across the provinces.



IV

Democratic Development

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

The year 2017 was a dreadful one for Pakistan's polity. Another elected prime minister was removed from office, this time under a Supreme Court verdict in the course of a so-called drive against corruption. Regardless of what one thought of the court judgment, disruption of the democratic system – however imperfect due in considerable measure to political parties' own shortcomings – could not be denied. The new government never appeared in control of the state. The initiatives it took in the direction of democratic development ran aground for want of will and navigational skill. Its credit in adopting a consolidated election law was washed away by its surrender to religious extremists in a manner that is bound to pose a grave threat to the non-theocratic foundations of the state. The plan to mainstream FATA did not bear fruit. The forces opposed to women's due participation in national politics could not be bridled. The dream of reviving normal democratic politics in Balochistan remained unrealised.

Above all, the level of political debate further deteriorated. The stock argument in support of nearly every party's claim to power was that 'they are worse than us.' Mudslinging at rival politicians and liberal use of invectives made political exchanges more vulgar than ever. And most of the political actors talked too much and often wandered away from good sense.

As the year bowed out, it left the shrinking community of democratic-minded citizens full of foreboding for the future of representative and responsible governance in the country.

Surrender to religious orthodoxy

Perhaps the most significant political development in 2017 was the emergence of a new religious challenge to the state, especially to its political structure. A new organisation of the majority Bareilvi sect of Sunni Muslims accused the government of reneging on the community's adherence to the concept of the finality of Hazrat Muhammad's (PBUH) prophethood and used the passive resistance method of dharna (sit-in) at a strategic road crossing in Islamabad to force the government to sign a document of surrender.

The chain of events leading to this denouement, that is fraught with serious consequences, began with the adoption of a new, consolidated election law.

The Election Act 2017

The Parliamentary Committee on Electoral Reforms (PCER), set up on 25 July 2014, a little more than a year after the 2013 polls, was able to complete its report after three years and it was submitted to the National Assembly on 21 July 2017, in the form of The Election Bill 2017. The Bill unified eight election laws: the three laws on preparation of electoral rolls, delimitation of constituencies, and conduct of elections; the two election orders of 2002; the Senate election law; and the two laws on political parties and allotment of symbols to parties/candidates. The highlights of the draft law were:

- **Women-friendly steps:** The Election Commission of Pakistan (ECP) was empowered to nullify the balloting at any polling station(s) or in a whole constituency if women's vote fell below ten percent of the turnout (Section 9. Explanation).
The ECP was required to make special efforts to increase women's enrolment as voters if their number on the electoral rolls fell more than 10 percent below the number of male voters. (Section 47 [2] & [3]). The ECP was required to publish annually disaggregated data about male and female voters registered in each national/provincial constituency (Section 47 [1]). The political parties were directed to ensure that five percent of the candidates selected for general seats in the parliament and provincial assemblies were women (Section 206).
- **Other disadvantaged people:** The ECP was also required to take special measures for registration as voters of non-Muslims, persons with disabilities and transgender citizens. These measures include expeditious issuance of National Identity Cards to the persons under reference (Section 48).
- **Candidates with equal votes:** The system of selecting by toss or drawing of lots which of the two candidates receiving an equal number of votes should go into the assembly was changed. Now both the candidates will be declared elected, each of them serving for half the term, and lots will be

drawn to determine who takes the seat first. (In the event that the assembly does not complete its term the advantage to the candidate taking their term first is obvious.)

- **ECP autonomy:** The ECP's administrative and financial powers have been increased. It has been empowered to make rules without prior approval of the president or the government. However, the rules will be subject to prior publication and 15 days will be allowed for making suggestions. The ECP has also been asked to establish a results management system to ensure expeditious compilation and dissemination of poll results. Further, it is now required to prepare an action plan for holding a general election six months before it falls due (Sections 8 to 14).
- **Delimitation:** Variation in population amongst constituencies in an assembly will not exceed 10 percent.
- **Electoral rolls:** NADRA will transmit to the ECP data about every CNIC issued by it so that each CNIC holder can automatically be enrolled as a voter. Candidates will be able to acquire hard and soft copies of electoral rolls on payment of costs and these copies will be identical to the lists supplied to Returning Officers and the polling staff (Sections 25 [1] and 41 [2]).
- **Conduct of elections:** All Returning Officers shall be appointed at least 60 days before the election programme of a general election is issued. Lists of polling stations and the polling scheme shall be published at least 30 days before polling. As far as possible the distance between voters and the polling station will not exceed one km; surveillance cameras could be installed in highly sensitive polling stations. The nomination fee for National Assembly candidates will be Rs30,000, for Provincial Assembly and Senate Rs20,000. The ECP may conduct pilot projects for the use of electronic voting machines and biometric voter identification systems in by-elections and it may also conduct pilot projects for voting by overseas Pakistanis. Election expenses limit: Rs4 million for NA candidates, Rs2 million for PA candidates, and Rs1.5 million for Senate candidates. Expenses to be monitored by district teams (Sections 50 to 103).
- **Enlistment:** Political parties to be enlisted by the ECP on submitting, in addition to required documents, a list of 2,000 members and payment of Rs200,000 as enlistment fee. A party that is de-enlisted will not be allotted symbols (Section 202).

The government was able to manage adoption of the Bill fairly easily by both Houses of Parliament and the measure became law after receiving the President's assent. While most of the commentators noted the positive features of the Act, many informed observers criticised the lawmakers for

evading some key reform imperatives. The lack of a definite decision on giving overseas Pakistanis the right to vote or on the use of electronic equipment for voting was widely resented. Complete silence on the popular demand for bringing the election expenditure down so that people of modest means could also join the electoral contest, and the fact that the expenditure ceiling had been raised, attracted widespread disapproval. The failure to consider the system of proportional representation, at least on some of the seats in each assembly so as to overcome the known flaws in the first-past-the-post system, that was strongly recommended at a largely attended civil society workshop, also came in for severe criticism. The provision for enlistment of political parties was attacked as this undemocratic section looked like a revival of the scheme for political parties' registration that had been struck down by the judiciary in 1988. But all this was nothing compared to the storm that was raised by a newly-formed faction of the Barelvi sect.

Soon after the new election law was enacted some members of parliament declared that the State's adherence to the principle of the finality of prophethood had been compromised by a change in an affidavit for Muslim candidates and the deletion of two Ahmadi-related provisions (Sections 7-B and 7-C) from the rules General Musharraf had made in 2002.

The government's defence was that the impugned changes were immaterial and they did not affect the status of the Ahmadiyya community. Besides, the government claimed, the provisions of the new law had been approved by a parliamentary committee on which all parties, including the religio-political ones, were represented. Both these contentions were substantially correct. But, fearing a strong mob agitation, the government soon conceded the critics' argument, hurriedly amended the Election Act, and undid the changes to which objections had been raised. This was taken, not unexpectedly, as a confession of guilt and a new religio-political group was given an opening to mount an assault on the government that had already been weakened by the ouster of its head, Muhammad Nawaz Sharif, from the prime minister's post.

A call for action was given by a relatively young Lahore-based organisation, Tehreek-i-Labbaik Ya Rasool Allah (LYRA) which venerates Mumtaz Qadri, who was hanged for Governor Salman Taseer's murder, as a martyred saint. This group had attracted attention when its nominee contested the by-election to the National Assembly seat in Lahore that had fallen vacant after Nawaz Sharif's disqualification, and secured more votes than the candidates of other religious groups, including Jamaat Islami. The LYRA protest began in Lahore with a small demonstration and some of the agitators were briefly detained.

While this group continued its demonstrations in Lahore, Maulana Khadim

Hussain Rizvi emerged from nowhere and announced a Lahore-to-Islamabad march. The government's hopes that the marchers could be confined within the area in Islamabad earmarked for rallies and sit-ins were proved unfounded because the protesters chose to set up their camp at a strategic road junction, Faizabad, that commanded traffic from Rawalpindi to Islamabad and from Islamabad to its airport.

Wary of a dangerous backlash to the use of force, the government tried to negotiate a settlement but, as days passed, the LYRA demands escalated. To the demand for the Law Minister's sacking and action against all those who had allegedly shown disrespect to the principle of Khatam-i-Nabuwat (finality of prophethood) were added demands for dissolution of assemblies, adoption of a new constitution and enforcement of Shariah (Islamic code). Meanwhile, the protesting voice of citizens against the hardships reached a crescendo. The matter went to the Supreme Court and the Islamabad High Court and both reprimanded the government for its failure to deal with a small crowd and the IHC gave the administration three days to clear the roads.

The government did use force to disperse the dharna participants but the operation was thwarted by the reinforced crowd. The administration's request to the army for help was only partially conceded – the army arrived at key points in the capital but the Chief of the Army Staff told the prime minister that the army could not use force against its own citizens and advised him to find a peaceful solution. Soon the protest spread to a number of cities and towns. At several places force was used to disperse the crowds. Five persons were said to have been killed and some arrests were made.

When the standoff appeared to be at its peak the government received relief through an army-brokered compromise. The Law Minister was sacrificed and the following demands of the protesters were conceded:

- The report prepared by the Raja Zafarul Haq committee to be made public within 30 days and action under it to be taken against whoever is found responsible for change in the affidavit.
- All protesters arrested across the country to be released within one to three days, according to legal requirements. Cases registered against them and their detention at their homes to be ended. An inquiry board to be established to decide within 30 days what action should be taken against officials responsible for operation by security forces against protesters on 25 November.
- Federal and provincial governments to compensate for loss to government and private assets incurred from 6 November until the end of the sit-in.

- Points already agreed to concerning the Government of Punjab to be fully implemented.

Further, the following LYRA demands were accepted by the government:

- A board of clerics led by Pir Afzal Qadri to probe remarks made by Punjab Law Minister Rana Sanaullah against the persecution of Ahmedis. The minister would have to accept the decision of the board.
- No difficulty to be faced in registering cases under Section 295-C of the Pakistan Penal Code (blasphemy provision).
- No leniency to be shown to those convicted by courts for blasphemy.
- No ban to be imposed on the use of loudspeakers.
- Foreign and interior ministries to take steps for the release of Dr Aafia Siddiqui.
- Holiday on Iqbal Day on 9 November to be revived.
- Two representatives of Tehreek-i-Labbaik to be included in the panel assigned to decide changes in textbooks.
- Chehlum of martyrs to be held on 4 January at Rawalpindi's Liaquat Bagh.
- Every year, 25 November to be observed as 'Martyrs of Prophet's Honour Day'.

The picture of Maulana Rizvi addressing the crowd with a gas mask on his face defined the extent to which the state had been held to ransom by the orthodoxy.

Most of the commentators were of the view that the government had been hustled into a surrender to a small crowd. *Dawn*, the country's leading newspaper, described the deal as capitulation. There was a near consensus, at least in democratic quarters, that the conservative clergy, having tasted blood, was going to harass the state to a much greater extent in the days to come.

The way the dharna was organised, the generous supplies of food and camping needs to the dharna participants, and the consideration the agitators received from the army perhaps led some people to wonder whether the dharna organisers had enjoyed the military's backing. COAS was reported to have firmly denied such speculation later on, during his address to the Senate. General Musharraf's remark that some 'rogue elements' in the army might have helped the dharna leaders was rubbished by the ISPR chief with his customary certitude.

The LYRA agitation did not end with the Islamabad debacle. The Lahore sit-in continued and the Punjab government also signed a compromise with the local LYRA. The latter felt that the provincial government was dragging its

feet on the demand for the removal of the law minister, Rana Sanaullah, and this provoked the Pir of Sial, central Punjab, into asking the legislators from amongst his followers, who had been elected on N-League tickets, to resign. Five had done so by the end of the year.

Meanwhile, the SC continued probing the Faizabad dharna in the new year.

A land unkind to elected premiers

Prime Minister Nawaz Sharif was disqualified by the Supreme Court from being a member of the National Assembly, under a controversial provision inserted in the constitution by his patron and mentor, General Ziaul Haq. In his place Mr Shahid Khaqan Abbasi, a member of the outgoing premier's cabinet, was elected prime minister.

With the ouster of Muhammad Nawaz Sharif from the office of the prime minister on 28 July 2017, Pakistan set some kind of a record for the disposal of prime ministers who had not lost majority support in the National Assembly. The tenure of the prime minister is coequal with the term of the National Assembly, that is, 5 years. No prime minister has, however, stayed in office for five years. The National Assembly elected indirectly in 1954 (while Mohammad Ali Bogra was the prime minister) survived till the declaration of Martial Law on 7 October 1958, but five prime ministers were disposed of during that period.

Only the Constituent Assembly elected in 1947 and the National Assembly elected in 2008 survived for 5 years or more and both saw off more than one prime minister.



Nawaz Sharif joined the ranks of ousted prime ministers

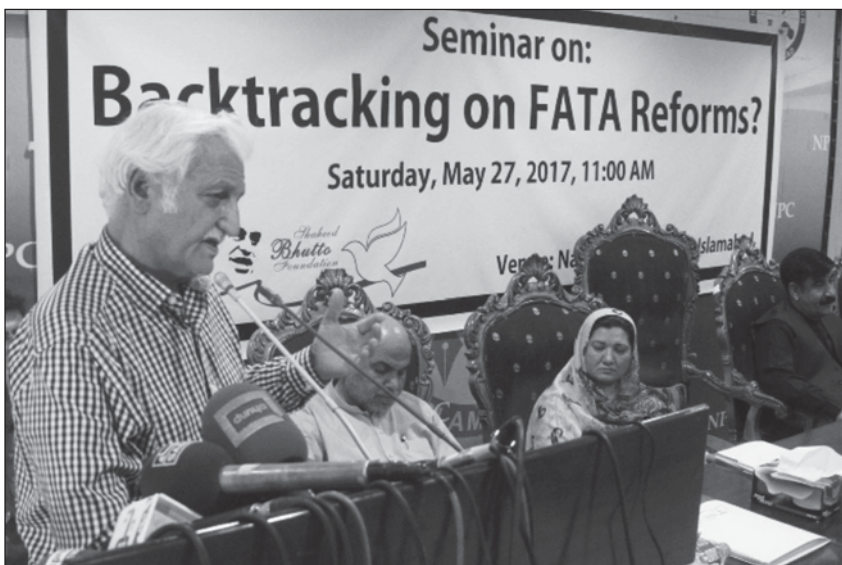
Name	Period	Form of removal
Liaquat Ali Khan	15/8/47 - 16/10/51 (4 yrs 2 months)	Shot dead
Khawaja Nazimuddin	17/10/51 - 17/04/53 (1 yr 6 months)	Sacked by the Governor General
Mohammad Ali Bogra	17/04/53 - 23/10/54 24/10/54 - 11/08/55 (2 yrs 4 months)	Removed after loss of majority
Ch. Mohammad Ali	11/08/55 - 12/09/56 (1 yr 1 month)	Resigned after loss of majority
H S Suhrawardy	12/09/56 - 18/10/57 (1 yr 5 days)	Forced to resign by President; not allowed to prove majority
Ismail Chundrigar	18/10/57 - 16/12/57 (1 month, 28 days)	Resigned after failing to gather majority
Malik Firoz Khan Noon	16/12/57 - 07/10/58 (10 months 22 days)	Ousted following imposition of Martial Law
Zulfikar Ali Bhutto	14/08/73 - 27/03/77 28/03/77 - 05/07/77 (3 yrs 10 months)	Overthrown by military, eventually hanged
Muhammad Khan Junejo	23/03/55 - 29/05/88 (3 yrs 2 months)	Ousted through NA dissolution
Benazir Bhutto	02/12/88 - 06/08/90 (1 yr 8 months)	Ousted through NA dissolution
Muhammad Nawaz Sharif	06/11/90 - 18/04/93 (2 yrs 5 months)	Ousted through NA dissolution
Muhammad Nawaz Sharif	26/05/93 - 08/07/93 (1 month 12 days)	Ousted after being restored by the SC under a military brokered compromise
Benazir Bhutto	19/10/93 - 05/11/96 (3 yrs, 17 days)	Ousted through NA dissolution
Muhammad Nawaz Sharif	17/02/97 - 12/10/99 (2 yrs 7 months)	Overthrown by military
Mir Zafarullah Jamali	23/11/02 - 26/06/04 (1 yr 7 months)	Lost President's confidence
Shaukat Aziz	28/08/04 - 15/11/07 (3 yrs 3 months)	Relieved when general election was called
Syed Yousuf Raza Gillani	25/03/08 - 25/04/12 (4 yrs 1 month)	Removed in June 2012 after retroactive disqualification by SC for contempt
Raja Pervez Ashraf	22/06/12 - 24/03/13 (9 months)	Relieved prior to general election
Muhammad Nawaz Sharif	05/06/13 - 28/07/17 (4 yrs 1 month)	Disqualified by SC

The total period Pakistan was under elected prime ministers during its 70 years of independence – approximately only 39 years.

Note: Except where loss of majority support in the National Assembly has been indicated in the table, all prime ministers were removed without proof of loss of majority backing.

FATA reforms

No political issue has been debated in Pakistan over a longer period and more intensely than the form of administration the population of the Federally Administered Tribal Areas (FATA) can be trusted with.



Senator Farahtullah Babar addresses a seminar on Fata reforms

The territory under discussion, comprising seven agencies and four tribal areas adjoining the Peshawar, Kohat, Bannu and Dera Ismail Khan districts of Khyber Pakhtunkhwa province, has since independence been treated separately and differently from the rest of the country. It has been administered by the President through the Khyber Pakhtunkhwa governor and the main instrument of control has been a harsh, colonial period legislation, the Frontier Crimes Regulation of 1901. No Pakistani laws are enforceable in FATA except for those that are extended to the territory by presidential order. While adult franchise was introduced there in 1996, 12 members of the National Assembly and eight members of the Senate could be elected from the territory even earlier, under an extremely narrow franchise, and the Local Government Ordinance has been extended to the territory. As citizens of Pakistan, the tribals have fundamental rights but

these cannot be enforced as the writ of Pakistan's superior courts does not extend there.

The need to bring FATA into the mainstream has been talked about for decades but never seriously undertaken, not even after the territory underwent a paradigm change due to its proximity to the theatre of conflict in Afghanistan.

The present effort to mainstream FATA began in August 2016 when the Committee on FATA Reforms took the rather unusual step of putting its report on the official website. The authors of the report took note of the work done on the subject by various committees and experts over the past many years and that alone was sufficient to confirm how insoluble the matter had been made by successive governments.

The earlier proposals referred to in the 2016 report included: The Naseerullah Babar proposals of 1976 (which would have 'succeeded had the military coup of 1977 not occurred'); extension of adult franchise to FATA in 1996 and of the Local Government Ordinance in 2002; the Sahibzada Imtiaz Ahmad report of 2006; the FATA sustainable development plan of 2006; retired Justice Ajmal Mian's report of 2008; a report by the Shaheed Bhutto Foundation of 2008; the Political Parties' Joint Commission report of 2013; and the report of the governor's FATA reform commission of 2015.

The FATA Reform Committee was set up in November 2015 under the chairmanship of Sartaj Aziz, the then Adviser to the prime minister on foreign affairs and a highly experienced politician originally from Khyber Pakhtunkhwa. It was asked 'to propose a concrete way forward for the political mainstreaming of tribal areas' and it made the following principal recommendations:

- That FATA should be merged with Khyber Pakhtunkhwa subject to the condition that the territory will be administered under a new Rivaj Act that will partially replace the Frontier Crimes Regulations (FCR).
- The FCR provisions relating to collective responsibility should not be included in the Rivaj Act.
- The jurisdiction of the Supreme Court and the Peshawar High Court should be extended to FATA.
- The jirga system should be retained for both civil and criminal matters. The jirga will be appointed by a judge and it will submit its findings based on Rivaj to the judge for an order in accordance with the appropriate law.

This report was widely criticised on the following grounds:

- That the committee consisted of official representatives only. Besides Sartaj Aziz (Chairman) it had as members the KP governor, ministers for

States and Frontier Regions (SAFRON) and Law, and the committee's secretary was secretary of the SAFRON ministry.

- Although the committee did go round the tribal agencies it did not reach a sufficient number of stakeholders required to justify the claim that the findings represented a consensus. In particular women were not consulted, or were not adequately consulted.
- That the tribal people were being condemned to suffer under FCR that had been found ultra vires of the constitution decades earlier, under the name of Rivaj.

These objections apart, the government's sluggishness and indecisiveness enabled the vested interest, whose strength was no secret, to mobilise a considerable force to oppose FATA's merger with KP and advance the demand for the territory to be given the status of a separate province. The situation became somewhat more complicated when the JUI chief, Maulana Fazlur Rahman, stubbornly opposed the merger plan despite being a partner in the coalition government at the centre. Even the army chief is reported to have failed to persuade him to agree to the merger plan. The issue remained unresolved till the end of the year.

Election law amended

The Election Act had to be amended to meet an unforeseen situation.

After Muhammad Nawaz Sharif had been ousted from the post of the prime minister, he and his party wanted him to continue as president of the N-League, but Section 157 of the Election Act barred him from doing so. The hurdle was removed by changing the relevant provision in the election law. The opposition decided to challenge the amendment in a court of law and the Supreme Court started hearing the case in the first week of 2018.

Fresh delimitation of constituencies

A new issue related to elections cropped up after the publication of provisional results of the census held during March-May 2017 and their endorsement by the Council of Common Interests. The holding of elections to the National Assembly on the basis of the last preceding census being a constitutional obligation, there was pressure on the government to hold the elections due in 2018 on the basis of the 2017 census.

The demand appeared legitimate for two reasons. Firstly, nobody was happy about the fact that the elections of 2002, 2008 and 2013 had been held on the basis of the 1998 census and the changes in the populations of the provinces could not have been taken into consideration. Secondly, the provisional results of Census 2017 had confirmed the need to reallocate the National Assembly seats to provincial units. Since the government decided against increasing the strength of the National Assembly, the Punjab's share of the NA seats was to be reduced by nine, and the seats of Khyber

Pakhtunkhwa, Balochistan and the federal capital were to be increased by five, three and one, respectively.

The problem, however, was that the constitution did not envisage allocation of the National Assembly seats on the basis of provisional census results. The relevant article (51(5)) of the constitution says: 'The seats in the National Assembly shall be allocated to each province, the Federally Administered Tribal Areas and the Federal Capital on the basis of population in accordance with the last preceding census *officially published*.' (Emphasis added)

A Bill to amend the constitution and allow allocation of National Assembly seats on the basis of provisional census data sailed easily through the National Assembly in November 2017, but ran aground in the Senate.

Rumour had it that a party or two wanted electoral concessions including seat adjustments with the N-League. Eventually the Senate also adopted the amendment in December and the threat of postponement of the 2018 elections because of the delimitation problem disappeared.

Denial of women's right to vote

The new election law rightly gained public approval for its provisions relating to women's enfranchisement and their participation in elections. These provided for cancellation of polling at a polling station or in a whole constituency if low women turnout indicated their enforced prevention from casting their votes. Within a short period of its enactment, the law was flagrantly violated during local government by-elections in the Lower Dir area of Khyber Pakhtunkhwa on 21 December.



Disenfranchisement of women is a threat despite legislation

Media reports alleged that in the union councils of Darore and Shahikhel no woman had cast her vote because almost all the political parties taking part in the election had agreed to keep the female voters out of the voting process. The civil society organisations protested vehemently and called upon the ECP to annul these elections. The National Commission on the Status of Women (NCSW) made a similar plea in regard to the Darore by-election. These appeals had no effect on the ECP and it notified the results.

Voters from both Darore and Shahikhel and the losing candidates filed petitions in the Peshawar High Court for annulment of the elections. The ECP challenged the court's jurisdiction to intervene and advised the petitioners to file election petitions. The court, however, stayed the notification of results and the cases were pending till the year's end.

Preventing anyone from voting on any ground is an offence under the new Election Act (Section 167-vii) and under Section 171 of the Penal Code. The representatives of the political parties who allegedly joined hands to prevent women from voting rendered themselves liable to prosecution for this electoral offence and possibly also under the law for conspiracy to commit an offence.

The ECP will need to keep the Dir district on its radar for quite some time. This home ground of the Jamaat Islami chief, Maulana Sirajul Haq, has long been known for barring women voters' access to polling stations. Maulana Sirajul Haq had won a seat in the Khyber Pakhtunkhwa provincial assembly from Lower Dir in 2013 but he gave it up on being elected to the Senate. In the by-election to the provincial assembly seat women were not allowed to vote and the election of the Jamaat Islami candidate was set aside. In the subsequent by-election a good number of women voted and the Jamaat candidate was defeated. The election result was set aside by the Peshawar High Court and an appeal against its decision is pending in the Supreme Court.

Elsewhere too it will be necessary to keep a close watch on efforts to disenfranchise women. According to a recent media report some elements have decided that, instead of barring women from voting, their names should be deleted from the electoral rolls. The ECP and women activists will have to be vigilant.

Political parties

2017 was a year of considerable political turmoil. The leaders of all major political parties made statements about everything under the sun and committed their followers to crusades for whatever causes they fancied. Most of these leaders were surrounded by attention-seeking supporters when they performed their principal ritual of talking to the media. Nearly all

political parties held large public meetings that looked like parts of their election campaigns on behalf of candidates for their tickets. And both Nawaz Sharif and Imran Khan were accompanied by groups of faithful party workers whenever they appeared before a court or some other forum and these workers proclaimed their leaders' popularity with lusty slogans. But there was little evidence of intra-party discussions on the serious problems the country was facing.

The N-League did hold a meeting of its national council, supposed to be the party's highest decision-making body – a gathering of about 2,000 councillors – and all it did was to endorse the decision to retain Muhammad Nawaz Sharif as the party head, the Election Act notwithstanding. The opportunity for discussion on the various issues confronting the state or people's concerns was missed.

The pressure of N-League

There was considerable speculation in the country about the pressure on N-League being related to the Senate election that was due in March 2018. It was rightly argued that if N-League went into the Senate election with its strength in provincial assemblies as in July 2017 it could win enough seats to dominate the Senate too, and that will enable it to get the constitution amended at its will. And this was not acceptable to the powers that be as well as the opposition parties. Thus reports of N-League legislators' plans to defect from the party, even if exaggerated, were easily believed. It was said the defectors would play their card at a time when by-elections could not be held, that is, around the end of February 2018.

Another idea going round the gossip saloons was that if sufficient numbers of N-League MNA/MPAs could be persuaded to defect, then resignations by the opposition legislators could force a general election before March 2018.

The attack on N-League also took the form of winning over its members, voters, and party office-bearers by rival organisations. The decision of Barelvi factions that had traditionally voted for N-League to set up their own electoral platform was cited by some as proof of this effort.

Recommendations

- The disqualification, for life, of Nawaz Sharif under Article 63 underlines the urgency of restoring the original provisions of the 1973 constitution.
- The areas of reform in the electoral laws left unsettled by the authors of the Election Act, such as the need to curb the escalating election expenditures and overseas Pakistanis' right to vote, will need to be taken up again, and soon.

- The ECP will have to redouble its efforts to neutralise the forces that are determined to deny women's electoral/political rights.
- In order to be able to defend and promote democratic governance, the political parties will have to organise themselves democratically and involve their cadres in their democratic functioning.



Stop
Violation

V
Rights of
the
Disadvantaged

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)**

Pakistan observed its 70th anniversary in 2017, with the women and girls of Pakistan left wondering how many more decades it would take before they were treated as equal citizens, as envisaged above in Article 25 and others of the Constitution.

Despite a measure of progress in legislation and policy formulation, the year saw very little change in the daily lives of the majority of Pakistani women and girls, especially rural agricultural women, those subsisting in urban non-regularised settlements (katchi abadis), women of religious minority communities, women and girls living with different-abilities/disabilities (PLWDs), and transgender/third-gender/intersex (TGI) communities,

amongst other categories of marginalised groups.

There were a few notable exceptions, such as the setting up of two new provincial institutional mechanisms and entities, described below. The most notable was the operationalisation of the Sindh Provincial Commission on the Status of Women (SCSW), with a renowned and committed rights activist appointed to chair it. The other entity was the first Violence Against Women Centre (VAWC) set up in Multan, under the Punjab Women Protection Authority Act 2017.

During the by-elections in a number of districts across all provinces of Pakistan, there were reported instances of women being prohibited from exercising their right to vote through formal or informal 'agreements' between the contesting political parties, including those parties calling themselves 'progressive and liberal' – and one even proclaiming itself to be secular.

Yet again in 2017, Pakistan did not fare well in its rankings in international indices measuring gender equality and women and girls' empowerment, particularly in the Global Gender Gap Report (GGGR 2017) of the World Economic Forum.

Out of 144 countries ranked, Pakistan came second last at 143, sandwiched between two war-ravaged countries: Syria (142) and Yemen (144), and below all other middle and low-income economies, including all African countries.

Pakistan is classified as ranking at 147th out of 188 on the UN Human Development Index (HDI).

Once again, the reports which the State submitted to intergovernmental entities, in compliance of its binding international obligations, did not present an accurate or impartial picture of the state of human rights in general and, in particular, the status of women, girls and other vulnerable populations.

Consequently, yet again, civil society organisations (CSOs), NGOs and rights activists felt compelled to produce and submit Alternate or Shadow Reports, in exercise of the options available through the UN and other international mechanisms. This was done to present more accurate versions of the ground realities in Pakistan – both quantitative data and qualitative information. The state, which sees these reports as being 'confrontational and disloyal', eventually gets the last word, since the CSOs/NGOs are not permitted to speak at the official UN fora and peer review sessions.

Data issues and reporting mechanisms

Sex-Disaggregated data

Other than the public education sector statistics, which do provide sex-disaggregated data in detail, the federal and provincial governments tend to present male-centric or gender-neutral or even gender-blind data. However, in contrast, mainly women-focused statistics continued to be disseminated in

the case of reproductive health, which again is gender-biased data and approach.

Data accuracy:

Accurate data continued to be extremely difficult to obtain, especially of crimes of violence against women and girls (VAWG). The stranglehold of feudalism and tribalism, particularly in rural areas, and outdated concepts of 'shame and dishonour', account for the lack of reporting. The LEAs and police hold back on registration of FIRs because of government recognition and rewards for the police stations/districts with the lowest crime rates, as well as pressure from influential people.

Anecdotal or ad hoc reports in the media constitute only the tip of a huge iceberg of unreported crimes against women and girls, including dishonour killings, e.g. karo kari.

Population census:

The results of the much-delayed census in 2017 were immediately disputed, especially by the political parties and the provincial governments in opposition.

The Pakistan Bureau of Statistics (PBS) has thus far only released the preliminary findings. Considering it 'too politically sensitive', the PBS has not yet released even the preliminary results of the census of religious minorities, so the actual number of non-Muslim religious communities in Pakistan is still unknown.

However, one demographic which has remained unchanged since the census of 1981 is the inverse sex ratio in Pakistan. Women and girls number 101.314 million – 48.76%, and men and boys are 106.449 million – 51.24%.

The unexpectedly large intercensal population growth rate (PGR) of 2.4% per annum showed the huge error of all population projections by the technical experts in the public and private sectors over the past two decades. Successive governments had consistently claimed a much lower PGR of 1.9%.

In the post-census survey results, and the detailed census results, it is expected that in-depth and accurate sex-disaggregated data will emerge.

The new round of the comprehensive Pakistan Demographic and Health Survey (DHS) was also started during 2017. The preliminary report is due to be released in 2018. The previous DHS data (2012-13) is now obsolete and reliance is therefore placed either on small-scale studies or extrapolations/projections.

Legislation, criminal justice administration and LEAs

In Parliament, a draft Bill was tabled to raise the legal age of marriage for girls from 16 to 18 years, the same as the law for boys. But the religio-political parties raised vociferous objections and the matter was referred to the

Council of Islamic Ideology (CII), which ruled against the Bill, using highly provocative language and arguments. The Bill was shelved, despite the CII's constitutional status being that of a non-binding advisory entity only. Rights activists once again called for the abolition of the CII and the immediate enactment of the law. Neither came to pass.

Similarly, the long-pending draft Bill on Domestic Violence still remained on the back-burner in both Houses of Parliament, due to the expected backlash from the religio-political parties, as has been the custom in the past.

The federal government followed up on its Report of the Committee on FATA Reforms (2016) by tabling two draft laws on FATA reforms. One of them was titled 'Tribal Areas Rewaj Bill 2017'. Tribal women themselves, along with their supporters among rights activists and progressive political workers from all over Pakistan, joined together to vehemently oppose the Bill, calling it 'FCR/1901 by a new name' and 'sanctification of unjust jirgas and anti-women traditions in the name of reform.' The government quietly shelved the Bill without any fanfare.

The federal government drafted and tabled a new Bill for Alternate Dispute Resolution (ADR), to which women's rights activists objected as it contained provisions for legalising the unjust systems of jirgas and panchayats, and extending out of court 'settlements' to both civil and criminal matters. The Chairperson of the National Commission on the Status of Women (NCSW), along with representatives of civil society organisations and rights activists, met the federal Law Minister and the head of the Parliamentary Women's Caucus and convinced them to delete all references to jirgas and panchayats. We are led to understand that they did so. The request to omit criminal and family law cases from the purview of the Bill was not accepted. The law was enacted in 2017.

But of far greater concern was the fact that even where they do exist, there was a marked absence of the requisite political will to enforce the implementation of pro-women/girls' laws.

There were two reasons for this:

- (i) The continued privatisation of justice for crimes of violence against women and girls (VAWG), through the loopholes afforded in the qisas and diyat laws, permitting agreements between the two parties, based on 'forgiveness' (sic), 'compensation' or other forms of 'settlement'.

An effort was made, through two laws enacted in 2016, to bring 'honour' killings and rape/gang-rape outside the purview of the qisas and diyat law loopholes. However, in terms of its application, no marked improvement was observed or recorded during 2017, either in the form of decreased crimes of VAWG, or increased convictions of the perpetrators. In fact, new loopholes emerged, in the form of legal definitional technicalities, such as 'what is or is not an "honour" killing?'

- (ii) The attitudinal issues of the police and other LEAs in investigation and prosecution of reported cases of VAWG, as well as the outdated, highly objectionable and gender-biased medico-legal report procedures in dealing with VAWG incidents. Many irregularities also continued to be observed in court cases throughout the country, despite the existence of a number of pro-women laws.

Laws impacting women and girls of religious minority communities

In 2017, the federal Parliament enacted the Hindu Marriage Act 2017, which extends to ICT, Balochistan, Khyber Pakhtunkhwa and Punjab, whereas Sindh already enacted its own law in 2016.

In the Sindh province, in 2016, the Sindh Assembly enacted the Sindh Hindu Marriage Act, which was originally drafted to focus on two main issues: forced conversion and forced marriage – mainly of young Hindu girls in the rural areas. But under vehement opposition from the religio-political parties in Parliament, the PPP-run provincial government in Sindh retreated from the original progressive form of the Bill, and removed the clauses pertaining to forced conversion. Consequently, 2017 witnessed continued reports of cases of the kidnapping, forced conversion and forced marriage of Hindu girls (and, in other provinces and ICT, Christian girls as well). It is estimated that there are a number of cases not reported, either to the LEAs or by the media.

The long-pending Christian Marriage and Divorce Bill 2017 could still not be enacted, and it remained a contentious draft during 2017 due, inter alia, to a lack of consensus among various sects and factions of Pakistan's Christian communities, and also due to an absence of political commitment. After holding a number of consultations, the Ministry of Human Rights (MoHR) decided to forward the revised version to the Ministry of Law for further vetting and then forwarding to the federal cabinet for endorsement. The MoHR received written objections and recommendations for amendments from members of the Pakistani Christian communities, some of whom wanted the provisions to be amended in accordance with the holy Bible.

Political participation and representation

In the 2017 GGG report, the category where Pakistan scores the highest ranking of 95 out of 144 countries is Political Participation.

This is due mainly to the past enactment of legislation for the reservation of 17% seats for women, and the opportunity for women to contest on the general seats too, at all three tiers of government, from Local Government Councils to the National Assembly and Senate.

However, Pakistan scores lower in terms of women holding senior cabinet posts or other ministerial level positions, ranking 139 out of 144 countries.

During 2017, there were 12 million women voters not yet registered, just before the 2018 general elections. This is due to the absence of women's computerised national identity cards (CNICs), especially in the remote rural

areas.

With 2018 being an election year, throughout 2017, activists, CSOs/NGOs and their networks attempted to work with NADRA and the ECP to facilitate as many women as possible to obtain CNICs and thus be registered as voters. But it now appears that NADRA will not be able to complete the process before the 2018 elections.

Violence against women and girls (VAWG)

Violence against women and girls (VAWG) remained pervasive and intractable in 2017 also. In fact, the reported incidence of VAWG increased, both in the data maintained by the LEAs and state entities, as well as individual cases reported in the print, electronic and social media.

However, accurate, verified nationally collated and compiled provincial data could not be obtained from the federal government till this report went to print. The data, obtained informally, showed far too low a level of VAWG incidents reported to the LEAs. In contrast, individual district reports presented a more accurate picture; for instance, in Malakand (Khyber Pakhtunkhwa), 22 'honour' killings, 22 so-called 'suicides' and five murders of women were reported during 2017.

The Punjab police appears to maintain a comparatively more accurate record of crimes of VAWG.

Technical experts agree that the reported cases in 2017 were yet again simply the tip of a huge iceberg, especially in the rural areas, where VAWG remains largely unreported due to conservatism, illiteracy, fear of stigma, shame and dishonour, marriages within the clan, poverty, powerlessness of serfs in feudal, tribal and religio-political fiefdoms, politicisation of the LEAs, and an absence of means of communication in the remote inaccessible areas. Hence, even where State entities set up hotlines, how would the approximately two-thirds rural population of segregated and secluded women access them?

Pakistan, as a state party to, *inter alia*, CEDAW and CRC, is obligated to present true and accurate periodic reports on the state of human rights – in particular the rights of women, children and minorities – to the respective UN Commissions. Pakistan reported in its third Universal Periodic Review (UPR) in 2017 and, just prior to that, under the ICCPR and CAT also.

The fact that (a) the respective committees/councils/commissions raised a number of important queries and listed serious concerns in their concluding observations, and (b) the international community took the civil society organisations' Shadow or Alternate reports seriously, shows the credibility, or the lack thereof, of the State Party's reporting mechanisms and procedures.

VAWG data issues

As previously stated, there are serious concerns about data collection, compilation, dissemination, and level of disaggregation, as well as the lack of transparency.

Categories

The following categories and types of VAWG data used to be collected independently by the national NGO, Aurat Foundation, which was widely used as a credible source. This data is no longer being compiled. As a result, collecting and compiling this data proved to be immensely challenging. It is presented here with the caveat that it depicts only the incidents reported by the provincial police/LEAs to the federal government at the end of 2017.

In view of the fact that it shows a lower incidence of the VAWG reported cases found in the HRCP's SoHR reports of previous years, it is impossible to vouch for the accuracy of the numbers below. For instance, the figure of 309 'honour' killings reported by the LEAs (of which 181 were reported by the Punjab police to the GoP) is improbably low, when compared to the review of such killings in the daily newspapers and on the national electronic media, which showed them to be higher during 2017 than in previous years. The correct figures are therefore likely to be many times the numbers provided below.

'Honour' killings	309
Alleged 'suicide'	0
Rape	3,238
Gang rape	257
Rape and murder	0
Incest	14
Custodial rape	0
Domestic violence:	
Murder	1,266
Beating	694
Other	533
Acid burning	18
Stove burning	4
Vanni/Swara	15
Sexual harassment at workplace:	
Physical	37
Sexual	21
Psychological	0
Any other kind of VAW	4,146

Once again, during 2017, the federal Parliament failed to enact a law against domestic violence. After the devolution of laws on this subject to the provinces, under the 18th Constitutional Amendment (2010), the purview of such a law on domestic violence would now be restricted to the Islamabad Capital Territory (ICT), but the principle and the optics would be much larger, both nationally and internationally. However, the religio-political parties ensured that the much-revised (and watered down) draft Bill remained on the back-burner.

Whereas Sindh, Balochistan and the Punjab enacted laws against domestic violence between 2013 and 2016, Khyber Pakhtunkhwa (KP) still remained the only province without such a law during 2017. It referred its 2016 draft Bill on domestic violence to the Council of Islamic Ideology (CII). The CII's recommended retrogressive changes were not accepted by the progressive political parties in the KP Assembly, and were totally rejected by women's rights activists and civil society organisations. It went to the back-burner of the Assembly and stayed there.

The Punjab province made notable progress in law enforcement and implementation too. After enacting its landmark – and highly controversial – law titled Punjab Protection of Women Against Violence Act 2016, the province then enacted follow up legislation, titled Punjab Women Protection Authority Act 2017. Under this law, a new entity was established, with the stated aim of 'provision of a comprehensive, efficient, effective and gender equitable system for protection, relief and rehabilitation of women against all forms of violence in the Punjab.'

It created a new post for a senior police officer, titled 'Additional Inspector-General Women Protection'.

Under the pilot phase of the new Authority, the first Violence Against Women Centre (VAWC) was set up in Multan, commencing operations in March 2017. It is envisaged to be a holistic entity, with the provision of shelter, legal aid, health care, psychological counselling, and rehabilitation services.

The Punjab Commission on the Status of Women (PCSW) runs a hotline, and handles all cases of VAWG referred to it. It also carries out research studies and closely monitors the situation of women's rights in the province, especially any infringement of women's legal, political and employment rights.

The Sindh Commission on the Status of Women was established in 2017 as a statutory entity, as stated earlier.

The Khyber Pakhtunkhwa CSW remained occupied in advocacy for the draft Bill on Domestic Violence, which could not be enacted. It needs to update its website and it needs to be more proactive and responsive to the widely reported incidents of preventing women from exercising their right to vote in any election, e.g. local government and occasional by-elections. However, the KP Women's Parliamentary Caucus is active and responds to issues as they arise.

In 2017 the Balochistan Assembly enacted a law to establish the provincial Commission on the Status of Women, which was duly notified on 9 September 2017.

Shelters and crisis centres for women

In 2017, the Supreme Court upheld the judgment of the Peshawar High Court

(2013), ordering the PTI-led coalition Government of Khyber Pakhtunkhwa to re-open the four shelters/crisis centres which the then-ANP government had closed down in 2010. Both the ANP and the PTI-JI coalition cited lack of funds as the reason, but the SCP reminded them that the issue is one of priorities, not funding constraints.

It is also an issue of federal-provincial relations after the 18th Constitutional Amendment (2010), whereby not just the devolution of powers to the provinces was to be ensured, but also commensurate sectoral funds, appropriate staff, technical and institutional support, training, equipment and commodities. It is clear that this did not happen, especially in the social sectors, and most visibly in the areas which pertain to human rights, women's empowerment, child protection and rights, minority rights, as well as the rights of people living with disabilities, and transgenders/TGIs.

Women's shelters and crisis centres are just one more casualty in a bigger crisis, despite the provincial legislation on domestic violence, which makes it mandatory to establish such shelters and centres. As mentioned above, Khyber Pakhtunkhwa remains the only province not to enact legislation on domestic violence.

Jirgas and panchayats

Jirgas and panchayats continued to be convened with impunity, and continued to pronounce 'verdicts' with instant implementation, despite having been declared illegal since 2004, initially by the Sindh High Court, and since 2005 by the Supreme Court of Pakistan.



No national level accurate data is available on the exact number, locale, subject and nature of such gatherings in the past year, but micro-level case studies and the few which do get reported in the print or electronic media only scrape the surface, similar to the incidence of 'honour' killings.

Women and girls are seen to disproportionately bear the brunt of the unjust, cruel, barbaric, and very often inhuman verdicts of jirgas and panchayats and their instant implementation. This is especially true in cases of '*badal-e-sulah*' (giving away of little girls and young women in compensation for blood feuds among men), 'honour' killings, and land disputes, among others.

Such illegal gatherings cannot be held and their illegal orders cannot be carried out without the complicity and collusion of the local police and LEAs. A large proportion of the men who are members and even heads of jirgas and panchayats, turn out to be elected or nominated to serve in the legislatures (federal Parliament, provincial assemblies or local governments). This practice is found across the board, in all political parties in the legislatures,

and across all provinces and areas of Pakistan. It is also reported that jirgas and panchayats do not operate pro bono – allegedly, large sums of money change hands too.

During 2017, no steps were taken against these illegal councils to eliminate or even curb their excesses by either federal or provincial governments. Where a few jirgas and panchayats were reportedly held, lacklustre efforts were made to 'search for' and arrest their members, but there were no reports of any prominent politician or legislator being arrested or convicted for participating in such illegal gatherings.

The petition of the National Commission on the Status of Women (NCSW) against jirgas and panchayats once again remained pending in the Supreme Court of Pakistan during 2017.

Transgender/intersex community (TGIs)

Despite an earlier landmark judgment of the Supreme Court, whereby the State was ordered to recognise a third category - 'TG' - for the purpose of CNIC registration through NADRA, the 2017 census forms originally did not have a third box.

The TGI community went to court, which ruled in their favour and ordered the State to count the TGI community in the census. So, since millions of forms were already printed, a third box was added there by hand but, since the census was already underway by then, the TGIs believe they remain significantly under-enumerated.

No matter what its actual population might be, the TGI community still faces discrimination, violence, rape, murder, disrespect and deprivation in an increasingly intolerant society. As in previous years, targeted murders of TGIs were reported in Karachi and Khyber Pakhtunkhwa. This was the tip of an iceberg of unreported crimes against the TGI community.

A draft Bill titled Transgender Persons (Protection of Rights) Bill 2017, prepared in consultation with the TGI community of Khyber Pakhtunkhwa, was tabled in the Senate. It was sent off to the Standing Committee on Human Rights for debate and approval. A majority of the TGI community across Pakistan has rejected this Bill as being flawed and not addressing their pressing issues. Nevertheless, the Senate Functional Committee on Human Rights approved it, despite the concerns. It was not passed by the Senate during 2017.

Women and the environment

The environment forms an important plank of the SDGs Agenda 2030 (2016-2030), with a number of Goals linked to it both directly and indirectly. Since Pakistan is committed to achieve all the SDGs by 2030, it also needs to focus attention on the impact of climate change and global warming on almost 49% of its population – women and girls.

Although Pakistan endorsed the Paris Agreement on Climate Change (2015)

- and the federal government Ministry of Climate Change (MoCC) Minister and his staff also participated in the annual follow up meetings in Morocco (2016) and South Africa (2017) - there yet remains a marked absence of public discourse, or public sharing of information and future strategies by the Government, on how it plans to achieve the goals it has endorsed and is committed to achieving.

This is of particular concern for women's environmental rights, since Pakistani women, girls and infants continue to bear the brunt of the impact of climate change and global warming, through drought, food insecurity, famine and hunger (for instance, in the deserts of Thar, Cholistan and Balochistan).

The vast majority of men and women of Pakistan's two-thirds rural population work in agriculture, livestock, forestry, fisheries, and the food processing agro-industry. With growing cycles of extreme weather trends, e.g. droughts and floods, there is a huge impact of the environment on agriculture, resulting in fluctuating household incomes and increasing multi-dimensional poverty challenges. The government acknowledges that poverty impacts Pakistani women three times more than men, in a 3:1 ratio.

Other issues impacting upon women and girls in particular are potable water shortages, fuelwood-energy shortages due to deforestation, desertification, salination, soil erosion, and loss of mangroves along the Arabian Sea coastline.

In rural areas, due to an absence of gas for domestic use in cooking, women and girls still utilise the rapidly dwindling sources of firewood and also process animal waste to prepare 'dung' fuel, which is very injurious to their health as it causes chronic respiratory, eye and skin ailments.

Rural women and girls are still walking many miles for many hours every day to fetch water from rivers, lakes, streams, ponds, wells or other sources. This untreated water is also used by animals and for laundry, bathing, washing and various other purposes, and hence is impure. It results in chronic stomach, liver and skin ailments, with consequent loss of productivity and income for the whole family. Boiling, filtration, or other methods of purification are too expensive for individual households to afford.

Water shortages, as well as rising input costs (seeds, fertilisers, mechanisation) result in decreased crop yields, and rising food prices. Women and children suffer first of all and most of all - from hunger, anaemia, stunting, wasting, ADD, and decreased immunity.

These trends continued and increased during 2017, particularly in view of decreased rainfall, water shortages, and increasing rates of deforestation, despite tall claims of billions of trees planted.

Meanwhile, in urban centres such as Lahore and Islamabad, women activists

remained at the forefront of public interest litigation against environmental degradation and mega-projects posing direct risks to low income housing and invaluable heritage conservation, notably the Lahore Orange Line metro train.

The court case and murder trial of the eminent development expert, trainer, environmentalist and activist, Perween Rahman, also continued in the Sindh High Court, along with a parallel petition in the Supreme Court. The HRCP is a co-petitioner in this important case.

Poverty, food insecurity, employment and labour rights of women

In the not so distant past, the government of Pakistan publicly acknowledged the quantum, scope and breadth of poverty in Pakistan. A federal cabinet minister even had the courage to present slides on the alarming increase in the 'Feminisation of Poverty' in Pakistan, to a gathering of external donors and creditors at the annual Pakistan Development Forum conclave, when it was still held in Islamabad.

Poverty used to have its own chapter and sections in the government's annual pre-budget publication 'Pakistan Economic Survey' (PES – Ministry of Finance and Economic Affairs) and in the National Five-Year Development Plan documents (Planning Commission).

But during General Pervez Musharraf's nine-year reign all that changed. First, the poverty figures were greatly fudged, and then the Ministry of Finance started omitting any mention of poverty in the annual PES document. This practice of omission was continued by successive civilian democratic government Finance Ministers, and it was left to the IFIs, the UN/HDR, and the independent research organisations, to expose the facts on poverty in Pakistan.

Some years ago, a federal cabinet minister informed the Pakistan Development Forum that three out of every four Pakistanis living in poverty are women, i.e. a female/male poverty ratio of 3:1 or 75% women, which is significantly higher than the global norm. No one has contested this startling revelation to date.

Women's food insecurity, hunger, malnutrition and anaemia have a direct impact on their own and their children's survival, health, growth, educational attainments and productivity through paid labour vs. their unpaid domestic, livestock, and agricultural labour and their uncounted and unvalued work in the care economy.

This is the worst form of fundamental human rights violations imaginable. But during 2017, neither the federal nor provincial governments mentioned any of this, either in the PES or in the provincial Annual Development Plans, or in discussions and conferences on implementing the Sustainable Development Goals (SDGs – Agenda 2030).

SDG #1 is the complete eradication of poverty by 2030. But we do not know if

33% or 66% Pakistanis live under the poverty line, or anywhere in between. From the UN agencies and national research institutes, we do know that over 52% of Pakistanis are food-insecure, resulting in under/mal-nutrition, child stunting/wastage, anaemia in girls and women, chronic hunger and its negative consequences.

During 2017, there was no announcement of any proactive measures to eradicate, or even reduce, poverty. The Benazir Income Support Programme (BISP) has been consistently cited as a 'poverty reduction' programme, which it is not. It is a social safety net programme (funded mainly by international donors and creditors), which reached 5.6 million women in 2017, with a budget of one hundred and twenty-one billion rupees.

BISP's original unconditional cash transfers received criticism, so it now also has a smaller conditional cash transfer (CCT) component called "Waseela-e-Taaleem", operating in 32 districts during 2017 – it is meant to be used for primary education of the recipient's children, up to the age of 12.

The Pakistan Social and Living Standards Measurement Survey (PSLM) was last held in 2014-15, the Household Integrated Economic Survey was last carried out in 2015-16, and the 2017 census did not elicit poverty data so, in the absence of updated statistics, the quantum and scope of poverty among women and men in Pakistan during 2017 is unknown.

Gender pay gap

In 2017, the UN Committee on Economic, Social and Cultural Rights 2017 review of Pakistan's progress report – as mandated by ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR) – showed that the gender pay gap has risen rather than decreased over time. In 2008 it was 34%, rising seven years later to 39% in 2015.

Women in the non-formal labour sector

The GGGR (2017) ranked Pakistan at 143 out of 144 countries in women's economic participation. It is important to look at the technical details, definitions and data sources of the labour participation rate (LFPR). The Pakistan Bureau of Statistics carries out the Labour Force Survey – but only includes the workers registered in the formal, organised sector. Despite the absence of national level surveys on non-formal labour, it is known that 73% of Pakistan's workforce is in the non-formal labour sector, the vast majority of whom are women, especially rural agricultural women and urban domestic workers.

Hence, far too large a number of women workers are not registered or acknowledged as workers in the national labour force, and their huge economic contribution remains invisible and uncounted in the national GDP. They are also deprived of their basic labour rights, benefits and social protection, e.g. OSH insurance, maternity benefits, reproductive health services, children's education, training, pensions, equal pay, trade unions and CBA membership – under national entities which serve workers in the formal organised labour force, e.g. the ESSIs, EOBI, WWF and other

programmes.

Home-based workers

In 2017, Pakistan still failed to ratify the ILO Convention 177 on Home-Based Work, despite longstanding demands from home-based workers' associations and networks. The overwhelming vast majority of home-based workers in Pakistan are women piece-rate and contract workers, who are exploited both by their invisible employers and by the middlemen. *See Labour.*

Bonded, forced, slave labour of women and girls

A number of CSOs/NGOs have documented the horrific human rights abuses of women and girls in bonded labour, especially women of religious minority communities. The worst offences are against brick kiln workers, agricultural peasants/tenant farmers, and urban domestic workers. Despite the existence of laws meant to abolish and punish the practice of bonded labour, it continues to flourish with impunity. The ongoing case of the alleged torture of the 10-year old girl child maid, Tayyaba Bibi, serves to illustrate the point.

Population, health and reproductive rights

In the category of Health and Survival, Pakistan was ranked the fourth-worst country, at 140 out of 144 countries in the GGG report (2017).

Population programme

Apart from exposing the significant errors in projections for the intercensal population growth rate (PGR) over the past 19 years, the Census 2017 findings have also pointed to the disastrous failures and shortcomings of the national and provincial Population Welfare Programmes. The reasons are well-known and well-comprehended by legislators, policy-makers, planners, budget-allocators and implementers alike. What is lacking is the political will and commitment to the public sector Population Programme.

In 2017, the population programme continued its traditional, conservative, outdated approach; its discriminatory women-centric (not gender) focus; its turf wars with the Health Departments; and its under-funded, piecemeal ad hocism, despite Pakistan's unconditional endorsement of, and commitment to, the Programme of Action of the International Conference on Population and Development (ICPD, 1994), almost two and a half decades ago.

In fact, it is documented by independent researchers and institutions that in Pakistan, contrary to the global norm, the public sector population programme has suffered rather than benefited from the devolution of powers to the provincial governments through the 18th Constitutional Amendment (2010).

Access to family planning services

Only one-third of married Pakistani women and girls use any contraception or family planning method. The religious right only recognises two traditionally known methods of family planning, i.e. 'azl (coitus interruptus)

and breast-feeding infants for two years. Both traditional methods are notorious for their unreliability and high failure rate.

The last Pakistan Demographic and Health Survey (DHS) report puts the unmet need for contraception at 20% of married women and girls, i.e. 1 in 5 married women and girls are not being provided the family planning and reproductive health services they want and need. As a result, the unmet need for contraception forms one of the main factors in the alarmingly high rate of induced – and unsafe – abortions in Pakistan, which has risen to an estimated two million abortions per annum.

Pakistanis have the right and the need to know exactly how many women die each year in connection with childbirth. The current public, private, national, UN and other international estimates of Maternal Mortality Ratio (MMR) in Pakistan vary a great deal, and it was a matter of concern that the past DHS did not include MMR measurement.

Upon inquiry, the 'technical' and financial reasons given for non-inclusion of MMR in the survey were considered unacceptable by reproductive and sexual health rights defenders, activists and practitioners. The MMR also varies at both inter-provincial and intra-provincial levels. It remains to be seen whether the current round of the ongoing DHS (2017-18) includes MMR in its data collection and, if so, at what level of disaggregation.

If the current population growth rate (PGR) remains unchecked, it is estimated by some demographers that Pakistan's population could possibly double by 2050, which would wreak havoc with all its infrastructure, housing, utilities, water, food, health, education, employment, environment, social services, law and order, governance, and democracy itself – in short, all our human rights and fundamental constitutional freedoms would be at serious risk.

Recommendations

- Develop all legislation intended for FATA reforms and proposed merger in close consultation with a broad cross-section of women and men of FATA, FATA women's groups, and legal experts in women's constitutional rights.
- Evolve a consensus in the Christian community on a more progressive Christian Marriage and Divorce Bill and its early enactment in Parliament and the provincial Assemblies.
- The ECP needs to work closely with NADRA to issue CNICs to women before the 2018 elections. NADRA must deploy Mobile Registration Vans (MRVs) in rural areas, with female staff, for fingerprinting, photographing and eye scanning for women.
- Amend the law on the modality of women's reserved seats, to select an option from the three innovative modalities evolved and recommended in the COIW report (1997 - aka Justice Nasir Aslam Zahid report with co-

authors: Asma Jahangir and Shahla Zia) – in order for women to be directly elected, not selected by their male counterparts, to whom they remain indebted and answerable. Allot more tickets to women on the general seats, but in ‘winnable’ constituencies, and support women’s election campaigns.

- Political parties need to integrate and mainstream women’s and girls’ issues into all chapters and sections of their forthcoming 2018 election manifestos, rather than segregate them in a stand-alone chapter titled ‘Women’.
- The federal and provincial governments need to agree to include Women’s Shelters and Crisis Centres as a separate priority item on the agenda of the next National Finance Commission (NFC) Award meeting, under the aegis of the National Commission on the Status of Women (NCSW) and the federal Ministry of Human Rights (MoHR).
- Strengthen the respective provincial governments’ Departments of Women’s Development and Human Rights, to address complaints of lack of adequate funding, staffing, and logistic and technical support.
- Enact bona fide, strong, effective legislation for the complete eradication and elimination of jirgas and panchayats, and take strong administrative and punitive measures for the implementation of legislation, without political interference.
- Obtain accurate data on the Maternal Mortality Ratio (MMR), whether through the forthcoming Pakistan Demographic and Health Survey (DHS 2017-18) or through a specially-commissioned, adequately funded and staffed national survey.
- Measure and disseminate accurate, credible data on poverty, particularly the feminisation of poverty. Revise the technical definition of categories of labour force participation rates of women, in order to include non-formal labour categories, particularly women agricultural workers, domestic workers, home-based workers, brick kiln workers, and so on.
- Start actual job creation programmes for women, along with adult non-formal education, and vocational skills training programmes at a national level, across all provinces and regions. Provide easy access to affordable credit for entrepreneurship programmes for the lowest income women on a mass scale, through the replication of successful programmes initiated by NGOs/CSOs and public/private/non-profit development banking, e.g. FWBL.
- The current and incoming governments should openly and clearly reiterate their political commitment to preserve the unique character and purpose of the First Women’s Bank (FWBL), and to strengthen the FWBL by providing the requisite leadership, capital, human resources, technical expertise, technological and moral support.

Rights of the Disadvantaged

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)

Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

International Covenant on Civil and Political Rights

Article 24(1)

Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

International Covenant on Economic, Social and Cultural Rights

Article 10(3)

The current status of children in Pakistan calls for urgent action and concerted efforts to ensure that all children fully enjoy their childhood. Pakistan has repeatedly failed its children and all child rights indicators, namely education, health, protection, and justice, demonstrate a troubling and precarious situation for children in the country. Children in Pakistan today are afflicted with poor health, conflict, violence, child marriage, early pregnancy, malnutrition, lack of education and child labour, all of which have been found to be major global reasons for the disruption of childhood by the Save the Children report 'Stolen Childhoods 2017'. This report placed Pakistan 148th of a total of 172 countries ranked on the basis of children's health, education and

protection status, making it one of the least favourable countries to raise children.

Pakistan underwent its third Universal Periodic Review by the United National Human Rights Council in 2017. The final report reiterated its past recommendations to Pakistan with regard to child protection as there had been little progress since the last review five years ago. The Child Rights Committee showed particular concern over Pakistan's low birth registration rate, maltreatment of children in prisons and police custody, widespread sexual violence against children, and recruitment of children by armed groups.

Despite challenging circumstances and lack of state support, children in Pakistan continued to make strides in different fields. For example, Heera Akbar, a 14-year-old girl from Swat, was chosen as one of the nominees for the International Children's Peace Prize 2017 for her efforts against corporal punishment in schools. As Pakistan is fast approaching the next general election, citizens must demand that political parties put the safety of children at the top of their development agendas and commit to investing in child rights in order to bring sustainable change in the country.

Education

Despite education being the key to resolving myriad development issues in Pakistan, it remains one of the most neglected sectors. Efforts to boost education levels lack consistency and commitment to follow through to the end and 2017 was no different in this regard. Sporadic efforts were seen at provincial levels to improve the status of education but were insufficient to combat the education crisis faced by the country.



Many schools lack basic facilities but some schools are simply basic

In terms of legislation, all four provinces now have laws on the provision of free and compulsory primary and secondary education. Khyber Pakhtunkhwa Assembly passed the Khyber Pakhtunkhwa Free Compulsory Primary and Secondary Education Act 2017 on 14 April 2017 - the last province to adopt such legislation. However, only Sindh has so far succeeded in framing corresponding rules of business. The Right of Free and Compulsory Education Rules 2016 were notified by the Sindh School Education Department in December last year though no practical measures were taken all through 2017 to create the implementation mechanisms laid out in the said rules.

The UN Committee on Economic, Social and Cultural Rights urged Pakistan, during the country's third UPR held in 2017, to intensify efforts to ensure no

child was deprived of the right to education, to increase enrolment rates especially at primary level, and to remove social segregation caused by having both public and private education institutions.

Health

Malnutrition, lack of clean drinking water and inadequate medical facilities resulted in hundreds of preventable deaths of children in 2017, as is the case every year in Pakistan. By 5 December 2017, the death toll had risen to 516 children in the Tharparkar region where prolonged drought and poor access to health facilities resulted in undernourishment and maternal ill-health. The UN Committee on Economic, Social and Cultural Rights urged Pakistan in the 2017 UPR report to focus on taking all measures necessary to fulfil the vital nutritional needs of infants and children.

An analysis of various health reports for this year illustrates a serious health crisis in the country. The Pakistan Scaling-up Nutrition Programme in Pakistan and the World Food Programme (WFP) carried out a Fill the Nutrient Gap (FNG) assessment from November 2016 to April 2017. Their report, released in November 2017, identified affordability as the major barrier to achieving a nutritionally balanced diet in Pakistan. It found that malnutrition rates in children have remained very high for the past forty years with very little improvement, and that the double burden of malnutrition in the form of obesity and undernutrition has become a growing concern. It also observed that micronutrient deficiencies are suffered by children across the country in both urban and rural populations.

According to the Global Nutrition Report 2017, launched in December by the Planning Commission of Pakistan in collaboration with the United Nations World Food Programme, six percent of all children in Pakistan, mostly belonging to urban areas, suffered from improper nutrition in Pakistan with excessive consumption of processed/junk food resulting in both stunted growth and obesity. The report also found that Pakistan's spending on nutrition stood at 3.7 percent of its Gross Domestic Product (GDP), which was the lowest in Asia.

Pakistan accounts for 10% of all newborn deaths occurring globally and is one of the five countries which account for half of infant deaths worldwide, according to the UN report 'Levels and Trends in Child Mortality' published in October. Figures released by the District Health Information System (DHIS) of the province of KPK showed that 1,384 infants died of various ailments across the province in the first quarter of 2017 alone. Haripur topped the list with 173 infant deaths reported during this period.

According to the International Vaccine Access Centre's (IVAC) 2017 Pneumonia and Diarrhoea Progress Report, titled 'Driving progress through equitable investment and action', pneumonia and diarrhoea account for 25 percent of the worldwide under-5 deaths, which amount to almost 1.5 million children. The report identified Pakistan as one of the 15 countries where 70 percent of these deaths occur. The World Health Organisation has developed

a Global Action Plan for the Prevention and Control of Pneumonia and Diarrhoea (GAPPD) which Pakistan joined in 2013. This plan lays out targets for implementing different proven interventions to end preventable child deaths from pneumonia and diarrhoea by 2025. So far the overall GAPPD intervention score achieved by Pakistan is 46 percent against the target of 86 percent.

Chronic worm infection (Soil Transmitted Herminths – STH) has also been found to be a cause of the persistence of anaemia and malnourishment in children of schoolgoing age in Pakistan. To measure the exact burden, intensity and geographical distribution of STH in Pakistan, Evidence Action's Deworm the World Initiative conducted the first nationwide survey in late 2016 in collaboration with Interactive Research and Development (IRD), the Indus Hospital and the Institute of Development and Economic Alternatives (IDEAS). Results of the survey were released on 17 July 2017 which showed that the highest prevalence of the infections was found in Rawalpindi, Islamabad and Karachi (three of the most populous cities of Pakistan). Based on the survey data, the World Health Organisation (WHO) recommended treatment of 19 million school-age children annually and initiation of a school-based deworming programme in the high prevalence areas.

In 2017 Pakistan was able to almost entirely contain the polio endemic that had engulfed the country. Afghanistan and Pakistan are the only two countries of the world where the polio virus still exists. This year, it successfully reduced the total number of cases in 2017 to just eight – a reduction of almost 60 percent from last year in which 19 cases were reported. A province-wise breakdown showed that one case each occurred in



A door-to-door campaign has contained the polio virus

Punjab, Khyber Pakhtunkhwa and Gilgit-Baltistan, two in Sindh and three in Balochistan. Two of the three cases in Balochistan were reported from Qilla Abdullah which was declared a high-risk area. The last polio drive of the year was started across the country in the month of December 2017.

Another positive development this year was that the Punjab Assembly passed a resolution in October 2017 for legislation on a compulsory annual medical checkup of students in all public and private educational institutions as a measure to boost child health.

Legislative developments and child protection system

Long-awaited statutory developments to strengthen child protection at federal level were witnessed in 2017. In July, the National Assembly Standing Committee on Human Rights passed the Islamabad Capital Territory Child Protection Bill 2017 which aims to strengthen the protection and care system

of all children in the capital, including orphans. The salient features of the Bill comprise formation of a child protection board, establishment of and granting of licences to child care institutions, setting up a welfare fund for children, and registration of children without family support.

Then, in September, the National Commission on the Rights of Child Bill 2017 that had been pending since 2015 was finally passed as law by the National Assembly, after being approved by the Senate's Human Rights Committee. The objective of this new law is to ensure implementation of the United Nations Convention on the Rights of the Child (UNCRC) ratified by Pakistan in 1990, and its optional protocol on sale of children, child prostitution and child pornography which was also ratified six years ago in 2011. Formation of an autonomous body focusing on child rights had been repeatedly urged by the UN Committee on the Rights of the Child in its periodic reports.

New legislation at national and provincial levels was introduced this year to curb the growing problem of corporal punishment. In February 2017, the Senate passed the Prohibition of Corporal Punishment Act 2017 for the Islamabad Capital Territory. At the provincial level, Sindh and Gilgit-Baltistan were the only two provinces to have passed laws specifically prohibiting this practice.

The Sindh Prohibition of Corporal Punishment Act was enacted in February this year and expressly bans corporal punishment and degrading treatment of children 'in workplaces, in schools and other educational institutions including formal, non-formal, and religious, both public and private, in child care institutions including foster care, rehabilitation centres and any other alternative care settings, both public and private, and in the juvenile justice system'. The Gilgit-Baltistan Legislative Assembly had passed the Prohibition of Corporal Punishment Act in August last year, becoming the first ever province to legally ban this practice. It not only prohibits corporal punishment of children in schools and children's homes, but also in family settings, which is missing in the Sindh and ICT laws.

A major legislative move to strengthen the child protection system last year was the enactment of the Balochistan Child Protection Act, 2016 but its implementation remained pending throughout 2017. The law calls for the establishment of a Child Protection Commission to serve as the primary body responsible for the implementation of the law which had not been constituted by the end of 2017.

To safeguard children during disasters and develop a child-centred approach to disaster management, the National Disaster Management Authority (NDMA) and United Nations Children's Fund (UNICEF) signed a joint working plan for 2018 under a programme titled Continued Collaboration in Child Centred Disaster Risk Reduction Interventions. The programme aims at promoting school safety and creating a safe educational environment for students and teachers, through awareness raising, knowledge management, capacity building and institutional strengthening

for child inclusive climate change adaptation and disaster preparedness, mitigation and prevention. The programme is an extension of the Pakistan School Safety Framework (PSSF) started in 2015 to create a safe learning environment for students, teachers and school staff against natural and manmade hazards. The pilot programme under the PSSF was implemented in 68 public and private schools across the country including in AJK and ICT.

Violence against children

Children were subjected to all forms of violence in varying degrees in 2017 despite the enactment of a number of child protection legislations at national and provincial level in recent years.

More evidence was produced in 2017 proving that religious seminaries in Pakistan are rife with sexual abuse. The Associated Press of Pakistan (APP) carried out an investigation in 2017 into the prevalence of abuse in madrassahs in Pakistan. From its own findings and other available reports, APP calculated a total of 359 reported cases of sexual abuse by clerics in religious seminaries over the past decade. AP's investigation found that fear of clerics and the militant religious organisations prevented the reporting of such cases and the prosecution of perpetrators. Its own findings were based on police documents and interviews with victims, relatives, former and current ministers, aid groups and religious officials.

According to 'Cruel Numbers', the statistical report on child abuse released by the national child rights organisation, Sahil, every year, 14 abuse cases in madrassas were reported in the first half of 2017. Two cases were reported from the same madrassah in Faisalabad in October where a teenage student molested and murdered two younger students and later dumped their bodies outside the seminary. A video also surfaced the same month where a boy was found chained to a pole at a madrassah in Tando Muhammad Khan, Sindh. Earlier, in May, three other cases of sexual abuse emerged from madrassahs in South Punjab where young boys aged nine, 10 and 12 were raped by teachers and former students.

'Cruel Numbers 2016' was released in March and revealed that 4,139 children were sexually abused in 2016, of which 76 percent of cases were reported



Legislation appears powerless to protect children from all forms of abuse

from rural areas, whereas 24 percent were reported from urban areas. The statistics were based on data gathered from 86 national, regional and local newspapers. The Punjab reported the highest number of cases, followed by Sindh, Balochistan, Islamabad, Khyber Pakhtunkwa, AJK and, lastly, Gilgit-Baltistan.

The same trend continued in the first six months of this year according to

the 'Cruel Numbers' midyear edition for 2017. The highest number of cases occurred in the Punjab, with 1,089 reported incidents, followed by Sindh with 490 cases, 76 violations from Balochistan, 42 from Khyber Pakhtunkhwa, nine from AJK and 58 cases reported from ICT. A 17% percent decline in the total number of cases was observed compared to the same period last year. Gender-wise segregation of data showed that 1,067 girls and 697 boys were sexually exploited in the first half of the year.

The Deputy Inspector General of Police (DIG) informed the Senate's Standing Committee on Human Rights on 16 August 2017 that 111 child abuse cases had been reported in Sheikhpura alone in 2017 up to that time. He also shared that a total of 135 suspects were nominated in these cases, of which 115 had been arrested. Most of these cases were reported to have occurred at construction sites, during evening hours, and involved close relatives as the perpetrators.

Corporal punishment remained one of the most widespread forms of violence against children in the country. Extreme force used on children by teachers, employers or family members as a disciplinary measure resulted in serious injuries in several incidents. HRCP recorded 92 incidents of corporal punishment in 2017 from newspaper and volunteer reports across the country. An 11-year-old girl lost her life in June 2017 due to torture by a female teacher in an all-girls middle school in Sherqila, Ghizr district, Gilgit. Earlier, in May, a teacher at a private school in District Chishtian tortured a Grade 7 student for coming to class unprepared, inflicting severe injuries to the child's head and eye.

In another incident in the same month, a ninth-grade female student was allegedly pushed off the top floor of her school building in Shahdara in Lahore district for refusing to clean the classroom when it was her turn. A four-year-old child suffered temporary hearing loss after his teacher brutally beat him in the Shujabad sub-district in Multan in August 2017. In November 2017, a government school teacher from Lodhran broke a student's leg with incessant beating for not wearing a uniform to school, and in another reported case the same month a four-year-old student lost the sight in his left eye after being allegedly beaten by the principal at a private school in Tando Bago, Badin district, Sindh. These cases were stark reminders of the pervasiveness of corporal punishment in the country and that it is the social mindset, rather than the laws, that needs to change to eliminate the problem.

Children also became victims of hate crimes in schools in 2017. On 27 August, a 17-year-old Christian was beaten to death in his classroom by his Muslim class fellows in MC Model High School in Vehari, Punjab apparently due to his religion and growing intolerance in youth.

To address the issue of international child abduction, Pakistan had ratified the 1980 Hague Convention on the *Civil Aspects of International Child Abduction* in December last year, and it came into force in Pakistan on 1 March 2017. The solicitor general's office in the Federal Ministry of Law, Justice and

Human Rights has been appointed as the central authority as per Article 6 of the Convention. International child abduction occurs when one parent or guardian takes their child from his or her home country without the permission of the other parent or guardian or without the approval of a court. With the rising number of overseas Pakistanis, the issue of international child abduction has become a major problem. Research conducted by the Reunite International Child Abduction Centre revealed that the Middle Eastern countries, Pakistan and India are the most common destinations for international parental child abduction. The Hague Convention provides speedy procedures for the return of a child internationally abducted by a parent from one member country to another.

Juvenile justice

A notable development in the area of juvenile justice was the establishment of the first child court in the country on 19 December 2017 at the Judicial Complex in Lahore. This court is mandated to deal with all cases involving children. On the legislative front, a new law titled Juvenile Justice System Bill 2017 was tabled in the National Assembly on 24 May 2017 and was referred to the Standing Committee on Human Rights. This Bill aims to strengthen the existing criminal justice system for juveniles and achieve speedy disposal of cases by introducing the option of diversion for the first time in Pakistan, establishing juvenile justice committees for each session division and focusing on social integration of juvenile delinquents. The Standing Committee approved the Bill on 4 July 2017 and recommended it to be passed by the NA. No further progress was seen on the Bill by the end of the year.

Despite recent developments, the overall juvenile justice system in the country continued to suffer from fundamental weaknesses due to poor implementation of the law. The Child Rights Committee expressed deep concern in this regard in the final report of Pakistan's Universal Periodic Review held this year. It urged Pakistan to ensure implementation of the juvenile justice law, especially the formation of special courts for trials of juveniles and compliance with prescribed standards for the treatment of children in prisons and police custody.

The death penalty remained another contentious issue with regard to juvenile delinquents in the country. Despite the law expressly prohibiting sentencing of juvenile offenders to death, ten percent of the current death row population consists of juvenile offenders, according to the Justice Project Pakistan's report titled Death Row's Children - Pakistan's Unlawful Executions of Juvenile Offenders, released in February. The report attributed low birth registration, weak implementation of the juvenile justice law, and lack of age determination methods as primary reasons for several juveniles being sentenced to capital punishment and executed in the country.

Due to the grossly slow court processes, the number of incarcerated children awaiting trial continued to be despairingly high. During a session of the provincial assembly on 23 November 2017, the Sindh Prisons Minister shared that 95 percent of children in Sindh jails were under trial prisoners, whereas

only around 5 percent of them were convicts. Currently, of the 210 prisoners at the Youthful Offenders Industrial Schools (YOIS) in Karachi, the only facility in Sindh exclusively for juveniles, 12 were convicts and 198 were under trial prisoners (UTPs), and most were accused of either murder or robbery. Similarly, according to the Punjab Prison data, there were 615 child prisoners in 39 Punjab jails as of 15 December 2017, out of which 578 were under trial and only 67 convicted.

The issue of sexual abuse of juveniles was raised by an MPA at the Balochistan provincial assembly session in October 2017. He alleged that 99 percent of the juvenile prisoners in the province suffered from drug abuse and sexual harassment. He also highlighted the fact that no separate prisons for juveniles existed in the province and there was no monitoring of the juvenile cells located within adult prisons. In response to this, the Speaker of the House asked the Home Secretary to prepare a report on this matter. Juveniles are housed in five prisons in Balochistan, namely Quetta District Jail, Khuzdar Central Jail, Mach Central Jail, Loralai District Jail, and Sibi District Jail.

On a more positive note, the Prime Minister's Youth Programme (PMYP) in collaboration with the United Nations Office of Counter-Terrorism (UNOCT) launched a project for the rehabilitation of juvenile offenders at Quetta District Jail. Under the project, UNOCT provided equipment and material for three-month training sessions for motorcycle mechanics and tailors to be imparted to juveniles by expert trainers from Balochistan Technical Education and Vocational Training Authority (TEVTA).

Another issue which is of particular significance, but often ignored, is the status of female juvenile prisoners. All female juveniles continue to be incarcerated in women's prisons alongside adult prisoners, which is a complete violation of domestic and international law binding on Pakistan. Section 17 of the new Juvenile Justice Bill 2017 makes special provisions for female juveniles stating that they will be detained in special Juvenile Rehabilitation Centres. Currently, there are no separate wards for female prisoners and they are not separately accounted for in the juvenile prisoner data which reduces their visibility, as well as effective oversight by authorities.

Child labour

Millions of children across Pakistan below the minimum age of employment continued to work, often in hazardous occupations, despite laws imposing strict prohibitions. Economic exploitation of children persisted in both the formal and informal sectors. During Pakistan's third UPR, the ILO Committee of Experts on the Application of Conventions and Recommendations expressed deep concern at the high number of working children who were not legally eligible to work. The exact magnitude of the problem remains unknown since no formal child labour survey has been conducted since 1996, despite repeated promises by different governments over the past several years.

On the legislative front, some progress in addressing the issue of child labour was evident. On 25 January, the Sindh Assembly repealed The Employment of Children Act 1991 and unanimously passed the Sindh Prohibition of Employment of Children Act 2017 - pending since the 18th Amendment which devolved all labour related matters to the provinces. The Punjab and Khyber Pakhtunkhwa assemblies had already adopted similar legislation. Under these laws, the minimum age for hazardous work is 18 years, in line with the ILO Minimum Age Convention 1973 (No.138).

At the ICT level, a draft law titled Islamabad Restriction on Employment of Children Bill 2017 had been vetted by the standing committee but awaited consideration under Rule 100 (Rules of Procedure and Conduct of Business in the Senate, 2012) by the end the year. According to news reports, four new laws were also being drafted to curtail child labour in the capital with the support of the International Labour Organisation (ILO), Ministry of Overseas Pakistanis, and Human Resource Development and Law and Justice Commission of Pakistan. The four laws were Employment and Services Condition Act, Occupational Safety and Health Act, Trade Union Registration and Industrial Relations Act and Workers Social Security, Welfare and Compensation Act.

Another year went by without child domestic labour making it to the list of prohibited occupations in any of the employment of children laws. Mistreatment of children employed in domestic settings were increasingly reported and highlighted by the media and human rights groups but fell on deaf ears. The Punjab government showed some proclivity towards widening the scope of the existing law to incorporate child domestic labour as a prohibited occupation. A member of the Punjab Assembly introduced a private Bill, The Punjab Restriction on Employment of Children (Amendment) Bill 2017 in October this year but withdrew it following an assurance that the Bill would be moved by the government. The Bill had yet to be tabled by the end of the year.

In another move, as part of the Punjab Chief Minister's Anti-Forced Labour programme and under the Punjab Prohibition on Employment of Children at Brick Kiln Act 2016, FIRs were registered against 897 brick kiln owners who forced children into labour.

Birth registration

The birth registration rate in Pakistan has remained alarmingly low in Pakistan while the birth rate in the country is one of the highest in the world. According to available statistics, only 34% of children under five are registered in the country whereas the latest national census has calculated the annual birth rate at 22 births per thousand persons. An efficient birth registration system is the first step towards ensuring that a child is able to fully exercise all fundamental rights and the process needs to be urgently facilitated to reduce the extreme vulnerability that results from non-registration.

Different initiatives were seen at the provincial level where governments collaborated with the corporate sector to boost birth registration in the country. In July 2017, the Local Government & Community Development (LG&CD) Department Punjab joined hands with UNICEF and Telenor Pakistan to setup a Digital Birth Registration (DBR) cell in Lahore. The target of the DBR cell was to train local government officials to use mobile phone technology to register births online. Pakpattan became the first district of the Punjab where the digital birth registration programme was started, followed by Bahawalpur. In 2018, the programme is expected to be expanded to eight additional districts of the Punjab with the lowest birth registration rates. Another similar programme was started by Telenor Pakistan in collaboration with Plan International Pakistan under the project 'Strengthening Civil Registration of Vital Statistics in Pakistan through appropriate use of Digital Technologies'.

In 2017, this project was implemented in the districts of Sujawal and Tando Muhammad Khan in Sindh, and the Chiniot district in the Punjab. By engaging the Local Government, Health and Education Departments, this project aims to increase access to birth registration services and boost birth registration rates by 80% by the end of year 2018 in the target districts.

Street children and children with disabilities

The number of street and homeless children continues to grow as is evident from their increased visibility in public spaces around the country. In 2017, the government ignored the plight of these children who are routinely subjected to abuse and maltreatment and have no access to social services. Orphans and homeless children were excluded from the national census held this year as it only took into account persons registered with NADRA. In the absence of quantitative data, it is hard to devise suitable policies for their protection and well-being.



Orphans and homeless children were excluded from the census in 2017

According to a survey report released in November 2017 by the Society for the Protection of the Rights of the Child (SPARC), titled 'Children of Pakistan and a Comparison of School Dropout Rates', an estimated 1.5 million children were living on the streets in urban areas across the country – an increase of 1.2 million from their last estimation five years earlier. Another report titled 'Listen to My Voice', conducted by local non-governmental organisations, Acting for Life, Group Development Pakistan, SACH and VISION, found 1,504 street children in Murree alone. Of these, 179 children aged between 3-17 years were discovered to have been trafficked.

Another category of children on which very little quantitative information

exists in Pakistan are children with disabilities and special educational needs. In the 6th population census that was conducted this year, the decision to count the disabled separately was taken on the direction of the Supreme Court of Pakistan well after the census process had started. As a result, the population of the disabled was recorded at 0.48 per cent of the total population, 80 percent less than the previous census carried out 19 years ago. It can safely be concluded that this figure does not represent the actual population due to the flawed process followed for disability inclusion in the census.

Children with disabilities in Pakistan consistently face physical and attitudinal barriers. On 22 December 2017, the Lahore High Court formed a child rights commission to investigate cases of violence against special children while hearing a public interest petition on the maltreatment of deaf and dumb children. The court directed the Punjab Special Education Secretary to hold an inquiry against all those involved in the maltreatment of special children and to also submit a report about the deployment of police officers in the buses transporting special children. Earlier in the month, the Lahore High Court had ordered the Punjab special education department to install CCTV cameras in all schools and buses of special children in response to a video in which a bus conductor of a Government Special Education Centre in Gujranwala was seen subjecting special children to physical cruelty.

Child marriages

Child marriage continued to be the norm in the country despite Pakistan being one of the first states to propose a target for ending child marriages by year 2030, as part of the sustainable development goals. Religious validation of the practice from conservative segments of the society has been the primary reason why this practice continues to exist and grow in the country.

According to Sahil's reports on child abuse, there were a total of 176 reported cases of child marriages in 2016 and 59 cases of child marriages in the first six months of 2017. Survey findings released by Gallup International in October this year showed that 16 million women and men in Pakistan got married before they turned 18, which is the internationally accepted age of majority. This forms nearly 13% of Pakistan's entire population above the age of 15.

Some improvements in legislation unfolded in 2017. The Senate Standing Committee approved the federal Child Marriage Restraint (Amendment) Bill 2017 on 23 October 2017 in which the minimum marriageable age for girls was raised from 16 to 18 years in ICT. This amendment was initially rejected by the Committee as being against Islamic injunctions.

At the provincial level, the Sindh Women Development Department reconstituted the Provincial Monitoring Committee on Child Marriage in

November 2017. This step was taken under Section 24 of the Sindh Child Marriage Restraint Rules 2016. The Committee, chaired by the Secretary of the Women Development Department, would be responsible for supervising the functioning of the District Monitoring Committees, periodically review the Sindh Child Marriage Restraint Act 2013 for potential changes, investigate incidents of child marriage, and gradually work towards eradicating child marriage in the province. It would also be responsible for fundraising from domestic and international sources to meet its objectives.

In 2017, Sindh was the only province where the legally permitted age for marriage was 18 years for both males and females, while in the other three provinces the minimum age was set at 16 years for girls and 18 for boys. In terms of provincial legislation, KPK and Balochistan failed to enact their own laws on child marriages and continued to follow the 1926 federal law.

Recommendations

- Induct properly qualified and trained teachers to raise the quality of education in the country, along with improved pay scales and incentives to ensure their retention.
- Focus on developing concrete action plans to achieve food security, strengthen community level health systems, and improve water supply and sanitation, to counter malnutrition and preventable diseases in a sustainable way.
- Start an awareness drive/campaign against corporal punishment, targeting the elimination of mindsets that accept and perpetuate this harmful practice.
- Closely monitor religious seminaries to control the rampant sexual abuse of children. Punish those responsible for such acts to eliminate the culture of impunity that exists in the garb of religion.
- Create implementation mechanisms under each of the child protection laws recently enacted at the provincial and national level on an urgent basis. Set up commissions under the Balochistan Child Protection Act 2016 and the National Commission on the Rights of Child Bill 2017. Moreover, the Islamabad Capital Territory Child Protection Bill 2017 approved by the lower house must be passed as law on a priority basis.
- Strengthen the juvenile justice system to ensure special protections available under the law are in fact granted to juvenile offenders. Particular attention must be paid to ensure children are never put in handcuffs or fetters, that they are tried in exclusive juvenile courts, and they are not sentenced to rigorous imprisonment or capital punishment.
- Conduct a child labour survey on an urgent basis to ascertain the

magnitude of the problem. Existing laws must be amended immediately to include domestic child labour in the list of prohibited occupations for children.

- Take all necessary measures to ensure children are registered at birth so that they are able to benefit from the available social protection and safety nets.
- Conduct a complete headcount of children with disabilities and street children so that protection mechanisms can be developed accordingly.
- Focus on raising awareness of the harmful consequences of child marriages, to counter the social and religious drivers of early marriages in the country such as traditional practices, poverty and illiteracy.

Labour

The state shall ensure the elimination of all forms of exploitation and the gradual fulfillment of the fundamental principle, from each according to his ability, to each according to his work.

Constitution of Pakistan

Article 3

Slavery is non-existent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form. All forms of forced labour and traffic in human beings are prohibited. No child below the age of 14 years shall be engaged in any factory or mine or any other hazardous employment.

Article 11(1-3)

Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.

Article 17(1)

The state shall make provision for securing just and humane conditions of work ...

Article 37

The state shall secure the well-being of the people, irrespective of sex, caste, creed and race, by raising their standard of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriment of general interest and by ensuring equitable adjustment of rights between employers and employees, and landlords and tenants; provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure; provide for all persons, employed in the service of Pakistan or otherwise, social security by compulsory social insurance or other means; provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment; reduce disparity in the income and earnings of individuals ...

Article 38(a) to (e)

No one shall be held in slavery or servitude.

Universal Declaration of Human Rights Article 4

Everyone, as a member of society, has a right to social security ...

Article 22

Everyone has the right to work, to free choice of employment, to just and 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)

In 2017 the Pakistani labour force continued to work in precarious conditions, with meagre support from the state institutions, low wages, increased working hours, deprivation in social security services, discrimination in wages (in the case of women workers), and non-implementation of labour laws.

The labour force of over 60 million remained marginalised, unorganised and devoid of fundamental rights of association and collective bargaining rights. The poor occupational safety and health (OHS) situation at workplaces continued to prevail, resulting in increased industrial accidents. During the year, more deaths were reported from coal mines in Balochistan, where scant OHS facilities are provided by the employers and the provincial government. At least two deadly fire incidents were reported during late 2016 and early 2017 from the only shipbreaking site located at Gadani in Balochistan, resulting in the deaths of dozens of workers and injuries to many more.

Child labour and bonded labour was unchecked, despite the passing of the related laws by the provincial assemblies in Sindh and the Punjab. Current official data on labour is unavailable, but the last Labour Force Survey 2014-15 indicated that there were 3.70 million child labourers in Pakistan in 2014, aged between 10 and 17 years. About 1.64 million children were engaged in hazardous work. The National Policy on Home-Based Workers, however, estimates the child labourers up to the age of 10 years to be around 6 million.

Minimum wages

The minimum wage for unskilled workers, announced by the federal and

provincial governments at the time of the annual budget presentation, was never implemented for the majority of employees as most industries and commercial establishments were still reluctant to pay even that wage. For the fiscal year 2017-18 this rate has been fixed at Rs15,000 per month, only Rs1,000 above the last fiscal year. It is a known fact that the majority of industrial and commercial establishments do not pay the minimum wage and there is no effective government mechanism to enforce it.

Labour struggles

The Labour Force Survey provides the only official data about Pakistan's existing labour force and the last report was released in 2014-15. The report for 2015-16 was not released by the Pakistan Bureau of Statistics because the department was fully occupied in the population census during 2017.

Pakistan's labour force is estimated at 61.04 million in the Pakistan Labour Force Survey 2014-15 (the ILOSTAT database, based on World Bank population estimates 2016, puts it at 68 million). Based on the 2014-15 survey data, 22 percent were women and 67.8 percent men workers. The majority of the workforce, 42.3 percent, was employed in agriculture, forestry and fishing. This was followed by the industrial manufacturing sector which employed 15.3 percent, then construction, wholesale and retail, transport and community service sectors. The informal sector accounted for more than seven-tenths (72.6%) of non-agricultural employment, more in rural (76.1%) than in urban areas (69.2%). Formal sector activities were concentrated more in urban areas (30.8%) than in rural areas (23.9%). The formal sector registered an increase (26.4%, 27.4%) while the informal sector decreased (73.6%, 72.6%) in the year 2014-15.

Pakistan's workers are mostly unorganised and trade union membership has drastically reduced over the years. According to estimates, currently only one to three percent of labour is organised under trade unions in Pakistan. Those trade unions are mostly in the public sector organisations such as WAPDA, Pakistan Steel, Pakistan Railways, PIA, State Bank of Pakistan, and National Bank of Pakistan. The trade unions in the private sector either do not exist or are pocket unions formed by the employers to meet international or export requirements.



All Pakistan Lady Health Workers union protests in Hyderabad over non-payment of salaries

In both the government and private sectors, employees continued to struggle for their rights in 2017. The ongoing battle of government teachers and lady health workers for job regularisation or wages resulted in some positive

measures from the government. In Sindh the provincial cabinet has announced that teachers who have passed the NTS test will be regularised, and the salaries of lady health workers have been released.

In Sindh, the sugarcane farmers have fought for better rates for their sugarcane products as sugar mills have refused to pay the official rate of Rs182 for 40 kg. Most sugar mills did not even start the crushing schedule as they claimed that they had stockpiled from the previous year.

On 11 December, police used force to disperse sugarcane farmers when they gathered at Bilawal Chowrangi in Karachi to protest against the non-operation of the mills, which had caused heavy losses for them.

Government employees

Government employees mainly protested against delays in salaries, non-regularisation of their jobs, and promotions.

Health workers, especially lady health workers (LHWs) in the four provinces, had been demanding regularisation of their jobs and payment of dues from 2012. The former Prime Minister Raja Pervez Ashraf had approved regularisation of the services of 105,086 lady health workers, including their support staff, with effect from 1 July 2012.

Lady health workers have faced numerous problems. They have to take part in polio immunisation programmes, besides regular healthcare related visits to the localities. According to the findings of a study on 'Sexual Harassment with Lady Health Workers at Office and Field', conducted by senior journalist Moniza Inam for the Workers Education and Research Organisation (WERO), LHWs are confronted with discrimination and negative stereotypes by men in the community and face domestic violence at home as well. The LHWs also have to endure irregular salaries, uncertain job conditions, long working and travelling hours, with no clear job description.

In another research study on 'Socio-economic impacts of delayed wages on lady health workers and their families', it was found that 68% of the households of LHWs reported having a member with a major disease. According to the findings of Salman Kazi, an assistant professor at PAF-Karachi Institute of Economics and Technology, the average reported family income of LHWs was Rs23,682, with an average budget deficit apparently standing at Rs5,885 per month, which necessitated borrowing from local retailers.

The LHWs staged a protest march from the Karachi Press Club to the Chief Minister's house on 16 November and dispersed after assurances that the government would resolve their problems. The following day, the Sindh government announced that five months' salary of LHWs, withheld due to ongoing biometric verification, would be released.

In the Punjab, health workers protested against privatisation of health

services in the province. On 31 October, the Punjab government accepted the demands of the striking health workers. Later, the Punjab Minister for Primary and Secondary Health denied that any government hospital was being privatised or that any employee was being removed from their job. He stated that only the management in some hospitals was being outsourced, and the assets and property would remain under the ownership of the government.

Meanwhile, the Punjab Government announced on 21 September that the services of 125 nurses of Services Hospital had been regularised and orders had been issued in this regard. According to the Chief Nursing Superintendent, these nurses had been appointed in 2011 during the dengue outbreak. In 2014, they had been offered a contract of three years and their services had now been regularised.

In Khyber Pakhtunkhwa the health workers observed a complete strike in different government hospitals in Peshawar on 18 May against registration of cases and transfer of health employees. Meanwhile, on 14 September employees of the National Programme for Family Planning and Primary Health Care warned of launching a protest campaign against nonpayment of their salaries.

In Sindh, the government teachers appointed in the past demanded permanent employee status and staged sit-ins and protest demonstrations in Karachi. On many occasions, the police resorted to force when the marchers tried to approach the Chief Minister's House in a red zone area. The protestors came from four major groups: 15,000 teachers selected through the National Testing Service (NTS); 40,000 Primary Teachers Association (PTA) members; 8,800 teachers appointed in 2010 through a test conducted by the Sindh University, and the New Teachers Action Committee (NTAC) with a 4,400-strong membership comprising both teaching and non-teaching staff. These teachers had been appointed in 2012 by the former education minister, Pir Mazharul Haq, allegedly after taking bribes.

The government finally showed leniency to the teachers and on 30 December the provincial cabinet decided that contractual teachers appointed in government schools through the National Testing Service (NTS) would be regularised. The cabinet further decided that a comprehensive education reforms Bill would be presented to the Sindh assembly to improve the education and teaching system in the province.

However, teachers' bodies rejected the government's plan and demanded regularisation of all teachers. They also announced they would continue their protests until their demands were accepted.

Visually impaired people from across the Punjab held a series of protests in support of their demands. In March, the visually impaired took out a protest rally in Dera Ghazi Khan against non-payment of salaries which they said

had been pending for four months. In Lahore, protests were held in October and December calling for the proper implementation of the three percent quota for employment, an increase in the quota, regularisation of jobs, and increases in salary. The protestors said the Punjab government had given assurances in 2014 but their demands had still not been addressed.

Current and retired employees of Pakistan Steel Mills (PSM) remained on protest against non-payment of their salaries, dues and pensions. PSM has been virtually non-functional for over two years. The fate of over 12,000 employees hangs in the balance as the management has been unable to pay salaries for months and the government of Pakistan is reluctant to cover those costs. PSM is still on the active list of the privatisation programme of the federal government although no decision has been made so far. The federal cabinet has now decided that any party can acquire PSM through competitive process. It said it had offered PSM to the Sindh government, but no serious response had been received.

In December 2017 the employees received their salaries for the months of August and September 2017. The release of salaries depends on decisions being taken by the federal cabinet. The Sindh High Court ordered that accumulated dues outstanding since 2013 for 850 retired employees, estimated to be around Rs3.43 billion, should be paid by 7 December. The company claimed there were no funds left in the gratuity and provident fund accounts to comply with the court order and they were in communication with the Ministry of Industries and Production for the release of the funds.

In the light of reports that the federal government had begun negotiations to settle PSM's liabilities worth Rs100 billion and had offered to clear the dues of banks and a gas utility company by giving them the land owned by PSM, the Sindh Chief Minister declared that the land belonged to the people of Sindh and would never be sold to settle the liabilities of the mill.

The closure of Pakistan Steel Mills is to be investigated by the National Accountability Bureau.

The proposed privatisation of Pakistan International Airlines was stalled yet again in 2016 following protests and pressure from political circles and labour unions, and PIA was given a reprieve by converting it into a public limited company. Under the PIAC Conversion Act 2016, the government was barred from transferring ownership of the entity. In November 2017, however, the Privatisation Commission decided to 'reinitiate' the process of privatisation, an outstanding commitment made as part of the \$6.2 billion IMF bailout, and is seeking to reverse this rule. There has been no significant improvement in the affairs of the organisation and it has in fact started closing down its routes, starting with the sudden suspension of its operations to the United States.

In the power sector, the Privatisation Commission decided to stop the listing

of the Gujranwala Electric Power Company at the Pakistan Stock Exchange. Instead, all power generation and distribution companies may be privatised by handing over their management control to the private sector. In the first phase, Northern Power Generation Company Limited, Faisalabad Electricity Supply Company and Islamabad Electricity Supply Company may be privatised.

Private sector employees

In May 2017, social media was flooded with posts and news about the protests of workers who had been terminated by the textile garment manufacturer Khaadi. The textile brand had allegedly fired 32 workers after they tried to form a union and demanded the minimum wage.

Heading the workers' grievances was the claim that they were not given employment letters, leaving them with no legal recourse if their services were terminated. There were also allegations that the company did not deposit Sindh Employees' Social Security Institution (SESSI) contributions with the department, nor did it issue SESSI cards to workers employed in its industrial units. It was further alleged that workers were not issued with Employees Old-Age Benefits Institution (EOBI) cards despite contributions being deducted from their salaries. Other accusations included long working hours and unfair working conditions.

Initially, the Khaadi management refuted the allegations in the media as baseless and said the company had no intention of firing 32 workers. However, the company later changed its stance and said that the labourers were not the company's employees and were on a third party contract. It then changed its statement for the third time, saying the 32 workers had resigned willingly.

Web bloggers and social activists condemned the company's attitude towards its workers and appealed to the public to boycott its products. The hashtag #BoycottKhaadi was created on Twitter, and became a trending topic on social media. Civil society and workers' rights activists joined the protests in Islamabad, Lahore, Multan and Karachi, demanding government intervention. The mainstream media also picked up the story and leading newspapers carried editorials.

With Eid shopping days approaching, the company was forced to the negotiation table to settle the issue, and agreement was eventually reached with the National Trade Union Federation (NTUF).

Under the agreement, Khaadi agreed to improve the Implementation of labour laws at its production units, including minimum wage regulations. The 125 workers who moved the National Industrial Relations Commission would be reinstated and not harassed. Employees would also be issued with appointment letters, and registered with the EOBI and Sindh Social Security.

The brand also clarified in the agreement that 'Khaadi discourages all kinds

of gender-based discrimination against women’.

Mine workers

Mines are located in all four provinces as well as Azad Jammu and Kashmir. The coal mines in Balochistan and Sindh are very tough workplaces where thousands of workers are engaged in mining without occupational safety and health (OSH) conditions. The records indicate that over 220 workers had lost their lives in fatal mine accidents during the period 2010-16. Mindful of the hazardous conditions, the ILO, in collaboration with the Ministry of Overseas Pakistanis and Human Resource Development, organised a two-day National Tripartite Consultation on OSH in the mining sector on 21 and 22 November in Islamabad.

In 2017 numerous accidents were reported in which miners lost their lives and many sustained injuries. Most of the accidents happened because leaseholders do not provide adequate safety precautions and the government’s labour inspection system is sadly lacking.

Two miners lost their lives after an explosion caused a cave-in at a coal mine in the Harnai district on 5 February. According to sources, the explosion occurred after the mine was filled with gas.

Four coalminers were killed in the Sor Range coalfield, located some 16 kilometres east of Quetta, on 24 May. Part of the coal mine caved in, trapping the miners under debris. The victims’ supervisor also suffered injuries and was admitted to hospital.

Three young workers lost their lives in a mine in the Lakhra coalfield on 25 May. The mine had reportedly been closed for a few months and poisonous gases had accumulated. No safety check was conducted before workers entered the mine to resume work. They died from asphyxia caused by the gases.

Two miners died in a coal mine after being hit by a trolley in the Loralai area of Balochistan on 13 July.

Five miners, including two brothers, were trapped 800 feet down in a coalmine near Muzaffarabad when a gas explosion caused the collapse of mine stopes on 6 August. The police arrested the leaseholder and his five partners after registering a criminal case against them.

A young mineworker was killed and his brother injured when they were hit by a landslide while working in a gypsum mine in the Jatta Ismail Khel area of Karak on 23 August.

On 8 September, four workers were killed in a methane gas blast inside a mine in the Sinjidi area, around 45 km from Quetta.

Three coal miners died on 11 September after inhaling poisonous gas accumulated in a mine in the Harnai area, some 160 km from Quetta.

A miner died after inhaling poisonous gas accumulated in a mine in the Duki area of Loralai district on 12 September. The victim was working deep inside the mine when the incident occurred.

Six workers at a stone-crushing unit were buried alive on 27 September while drilling and blasting a rock near Chak 126-SB village, about 35km from Sahiwal. Two other workers suffered injuries in the incident. A case was registered against the leaseholder for insufficient precautionary measures at the site.

Two died due to suffocation from poisonous gases inside a coal mine in the Duki area of Loralai district on 10 October. At least 7 miners died on 20 October when a landslide hit a coal mine in the Shahrag area of the Harnai district.

Two coal miners died due to suffocation from poisonous gas accumulated in the coal mine in the Duki area of Loralai district on 9 December.

A one-day seminar on the problems of mine workers was organised by the Pakistan Institute of Labour Education and Research (PILER) on 11 November, at which labour leaders from Balochistan and Sindh emphasised the need for provision of occupational safety and health facilities at the mines. The seminar made several recommendations for mine working, covering all aspects of health and safety, welfare, employment, and working conditions. It particularly called for Pakistan to ratify the ILO conventions relating to the health and safety of mine workers, and for a Mines Labour policy to be implemented at federal and provincial level.



The Pakistan Central Mines Labour Federation in Quetta protests against mining deaths

Farm workers

Tenants of the Okara Military Farms continued their struggle for ownership rights. The repression of the administration continued against leaders of Anjuman Mazareen, many of whom are still languishing in jails and facing different cases. Noor Nabi, chairman of the union council of Okara Military Farms and a central leader of the peasants, was arrested in June 2017 under seven fabricated cases, including cases under the Anti-Terrorism Act. He was later granted bail in all the cases.

When all the bail bonds had been submitted for his release from jail and he was about to be released, he reportedly went missing from inside the jail while his family waited outside. They believed he had been kidnapped by

intelligence agencies.

On 27 December, the District Police Officer told the Okara court that they were not holding Noor Nabi, although the jail authorities said he had been released from jail after being bailed. On 30 December, it was announced that he had been arrested in connection with a robbery case in Sahiwal. Since then he has been in police custody.

HRCP and other non-governmental organisations continued to provide legal support to peasants in rural areas of Sindh for their release from bonded labour. According to data compiled by the HRCP Hyderabad office, up to the end of November a total of 2,818 peasants had been released.

New labour legislation

After the 18th Amendment to the Constitution, the subject of labour legislation was devolved to the provinces, which started making their own labour laws, or adopted the existing federal laws with some amendments. The pace of new legislation is slower in most provinces apart from Sindh, where the maximum number of new labour laws have been passed. However, the process of implementation, including the drawing up of Rules of Business, for many new labour laws has yet to be started. As a result, much of the new legislation is practically non-operative. As an example, the provincial assembly passed the Sindh Industrial Relations Act in 2013 and, for the first time, agriculture workers and fishermen were included in the definition of labour in the law. As the Rules of Business are unavailable, the agriculture workers and fishermen are unable to have their unions registered under the law.

The Sindh Assembly passed the Sindh Occupational Safety and Health Act 2017 on 17 November to ensure occupational safety and health conditions at workplaces in the province for the protection of workers. The Factories Act 1934 covered Occupational Safety and Health, but Sindh took the lead and made a separate law for workers' safety.

The Sindh province also took another step forward by organising the first Tripartite Labour Conference in Karachi on 11 December 2017, which representatives of workers from across the province attended in large numbers. The tripartite consultative mechanism is a mandatory process under the International Labour Organisation (ILO) Convention 144 for legislating upon labour policies, but Sindh was the first province to initiate it. The ILO Country Director Ingrid Christensen participated in the conference.

The Sindh Prohibition of Employment of Children Act, 2017, a long standing demand of civil society in the province, was passed. The other provinces had already made similar laws in previous years, including the Punjab Restriction on Employment of Children Act 2016, Khyber Pakhtunkhwa Prohibition of Employment of Children Act 2015, and The Employment of Children Act 1991 (adopted by Balochistan).

The Sindh Assembly has just passed the law, but it calls for the government to constitute a Sindh Coordination Committee on Child Labour, which is still not notified. The main objective of the Committee is to advise the government on appropriate legislative, administrative and other measures for the eradication of child labour as per international instruments, and to set the minimum age for the purpose of employment in the province.

There are so far no reliable statistics on child labour in Sindh. The provincial minister for Labour has said that a province-wide child labour survey was being conducted with the help of UNICEF and the statistics collected would be available with the department after the survey.

The Sindh Assembly also passed The Sindh Payment of Wages Act, 2015 on 30 January 2017, which was enforced from 10 March 2017.

Home-based workers

An ILO report published in 2017, *Pakistan's Hidden Workers: Wages and conditions of home-based workers and the informal economy*, highlighted the vulnerability of home-based workers. The majority of them are women and they lack legal protections and access to collective bargaining. Their wage rates are generally set by middlemen and they are 'chronically and significantly underpaid.' Of those who attempted to negotiate better rates, 95 percent failed.

It is estimated that there are 5 million home-based workers and they are deprived of all legal benefits available under the labour laws. Pakistan has yet to ratify the ILO Convention 177 on Home-Based Work.

The Sindh government notified on 13 January its adoption of a policy for home-based workers which is a positive first step towards recognition of these workers and their inclusion within legal protections. A draft Bill based on the policy was expected to be tabled following which home-based workers would be entitled to social security, pension, the right to unionise, collective bargaining, and other benefits under labour law. Moreover, they could also now reach out to labour courts for the hearing of their cases. It is hoped that other provinces will follow suit.

Domestic child workers' plight

In Pakistan, it is customary for poor people in rural areas to send their children to work for influential and wealthy people in the cities. The parents of such children normally visit them from time to time to monitor their welfare and living conditions. However, these children sometimes face abuse and hardship at the hands of their employers and most cases go unreported.

A law called Domestic Workers (Employment Rights) Bill 2015 is under consideration by parliament, but there is practically no legal remedy available in cases of torture of such child workers. According to HomeNet Pakistan estimates, there are around 8.5 million domestic workers.

Many incidents of torture, and even death, of domestic female workers were reported on all media during 2017.

Tayyaba, a 10-year-old child domestic worker, suffered brutal cruelty at the residence of a judge in Islamabad. The judge's wife had allegedly burnt Tayyaba's hand as punishment for losing a broom. The girl was locked in a storage room for several hours. A neighbour of the judge called the authorities, informing them about the mistreatment of the child.

Police initially tried to suppress the incident but registered a case after an outcry on social and electronic media, and the girl was recovered from the judge's residence. The case was initially ended on a compromise with the parents of the girl. However, when the Chief Justice of the Supreme Court of Pakistan took suo moto notice, the case was reinvestigated and tried. The apex court referred the case to the Islamabad High Court for formal proceedings.

In another domestic incident in Lahore, a 12-year-old girl was beaten by her employer with a steel hanger for allegedly snatching a book from her employer's son. The Child Welfare and Protection Bureau rescued her.

Akhtar Ali, 16, from Okara, and his younger sister Atiya, had been employed as domestic workers for four years at the house of an MPA in Lahore. On 11 July, Akhtar was sent by the MPA's daughter Fauzia to buy utensils and when he returned late she allegedly beat him up with an iron rod and club. He suffered critical injuries which reportedly led to his death three days later. A murder case was registered against the suspect and the postmortem report confirmed that his body bore both old and fresh wounds.

A 12-year-old girl from Kandhkot district was allegedly raped by her employers in Karachi's Malir Cantt. According to the case report, the child had been working as a maid for a few months at the Karachi residence of a businessman. The employer told the family the child was unwell and should be collected. After the family took her home, the child repeatedly fell unconscious, and a medical examination revealed she had been sexually assaulted. Two suspects were arrested.

Brick kiln child labour

The Parliamentary Secretary for Labour and Human Resource told the Punjab Assembly on 23 November 2017 that under the Punjab Prohibition On Employment of Children at Brick Kiln Act 2016, inspectors had carried out 10,417 inspections and had FIRs registered against 897 brick kiln owners. According to the provincial Schools Education Minister, the Punjab government had paved the way for the total elimination of child labour from the brick-kiln industry through sustained reforms, aimed at providing free educational facilities to the children. He claimed that as many as 87,000 children of brick-kiln workers had been enrolled in different government-sponsored schools for free education.

EU's second review under GSP+

The second two-year review of the European Union's (EU) facility of Generalised System of Preferences (GSP+), provided to Pakistan for duty-free exports to all EU member countries, was held in 2017 and its report was to be presented in the European Parliament by early January 2018.

Under the GSP+ scheme, Pakistan is required to ratify and take measures to implement 27 international conventions and covenants including eight core labour standards of the International Labour Organisation (ILO) and seven UN covenants on human rights.

Although Pakistan had already signed the 27 Conventions and Covenants before the GSP+ facility, the implementation of these international laws is unsatisfactory as Pakistan has not made laws or created institutions to implement them.

The EU's first report released in 2016 expressed dismay over the non-implementation of ILO conventions. The report says: 'Implementation remains a problem for all laws and policy areas in Pakistan. For the labour laws a system of labour inspection has been put in place, with adoption of a labour inspection policy and labour protection policy in 2006, but results have been limited. Only about 340 labour inspectors cover the entire Pakistan and they have been accused of corruption and of collusion with employers. Efforts have recently been initiated to strengthen the system with a significant investment in equipment and training for labour inspections with assistance from ILO and the Netherlands.'

Overseas workers

According to the Export of Manpower Analysis 2016 report, compiled by the Bureau of Emigration & Overseas Employment, a total of 946,571 Pakistanis went abroad for job purposes in 2015, which was the highest number in the history of overseas workers in a particular year. However, in 2016 the export of manpower declined to 839,353. The total number of emigrants in 2016 was still the second highest number of overseas workers.

According to an interim report, during the year 2017 (January-June) 262,119 Pakistanis proceeded abroad for employment, which shows a decline of 48% as compared to the same period in 2016. The half year emigration statistics indicate that the majority of the workforce (144,193 or 55%) went to the UAE, followed by Saudi Arabia (77,600 or 30%) and Oman (23,841 or 9%).

In 2017 a large number of Pakistanis were removed from their jobs in Saudi Arabia and, according to official sources, over 40,000 Pakistani workers were sent back to the country because most of them were working without proper papers. Under its Vision 2030 programme, Saudi Arabia plans to give employment to locals by broadening their local business base. This has resulted in a declining trend of foreign exchange remittances from Saudi Arabia.

According to data released by the State Bank of Pakistan (SBP), Pakistan received US dollars 2,098.76 million in remittances from Saudi Arabia during the first five months of the current fiscal year (July to November 2017), as compared to US dollars 2,259.21 million during the corresponding period in the previous fiscal year – a 7.1% decline. During the month of November, remittances from Saudi Arabia amounted to US dollars 409.5 million, which was 12% lower than the 465 million US dollars received in the same month of 2016.

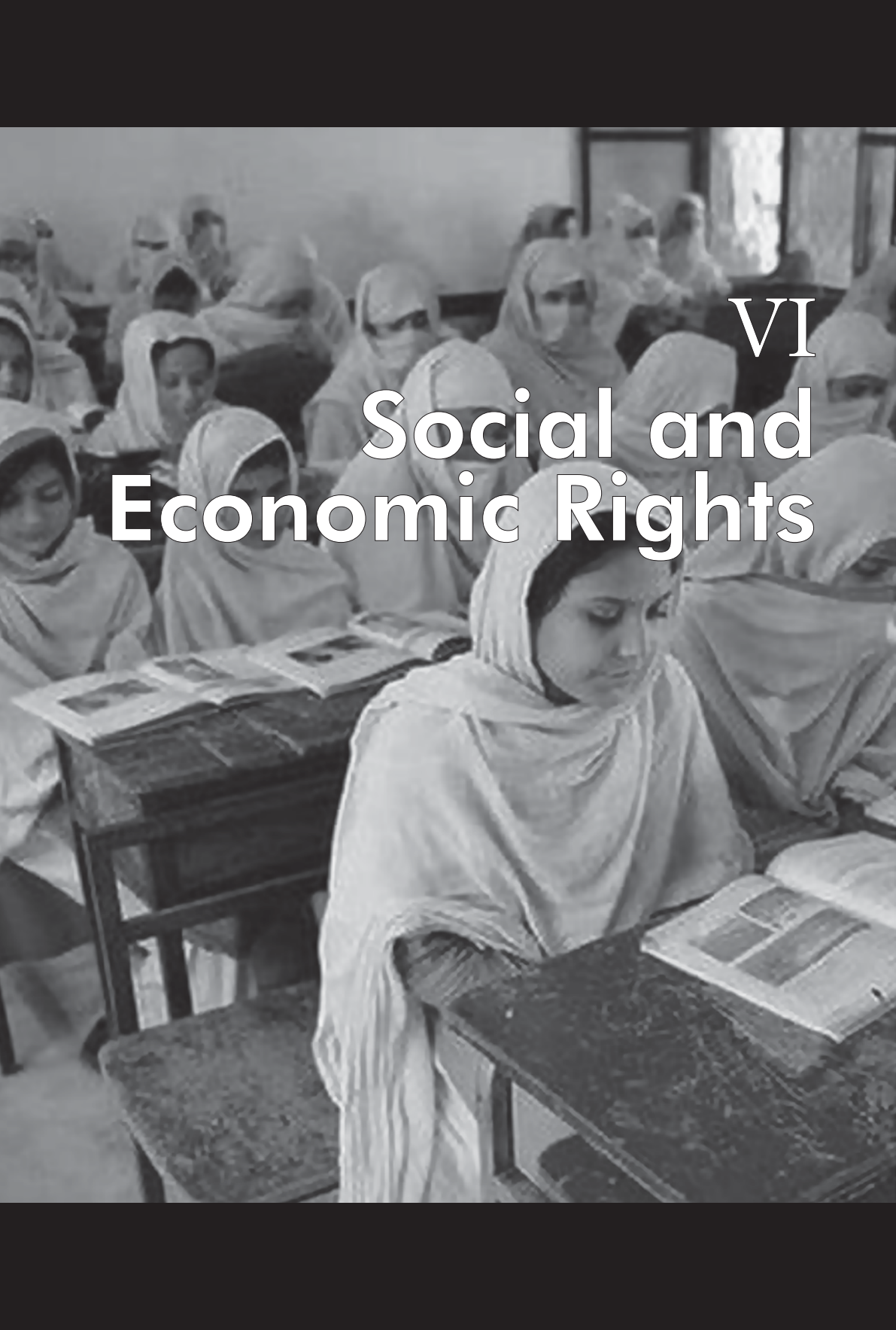
Historic Supreme Court verdict on third party employment

On 8 December 2017, the Supreme Court of Pakistan, in a historic verdict in the case CP No. 409-K to 414-K of 2017, asked all the employers to regularise workers employed on contract or third party contract retrospectively.

Until now, most private companies have employed their staff through contract or through a third party system, a common practice because of the obvious financial benefits for companies in not having to pay, for example, medical expenses, cost of living allowances or long-term benefits such as provident funds, gratuities and pensions. Issues have in the past only been dealt with on an ad hoc basis by federal and provincial governments and this new holistic approach is likely to have far-reaching effects.

Recommendations

- ILO labour standards require Pakistan to have a constitutional and legislative mechanism for providing labour rights to all workers. Labour legislation, devolved to the provinces, should be expedited according to guidance provided by the federal government and the International Labour Organisation (ILO).
- The Sindh Assembly has passed a law for occupational safety and health (OSH) which needs effective implementation. Other provinces should follow suit and enact a separate law for OSH.
- The number of trained labour inspectors should be significantly increased at provincial level so that proper labour inspections are conducted at least once in every factory and commercial establishment.
- The provincial governments must devise a mechanism to collect and compile data of industrial accidents and resulting casualties.
- All provinces and the Islamabad Capital Territory should organise their respective tripartite labour consultations/conference before passing labour legislation, as required under ILO Convention 144.
- The calculation of a living wage should be based on research of cost of living and price hikes.
- Pakistan should urgently ratify ILO Convention 177 on Home-Based Work and subsequently enact or revise the federal and provincial policies and laws accordingly.



VI
Social and
Economic Rights

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**

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

**Universal Declaration of Human Rights
Article 26**

States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilisations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

Convention on the Rights of the Child

Article 29

The States Parties to the present Covenant recognise the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

The States Parties to the present Covenant recognise that, with a view to achieving the full realisation of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

International Covenant on Economic, Social and Cultural Rights

Article 13

The year 2017 presented no significant developments in the education sector of Pakistan to set it apart from previous years. In most cases, budgetary allocations were decreased once again; inequalities in education, particularly gender disparity, could not be bridged; higher education remained neglected, and a large number of higher education institutions were without a head for the better part of the year. While parents protested against illegal and unreasonable increases in fees by private educational institutions, college and university students in Khyber Pakhtunkhwa took to the streets against a hike in fees by the provincial higher education authorities. Medical education suffered many setbacks, from the leak of entry test papers in the Punjab and Sindh to the disbanding of the Pakistan Medical and Dental Council by the government authorities.

Reports and surveys

With Pakistan set to report on its progress on Sustainable Development Goals to the UN in 2018, the United Nation's Global Education Monitoring (GEM) Report for 2017-18 released in October, titled Accountability in Education: Meeting Our Commitments, shows that Pakistan is no nearer to meeting the deadline of 2030 for ensuring that all children receive their primary education. Inadequate compensation of school teachers was identified as the primary problem in the existing education system.

The report highlights the responsibility of governments to provide universal

quality education and stresses that accountability is indispensable in achieving the goal. The statistics supporting the GEM Report for 2017-18 are based on results reported to and processed by the Unesco Institute for Statistics (IUS) before the end of March 2017. Pakistan still has the most absolute number of children out of school anywhere in the world, with 5.6 million out of primary schools and around 5.5 million out of secondary schools.

Authentic data reveals there is a wide gap between school completion rate and education attainment, between the rich and poor, urban and rural based, and between boys and girls. Poor rural males have a literacy rate of 60% (official data, though educationists have always doubted these figures), but their female counterparts have an abysmal 14%. According to the Economic Survey of Pakistan, the country's overall literacy rate declined from 60 percent to 58 percent in the fiscal year 2016-2017.

The inequalities and disparities that persist in the education sector of the country range from medium to syllabus, facilities on campus to qualifications of teachers. But gender disparity is the most obvious.

In September 2017 another report was released by Idara-e-Taleem-o-Aagahi (ITA) – the Annual Status of Education Report (ASER) Pakistan-2016 – serving as a reminder once again that Pakistani children may be attending schools, but they are not learning much at all.

Primary school enrolment: In 2016, the survey findings for rural districts nationwide showed that the overall percentage of out-of-school children was 19%, the same as the previous year, but learning outcomes and early childhood education had deteriorated drastically. In the age bracket of 6-16 years, 81% were enrolled in schools, 74% of which were in government schools, 23% in private schools, 2% in madrassahs, and 1% in others.

The proportion of children enrolled in early childhood programmes had decreased to 36% as compared to 37% in 2015.

Learning outcomes: The learning levels of children had deteriorated, with 48% of class 5 children unable to read a class 2 story in Urdu/Sindhi/Pashto compared to 45% in 2015.

Analysis showed that 83% of class 3 children could not read a story in Urdu/Sindhi/Pashto as compared to 84% the previous year. English learning levels had deteriorated with 54% of class 5 children unable to read sentences at class 2 level, compared to 51% in 2015.

Arithmetic learning levels had also deteriorated: in 2015, 50% of class 5 children could not do two-digit division; in 2016 the proportion had risen to 52%.

Private schools perform better: The report found that children enrolled in private schools were performing better than their government school counterparts in terms of language.

A total of 66% of children enrolled in class 5 in a private school were able to read at least a story in Urdu/Sindhi/Pashto, as compared to 48% of their counterparts in government schools. The English learning levels of private school children were better, with 65% of them able to read at least sentences in class 5, whereas only 40% of government school children could do the same. Similarly, in arithmetic, 64% of class 5 children in private schools were able to do division, compared to only 44% of class 5 children enrolled in government schools.

Missing facilities: Some 46% of surveyed government primary schools lacked toilets, and 40% were without drinking water. Similarly, 16% of surveyed private primary schools lacked a toilet facility, and 15% lacked drinking water.

Boundary walls in all educational institutions have become crucial with the prevailing security situation in the country. Despite this, 35% of the surveyed government schools and 81% of the surveyed private primary schools did not have a complete boundary wall.

Gender disparity: The report also showed that the gender gap continues to prevail, with boys outperforming girls in literacy and numeracy skills. The report found that 43% of boys and 36% of girls could read at least sentences in Urdu/Sindhi/Pashto; 40% of boys could read at least English words compared to 33% of the girls; and 44% of boys were able to do at least subtraction whereas only 36% of girls could do the same.



Gender disparity in education is still rife in Pakistan

Budgetary allocations

In the financial year 2017-18, authorities in Pakistan again failed to fulfil their promise of allocating at least 4-6% of their GDP and at least 15-20% of the total public expenditure for the education sector. The average spending on the education budget in Pakistan has hovered around 2% of the GDP.

Federal Government: The federal government has ostensibly increased the budget for the education sector by almost six times above the previous fiscal year's allocation. However, the budget documents do not mention that almost half of the previous year's allocations for the sector remained unutilised. Allocation is not the main issue. Apparently, development funds

are not actually released to one-third of schools before the close of the fiscal year, and half of the schools that do receive funds only get them after the first two quarters. If performance outcome is measured during the year of the budget allocation, delayed disbursement will inevitably impact performance. Additionally, the dominance of the current budget over development budget reflects the government's eagerness to divert resources towards increasing access to education, when improvement of quality should be given equal importance.

According to the Federal Audit Report, 47% of the total development budget was unutilised. Up to May 2017, the finance division had released only Rs8 billion from the total allocation of Rs21 billion to the Higher Education Commission (HEC) Pakistan.

The budget proposals for the financial year 2017-18 showed that Rs90.52 billion would be spent on federal education and related services in the current fiscal year. The allocation was nearly Rs6 billion higher than the allocation under this head the previous year. Besides the Rs25.5 billion allocated for 105 ongoing schemes, the government set aside Rs9.1 billion for 62 new projects, mainly focusing on development, research and innovation.

The major chunk of the budget, 75.4%, was to be spent on tertiary education and related services. The breakdown of the figures showed that pre-primary and primary education would receive Rs8.75 billion, secondary education Rs10.8 billion, and tertiary education Rs68.25 billion. Administrative costs would account for Rs1.29 billion of the total allocation.

The budget also allocated Rs35.66 billion for the Higher Education Commission (HEC). This budget included, among others, allocations for the establishment of a National Sports University, Pakistan Academy of Social Sciences, and a drug addiction preventive programme in higher education institutions.

However, the ministry included 70% of the uncompleted projects from the previous fiscal year. The Federal Education and Professional Training Division received more than Rs2 billion in the Public Sector Development Programme (PSDP) for the fiscal year 2017-18.

According to the budget documents, Rs2.96 billion has been allocated for ongoing and new schemes for projects across the country. Rs2.38 billion had been set aside for ongoing projects, with Rs576 million allocated for new projects.

The establishment and operation of Basic Education Community Schools (BECS) in the country was allocated Rs1.46 billion.

In the fiscal year 2017-18, five new universities are to be launched, including

University of Baltistan (GB), University of Chitral, Agriculture University in Dera Ismail Khan, University of Gwadar, and Federal University in Hyderabad, Sindh.

Provincial allocations

The claims made by all the main political parties in Pakistan to give education top priority are belied by their 2017-18 budgetary allocations for the sector.

Punjab: As in the previous year, the government in the Punjab province cut allocations for the education sector in the current financial year (2017-18). According to the Alif Ailaan education initiative, the allocation for education during the fiscal year 2017-18 was Rs345 billion (17.5% of the total budgetary allocations), one percent less than the allocation made in the financial year 2016-17.

However, the budget documents for the year 2017-18 claimed that with an overall allocation of Rs345 billion, including development and non-development budget, the provincial government increased the allocation by nine percent. Of this, Rs82.6 billion was earmarked under the Annual Development Programme (ADP) 2017-18, with the claim of an increase of 11% compared with the previous fiscal year on the development side.

Under the development head, a maximum allocation of Rs53.3 billion has been set aside for the School Education Department, followed by Rs18 billion for higher education. Out of the allocations for the SED, Rs17.7 billion would be spent on new schemes.

For literacy and non-formal basic education, the provincial government allocated a Rs1.6 billion development budget. A development budget of Rs1.06 billion has been set aside for special education, almost half of which, Rs522 million, would be spent on new schemes, and the rest on ongoing schemes.

The highest allocation of the budget – Rs16 billion – went to the Punjab Education Foundation (PEF). The Punjab School Support Programme (PSSP) received Rs7 billion, while Daanish Schools and the Centre for Excellence Authority were given Rs3 billion. Eight new Daanish schools will also be established, four each for girls and boys.

The government has allocated Rs230 billion to the newly-established District Education Authorities (DEAs). This is 66.6% of the total budget, and represents an increase of more than 28% over 2016-17. However, the working of the DEAs has yet to be decided, and their composition, fund distribution, and local government involvement in decision-making are as yet unclear.

In higher education, the maximum allocation, Rs5 billion, has been recorded

for the Punjab Educational Endowment Fund (PEEF), while the Punjab Higher Education Commission (PHEC) and Lahore Knowledge Park/ Information Technology University Punjab (ITUP) have each received Rs500 million.

Khyber Pakhtunkhwa: The provincial government, in its fifth annual budget, allocated Rs136 billion for the education sector. Of this, Rs20.32 billion was allocated for primary and secondary schools, and Rs6.32 billion for higher education, making a total increase of 15% compared with the previous year.

Proposals for the primary schools include merging them with 100 mosque schools across the province, establishing 100 primary schools on a requirement basis, and constructing building for schools that are rented. Play areas would be built in girls' primary schools. Female students in secondary schools would also be provided with a stipend, and key laboratories in government schools at the tehsil level across the province would be strengthened.

For the Federally Administered Tribal Areas (FATA), the allocations for the education sector stood at Rs12.8 billion, showing an increase of 9.4% over the previous budget. The revised estimate was the same as the budget estimate, i.e. Rs11.7 billion, suggesting that no information was available at the time of the budget preparation.

In the development budget of the Higher Education Commission, there is a project called Fata University, ongoing since 2015. Against the total cost of Rs1.6 billion, half a billion has been spent and another Rs250 million is allocated for 2017-18.

Another project, Provision of Higher Education Opportunities for Students of Balochistan and FATA (Phase-II), has been allocated Rs300 million. The share of FATA is unknown. There are no new higher education projects in FATA. The literacy rate of 24%, over a million children out of school, and a large number of non-functional facilities, sum up the educational scenario in FATA.

Sindh: In the Sindh Education Budget 2017-18, the allocation percentage for development has been decreased from 21.03% in 2016-17 to 20.06% in 2017-18, with Rs202.7 billion set aside for the sector. For the financial year 2017-18, the total budget under pre-primary and primary education has also gone down from Rs55.3 billion in 2016-17 to Rs50.9 billion.

However, the provincial government claims that this year, too, education has been given top priority in the annual budget 2017-18, with an overall increase of 24%. The breakdown of the budgetary allocations shows that Rs21 billion has been allocated for the sector in the Annual Development Programme

(ADP) out of the total of Rs244 billion for ongoing and new schemes. Education received 6.1% of the total Rs344 billion ADP in 2017-18, including foreign funding, federal funds and district budgets.

A sum of Rs21 billion has been specified for the 460 ongoing and new schemes for all five sections of education – school education, college education, special education, Sindh Technical Education, and Vocational Training Authority (Sindh TEVTA) and universities and boards.

Four units of vocational centres in Shaheed Benazirabad, Khairpur, Kamber-Shahdadkot and Tando Allahyar are to be constructed at a cost of Rs92 million. College education, which received Rs4.5 billion last year, has been allocated Rs5 billion in the current fiscal year.

The biggest chunk of the Rs21 billion would be spent on the school education department. The total Rs11.2 billion allocation has been divided into Rs3.7 billion for elementary education, Rs5.08 billion for secondary education, Rs239 million for teacher education, Rs625 million for the Sindh Education Foundation and Rs1.58 billion for miscellaneous schemes.

Balochistan: In the provincial budget 2017-18, the Balochistan government allocated Rs45 billion for the education sector.

The budget documents reveal that 725 new primary schools will be established, 500 schools will be upgraded to middle level, and 500 middle schools will be upgraded to higher level in the financial year 2017-18.

The allocations show that within the current budget, primary education is the largest claimant. The allocation in the budget for 2017-18 is Rs15.9 billion, which is 42% higher than the previous budget. Oddly, it is only 1.3% higher than the revised budget.

The share of primary education in total education spending fell from 37.6% in 2015-16 to 32.9% in the budget for 2017-18. For the same period, the share of tertiary education has risen from 16.9% to 22.3%. Normally, current expenditure is the major component of the education budget.

AJK: In the total budget of Rs94.4 billion for 2017-18, presented to the Azad Jammu & Kashmir Assembly, the share of development was 25%; and the share of education in the development budget was Rs1.7 billion, or the fifth largest with a share of 7.3%. This amount is nearly twice the amount of Rs852 million actually spent in 2015-16. Even the revised estimate for 2016-17 was Rs943 million. However, it is open to question whether a jump of 88% in 2017-18 can be effectively utilised.

Some quick fix targets mostly include the completion and repair of middle and high school buildings, besides restoring 277 buildings affected by the

floods of 2010.

Higher education remained neglected

The publication of the Quacquarelli Symonds-(QS) World Universities Rankings for the year 2017 saw only one of our 180 plus universities included in the top 500 universities, at 431st place on the list. In the World University Ranking for 2017, issued by Times Higher Education, one Pakistani university made it to the top 500, whereas only two universities were included in the top 800.

This state of affairs is unsurprising. Despite the passage of over seven years, all the federating units and other territories have not constituted their own higher education commissions. Under the 18th Amendment, the provincial governments were supposed to establish their own higher education commissions (HECs). Until now, only the Punjab and Sindh have set up their own HECs, while Balochistan, Khyber Pakhtunkhwa, Gilgit-Baltistan and Azad Kashmir failed to make any substantial progress on even this front in 2017.

Even those which are in place have continuously been at odds with the federal government's HEC, the All Pakistan Universities Academic Staff Association, and other related bodies. The focus has not been on promotion of higher education, but on legal battles and survival issues.

Dozens of universities and colleges all across the country remained without a head through most of 2017. In Khyber Pakhtunkhwa alone, no regular vice-chancellors and pro-vice-chancellors were appointed to the top 10 universities and colleges of the province for months.

Issues for the provinces

While the federal and provincial governments have been adopting a number of measures to enhance the status of education, the masses have still to reap the benefits.

Punjab: Poor quality and a rural-urban divide in access are some of the major challenges faced by the education sector in the Punjab. The situation is exasperated by the lack of facilities and the apparent shortage of good teachers. Although the government has revamped teacher training programmes under the Quaid-e-Azam Academy for Educational Development (QAED), more needs to be done to motivate teachers and provide them with incentives to improve quality.

Sindh: One of the major issues being faced by educational institutions is lack of sanitation and water facilities in Sindh. One-third of schools in the country have no water or basic sanitation or toilets. Only half of all government schools have usable toilets. Taking notice of this and other issues in the province in December 2016, the Supreme Court constituted a judicial

commission to investigate and improve sanitation conditions in Sindh. The commission is investigating the failure of the authorities concerned to provide clean drinking water and improve the deteriorating sanitation conditions across the province.

In Sindh, 100,000 students leave school in the first month every year due to the absence of basic facilities (such as water and sanitation). This was



Students sit in rubble after their school in Karachi is damaged during demolition of a historical site

admitted by the provincial education department's secretary, Dr Iqbal Hussain Durrani, before the judicial commission. According to a survey conducted by the Pakistan Fisherfolk Forum earlier this year, around 95% of public schools along the Sindh coastline do not have drinking water or washrooms for students. The education secretary says there are around 4,000 schools in the province that do not have washrooms.

Khyber Pakhtunkhwa: Teachers in the province are overburdened with additional tasks which are distracting them from their classroom duties, according to the All Teachers Coordination Council. They claim that, compared to past governments, this government has done nothing for teachers except to harass and mentally torture them: 'The basic responsibilities of teachers is to teach students, but new experiments waylay teachers from their basic work and they spend their entire day dealing with Independent Monitoring Unit (IMU) representatives, conducting surveys, and running enrolment campaigns. Teachers have been protesting for their basic right of timescale promotions, but the government has been using delaying tactics to deprive teachers of their rights.'

Balochistan: As in previous years, it is generally understood that a substantial amount of the allocations will go to the ghost schools and ghost teachers in the province. An official report by the provincial authorities revealed that the Balochistan Education Department could not confirm the presence of over 15,000 teachers during the verification drive launched by the government three years earlier. Balochistan has approximately 59,000 teachers, serving in primary, middle and high schools. However, only 42,000 could be verified up to the start of the current year, according to an official.

According to the Education Department data, over 5,000 schools in the province consist of just one room and one teacher, and over 2,000 schools in the province are without shelter.

Medical education crisis

Medical education in the country faced a back-to-back crisis in 2017. Entry

test results for admissions to medical universities and colleges in the Punjab had to be cancelled after a leak of the question papers was exposed. The test had been conducted by the University of Health Sciences (UHS) Lahore in the Punjab, and the National Testing Service (NTS) in Sindh.

An enquiry confirmed that the MDCAT-2017 paper had been leaked and that employees of UHS, doctors, academics and others had been involved in the racket. The then UHS vice-chancellor was sent on enforced leave and an acting VC of the University of Health Sciences was appointed in his place.

The UHS re-conducted the Medical and Dental College Admission Test (MDCAT) on 29 October, and the admission process was completed later.

In Sindh, the questionnaire for the entry test for medical colleges and universities was also allegedly leaked using a social networking website. However, the Sindh High Court (SHC) later quashed the provincial government's notifications annulling results of the entry test. The court, in the first week of December, ordered the relevant authorities and departments to proceed with admissions to the MBBS and BDS programmes in public sector medical colleges and universities.

Meanwhile, in the first week of December, a division bench of the Lahore High Court (LHC) struck down the composition of the Pakistan Medical and Dental Council (PMDC) and its 2016 regulations for admission to medical colleges. The court heard the appeals moved by students and private colleges challenging the formation of the PMDC, its regulations and the Central Induction Policy 2016.

The bench set aside Sections 9©, 7, 8 and 11 of the impugned regulations, holding that PMDC was working under an amended ordinance of 2015 that had lapsed. As a result, the bench said, regulations made by the Council also became ineffective.

The bench restored 2013 regulations, enabling the private medical colleges to conduct admissions independently, with directives to the federal government to hold fresh elections of the PMDC within three months. However, the court allowed the present council to carry out day-to-day affairs until lawful composition of a new council. The court also directed the Council of Common Interests (CCI) to review the admissions policy. The CCI could not approve previous regulations made by the PMDC.

Legislation

Article 25-A of the Constitution of Pakistan, inserted through the 18th Amendment in 2010, recognises free primary education as a fundamental right. However, implementation of this Article is linked to further legislation in the provinces. Despite the passage of over seven years, the process of legislation in most of the provinces has not been completed. Either the

provinces have failed to legislate on the right to free and compulsory education for children, or to implement the legislation in letter and spirit.

Islamabad Capital Territory: The Right to Free and Compulsory Education Act 2012 for Islamabad Capital Territory (ICT) was passed in 2012, although the Rules of Business have yet to be formulated.

Punjab: The Punjab Free and Compulsory Education Ordinance was passed in 2014, but the implementation depends on the Rules which have yet to be formulated.

Khyber Pakhtunkhwa: On 5 February 2017, the Khyber Pakhtunkhwa (KP) cabinet approved a bill proposing that primary and secondary education be made compulsory for all children between the ages of five to 16 years. Under the Khyber Pakhtunkhwa Free Compulsory Primary and Secondary Education Act 2017, education will be imparted free of cost in all public sector educational institutions. 'Parents would be punishable with imprisonment up to one month or fine which may extend up to Rs100 per day or with both for not sending their children to schools,' the Act says. Also, the government will establish an authority for ensuring attendance in schools.

Sindh: The Right of Children to Free and Compulsory Education Bill 2013 for Sindh was ratified in 2013. The implementation depended on the Rules of Business, which were finally issued in December 2016.

Balochistan: The Governor of Balochistan approved the Ordinance on Free and Compulsory Education for Balochistan on 12 March 2013. The Act is now in place titled 'Balochistan Compulsory Education Act 2014', officially passed on 6 February 2014. Its implementation will be dependent on the Rules of Business, which have still to be formulated.

The free and compulsory education law for Federally Administered Tribal Areas (FATA), Gilgit-Baltistan, and Azad Kashmir is still pending.

National Education Policy (NEP) 2017: In December, the Federal Minister for Education and Professional Training said that the National Education Policy 2017 would be launched soon. The draft policy has been circulated and is in the final stages of consultation.

Gender disparity in education

The Global Gender Gap report 2017, released in November, showed that Pakistan continues to rank as the second worst country - 143 out of 144 countries - with a score of 0.546 on a scale where zero denotes gender parity and one represents parity. However, the educational attainment ranking is better at 136 out of 144 countries and a score of 0.802, the average score being 0.953. Female to male ratio of enrolment in primary education is 0:86 and in tertiary 0:87, which is good, but this analysis will not have taken

into account the numbers who actually graduate or drop out.

The plight of the disabled

The Lahore High Court (LHC) took notice of the abuse of special needs children in the Punjab after some videos emerged on social media and private TV channels, showing staff manhandling special children. The videos showed a bus crew slapping and manhandling special children, two boys and at least one girl. The bus belonged to the Government Special Education School Sambrial, Sialkot.

Earlier, two different video clips had surfaced of ill-treatment of special needs children at a government-run institute in the Gulberg area of Lahore. The videos emerged in October, and showed bus conductors tormenting children of the Gung Mahal School for the Deaf and Dumb.

Besides these specific occurrences, there was no change in the conditions for the physically challenged students in the country in 2017 from the previous year, though the International Day of Persons with Disabilities was again observed on 3 December as in all parts of the world.

On at least three different occasions, the visually-impaired persons staged protest demonstrations in Lahore against the government authorities, calling for education facilities to be provided, implementation of a 3% job quota reserved for the disabled, and regularisation of their jobs in letter and spirit.

According to conservative estimates, there are over eight million special children in the country, most of whom do not have access to either inclusive or special schools due to limited capacity in existing facilities. This is a violation of the Convention on the Rights of Persons with Disabilities (CRPD), which was signed by 160 countries, including Pakistan – one of 175 countries to have ratified the Convention. The most fundamental principle of the Convention is to change society by making it more inclusive, barrier-free and rights-based.

Curriculum reforms

In December 2017, the Global Education Monitoring Report 2017-18, expressed concern over school textbooks in many countries, including Pakistan, glorifying war and military heroes rather than teaching peace, non-violence and reconciliation. It said that just 10% of the textbooks across the world include explicit statements on the need for conflict prevention and resolution.

‘Textbooks that glorify war and military heroes, exclude pluralistic perspectives or undermine other peoples or ethnicities can make teaching peace, non-violence and reconciliation difficult,’ says the report.

'Pakistani textbooks published after a 2006 curriculum reform still emphasised wars with India and largely ignored peace initiatives. They also perpetuated a narrative of conflict and historic grievances between Muslims and Hindus, rather than discussing the potential for conflict resolution and reconciliation.'

The same GEM Report also ranked countries according to inclusion in national curricula frameworks of issues relating to global citizenship and sustainable development. Pakistan ranked Low in gender equality, sustainable development and global citizenship. Interestingly, Pakistan ranked High in inclusion of human rights in national curricula.

The degree of inclusion was assessed if four or five items of the issue were covered: (a) human rights, rights and responsibilities (children's rights, cultural rights, indigenous rights, women's rights, disability rights); (b) freedom (of expression, of speech, of press, of association or organisation) and civil liberties; (c) social justice; (d) democracy/democratic rule, democratic values/ principles; and (e) human rights education. For gender equality, the grade of Low was based on the inclusion of only one or two of the items: (a) gender equality, (b) gender equity, (c) empowerment of girls/women, (d) gender sensitive(ity) and (e) gender parity.

Madrasah education

There are over 20,000 registered madrasahs in Pakistan, though there are believed to be thousands more unregistered ones, often operating from a single room with a handful of students.

Registration and regulation of religious seminaries is one of the points of the National Action Plan, approved by the National Counter-Terrorism Authority (NACTA) and created after the massacre of 133 children by the Taliban. Security agencies have been monitoring madrasahs associated with radicalising youths and providing recruits to Islamist militant outfits. Only a handful of these schools have been shut down, with the authorities wary of conducting a more radical crackdown for fear of a religious backlash.



Authorities wary of shutting down madrasahs

Education protests

The year witnessed various education related protests. While parents protested against illegal and unrealistic increases in fees by private educational institutions, college and university students in Khyber

Pakhtunkhwa took to the streets against a hike in fees by the provincial higher education authorities.

On 12 November, one protest demonstration was held outside the Karachi Press for their children's right to 'quality education'. They were first warned against moving towards the Governor's House, where they wanted to register their protest and meet the governor, and after that they were set upon by fully armed police with water cannon and tear gas. Dozens were injured and at least one dozen were arrested. A case was also registered against them by the Artillery Maidan Police Station.

Parents have also taken to the streets in the federal capital, as well as various



Parents protest private school fee increases

other cities of the country, against exorbitant fee increases by the private educational institutions. For several years, private schools in the country have regularly been increasing their fees, causing hardship to parents. The lack of restrictions or their implementation have allowed these educational institutions to hike their fees by

more than 5 percent this year.

Students of the University of Peshawar started a protest in November against a hike in fees by the university administration. A Muttahida Tulba Mahaz spokesperson said the vice-chancellor and Minister for Higher Education had failed to fulfil their promises regarding the reversal of a decision on an increase in the semester fee.

Recommendations

- Seriously address inequalities in education and implement extraordinary measures to achieve Sustainable Development Goals (SDGs) by 2030.
- Improve on an urgent basis the learning outcomes in schools, along with access to schooling.
- Address the apparent lack of planning and commitment, and ensure the judicious use of the budget through consultation with experts. Almost half of the federal government's previous year's allocations for the education sector remained unutilised, and the Punjab and Sindh decreased their allocations for the sector in the financial year 2017-18.
- Complete the process of legislation on Right to Education (RTE), in pursuance of Article 25A.

- Eliminate gender disparity in education and improve Pakistan's current ranking as the second worst country in that respect.
- Focus on improving the quality of universities and ensure that heads of all institutions are appointed expeditiously.
- Find a permanent solution to the medical education debacle to avoid a recurrence of the racket involving leaks of question papers.

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)**

The state is responsible for the provision of quality and affordable health services to the people but unfortunately it has not been able to fully deliver. There are interventions but these benefit only a few and do not extend across the board. People have to depend on the private sector or quacks and unqualified practitioners if they cannot afford to pay the hefty consultation fees of doctors in the private sector.

After the devolution of health to the provinces, they had to formulate their own health policies, allocate budgets for this sector, and implement public health programmes. While the larger provinces are in a position to better manage their affairs, the smaller ones are struggling to streamline their systems and overcome their capacity issues.

State resources and energies are spent on curative, rather than preventive, healthcare. In the absence of disease screening programmes and functional health facilities in rural areas, ailments are not detected in time. The health of citizens of rural and underdeveloped areas is further compromised because of the absenteeism of doctors and their unwillingness to work there.

As in previous years, the healthcare provision in the country deteriorated during 2017 and failed to address the needs of the poorer sections of society. Many public sector hospitals lacked the required facilities, including free

medicines, diagnostic machines in working order, and hospital beds in the required quantity. In November, it was announced that the Punjab government was to privatise laboratories in public hospitals.

The state has not increased the health budget in accordance with the World Health Organisation (WHO) recommendations – WHO suggests the outlay should be six percent of national Gross Domestic Product (GDP) and in Pakistan it has remained at less than one percent.

The ever increasing population is also an excessive burden on the state, and the rate of progress in the health sector is lower than most other countries. The disease pattern is heavily dominated by malnutrition and poor dietary practices.

Public Health

The Prime Minister's National Health Programme claims to help millions of poor people to access quality public health care services. According to the Pakistan Economic Survey 2016-17, these services are available through a network of 1,201 hospitals, 683 rural health centres, 5,518 basic health units, 5,802 dispensaries, and 731 maternity and child health centres. However, these facilities struggle to keep pace with the ever-increasing population, and the private sector has made inroads, particularly in urban areas.



For those who can afford it, private hospitals are a better option

The survey also claims that the public health activities and facilities have consistently increased, with the doctor population ratio standing at 1:997, dentists 1:10,658, and hospital beds 1:1,584.

Despite the existence of this infrastructure, the key issues the health care delivery suffers from are said to be high population growth, uneven distribution of health professionals in the country, deficient workforce, insufficient funding, and limited access to quality health care services.

Budget

The federal government set aside Rs49 billion for the Health ministry. With the inclusion of the provinces' share of Rs5.7 billion in the Expanded Programme on Immunisation (EPI), the total amount comes to around Rs54.4 billion. This represents an increase of 80 percent over the previous year's allocation.

The focus was on completion of 18 ongoing and five new projects in the health sector under the Public Sector Development Programme (PSDP).

Under initiatives announced the previous year, the Prime Minister's programme for new hospitals has been allocated Rs8 billion for the fiscal year. In addition, Phase II of the Prime Minister's National Health Programme is being launched at a total cost of Rs10 billion, and an allocation of Rs7 billion. Investments in vertical health programmes including EPI, family planning and primary healthcare and population welfare programmes are being enhanced as compared to the previous year.

The 'Clean Drinking Water for All' initiative has been launched, for which Rs12.5 billion has been allocated. Furthermore, Rs30 billion has been proposed for the Prime Minister's SDG programme which would focus on national commitments to improvement in the social indicators.

National programmes

The federal government has earmarked a budget for 23 new and existing development projects for the health ministry in the fiscal year (FY) 2017-18. Polio remains one of the country's key issues, and the government has allocated Rs7.4 billion for the EPI under the Public Sector Development Programme (PSDP). Similarly, Rs7 billion has been set aside for the Prime Minister's National Health Programme (Phase-II).

The National Programme for Family Planning and Primary Healthcare received around Rs16.4 billion, while the National Maternal, Neonatal and Child Health Programme (MNCH) got around Rs1.04 billion.

The federal government has also pledged Rs684 million for the PM's programme to prevent and control malaria. The National Programme for Prevention and Control of Blindness was allocated Rs247 million, while Rs124 million was given to the National TB Control programme. The Programme for Prevention and Control of Hepatitis received Rs684 million.

Funds worth Rs7 billion have been set aside for the Population Welfare Programme of provinces, while a separate allocation of Rs273 million was made to the population welfare programme of Azad Jammu and Kashmir, Rs1.187 billion for Gilgit-Baltistan, and Rs79 million for the Federally Administered Tribal Areas (FATA).

Punjab

The Punjab government allocated Rs263 billion for the health sector in its budget for 2017-18. It announced at the time that several reform initiatives and development projects had been initiated in the province that would help in health service delivery. These included revisiting the legal framework for drug manufacturing followed by a campaign against spurious drugs, revitalising drug laboratories and establishment of a reference laboratory as

well as a state-of-the-art supply chain system for provision of drugs to health facilities and patients.

The Punjab health department has two separate components, namely the Specialised Healthcare and Medical Education Department, which was allocated Rs120 billion, and the Primary and Secondary Healthcare Department for which the allocation was Rs111 billion, the latter representing a 58.4 percent increase as compared to the Rs70 billion allocated the previous year.

The proposed budget will be spent on hospitals, healthcare institutes, laboratories, health administration etc. An amount of Rs20 billion will go to District Headquarter (DHQ) and Tehsil Headquarter (THQ) hospitals and Rs20.4 billion will be spent on the provision of free medicines to patients. During the discussion on the budget in the House, the Finance Minister said the Basic and Rural Health Centres were being strengthened to ensure the best possible healthcare facilities for people.

The government also announced its intention to expand the Punjab Food Authority at a cost of Rs2 billion and turn it into the Punjab Agriculture, Food and Drug Authority to examine medicine, food and pesticides quality.

Furthermore, the District Health Authorities were allocated Rs73.5 million, maternal and neonatal care Rs200 million, the Punjab Clean Water Programme Rs25 billion. There were also allocations for free treatment facilities for deserving patients of kidney and liver diseases who would also get modern diagnostic and treatment facilities at the Pakistan Kidney and Liver Transplant Institute (PKLI) being constructed at a cost of Rs20 billion.

Sindh

Sindh's public health sector got a robust budget of Rs100.32 billion, an increase of 25 percent over the previous year's budget of Rs79.88 billion. The allocation for the Annual Development Programme for health-related initiatives stands at Rs15.5 billion for the current fiscal as compared to Rs14 billion for 2016-17.

The Sindh Immunisation Support Programme has been allocated Rs8.09 billion with the declared aim of revolutionising the vaccination and inoculation process and making future generations healthier.

The budget for the National Institute of Cardiovascular Disease (NICVD) has been increased from Rs1.8 billion to Rs5.8 billion, including Rs4 billion for NICVD in Karachi. The grant for the Sindh Institute of Urology and Transplantation (SIUT), Karachi has been increased from Rs4 billion to Rs4.5 billion, while the grant for the Indus Hospital, Karachi has been doubled from Rs500 million to Rs1 billion.

The allocation for medicine has been increased to Rs7.9 billion. Some 25,000 new posts will be created at different levels of health management with a budget of Rs7.7 billion, including Rs6.5 billion for the Lady Health Worker (LHW) Programme, with the deployment of more than 2,100 LHWs.

An amount of Rs280 million has been allocated for the automation of the health department, while a hospital waste management programme will be launched in all major hospitals of the province with a budget of Rs75 million. The total allocation for the 21 ongoing teaching hospital schemes was Rs2.23 billion during the current fiscal year and Rs48.34 million for the upgrade of the drug testing laboratory in Karachi.

At the end of the year, it was claimed that a number of the ongoing and new health schemes included in the 2017-18 Annual Development Programme (ADP) were stagnating for lack of funds. For instance, only Rs444.5 million had been released for the afore-mentioned teaching hospital schemes, with an expenditure of a mere Rs21.86 million in the fiscal year's first five months, and the funds for the upgrade of the drug testing laboratory had not materialised.

Khyber Pakhtunkhwa

The Khyber-Pakhtunkhwa (KP) government's budget for the health sector has been increased to Rs65.7 billion for 2017-18, up by 19.45 percent from Rs55 billion last year. During his budget speech, the KP Finance Minister announced that the health sector allocation was 11 percent of the total budget of Rs603 billion for the fiscal year and demonstrated the priorities of the government.

The KP government claims to have introduced institutional reforms, such as 24/7 health services provision, Sehat Insaf (Health) cards, given autonomy to health teaching institutions, and established an Independent Monitoring Unit (IMU) to ensure quality and sustainability of the reforms initiatives. According to the KP Health Department, actions taken by the IMU in 2017 led to 6,683 salary deductions being made for absence, 1,963 warnings being issued, and 23 terminations. Overall, attendance and punctuality had improved.

The government said it had also focused on strengthening training institutions and announced that the budget of the health department included a grant for provincial health institutions and also a regular grant-in-aid to various Medical Teaching Institutions (MTIs).

The amount for the Sehat Insaf Card scheme went up from Rs5.5 billion to Rs6.5 billion. Under this scheme, health services were to be provided for up to 70 percent of the province's population, based on certain criteria. In December, the KP Chief Minister announced that the card would be made available to all people with disabilities in the province.

The government allocated Rs12 billion for the development of 101 projects. Of these, 75 were ongoing ones while 26 new schemes would be initiated during 2017-18.

The allocation for drugs and medicines in the FY2017-18 was 'alarmingly low' according to the budget brief issued by the Khyber Pakhtunkhwa Health Department. The allocation in the FY2017-18 was Rs913 million as compared to Rs943 million in FY2016-17.

The same budget brief states that decentralisation of health functions to district level was intended to increase efficiency in health service delivery but it was 'greatly undermined as existing level of allocations will hardly be able to meet the financial requirement of existing level of operations.' The main reason, it says, is that 'more than 90% of the budget will be used for payment of salaries.'

Balochistan

The Balochistan government set aside Rs18 billion for the health sector, a five percent increase over the previous year. It claimed that the performance of the health department had been far better than previous years as patients had been provided improved health facilities at their doorsteps. Health service delivery in Balochistan has been a problematic issue for different reasons including absenteeism, the attitude of doctors, and security.

A scheme is apparently underway to provide solar power to all state-run hospitals in the rural areas round-the-clock during the next fiscal year, for which funding is being sought.

During the year, the Balochistan government suspended scores of doctors across the province for being absent and showing negligence in performing their duties. Most of the suspended doctors were posted to remote districts of the province. There has also been a constant threat to polio vaccinators who have suffered injuries and casualties from armed attacks on them.

The presence of close to two million Afghan refugees in the province is also a burden on the health infrastructure of the province and the provincial government is struggling to handle it.

The United Nations High Commissioner for Refugees (UNHCR), with the collaboration of its implementing partner Society of Collective Interest Orientation (SOCIO-Pakistan) and the Government of Balochistan, completed a 10-month project 'Improving Health & Hygiene Status of Refugees & Host Communities in Quetta'. The main objective of the project was to achieve long-term improvement of the general health of the local population in reducing mortality and morbidity rates associated with water borne and vector diseases.

Dengue

A major dengue outbreak in Khyber Pakhtunkhwa claimed 69 lives by the month of December, according to a report by the World Health Organisation. Most of the deaths were reported to be caused by complications such as fluid overload (50 percent) and delayed blood transfusion (60 percent). It was reported that more than 25,000 cases of dengue fever were confirmed in Khyber Pakhtunkhwa (KP) in 2017.

Dengue fever claimed over 300 lives in the Punjab province in 2011. The Punjab government launched a successful dengue awareness and fumigation programme, and medical doctors and experts from Sri Lanka trained health sector professionals and government officials on how to combat the virus. Prevalence was relatively low in the Punjab in 2017 with only some cases surfacing in Rawalpindi and Islamabad.



The Punjab government helped to control a dengue outbreak in KPK

Following this successful campaign, the Punjab government offered its services to the KP government. In August, Punjab healthcare experts left for Peshawar to help their counterparts in KP control the spread of dengue fever and update physicians regarding the management of patients suffering from the disease.

A total of 2,927 dengue cases were also reported from across Sindh, of which 12 had proved fatal.

Polio

The government expressed satisfaction with the results of the campaign against polio in 2017. Eight cases were reported from seven districts during 2017: one case from the Lodhran district of the Punjab, two cases in Karachi, one case from Khyber Pakhtunkhwa, three cases from Balochistan, and one from Gilgit-Baltistan.

According to the Global Polio Eradication Initiative, a public-private partnership led by national governments with five partners – the World Health Organisation (WHO), Rotary International, the US Centres for Disease Control and Prevention (CDC), the United Nations Children's Fund (UNICEF) and the Bill & Melinda Gates Foundation – there has been a 98% reduction in polio cases since 2014 when 306 cases were reported.

Another encouraging observation was that there was 95% vaccine

acceptance, indicating that parents have been cooperating with the vaccination programme. More than 38 million children were vaccinated during the September National Immunisation Days (NIDs).

However, environmental surveillance data shows that the polio virus is still being transmitted in Karachi, the twin cities of Islamabad and Rawalpindi, and the Quetta block.

There are 250,000 vaccinators and 2,226 polio workers working on the campaign. Unfortunately, they continue to be highly vulnerable to deadly attacks from militants who claim the polio vaccination campaigns are a cover for Western spies or a conspiracy to sterilise Pakistani children.

Swine flu

There was an outbreak of swine flu caused by the H1N1 virus and the area most affected was South Punjab though several cases were reported from Karachi and other cities as well. In total, 11 districts of South Punjab were declared high risk by the provincial health authorities, the main problem being that people could not differentiate between common flu and swine flu and only sought medical treatment when their condition had significantly deteriorated.

Research reveals that children under the age of six and people over 65 are particularly vulnerable but, in general, patients already suffering from immunity related issues are also susceptible. Pregnant women, heart patients and chain smokers are also at high risk. Routine testing for flu was generally unheard of in Pakistan before 2009, when the first case of swine flu was reported.

H1N1 is a contagious disease and apparently there are not enough isolation wards. Doctors are concerned because a number of them have been infected. The Young Doctors Association (YDA) had asked for all doctors and hospital nurses to be vaccinated but a YDA Punjab spokesperson announced towards the end of the year that only 1,800 out of 35,000 doctors had been vaccinated because of the unavailability of vaccines in Punjab hospitals. The vaccine is imported but in insufficient quantities to immunise the entire population.

According to the National Institute of Health (NIH) hundreds were tested positive for the virus in Rawalpindi, Islamabad, Multan, Peshawar, Sargodha and Karachi, with an increasing number of cases resulting in death.

Hepatitis

It is estimated that around 12 million people are suffering from hepatitis B or C in Pakistan, which has the world's second highest prevalence of hepatitis C, second only to Egypt. In Pakistan around 150,000 hepatitis patients die annually and the delay in getting timely medical treatment is the major

reason for worsening of condition and casualties.

In October, the federal health ministry launched a five-year plan and a set of guidelines to significantly reduce the prevalence of hepatitis in the country by 2021. The National Hepatitis Strategic Framework 2017-21 plans to reduce chronic cases of hepatitis B and C by 10 percent and new cases by 30 percent.

A survey done in 2007-8 found that close to seven percent of people in the province of Punjab had hepatitis C, while around 5 percent of people were infected across the entire country. The disease is spread through the use of dirty syringes, failure to screen blood before transfusion, use of unhygienic dental instruments, reuse of razor blades by barbers, and poor infrastructure for infectious waste disposal.

The Punjab government is the first province in Pakistan to address the issue of syringe reuse by introducing a policy to ensure that 90 percent of all syringes used in the health sector are auto-disable, meaning that they cannot be used more than once. In addition, it has launched a programme to improve infectious waste control that includes building 39 incinerators in health facilities across the province.

In 2017, when their budget was launched, the Sindh government said '550,000 school-going children, 400,000 people from the general population, 75,000 from the high-risk population and high-risk groups, 25,000 jail inmates, and 2,500 haemophilic patients will be vaccinated against Hepatitis B in the upcoming year.'

According to the Balochistan Chief Minister's Initiative for Hepatitis Free Balochistan Coordinator, a special programme was to start in September under which people affected by the disease would be screened and vaccinated against hepatitis free of charge. Apparently, 10 to 30 out of every 100 people are affected by hepatitis in Balochistan, and the World Health Organisation has declared seven districts at high risk of the disease: Jafarabad, where hepatitis is most common, Naseerabad, Zhob, Loralai, Musakhel, Sibi and Barkhan.

While there was no recent accurate data, according to a survey carried out in 2008, one out of 10 people in Khyber Pakhtunkhwa was likely to be infected by viral hepatitis, around seven percent were said to be infected by hepatitis C, and some four percent by hepatitis B. Doctors believed that since more people were coming forward, the ratio reported around 10 years ago would now be higher than expected. Most of the cases were reported from districts Swat, Dir Upper, Dir Lower and Hangu. Tank has recently become vulnerable to hepatitis B cases.

The KP health department planned to propose the enactment of laws holding blood investigations mandatory ahead of marriages and specifically

surgical procedures.

Khyber Pakhtunkhwa had also started an initiative to vaccinate newborn babies against hepatitis B, and around 97,000 babies had been vaccinated in labour rooms of hospitals free of cost in 2017.

Diabetes

According to the National Diabetes Survey 2016-17 conducted by the Baqai Institute of Diabetology and Endocrinology (BIDE) in collaboration with the Health Ministry, Pakistan Health Research Council and WHO-funded Diabetic Association of Pakistan, as many as 35.5 million adults in Pakistan are diabetic, a shocking statistic.

Diabetes is increasing rapidly and around five million people are falling prey to this disease every year in the country. It is believed that Pakistanis are genetically prone to diabetes. The type 1 diabetes has far less prevalence and this condition is found in children whose pancreas does not create insulin. Diabetes can affect the heart, kidneys, and eyes. Many diabetics annually lose their vision in Pakistan and suffer from heart ailments. Diabetes is also a major reason for amputations among people, because it causes numbness, especially in the feet, making people unaware of injuries and ulcers.

Health sector experts suggest that special focus should be on diabetic awareness programmes, community-based screening campaigns, and different educational health programmes because a sedentary lifestyle, obesity and an unhealthy and unbalanced diet are the biggest reasons for the growing incidence of the disease in Pakistan. Early detection of the disease can help patients manage it well before their condition worsens.

Thalassaemia

Thalassaemia is an inherited blood disorder characterised by abnormal haemoglobin production. It is on the rise in Pakistan and statistics indicate that about five thousand children are born with the more virulent form of this disease, called thalassaemia major, every year. The affected children need fortnightly blood transfusions to stay alive. This disease is inherited from parents, and children born with it die early without treatment, around 60 to 70 percent of them before reaching the age of 10.

Thalassaemia-afflicted patients also run a higher risk of contracting infectious diseases because they have to receive regular blood transfusions throughout their lives. Despite the high risk and prevalence of the disease, there are few government-run thalassaemia centres in the country, and attempts to educate and encourage people to be screened have not been successful.

In February 2017, the National Assembly finally passed the Compulsory Blood of the Relatives of Thalassaemia Patient Bill, proposed legislation that

had been under discussion for two years.

According to the Bill, a recent study in thalassaemia strongly suggested that due to consanguineous marriages (close relations), the genes of the disease are trapped within the family. Families with a history of thalassaemia have a high carrier rate of 30%. The prevalence of the disease in Pakistan is 3.8% and the country has seen a high increase in thalassaemia patients due to lack of screening and genetic counselling.

The Bill would make it compulsory for blood relatives of thalassaemia patients to have pre-marital screening to ensure they do not have the disorder. All clinics, hospitals and centres handling and treating Thalassaemia patients would have to ensure that blood relations are all screened, including siblings, first cousins, uncles and aunts, and failure to do so would result in penalties. Ante natal tests would be carried out on pregnant women who are known carriers and whose partners were also carriers of the trait.

Malaria

Malaria control has always been a major public health problem in Pakistan. It is considered a moderate endemic country and a comprehensive programme is being conducted to curtail it. According to the Pakistan Economic Survey 2016-17, the aim was to reduce the malaria burden by 60 percent in high and moderate endemic districts/agencies and eliminate malaria in low endemic districts by the year 2017-18.

The WHO World Malaria Report released in November 2017 shows Pakistan and the Sudan shared the highest percentage of malaria cases in the WHO Eastern Mediterranean region, at 31% each. Pakistan is still at the burden reduction stage and has seen an increase in case incidence since 2010. It is not among the countries in the region projected to reduce case incidence by less than 40% by the year 2020.

More than 90 percent of the disease burden in the country is shared by 56 highly endemic districts, mostly located in Balochistan (17 out of 32 districts), FATA (7 agencies), Sindh (12 districts) and Khyber Pakhtunkhwa (12 districts). FATA is the second biggest malaria affected belt of the country, accounting for 12 to 15 percent of the total case load of the country.

The Health ministry claims that it has achieved a reduction in deaths from malaria through a 75% increase in early diagnosis and prompt treatment in Malaria Diagnostic and Treatment Centres. It further claims that there has been a 34% reduction in the malaria disease burden through 'robust preventive measures including vector control and behavioural change communication.'

It was reported in August that the Health ministry had eventually succeeded

in getting around US\$13.8 million from the Global Fund for its three-year Malaria Control Programme to eliminate this disease.

Tuberculosis

Pakistan has the sixth highest burden of tuberculosis worldwide and is among the high multidrug-resistant tuberculosis burden countries, according to the Pakistan Economic Survey 2016-17. According to WHO, Pakistan is ranked fifth among high-burden countries worldwide and accounts for 61% of the TB burden in the WHO Eastern Mediterranean Region. It also estimates the country to have the fourth highest prevalence of multidrug-resistant TB (MDR-TB) globally.

The government declared tuberculosis a national emergency, and is implementing the directly observed treatment short-course (DOTS) strategy followed by the Stop TB Strategy, which includes universal access to quality tuberculosis care in the country.

A total of 510,000 estimated cases were found in 2016 and 366,061 had been treated. The programme receives US\$148 million from the Global Fund which is distributed between public and private sectors after consultations at Country Coordination Mechanism (CCM) meetings. The National TB Control Programme received eighty-eight million dollars under the federal ministry, while US\$45 million was given to the Indus Hospital Karachi and \$15 million to Mercy Corps.

It was reported that a Senate sub-committee had been informed that TB diagnostic services and essential medication for treating the disease were unavailable in hospitals in Balochistan and Khyber Pakhtunkhwa. Senators were told that not even one out of 95 TB diagnostic mobile vans earmarked for both provinces was operational. However, 70 mobile TB diagnosis vans were operating in Sindh and 16 in the Punjab. According to another report, around 20,000 new cases of tuberculosis (TB) are reported in Balochistan alone every year.



TB screening camp at the Sindh Industrial Trading Estate

In November, around 300 factory workers were screened for TB diagnosis and treatment at the Sindh Industrial Trading Estate (SITE) in Karachi. This was the first TB Screening Camp organised by Stop TB Pakistan.

HIV/AIDS

The prevalence of this disease is increasing in Pakistan, A recently conducted national survey has found that 132,000 people in Pakistan suffer from HIV. The survey was conducted using a grant from the Global Fund, and took 10 months to complete, visiting 5,000 locations in 20 cities. The survey revealed that in a span of one year, the number of patients suffering from the lifelong disease had increased by 39,000 over the previous year's figure.

According to the survey, the highest number of HIV/AIDS patients – around 55,000 – were in the Punjab, Pakistan's most populous province. There were up to 52,000 patients in Sindh and 11,000 in Khyber-Pakhtunkhwa, while three cases were reported in Balochistan. In the federal capital Islamabad, there were 6,000 registered HIV/AIDS patients.

With 20,000 new HIV infections in 2016 alone, Pakistan has one of the fastest growing epidemics in Asia. While the general public has less than 0.1 percent chance of catching the virus, the chances are exponentially greater for high risk groups. According to WHO, the disease is spread primarily through unprotected sex, contaminated blood transfusions, hypodermic needles, and from mother to child during pregnancy, delivery, or breastfeeding. Even customers in nail salons and barber shops are at risk from hepatitis, HIV and other blood-borne infections if tools are unsterilised.

In August, an unusual cluster of Human Immune Deficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) cases was discovered in a small village in Chiniot in the Punjab. At least 42 people were tested positive for HIV/AIDS. It was reported in October that the Punjab AIDS Control Programme had since opened a treatment centre for HIV/AIDS patients at the District Headquarters Hospital in Chiniot.

The Director of the programme said the identified patients, aged between 6 to 60 years, showed different modes of transmission, ranging from spousal transmission to surgical intervention as well as transfusion of blood. The cases amongst children were due to mother-child transmission. The high rate of Hepatitis C co-infection in the patients was identified to be linked with blood transfusion or re-use of syringes.

Soon afterwards, the Director was transferred out of his post in what was termed a routine bureaucratic reshuffle. However, sources in the Punjab health department alleged that he was penalised for revealing the test results. The outbreak was subsequently played down by local health officials, according to a report.

On the occasion of World AIDS Day in November, the Punjab Chief Minister said that effective measures had been adopted for the prevention of AIDS and the Punjab government had provided the facility of free medicines and

tests to patients under the AIDS Control Programme. The Sindh AIDS Control Programme (SACP) scheduled an HIV/AIDS awareness walk in Karachi on World AIDS Day.

It was reported in October that, despite the alarming increase in HIV cases, the under-funded National AIDS Control Programme (NACP) was struggling. Apparently, the government had not marked any funds for the programme, apart from salaries. The NACP Programme Manager was quoted as having said that there were insufficient funds to deal with the disease holistically. Although some provinces had allocated some funds for a few treatment facilities, more funds were needed to curb the prevalence in the populations most at risk, e.g. users who injected drugs and the various categories of sex workers.

It was also stated that the primary responsibility of the NACP was to support provinces. To date, they had established 27 HIV/AIDS treatment centres and 22 community home-based testing centres, besides setting up 11 prevention of parent to child transmission centres (PPCTC) in all four provinces where the caseload was high. According to the report, more than 22,000 HIV cases had been registered with them and around 9,000 were under treatment.

Since 2006, Pakistan has been the recipient of antiretroviral (ARV) therapy provided to Pakistan absolutely free of cost by The Global Fund, an international financing organisation. It is not otherwise available in Pakistan. Although there is no cure, the regular intake of ARV and a healthy diet can keep the HIV infection from turning into its more dangerous form of Acquired Immune Deficiency Syndrome (AIDS) for many years, possibly even for a lifetime.

According to the most recent information from NACP, 0.133 million people have HIV. Of the 22,333 HIV patients registered with the programme, 12,046 were receiving ARV treatment.

Health sector experts believe the reasons for new infections include the lack of political will, bureaucratic hurdles, the stigma attached to the disease, the absence of treatment and technical facilities, and the absence of trust among implementing partners.

Cancer

Cancer is now one of the world's biggest healthcare challenges. Every year 8.2 million people die worldwide due to cancer, while 14 million new cancer cases are added to the already existing ones. Pakistan alone registers about 148,000 new cases of cancer annually.

The increasing incidence of the disease is due to lack of public awareness, change in lifestyle and environmental factors. Smoking is among the main

reasons behind the increase in cancer patients around the world, especially Pakistan. Cigarette smoking is responsible not just for lung cancer but also for 16 different types of cancer.

In December, it was reported that Tobacco Control Cell officials informed a Senate Standing Committee that 25 million Pakistanis used tobacco products and 1200 young people daily start smoking at an early age. It was further stated that 180,000 people were dying annually from tobacco use.

Similarly, breast cancer is fast emerging as a fatal disease among women, claiming as many as 40,000 lives every year in the country. Lack of awareness is the reason for most delays in seeking treatment, with most women over 40 years unaware that they should be screened for breast cancer. The very high incidence of breast cancer also requires more investment in diagnosis and treatment centres, as well as mobile mammography units.

Pakistan Atomic Energy Commission's Cancer Hospitals are providing diagnosis and treatment facilities to cancer patients. Currently, there are eighteen medical centres functioning in different cities where reportedly 85% of the total cancer patients in the country receive treatment free or at a subsidised rate. These hospitals are equipped with the latest and advanced facilities in diagnostic/therapeutic nuclear medicine and clinical oncology. The hospitals are also involved in the national cancer awareness and prevention programme.

In the private sector, there are two Shaukat Khanum Memorial Cancer Hospitals (SKMCH) in Lahore and Peshawar, while a third one in Karachi is at the planning stage. Another one, Cancer Care Hospital & Research Centre Foundation (CCH&RCF), is under construction in Lahore.

Government hospitals do have cancer wards but they generally lack the necessary diagnostic and treatment facilities.

In August, it was reported that Karachi's largest public sector health facility, Jinnah Postgraduate Medical Centre, was using the latest CyberKnife, the first and only fully robotic radiation delivery system. It precisely and accurately treats cancerous and non-cancerous tumours and other targets, delivering radiation anywhere in the body. This cancer treatment would normally be very expensive but was being provided free of cost due to the contributions of the Patients' Aid Foundation, a few private institutions and some individual donors.

Recommendations

- Increase federal and provincial budgetary allocations for the health sector as per WHO recommendations of six percent of the national GDP.

- Initiate a nationwide crackdown on quackery and unqualified doctors who risk the lives of people. Provide incentives to qualified doctors to work in remote areas for the benefit of those living there.
- Make the provision of safe drinking water to citizens a priority of the respective provincial governments.
- Ensure the role of local governments in health service delivery as their representatives have roots in the communities that have elected them. They can be very effective in monitoring different vaccination drives and government run dispensaries as well as other health facilities in their constituencies.
- Increase the number of health facilities in the country and create new posts of doctors and paramedics to meet the healthcare demands of an ever increasing population. Improve the existing facilities, and increase resources and staff.
- Implement a regulatory mechanism to monitor health facilities and services in the private sector.
- Develop capacity to manufacture vaccines for different diseases and reduce dependence on imported ones. Discourage smuggling of medicines, sale of counterfeit drugs, over the counter availability of prescription drugs, and self- medication.
- Launch awareness programmes about prevention of diseases at school and community level.

Housing 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 well-being of himself and his family, including ... housing.

**Universal Declaration of Human Rights
Article 25 (1)**

The State 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)**

As reported by the print media, hundreds of illegal housing societies, scores of real estate businesses, as well as massive encroachments, occupations, land grabbing, illegalities and irregularities of housing schemes proliferated in 2017. Informal settlements and grand housing plans in different forms and patterns continued in all the large and small cities of Pakistan. The real estate mafia did a roaring business at the cost of agricultural lands, orchards, recreation areas and parks, picturesque hills, forests and water bodies. There was no reduction in the number of fires and accidents in the public infrastructure or residential areas. Despite some efforts, graveyards and places of worship still remained short of effective regulation. Though a number of necessary legal, administrative, political and policy measures were taken to improve and regulate housing and amenities, no remarkable progress was in evidence.

Bans, official notifications and declarations of certain schemes as illegal, as well as petitions and suo moto actions taken by the apex court, played an important role in prohibiting or imposing a stay order on certain trespasses of public lands, housing, or residential plans, but they barely went beyond rudimentary measures in regularising housing societies, parks and public amenities, land acquisition and housing credit. Notifications were issued and many of the housing schemes and societies were declared illegal but implementation remained slow, half-hearted and very limited.

Despite various political statements and announcements coupled with some initial or palliative measures, housing for the poor still seems a long distance away. Rising in-migration and urbanisation increase the demand for housing units with every coming year.

According to a World Bank report issued in 2017 on the Pakistan Housing Finance Project issues, 'the estimated housing shortage in Pakistan is up to 10 million units and the deficit continues to grow, particularly in the urban areas. While data to capture the existing stock and flux of housing units are limited, existing evidence suggests a backlog in housing units that is rising rapidly as the annual number of new adequate units covers less than half of the annual new demand. Estimates of annual new demand range between 400,000 and 700,000 units with only about 100,000 to 350,000 formal units being built annually.'

Land grabbing

Land grabbing, encroachments and 'china cutting' continued in big and small cities alike during the year. In November, the Supreme Court directed the Karachi Development Authority (KDA) to clear around 35,000 amenity plots from all kinds of encroachments within two months.



Operation against encroachments on the orders of the court

The order to clear encroachments was originally issued while hearing an application filed by a woman, when a KDA official acknowledged that an amenity plot had been allotted to her in lieu of her original plot. The judges ordered KDA to retrieve at any cost within two days all the plots from encroachers that had been illegally sold through china cutting.

However, the SC was dissatisfied with the compliance report and, having established the number of encroachments, ordered them to be cleared within two months. The court also raised the matter of the wall built in front of the iconic Mohatta Palace.

According to the director of the master plan, there were six different master plans for the city, and the illegal allotment of amenity places had begun in 1992 when the relevant laws were amended. The judges remarked that the reluctance of KDA officials to clear such encroachments stemmed from their complicity in the practice.

Cases alleging land grabbing abound across the country. The Overseas Pakistanis Commission (OPC) said that about 60 percent of the total complaints received by them were related to land grabbing. Towards the end of 2017, they claimed to have evacuated over 6,000 kanals of land, and

vacated over 170 houses and plots on the complaints of expatriates.

In October, it was reported that the Bahria Town management had been charged in a land-grabbing case more than a week after a local court issued orders to that effect. A Bahria Town spokesman admitted there was a minor dispute between the society and locals, adding that the case was pending before a civil court in Islamabad. However, he alleged that the application had been filed by locals to pressure the housing society into giving them a better deal.

In October, the Sindh High Court issued notices to the Sindh government, Inspector General Police Sindh, and others over a petition alleging land grabbing of 300 acres in Thatta by a leader of the Pakistan People's Party and harassment associated with it.

Also in October, The Supreme Court directed the Commissioners of Islamabad, Rawalpindi and Hazara, Secretary Forest and Director General Survey of Pakistan to determine the geographic boundary of the federal capital. The bench was hearing a case of forest cutting and land grabbing.

Proliferation of housing societies

Illegal housing societies, residential schemes and fraudulent real estate projects continued to erupt all over urban areas, mainly in the major cities. The official development authorities lack staff and enforcement personnel as well as mechanisms to crack down on fake and fraudulent housing schemes and societies. Usually, there is no judicial magistrate to deal with such cases. More often than not, the police prove uncooperative.

The Rawalpindi Development Authority (RDA) and the Director of Metropolitan Planning and Traffic Engineering issued a notice to Blue World City, an illegal housing society. The RDA ordered the Society to stop marketing and warned the general public not to invest in the society. Owners of the housing society were told to seek a No Objection Certificate (NOC) and the requisite permission from the relevant authority.

Similarly, the RDA took notice of the illegal construction in Islamabad Farm Houses Phase-3, located near Chakri Interchange, Islamabad, and asked them to stop advertising in the media otherwise their office would be sealed. The RDA also warned the owner of the scheme that their site office would be sealed if construction was not stopped immediately. The Authority warned people not to invest in the building projects that it had declared illegal.

The Islamabad High Court declared that the acquisition of land for the Federal Government Employees Housing Foundation (FGEHF) in sectors F-14 and F-15, where apparently members of the judiciary, powerful bureaucrats, influential lawyers and journalists were among the beneficiaries, was illegal. The judgment stated: 'there is no explanation why this largesse is available to persons who are privileged and wield influence in society while the less privileged, downtrodden and shelterless have no

access to such lucrative financial benefit[s]. There is also no explanation why those who were evicted from [the katchi abadi in] sector I-11 and their mud houses bulldozed were not offered such profit-making largesse by the state.'

The Auditor General of Pakistan (AGP) identified Rs228 billion in irregularities in two housing schemes of the FGEHF in Islamabad. The audit report claimed that, in violation of the prime minister's directions, the foundation had fixed a 12 percent quota for the superior courts, media and the Ministry of Housing and Works, the parent ministry of the foundation, in the allotment of plots. The FGEHF issued consent letters to 6,058 individuals creating Rs174.77 billion in irregularities. The audit report also considered that the rules had been violated in the unequal distribution of plots for different categories.

In addition, the report said the FGEHF's bid evaluation committee had accepted the higher rates of the Frontier Works Organisation without checking and the award of infrastructure development work at F-14 and F-15 to them had resulted in Rs15.12 billion in irregularities.

The FGEHF's Green Enclave Housing Scheme in Bhara Kahu was launched for shelterless government employees, and financed through 100 percent receipt from the allottees on a first come, first served basis. The audit report observed that approval of the competent authority of detailed estimates and technical sanctions had not been sought as required for self-financed schemes. As such, the accuracy of estimates and structural soundness of the proposal could not be adjudged.

Islamabad's Capital Development Authority (CDA) Chairman said that the authority was cracking down against illegal housing schemes and trying to enforce the rules. The launch of a comprehensive media campaign was also planned to inform the general public about illegally operating housing societies in parts of Islamabad. The mayor of the capital chaired a meeting to review the progress of Building Control Directorates. Also, the CDA declared Ghauri Town Housing Society (Zone V and VI) to be illegal.

The Auditor General of Pakistan (AGP) spotted massive financial irregularities and the loss of billions of rupees to the national exchequer in the residential project of Sindh Rangers. It said the housing project had initially been planned at a cost of Rs610 million, but a decade later the project had been approved at a cost of Rs2.87 billion. The Public Accounts Committee formed a two-member committee to probe into the irregularities in the said housing scheme and submit a report.

Responding to a lawmaker's query as to whether a number of housing schemes/societies being developed between the Latifabad river embankment and the additional protection embankment near Hyderabad were legal, the Parliamentary Affairs Minister told the Sindh Assembly that development of housing societies was not allowed between the katcha area and river embankments in Sindh. The Minister said he was unaware of any

such scheme and agreed to look into the matter.

The National Accountability Bureau (NAB) unearthed large scale irregularities and illegal allotments of more than 11,000 acres of land to the Bahria Town group. It identified that the land was allotted by the former Minister for Local Government Department (Sindh) in 2012-13. According to NAB, the Sindh Land Utilisation Department, having confirmed the status of land for allotment, asked Malir Development Authority to consolidate lands and hand them over to the Bahria group.

After auditing and inspecting the Sindh Building Control Authority (SBCA), NAB noted the SBCA had issued an NOC for the sale and advertisement of open plots to an authorised director of Bahria Town (PVT) Ltd whose illegal construction, sale and booking of residential and commercial properties was in violation of KPTR SBCA rules. The SBCA management failed to take any legal action against the contractor concerned. NAB reported that SBCA officials were reluctant to appear before a combined NAB investigation team because their statements did not match the evidence in the documents relating to the matter.

The Chairman of the Anti-Corruption Establishment warned that various fake cooperative housing societies were operating in Karachi and all over Sindh and people should verify their papers before entering into any agreement with the builders/ dealers of cooperative housing societies.

In a bid to eliminate illegal housing societies, the Lahore Development Authority (LDA) demolished five societies in the area of Old Kahna, namely Al Fajar Garden Housing Scheme, Al Qamar Homes, Chaughtai Homes, Shaheen City and Engineers Park Housing Scheme. LDA also retrieved about 15 kanals from land grabbers in the city.

A petition was moved by the residents of the walled city in Lahore challenging the construction of multi-storey commercial buildings in the interior city area. The Chief Justice of Lahore High Court directed the Commission, already formed by the court, to submit its report about alleged illegal construction. Appearing before the court, two of the directors of the Walled City of Lahore Authority (WCLA) stated that the new rules and regulations to control illegal construction and encroachment in the walled city were almost complete. The officers also presented a draft of the 'master conservation plan' before the court. According to the police, about 151 cases had been registered against individuals violating the Walled City Act 2012 and 175 violators were already facing trial.

The Commission was advised to submit its report on the illegal construction inside the national heritage. However, the petitioner's counsel stated that WCLA had failed to implement the court's stay order against multi-storey buildings inside the walled city. The developers, according to the counsel, got permission from the town municipal administration for constructions in the area and Lahore Development Authority (LDA) was also responsible for

approving maps for new constructions in the area. The counsel asked the court to order the demolition of illegal buildings and take action against officials authorising commercial buildings within the walled city.

It was reported that around 220 of 460 housing schemes in Multan were declared illegal. According to the Multan Development Authority (MDA), 100 illegal housing schemes located within the MDA's jurisdiction had been demolished. Proceedings were underway against 68 people involved in developing and advertising illegal housing societies, and challans for 94 such schemes had been submitted to the court. MDA had reportedly devised a comprehensive plan of action to launch a crackdown on the illegal housing societies.

A number of illegal commercial housing societies emerged in Sahiwal without fulfilling the legal requirements as provided in the Punjab Private Housing Schemes and Land Sub-Division Rules 2010, Amended 2012. Public complaints against such societies were common. Without seeking approval, obtaining an NOC or going through the required legal steps, investors from inside and outside Sahiwal were investing in the housing society business. Apart from 22 such societies, Sahiwal's Additional Deputy Commissioner (Revenue) declared about 230 commercial housing societies as illegal and unregistered and ordered its owners to stop issuing land transfer and ownership papers to their clients.

Illegal housing societies were doing a roaring business in Kasur too. In the absence of effective coordination between the Lahore Development Authority (LDA) and the Kasur Municipal Committee, the real estate mafia was cashing in and depriving people of their lifetime savings. If at all the LDA and Kasur's district administration took action, it was usually when people had already invested in such schemes. Recently the district administration declared sale deeds and alterations of 75 housing societies as being illegal, with over 20 such societies having already been declared illegal. However, in defiance of official instructions, *halqa patwaris* allegedly kept issuing *fards* and sale deeds in connivance with the revenue officials.

Housing finance

The Pakistan Mortgage Refinance Company (PMRC) launched its operations to promote the housing sector with initial funds of Rs6 billion. Apparently, the company will issue mortgage bonds such as corporate bonds to the domestic market and will also offer housing mortgages and loans to borrowers and end users at an affordable fixed rate. The Company's first office was inaugurated by the Deputy Governor of the State Bank of Pakistan (SBP), who said that it was hoped the World Bank would approve a US\$140 million loan for the PMRC in 2018 to help strengthen the balance sheet of the company.

A delegate of the World Bank (WB) met the president and CEO of the National Bank of Pakistan (NBP) and discussed the challenges for the housing finance market including recovery, foreclosure laws, infrastructure,

cost of funding and affordability, and possible solutions. PMRC representatives also attended the meeting. The WB team stated that, in coordination with key stakeholders, they would be assisting in developing this market through their Pakistan Housing Finance Project which would extend support to expand conventional mortgage lending, increase lower-income housing finance, as well as capacity building and technical assistance for a housing policy.

The CEO-NBP stated that the public-private partnership would address the housing problem for the low-income section of society and would help eliminate slums, and the PMRC could create schemes to benefit all stakeholders and provide opportunities to the poor. He further said the 'Specialist housing finance institution does not seem to be playing its due role and should be strengthened with sufficient capital, management and technical resources. This sector requires special focus to overcome these challenges where Islamic banks and Islamic financing products could prove to be pivotal in its development.'

Housing finance surpassed Rs10 billion in the first half of the fiscal year which indicated significant growth. Also, the SBP amended its regulations for housing finance. It advised banks and development finance institutions to provide customers with terms and conditions in Urdu to be read out loud to them before finalising the documentation. To calculate the annual percentage rate, the number of days in a year was changed from 360 to 365 days. The regulations were amended to allow borrowers to avail additional housing finance after completing two years instead of three from the last date of disbursement. Similarly, there was a reduction from three years to 18 months to avail a balance transfer facility in housing finance.

Failure to provide low cost housing to the poor

Pakistan is considered to be the fastest urbanising country in South Asia. Its annual demand for housing units stands at 700,000 but roughly 250,000 units are constructed every year. Despite the tall claims of successive governments, progress on low-cost housing schemes for the poor has either been slow or has stalled completely. The then prime minister Nawaz Sharif, as reported by various newspapers, expressed his concerns over the rapid urbanisation and the need for housing for government employees. In a meeting, it was decided to set up a sub-committee headed by the minister for housing to work out a detailed plan in this regard. The panel was advised to submit its plan in the next cabinet meeting. What the ruling government had termed its flagship programme was considered four years down the road when the government itself had only one year to go.

The Planning Commission proposed an allocation of Rs16.5 billion to construct 50,000 housing units for the low-income group under the Prime Minister's Home Ownership Programme for Everyone (HOPE) in the budget for 2017-2018. The proposal was tabled in a cabinet meeting. The Minister for Planning, Development and Reform gave a presentation on the home ownership programme.

Contrary to its slogan, *roti, kapra aur makan*, the Pakistan People's Party (PPP) failed to provide low-cost houses to the poor in Sindh. Despite nearing the end of its second tenure, the PPP's performance in this regard has been disappointing. Very few rural areas of Sindh were provided with the meagre facility of one or two-room housing. Apart from Khairpur on a very limited scale, work on low-cost housing/plots for poor families was not initiated in any city of the province. A political statement was made to provide affordable homes/plots to the poor in all the cities of Sindh but no work was initiated.

As with other provincial governments, Khyber Pakhtunkhwa also announced a low-cost housing project for the middle and lower income people and low scale government employees by the end of its term in office. It stated that it would build satellite towns all across the province and commence work from the Hazara division where, according to the KP Housing Authority, there was a shortage of over 212,000 housing units. The DC of Hazara Division was directed to identify and arrange land for the proposed towns. Five *marla* plots each costing Rs300,000 would be entrusted to the poor and middle classes on a minimum markup. Financial arrangements for about Rs4.5 billion would be arranged through banks by the provincial government.

The district administration finalised the names of 3,600 families living in makeshift homes in Balakot (Mansehra) to be allotted plots in New Balakot City. Scores of families agreed to voluntarily vacate their houses which fell within the red zone after the 2005 earthquake. The DC was optimistic that the process of shifting families to the safer area would be completed quickly. Those who had received money and were not willing to move were given a notice of evacuation.

Land record and revenue

The Punjab Land Record Authority (PLRA) announced plans to centralise data to be made available at union council level. It also planned to introduce mobile land record vans after the completion of data by the Computerised Land Record Centres (CLRCs) in all 36 districts of the Punjab to facilitate people from far-flung areas in obtaining ownership documents of their properties. The Punjab government claimed to have established CLRCs in 28 out of the 36 districts. Reportedly, the work in four districts of the Gujranwala Division was still in process. According to a PLRA official, once the CLRCs were completed and became fully functional, it would be easier for litigants to secure their ownership documents, transfer deeds and updating of records from any tehsil-level CLRC booth without travelling to the tehsil centres.

Encroachment of parks and public amenities

In response to a petition, the Supreme Court banned all developments and housing schemes in the national park areas of Murree, Kotli Sattian and Kahuta for 20 days. The ban was imposed to preserve the picturesque hill resorts as well as reaffirm its own direction given in 2005. The apex court dismissed the illegal occupation of 2,500 kanals of forest land by land mafia

that were felling trees and causing losses worth millions of rupees to the provincial government. However, it did not prohibit renovation of buildings falling outside the forest land. According to a 2009 notification issued by the Punjab Wildlife (Protection, Preservation, Conservation and Management) Act 1974, Murree, Kotli Sattian and Kahuta were 'national park areas', where the clearing/breaking-up of any land for cultivation, mining or for any other purpose is prohibited. The Court also ordered Advocate General (Punjab) to submit a comprehensive report highlighting the exact area of the national park.

Land grabbers are constructing houses on more than half of 480 acres of Gutter Baghicha Parkland in Old Golimar area, Karachi. More cemented structures are being raised on the encroached area of the parkland. Some people of the area grow vegetables on patches in the park. The Sindh Shahri Federation and others appealed to the Sindh government to take action against the encroachers to stop this massive abuse of the public land declared as park by the City District Government Karachi in 2003.

It was reported that a petition was filed against the recent handing over of the Ibne Qasim Bagh to Bahria Foundation. The 130-acre Bagh is today a mere fraction of its former glory. Public buses that brought thousands of people from all over Karachi to this park in Clifton have now disappeared. The lush green grass that once carpeted the Bagh's expanse is now replaced by dust and sand.

Evictions

As in earlier years, evictions, demolition and displacement of makeshift residences in the urban and peri-urban suburbs also remained a key feature of the year. In Gujarat (Hariye Wala village) dozens of provisional huts of local nomads were forcibly evacuated by the local authorities. The evacuee nomads staged a protest against their eviction, claiming that this was done at the behest of the Gujranwala Electric Power Company (GEPC) as a federal minister was visiting the place to inaugurate a 220KV grid station adjacent to the slum area.

Similarly, in Bahawalpur, residents of Baloch Colony staged a protest against the government's move to demolish their houses. They claimed that they had been living there for around 50 years and had every right to be allotted the place they were living on.

Police seemed reluctant to take any action against moneylenders as provided by the protection of the Private Money Lending Acts. In Layyah, for example, a moneylender forcibly evacuated a family from the Christian community from their own house. According to the family, the moneylender forged documents on stamp paper with fake signatures to occupy their house. Police took no action, saying it was a matter of a lending deal between the two parties and they were unable to intervene or resolve the conflict.

In Rahim Yar Khan, scores of residents of Chak 109-P, Pattan Minara, staged a

protest against their eviction from the piece of land they had been living on for more than 45 years. They claimed the land did not belong to anyone and alleged that the claimant was closely associated with the ruling party and the police who were therefore reluctant to take action. The owner's story was rather different. He said he had purchased the land some 10 years earlier from a retired army officer and had allowed the residents to stay there until he developed the land. They had since erected permanent structures. He claimed they were compelling him to sell his land to them by influencing politicians and land mafia and through 'local numberdars'. This was a typical case of allotment, private ownership, occupation and displacement which occurs every now and then in one or another city of Pakistan. In such cases the respective revenue department and police fail to play an effective role or uphold the rule of law. Many such incidents turn into violent conflicts and the disputes end up with the police or in the courts.

Collapsing buildings and fires

Reports of collapsing buildings and fire incidents were in the news with disturbing regularity due to the shoddy, unregulated, poor and expired structures of residential buildings as well as public infrastructure. Poverty, ignorance or carelessness of the residents also contributed to such disasters.



A three-storey dilapidated building in Karachi collapses and claims six lives

1 February: A house collapse in Neelam Colony, Karachi claimed two lives.

3 April: In Nadirabad in Lahore, at least six people died when the roof of a snooker club they were playing in collapsed.

5 April: Five persons suffered serious injuries in Raza Abad, Kamalia in the Toba Tek Singh district of the Punjab, when the roof of their house suddenly collapsed on them. The house was under construction.

9 April: Two children lost their lives and their mother and a brother were seriously injured when their mud house collapsed in the Kangai village of Buner district, Khyber Pakhtunkhwa.

13 April: In Larkana, Saifullah Colony, a girl and her little brother were buried alive when a wall of their house collapsed on them while they were playing under its shade.

17 April: In Kasur, a man died while three others sustained serious injuries when the ceiling of an under-construction house collapsed in Qadirabad.

18 April: A teenage girl died and three other persons sustained injuries when the dilapidated roof of a room in their house collapsed in the Fattupura area in Gujrat.

22 April: Several people, including children, were killed, and many injured, when walls and roofs collapsed on them as heavy storm winds hit Khyber Pakhtunkhwa and FATA.

18 July: Six people, including a child and a woman, were killed and a dozen injured in the Liaquatabad area of Karachi when a three-storey residential

building in a dilapidated condition collapsed in the early hours.

10 September: A fire caused by an electrical short-circuit in the storeroom of the Ministry of Law and Justice building in Islamabad destroyed many important documents. No casualties were reported.

10 September: Two persons died and another received serious injuries when a fire broke out in Islamabad's six-storey Awami Markaz.

20 September: Flames followed by a blast in a residential building in PECHS, Karachi resulted in the death of one person and injuries to a security guard.

5 November: Two minor girls were burnt to death in Doog Darra of Upper Dir district, Khyber Pakhtunkhwa when a fire gutted their home. A member of the family had lit a fire to heat up the room, but the flames spread and engulfed the wooden house.

12 November: The wall of a school in Usman Colony Bahawalpur, collapsed and took the life of a student. Police arrested the owner. Following the incident, the Punjab School Education Department (SED) took strict action and immediately instructed the deputy commissioners and chief executive officers (CEOs) to ensure the safety of schools and made it compulsory for every school owner to secure the structure stability certificate. In addition, other essential safety measures were to be taken, including maintenance of electric wiring, motor pumps and covered water tanks.

11 December: One person died and three others were injured in separate roof collapse incidents in various cities on Monday. The roof of a factory located near Sheikhpura More in Gujranwala suddenly came down. One person present in the factory was buried under the debris and died. Three children were injured when the roof of a house collapsed in the Shujaabad area of Multan.

12 December: Four siblings were killed while their two-year-old sister and mother were injured after the dilapidated roof of their house collapsed in Bhore village in Nankana district near Sheikhpura.

Places of worship and graveyards

In Karachi, the unpleasant business of land mafias, encroachers and self-proclaimed administrators was on the rise. Even graveyards and burial grounds were not safe from their excesses. On top of that, burial in the majority of the 237 graveyards in Karachi was formally barred by the respective local governments due to non-availability of space. Grieving relatives were made to suffer further due to bad governance and the mafia's growing encroachment on the graveyards. Approval from the authorities to establish six new graveyards alongside three major highways was still awaited.

About 800 Hindus live in Islamabad. There are just two old temples in Islamabad, one in Saidpur village and the other at Rawal Dam. The Saidpur temple has been converted into a recreation area while the Rawal Dam temple is under a lawsuit and the Hindus are not allowed to enter. In other words, there is no single temple left in the capital city where Hindus can worship and celebrate Holi and Diwali and other religious and cultural festivals. Instead, they are confined to their homes for all their rituals and festivities. There is no crematorium in the federal capital, so they have to

either take the bodies to Rawalpindi or to their hometowns to perform their funeral ritual. There is one large active temple in the twin cities, the Krishna Mandir in Kabari Bazaar, Saddar, Rawalpindi. Some smaller temples do exist in residential parts of Rawalpindi cantonment but need to be made functional.

In September, the Chief Justice of Pakistan took suo motu notice of the acquisition of land allocated to the Hindu community in Karachi for a crematorium. The Government of Sindh acquired the land for the construction of the Lyari Expressway in 2008, but substitute land had not been allotted to the Hindu community, nor had any compensation been granted. In the absence of a cremation ground, the community was facing serious difficulties.

The ever growing population, dilapidated conditions, low maintenance and limited space in the existing graveyards continued to be a matter of great concern for people in several big towns of the Punjab. The Punjab Assembly passed the Shehr-e-Khamoshan Authority Act on 24 May 2017.



The Authority is primarily responsible for establishing organised and model graveyards in the Punjab province and will provide funeral services to the communities of all religious denominations irrespective of any religious, socio-economic or caste distinctions. The first Shehr-e-Khamoshan Model Graveyard began operating in Lahore in June. Shehr-e-Khamoshan graveyards in Multan, Sialkot, Sahiwal, Sargodha and Faisalabad are reported to be under construction. Eventually, the Authority is expected to construct graveyards and provide funeral services in all of the 36 districts in the Punjab.

To put an end to the encroachments in Miani Sahib Graveyard, Lahore, the Lahore High Court directed the Miani Sahib Graveyard Committee to ensure the security of the graveyard and make it safer for the visitors. It was also advised to keep it clean and free from drug addicts, peddlers and other criminals. The LHC also directed it to take action against encroachers.

Unexpectedly, the Capital Development Authority (CDA) decided to loosen regulations for allocating specific land for graveyards in private housing societies. This meant that the CDA was relaxing the mandatory condition of a two-percent land allocation for graveyards. According to a CDA official, the two percent land allocation for graveyards was inadequate as the city was becoming densely populated and multi-storey apartments were being constructed.

In contravention of the ICT zoning regulations, modalities and procedure, private housing societies had been converting areas reserved for public buildings, parks, graveyards, mosques and schools into commercial and residential plots instead.

Recommendations

- Authorise a singular authority, for example the district development authorities already present in each district, to approve, disapprove and regularise housing schemes. No housing societies should be allowed without fulfilling several legal, technical, environmental, administrative and public requirements. Political influence, interference and collusion should be eliminated to protect agricultural lands, orchards, water bodies, public parks, national parks, and other picturesque places.
- Devise a Housing Price Index (HPI) and Housing Access Index (HAI) with the assistance of the Pakistan Bureau of Statistics to assess the state of housing in a district. Also introduce land and housing appraisal and a housing inventory. Research the demand as well as forms and scales of housing to assess suitability and relevance to housing demands and appropriate localities in the country.
- Devise housing plans in each province and facilitate those living in urban and peri-urban suburbs, around railway tracks, under bridges as well as those nomadically moving or resettling as a result of eviction from public or private places.
- Preserve and protect the walled cities of Lahore and Multan, and old historic buildings of all large and small towns. Give powers to respective authorities to prohibit and/or demolish illegal structures and encroachments, and place resources at their disposal to preserve and/or renovate historical buildings and other monuments.
- Conduct a proper assessment of different public and private buildings and require demolition if their age merits it or the structure has been rendered unsafe either naturally or as the result of an earthquake and/or fire or any other reason. Introduce safety standards, regulation and timely demolition and reconstruction of such buildings to avoid tragic loss of life every year. Improve coordination between civic agencies and rescue teams to take timely and adequate measures in the case of fires.

- Create cremation facilities for Hindus in Islamabad and Karachi and all other cities where there is a Hindu population. The Punjab Shehr-e-Khamoshan is an admirable initiative and other provinces should follow suit. Protect existing graveyards from illegal land grabbing, and regularise, renovate and improve them to facilitate the public.

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

Some measures have been initiated during the year at federal and provincial level to address environmental concerns, but there is still a mountain to climb in terms of demonstrating true adherence to the pledges made at international level.

The lack of commitment to follow through on legislation, or to provide adequate funding and staffing for implementation, is still a major obstacle. Equally, the absence of general public awareness about the dire consequences of ignoring environmental issues will need to be overcome before any significant advances can be made.

As part of Pakistan's obligations under international conventions relating to climate change and its effects, the government has passed The Pakistan Climate Change Act in 2017, making Pakistan the fifth country in the world to adopt comprehensive legislation on the issue. The Act recognises the fundamentals, such as research on current and emerging issues of climate change, and assessment of Pakistan's vulnerability to climate change, as well as the need for campaigns and programmes to enhance understanding and

awareness of different aspects of climate change and promote their integration in educational curricula.

The sixth of the Sustainable Development Goals (SDGs) calls for ensuring availability and sustainable management of water and sanitation for all, water use efficiency, and integrated water resources management. Yet Pakistan still lacks a Water Policy to ensure coordinated planning and implementation. A policy was drafted in 2002, but was never approved. The National Forestry Policy has been approved by the Council of Common Interests but needs to be enacted into law to ensure a national forest monitoring mechanism, and control deforestation.

Climate change

Pakistan features in the high risk category of countries considered to be most vulnerable to climate change. According to an Asian Development Bank report, Climate Change Profile of Pakistan published in August 2017, climatic changes are expected to have wide-ranging impacts on Pakistan: reduced agricultural productivity, increased variability of water availability, increased coastal erosion and seawater incursion, and increased frequency of extreme climatic events.

The annual mean temperature has crept up by 0.50C, the number of heatwave days has increased, annual precipitation has always been variable but has shown a slight increase in the last 50 years, and the sea level along the Karachi coast has risen by 10 centimetres in the last century – all indicators that the climate system is changing.

Pakistan is committed to the United Nations Framework Convention on Climate Change and signed up to the Paris Agreement in 2016. When it submitted its Nationally Determined Contribution to the Paris Agreement, Pakistan indicated that it intended to reduce up to 20% of its 2030 projected greenhouse gas emissions. This was, however, subject to the availability of international grants to meet the cumulative abatement costs amounting to approximately US\$40 billion. The country's adaptation needs have been identified to range between US\$7 billion to US\$14 billion per year.

The adoption of the Climate Change Act establishes three institutions, the Pakistan Climate Change Council, the Pakistan Climate Change Authority, and the Pakistan Climate Change Fund. The Pakistan Climate Change Authority will make policies and design projects that aim to, inter alia, promote energy efficiency and energy conservation, reduce emissions from deforestation and forest degradation, and create guidelines to protect and conserve renewable and non-renewable resources, species, habitats and biodiversity. The Authority will also design and maintain a national registry and database on greenhouse gas emissions and publish a yearly report.

While the intention of the Act is clear, the process of implementation may be more lengthy. The Climate Change Authority is still not operational. During the year, terms of reference were issued for a consultancy 'to support the Ministry of Climate Change in defining and laying down organisational

edifice and systems as well as mechanisms for the smooth functioning of the Pakistan Climate Change Authority in line with the broader parameters and stipulations of the Pakistan Climate Change Act.’ The remit included forming the Rules of Business and functional protocols. These have not yet been published.

Deforestation

Pakistan has one of the highest deforestation rates in Asia and this is a major factor in climate change, increasing greenhouse gas emissions and disrupting the water cycle. Deforestation also increases soil erosion and triggers landslides and flash floods. In March 2017, the Law, Justice and Climate Change Minister told the Senate that flash flooding triggered by torrential rain had led to 1,029 deaths in the monsoon season over the past three years. In the same period, between 2014 and 2016, another 1,297 people were injured and 4.5 million affected in the flash floods.

Although the government states that forest cover is around five percent, a report of the Food and Agricultural Organisation, also quoted by the Asian Development Bank, puts it at just 1.91 percent. Again, the government says the country loses 27,000 hectares of its forests every year, while international reports indicate a loss of 42,000 hectares or 2.1 percent every year.

In Pakistan, most of the natural forest areas are in Gilgit-Baltistan and Khyber Pakhtunkhwa. Last year, the Forestry Department warned that the Hazara division of Khyber Pakhtunkhwa would be deprived of tens of thousands of trees to make way for the China-Pakistan Economic Corridor. According to media reports, officials had claimed that almost 30,000 trees had already been cut down in the Mansehra, Battagram, Kohistan and Torghar districts, and other areas along the route. This may be an underestimation.

The economic importance of CPEC notwithstanding, the felling of trees for this project is only part of the story. Every year, the forests are plundered by the illicit timber trade, taking advantage of loopholes in the timber disposal policies of successive governments. According to the government, over 50% of the wood in the country is harvested by locals for cooking and heating as firewood is their only source of energy. It is possible that the same locals would have no option other than to cut down young trees and fruit trees if loggers are removing mature ones. This may have a negative impact on the saplings being planted in afforestation programmes.



Locals harvest over 50 percent of wood for heating and cooking

The Bonn Challenge called for the restoration of 150 million hectares of deforested and degraded lands by 2020, and 350 million hectares by 2030. The ‘billion tree tsunami’ campaign, initiated by the Khyber Pakhtunkhwa government in 2015 in response to the challenge, reportedly met its target in 2017, fulfilling its commitment to restore 350,000 hectares of forests and degraded land. The International Union for Conservation of Nature (IUCN) called it a ‘true conservation success story.’

The federal Green Pakistan Programme was launched in 2017, with a commitment to plant 100 million trees in five years at a cost of Rs10 billion. Additionally, at the Asia Bonn Challenge event in May, Pakistan made a restoration pledge of 0.1 million hectares that helped tip the Challenge over its 150 million hectare milestone. The World Bank expressed its interest in extending a US\$100 million loan to help the country develop a forest resilient infrastructure and for forestry economic management under the Green Pakistan programme.

While international environmental bodies recommend that Pakistan maintains 12 percent of its forest cover, the country's soil and weather conditions are not considered feasible for such a goal. In 2015, an official of the Ministry of Climate Change stated that an estimated 50 percent of saplings may have survived out of more than 400 million planted over the previous five years. Whether this trend has been taken into account in the latest tree planting drive is unknown.

The initiatives are always going to be one step behind. Every year, thousands of trees in the main cities are sacrificed to urban planning. In Islamabad, women and men environment activists and a section of the print and electronic media opposed the blind construction of mega-projects, carried out with very little concern for harm to the environment and historical greenery of the capital, such as the expansion of the Islamabad Expressway, Kashmir Highway, and Ataturk Avenue, where the Capital Development Authority (CDA) approved the felling of thousands of fifty-year-old healthy, flowering jacaranda, pine and other trees. Eventually, the SCP took suo moto notice, but by then it was too late to save the felled trees.

During 2017, there were reports that the CDA was again trying to resurrect the Fatima Jinnah F-9 Park electricity grid station power project, which was earlier shelved through an order of the SCP, as a result of concerted efforts led by women and men environment activists, lawyers and sections of the media.

Again in the ICT, the Pakistan Environment Protection Agency (EPA) held occasional public hearings on those government/CDA projects which prepared the Environmental Impact Assessment (EIA), but environment activists found themselves in a minority at such hearings, hence their voiced concerns and recommendations (both orally and in writing) remained ignored. This included viable alternate options for the Ataturk Avenue expansion and the Fatima Jinnah Park electricity grid station, as well as options for improving the road management and utilisation, in addition to

strong recommendations for a comprehensive public transport system in the ICT.

In Lahore, the city lost a large number of trees to the Orange Line Metro project, a signal free corridor project and road widening projects. In Karachi, around 5,280 fully-grown neem trees, planted along the Superhighway by the Sindh forest department, were cut down by contractors to widen space for the proposed upgrade to a motorway. In Balochistan, it was reported that the Chief Justice of Pakistan had registered as a suo moto case the threat to 2,200 green trees from the extension of a 10km link road in District Pishin, Balochistan, no attempt having been made to find an alternative route that would have spared the trees.

In large urban centres, land-grabbing and construction continued unchecked, without respect for urban planning laws, guidelines or environment protection measures.

Pakistan has produced a National Forestry Policy in consultation with the provinces, but the forestry department has been devolved to the provinces who reserve the right to implement their own policies.

Water

Much concern has been expressed over the potential impact of climate change on Pakistan's overstretched water resources. According to the UNDP, rising temperatures, increasing saltwater intrusion in coastal areas, a growing threat of glacier lake outburst floods, more intense rainfall, and changes in monsoon and winter rainfall patterns are just some of the ways in which climate change is expected to affect Pakistan's hydrologic resources. Yet, Pakistan still has the world's fourth highest rate of water use and the Pakistan Council of Research in Water Resources (PCRWR) recently issued a stark warning that the country was on track to run out of water by 2025.

The agricultural sector has always been the main water user, accounting for around 90 percent of water withdrawals. According to the UNDP, Pakistan extracts 74.3 percent of its freshwater annually, exerting tremendous pressure on renewable water resources, with the population growth and associated demand leading to a steady decline in availability. With the depletion of surface water due to urbanisation and temperature increases, a huge amount of underground water, estimated at around 50 million acre feet annually, is being extracted for agricultural, domestic and commercial purposes. The UNDP says that 27.2 million Pakistanis do not have access to safe water and 52.7 million do not have access to adequate sanitation facilities.

While a number of reasons may have been put forward for the water crisis – urbanisation, population growth, climate change, non-adherence to the Indus Waters Treaty – high on the list must come poor water management, including limited storage capacity and inadequate lining of canals.

In line with the SDGs, Pakistan's vision 2025 addresses the issues of water security and aims to increase water storage capacity, improve agricultural

efficiency by 20 percent, and ensure the availability of clean drinking water to all Pakistanis.

Air Pollution

It was widely reported in the media during the year that the average air pollution in Pakistan’s major cities was about four times higher than the World Health Organisation limits. Every winter an impenetrable smog descends on the Punjab, disrupting transport and productivity, and causing respiratory difficulties and eye irritation. The independent Pakistan Air Quality Initiative said that levels of the dangerous particulates known as PM2.5, small enough to penetrate deep into the lungs and enter the bloodstream, had reached 1,077 micrograms per cubic metre – more than 30 times what the Pakistan government considers the safe limit.

	January	February	March	April	May	June	July	August	September	October	November	December	Health Impact*
Lahore	146	108	82	60	61	39	25	29	25	292	330	191	Unhealthy
Peshawar	69	63	49	42	43	41	46	50	68	81	124	98	Unhealthy
Islamabad	97	38	35	25	30	30	32	30	36	60	77	46	Unhealthy**
Karachi	96	58	29	25	19	28	28	20	17	32	71	71	Unhealthy**

*Health impact as defined by the USA EPA. The Environmental Protection Agency of Pakistan (PK-EPA) recommended 15 µg/m³ as the safe level for yearly exposure, after which serious health effects occur. The WHO guideline value is 10 µg/m³.
** Unhealthy for Sensitive Groups
Data: Pakistan Air Quality Initiative (PAQI_AQ) till 17 December 2017

The dense smog this year forced authorities to shut nuclear power plants of 1,200MW capacity, while several grid stations tripped, causing power breakdowns in many parts of the country.

Initial blame for the smog was placed on stubble burning by farmers and emissions from coal-fired power plants in India, but a new theory emerged in 2017 when the Environmental Protection Agency (EPA) stated that dust clouds from the Middle East were the culprit. Whatever the cause, it is undeniably exacerbated by dust, burning of crops, and emissions from factories and brick kilns in Pakistan.

Environmentalists are calling for more stringent measures than the ones currently being taken by the government, including improving fuel quality, phasing out fuel-guzzling cars, introducing solar and other renewable sources of energy, planting trees on a large scale, and improving public transportation to reduce the number of cars on the roads.

In November, The Lahore High Court (LHC) directed the Punjab government to submit a revised policy on how to tackle the smog issue in the province within three months.

Water pollution

The Pakistan Council of Research in Water Resources (PCRWR) collected 300 water samples from surface and underground sources in 13 districts of Sindh, including all six Karachi districts, and over 70 percent were found unfit for human consumption. A significant portion was contaminated with human waste.

A similar exercise in Islamabad and Rawalpindi revealed that 68% of water sources were found unfit for drinking purpose in Islamabad and 62% in Rawalpindi. The major contaminant found in the drinking water was bacteria, with other contributing factors being the surface run-off, increased concentrations of nutrients and municipal waste.

A study conducted by the Swiss Federal Institute of Aquatic Science and Technology revealed that 50 to 60 million people who rely on groundwater for drinking might use water that contains more than 50 micrograms per litre of arsenic, five times the World Health Organisation (WHO) guideline.

Only 36 percent of the Pakistani population on average, including 41% in urban areas and 32% rural areas, has access to safe drinking water in the country, a report by WHO revealed.

With such limited access to safe drinking water, the number of bottled water brands has proliferated. In March, the PFA found 24 out of 47 brands in the Punjab were unsafe. In August, the Pakistan Council for Research in Water Resources (PCRWR), after its quarterly monitoring of bottled/mineral water, declared eight brands of bottled drinking water unsafe for consumption. The brands had chemical and microbiological contamination.



Safe drinking water out of the reach of over 27 million Pakistanis

The Rawal Lake is the main source of water supply for Rawalpindi city and cantonments and for parts of Islamabad. In July, hundreds of fish floated dead in the water, sparking fears of mass poisoning. It was later claimed that this had been caused by large quantities of garbage being dumped in the lake. The Pakistan Council for Research in Water Resources (PCRWR) collected samples from the lake and found solid waste, bacteria, and microbiological contaminants. Officials stated that the water was being

treated properly through purification plants to remove all impurities before consumption, but that the public needed to be educated not to dump waste in the water.

Marine Pollution

In September, the National Institute of Oceanography (NIO) announced they would be conducting a comprehensive study to assess the scale of pollution affecting the entire Karachi coast. The city has no sewage treatment plant and untreated waste from nearby residential areas and restaurants, as well as hazardous industrial waste, is being discharged into the sea. This is a risk for both people and wildlife.

Studies initiated by WWF-P show that on beaches such as Clifton, plastic pollution contributes up to 50 percent of beached garbage. The dumping of plastic products in both terrestrial and marine environments poses a serious threat to animals and plants in Pakistan. Public awareness drives about garbage dumping and recycling together with proper waste collection and disposal by the authorities is crucial to begin to reverse the ominous situation.

In a positive move by the Balochistan government in 2107, Astola Island was declared the country's first marine protected area. The island is the largest along Pakistan's coast and is home to several species of marine and terrestrial animals and plants. It also a nesting place for many sea birds, and a nesting ground for green turtles. Around 25 species of coral have been found in the ocean around it. The Arabian Sea humpback whale, one of the rarest marine mammals, has occasionally been sighted in its surrounding area.

In declaring Astola island a marine protected area, Pakistan has started its compliance with the Aichi Target 11, which requires that by 2020, at least 17 percent of terrestrial and inland water areas and 10 percent of coastal and marine areas are to be conserved, according to the WWF-P. The move would ensure that the island's biodiversity would be protected, the use of damaging fishing methods would be stopped, and recreational activities would be controlled.

Desertification

The Climate Change Minister told the 13th session of the United Nations Convention to Combat Desertification (UNCCD) that Pakistan was facing daunting challenges, with more than 80 percent of its classified land – arid and semi-arid – being severely affected by land degradation and droughts.

The Sustainable Land Management Programme (SLMP), a project supported by the Global Environment Facility and the United Nations Development Programme (UNDP), is planning to implement the United Nations Convention to Combat Desertification and initiate sustainable land management practices over entire arid and semi-arid landscapes.

The federal government allocated Rs764 million to this project in the 2017-18 budget.

Fossil Fuels

Pakistan has always been heavily reliant on fossil fuels for power generation and continues to face a shortfall of 5,000MW to 6,000MW of electricity daily. At a time when there is global pressure to reduce fossil fuel consumption, Pakistan continues to invest in projects that rely heavily on coal and liquefied natural gas (LNG). In an effort to alleviate the energy crisis, the government has been encouraging mining companies towards the coal reserves in the Thar desert in Sindh, untapped until now.



Coal-fired power plants are crucial to the CPEC project

Pakistan and China have signed around US\$57 billion of energy and infrastructure projects under the China-Pakistan Economic Corridor (CPEC). Most of this investment is going towards coal-fired power plants, fuelled both by imported coal and by coal mines in the Thar Desert.

Renewable Energy Sources

Some initiatives for renewable energy have been taken, such as different wind and solar power projects to reduce reliance on fossil fuels and overcome loadshedding issues.

Wind Power

According to official sources, 24 wind power projects with a cumulative capacity of 1397.6 megawatts are at different stages of development and operation.

The share of wind power in the country's energy mix increased by a 0.46 percentage point to 1.23% in September 2017, indicating that the country is on track to achieve its target of increased production from this renewable energy source in the long run. The National Electric Power Regulatory Authority (Neptra), the power sector regulator, reported that the country produced 141.6 gigawatt-hours (141,600MW) of wind energy in September 2017, which was a 0.46 percentage point higher than 82.63 gigawatt-hours (82,630MW) in the same month of the previous year.

Solar Power

Pakistan is considered to have immense solar potential. In March, the World Bank in partnership with the Alternative Energy Development Board (AEDB) launched a series of new solar maps for Pakistan to support efforts to increase the deployment of renewable energy. This will make it easier for

investors to make informed decisions.

The Punjab government is privatising its 100MW component of the Quaid-e-Azam Solar Park in Bahawalpur, a CPEC project. It is now inviting investors to take on components of the remaining 900MW and has already signed an agreement with a Turkish company to set up a 100MW solar power plant.

Recommendations

- Provide full support, and authority to the newly-established Climate Change Authority to enable it to take concrete measures in tackling the impact of climate change. Ensure coordination and collaboration with the provinces to encourage them to implement their own climate adaptation projects.
- Introduce a comprehensive and enforceable water policy to address the issues of water conservation, treatment of sewage and industrial effluent, and waste management, involving local communities.
- Enact the National Forestry Policy into law, and encourage provincial governments to adopt and implement similar policies.
- Allocate adequate budget funds for the environment for complete and effective implementation, taking into account the full scale of environmental issues.

Refugees

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**

Pakistan has been hosting millions of registered and non-registered Afghan refugees since the 1979 Soviet invasion of Afghanistan. According to official estimates, by the end of 2017 there were over 2.5 million Afghan nationals, including 1.4 million registered Afghan refugees, in Pakistan. There are at least one million undocumented Afghan nationals residing in the country.

In February 2017, the federal government of Pakistan issued a notification extending the date of voluntary repatriation of Afghan refugees until 31 December 2017. An upsurge in the intensity and number of terrorist attacks in Afghanistan in 2017 added to the uncertainties of the returning Afghan refugees.

Throughout the year, tensions on the borders between Afghanistan and Pakistan at Torkham in the Federally Administered Tribal Areas (FATA), and Chaman in Balochistan, also added to the problems faced by Afghan refugees. The Torkham and Chaman border crossings were closed off by Pakistan several times during the year following skirmishes between Afghan and Pakistani armed forces, and terrorist activities. These circumstances added to complications in the process of repatriation.

As in previous years, there were many reports of harassment of refugees by the police and local authorities across the country. The general sense of suspicion towards Afghan refugees on account of claims of their involvement in criminal and terrorist activities persisted throughout the year. The arbitrary arrests of Afghan refugees based on such suspicions were reported from different parts of the country. There was widespread

suspicion of anyone who looked like an Afghan refugee after a series of terrorist attacks in the country.

The internally displaced persons (IDPs) from FATA continued to return to their native areas in 2017. While a large number of IDPs from FATA have returned to their places of origin, a significant number still wait to return to their native areas. The most recent wave of mass displacement began in 2014 as a result of the conflict in North Waziristan and the Khyber Agency in FATA, adding to the numbers of the already displaced persons in Khyber Pakhtunkhwa from other parts of FATA. The districts of Bannu, Dera Ismail Khan, Kohat, Hangu, and Peshawar in Khyber Pakhtunkhwa continued to host thousands of IDPs waiting to return home.

HRCP continued to stress the need for Pakistan to adopt specific legislation to deal with the challenges of internal displacement, but no change in policy occurred during the period under review.

Refugees

Pakistan continues to be one of the top refugee hosting countries in the world. The refugee population in the country consists almost entirely of Afghan nationals. Most of these refugees left their country to escape the conflict and violence that has engulfed Afghanistan for decades, and resulted in various forms of grave human rights violations. The steady influx of refugees over the decades from Afghanistan first began after the 1979 Soviet invasion of that country. The subsequent outbreak of a civil war in Afghanistan in 1992, and the war on terror launched by the U.S. government in 2001, were the other major factors contributing to the unremitting flow of refugees into Pakistan. There are many second and third generations of Afghan refugees born in Pakistan who have never been to Afghanistan.

According to the office of the United Nations High Commissioner for Refugees (UNHCR), a little over 50,000 refugees repatriated to Afghanistan by the end of the year. This signified a steep decline in the number of refugees opting to go back to Afghanistan as compared to the previous year, when as many as 381,275 registered refugees returned with assistance from UNHCR. It has to be remembered, though, that the number of refugees who returned in 2016 was unprecedentedly high as compared to the general trend of the previous years.

Of the total number of registered families of refugees processed for voluntary repatriation, 67 percent repatriated from Khyber Pakhtunkhwa, 17 percent from Balochistan, 10 percent from the Punjab, and 4 percent from Sindh. It is estimated that a little more than 92,000 undocumented Afghan nationals returned from Pakistan by the end of October of the period under review. Since the year 2002, around 4.2 million Afghan refugees have returned from Pakistan with assistance from the UNHCR.

UNHCR has two voluntary repatriation centres operational in Pakistan. The

centres are in Azakhel in Khyber Pakhtunkhwa, and Baleli, Quetta in Balochistan. According to the UNHCR, there are some 54 known refugee villages across the country. It is estimated that around 67 percent of the total registered Afghan refugees live in urban and rural areas of Pakistan, and 33 percent live in the refugee villages. UNCHR provides US\$200 financial assistance per head to every family of refugees who opt to return voluntarily. The amount of financial assistance had been increased to US\$400 per head from June to October in 2016, but was subsequently reduced to US\$200 per head.

Proof of registration

The process of registration of Afghan refugees in Pakistan was undertaken in 2006-7. The National Database and Registration Authority (NADRA) began registering Afghans and issued them with Proof of Registration (PoR) cards. The PoR card was an identity document that allowed Afghan refugees temporary legal stay and freedom of movement in Pakistan. The names of children younger than five years of age were entered on their parents' cards. Children who reached the age of five years were entitled to their own PoR cards. Afghan refugees who did not register to obtain the PoR card or who did not possess valid visas or any other form of valid and acceptable documentation were to be treated as illegal immigrants in accordance with the Foreigners Act and laws applicable to foreigners.

Registration and Extension of PoR Cards	
March 2007	2.1 million Afghans registered by NADRA and issued Proof of Registration (PoR) card with validity until December 2009
September 2010	PoR cards replaced with new 'Secure Cards for Afghan Citizens (SCAC)', valid until 31 December 2012
January 2013	Six months extension given until 31 June 2013
August 2013	PoR cards renewed until 31 December 2015
January 2016	Six months extension given until June 2016
June 2016	Six months extension until 31 December 2016
September 2016	Three months extension until 31 March 2017
March 2017	PoR card extended until 31 December 2017
Source: UNHCR	

In February 2017, the Federal Cabinet of Pakistan announced a policy that extended the stay of Afghan refugees until 31 December 2017 (which was later extended by 30 days to January 2018). The policy also included plans for the documentation of Afghan nationals who currently had no identification; a commitment to the adoption of a national refugee law; and more flexibility in the existing visa regime for different categories of Afghan nationals.

As part of this policy, the federal government began the process of registering an estimated one million undocumented Afghan nationals in July 2017. The registration programme was being overseen by NADRA, the Ministry of States and Frontier Regions (SAFRON), and the Afghan Ministry of Refugees and Repatriation, with support from the International Organisation for Migration (IOM) and UNHCR. In total, 21 registration centres were set up by NADRA throughout the country.



Afghan refugees wait to update family data at the UNHCR Verification Centre

According to the UNHCR, Afghans registered under this new scheme were to receive Afghan Citizen (AC) cards providing them legal protection from arbitrary arrests, detention or deportation under Pakistan's Foreigners Act. Afghans with AC cards would be allowed to stay in Pakistan until they could be issued documents, such as passports, by the government of Afghanistan. One of the main purposes of this scheme was to provide legal status to the undocumented Afghan refugees.

According to officials, by December 2017 around 700,000 undocumented Afghan refugees were registered through this process, with the largest number of refugees, some 350,000, documented in Khyber Pakhtunkhwa. While the registration process continued, it was unclear whether NADRA had actually issued AC cards to the Afghan refugees registered under this scheme.

Citizenship

Under Section 4 of the Pakistan Citizenship Act 1951, any person born in Pakistan shall be a citizen of Pakistan by birth. The only exceptions to this are if the parents of the child are foreign diplomats or if they happen to be declared enemies of the state and the birth occurs in a place which is then under the occupation of declared enemies of the state. When the influx of Afghan refugees began in the 80s, the government of Pakistan at the time did not consider it necessary to make any amendments to the Citizenship Act. Nor has any government over the decades considered making any

amendments or introducing special provisions for exception from the terms of the Citizenship Act for Afghan refugees.

Pakistan is not a signatory to the UN Convention Relating to the Status of Refugees 1951, or its 1967 protocol. As a result, Pakistan continues to deal with issues concerning the refugees in the country through ad hoc and discretionary policies, including the matter of eligibility for citizenship of Afghan refugees born in Pakistan. While technically all refugees born in Pakistan are eligible to obtain citizenship, they are generally discouraged from doing so. Consequently, Afghan refugees who are born in Pakistan, and who may not want to return to Afghanistan, face significant problems when they choose to remain in Pakistan.

There were several reports in 2017 of regional ethnic political groups in Sindh and Balochistan expressing concerns about the possibility of refugees being granted citizenship. When the countrywide process of the national census began in March 2017, Baloch nationalist political groups expressed serious objections to Afghan refugees being counted as part of the Pashtun population of Balochistan. In March 2017, the Balochistan High Court (BHC) ordered the government not to include Afghan refugees in the census after a constitutional petition was filed by a leader of the Balochistan National Party-Mengal (BNP-M).

Push and pull factors

There were many reasons for the steep decline in the numbers of Afghan refugees willing to return to their homeland in 2017 as compared to 2016. The biggest of these was the sharp increase in violent terrorist attacks in Afghanistan coupled with an increase in lawlessness, human rights violations, and a lack of stability and economic opportunities.

Refugees who have been living in Pakistan for decades have managed to establish their livelihoods in this country. Many of them who opted to remain in Pakistan felt that they did not have any viable incentives or economic opportunities in Afghanistan to induce them to go back. Some among the second and third generations of refugees born in Pakistan have never been to Afghanistan, so uprooting their lives in Pakistan and moving to Afghanistan is a difficult choice for them to make.

Afghan nationals in Pakistan continued to bear the brunt of the deteriorating relations between Afghanistan and Pakistan in 2017. There were reports of Afghan refugees being arrested on suspicion of involvement in criminal and terrorist activities in different parts of the country, as well as reports of general harassment by the police. As a community, they continue to endure the social stigma attached to being a refugee and the nationwide distrust of the local population. There were, for instance, reports of women refugees being turned away from hospitals in the Punjab, on account of language issues and their refugee status.

Other reports tell of an increase in the maternal and infant mortality rates

because, in most cases, women refugees ended up giving birth at home in unhygienic conditions. In the event of any complications, if the refugees were not registered and did not have the proper documentation, it was impossible for them to gain access to medical facilities at hospitals. Unregistered refugees faced similar issues when it came to enrolling their children in schools because of a lack of proper documentation.

In some instances, refugees have also faced eviction from the camps in which they reside. An estimated 18,500 refugees residing in the Icherrian and Berari refugee villages in the Mansehra district of Khyber Pakhtunkhwa will be relocated because of the close proximity of the villages to a route linked with the China Pakistan Economic Corridor (CPEC). UNHCR is in discussions with the authorities and the refugees to find viable alternative relocation options.

According to the UNHCR, some of the main factors influencing the return of Afghan refugees in 2017 were poverty, lack of employment opportunities in Pakistan, uncertainty over the extension of the PoR cards, strict border crossing control between Pakistan and Afghanistan, the desire to join relatives and/or communities and, to a somewhat lesser degree, police harassment.

Turkish teachers and their families

Some 285 Turkish nationals, teachers associated with the PakTurk schools, and their families have been facing deportation to Turkey since November 2016. After the failed coup d'état attempt in Turkey in July 2016, the Turkish government began a crackdown on teachers, journalists, academics and human rights defenders. Within this context, Turkey has succeeded in obtaining the forcible repatriation of teachers linked to the PakTurk schools from Malaysia, Myanmar and Saudi Arabia. Turkish nationals in Pakistan live in fear of raids by the police and intelligence services. Upon deportation to Turkey, they face the risk of arbitrary arrests, judicial harassment and detention upon arrival.

Former head of the PakTurk schools in Pakistan Mesut Kaçmaz and his wife and two children were abducted on 27 September 2017. They were handed over to the Turkish police and forcibly repatriated to Turkey on 14 October in a plane sent by the Turkish government. Several protests were held by the remaining Turkish nationals in Pakistan against the forced repatriation. Turkish nationals in Pakistan have been granted UNHCR asylum seeker certificates which specifically state that they should be protected



Asma Jahangir displays the passports of the Turkish family forcibly deported from Pakistan

from forcible return to a country where they claim they could face threats to their freedom and their lives. The validity of these certificates has been extended until 11 October 2018.

HRCP urged the government to immediately release the Kaçmaz family and desist from deporting them, as there were credible reports of other Turkish educationists being arrested and tortured upon their arrival in Turkey. The Commission has continued to raise the issue of forced repatriation and has demanded that the government of Pakistan should adhere to its obligations under international law.

Internal displacement

As in a few previous years, the displacement of the population due to conflict and military operations, especially in the Federally Administered Tribal Areas (FATA), continued to be an issue of serious concern in 2017. Since 2008, a total of 5.3 million residents of FATA have been displaced. While the majority of them have been able to return, there is still quite a sizable number of IDPs who are yet to return.

According to the FATA Disaster Management Authority (FDMA), around 323,288 registered and verified IDPs, and around 194,577 unregistered IDPs, have returned to their places of origin in FATA at the end of the year. FDMA estimates that around 14,657 IDPs are yet to return. The majority of the IDPs who have returned this year were from North Waziristan, followed by the Khyber Agency, South Waziristan, Orakzai Agency, and Kurram Agency.

According to independent analysts, HRCP monitors on the ground, and organisations working with the IDPs, the numbers of IDPs who were forced to leave their homes in FATA and who are currently still displaced, are much higher than the figures cited by the FDMA and the government.

The IDPs who returned found that the infrastructures in their areas had been either completely or partially destroyed. Local economies in most of the agencies of FATA have been severely affected because of the ongoing violence and military operations over the years, with no apparent efforts by the government to offer any opportunities for sustainable livelihoods to the returning communities. These claims, made by local communities, were substantiated by HRCP's monitors on the ground.

The government had announced that registered IDP families would be given 25,000 rupees for immediate needs, 10,000 rupees for transport, and up to 400,000 rupees for reconstruction of houses based on assessment of damages carried out by government authorities. IDPs claimed that these amounts were not sufficient to rebuild their houses.

The government allocated 26.9 billion rupees in the budget for 2017/2018 for the development of FATA. Local social and political activists from FATA claimed that these allocations were inadequate and not enough to help the returning IDPs and residents of FATA rebuild their homes and livelihoods.

The residents of FATA continued to express their concerns about being ignored in the national discourse, as has been the case over the years. With little to no media coverage, they found it difficult to draw attention to their problems. While HRCP continued to stress the need for a specific framework to address the problems faced by IDPs and residents of FATA who have returned, the parliament and government did not appear to exhibit any immediate interest in taking initiatives in this regard.

Security concerns

While the government has been declaring that militant networks have been cleared from most of the areas in all the FATA agencies after several military operations over the years, security concerns continued to prevail throughout FATA. Incidents of attacks by militants were reported from almost all of the agencies of FATA throughout 2017. Kurram Agency, in particular, suffered the most from such attacks, followed by South Waziristan, North Waziristan, Mohmand Agency, and Bajaur Agency.

Throughout the year, curfews were also imposed in all of the agencies at various times for different durations. The continuous attacks and the resultant counter-terrorism military operations, along with the regular imposition of curfews for security reasons, continued to affect the lives of the residents of almost all of the FATA agencies.

Numerous security checkpoints have been set up in areas such as North and South Waziristan. Locals from Waziristan complained about being interrogated and dealt with harshly at times at these checkpoints, while freedom of movement remained limited within their areas.

Restrictions on movement also made it difficult for locals to rebuild their lives in their native areas where access to education, employment, and business opportunities remained very limited. Residents of Waziristan who have returned have been issued with special identification cards called 'Watan Cards'. They are expected to carry these cards with them at all times and produce them at checkpoints whenever they move in and out of their villages and towns.

According to reports from locals, degree colleges in Miranshah and Mirali, as well as the Government Commerce College in Miranshah in North Waziristan, remain closed. Government schools that have been destroyed or partially damaged have yet to be reconstructed. The Miranshah and Mirali bazaars, which were the hubs of local economic activities and businesses, have been completely destroyed and, while the government has announced plans for rebuilding them, locals in these areas have complained about not being consulted about these plans by the relevant authorities.

In November 2017, there were reports about the launch of a military operation in the Shaktoi, Smaal and Bobarh villages in the Ladha area of South Waziristan. This resulted in the displacement of around 1,174 people from the Shabikhel clan of the Mehsud tribe. These IDPs were relocated to the

Bakakhel IDP camp in Bannu. There were reports about restrictions on the movements of these IDPs when they were first shifted to the camp. There were also reports about the men in the IDP camp being segregated from the women and children and their families in the camp. They were eventually allowed to move freely.

At the same time, there were also reports about the resurgence of a certain faction of the outlawed Taliban through a so-called 'Peace Committee' in Wana, South Waziristan. The committee issued restrictive guidelines for the local population through pamphlets and local mosques, warning of severe consequences if their directives were not followed. Among the measures they imposed were restrictions on the movement of women and the banning of music.

The reports about the resurgence of such Taliban groups despite the ongoing military operation caused serious concern. HRCP called upon the relevant government authorities to not only take notice of this serious issue but to also address the problems of the IDPs languishing in camps.

IDPs from Waziristan in Afghanistan

When the military operation 'Zarb-e-Azb' began in North Waziristan in 2014, it was estimated that around a half million locals were displaced. Some of the local residents who were forced to become IDPs chose to seek shelter in Afghanistan. According to the UNHCR estimates at the time, more than 291,800 IDPs from Pakistan crossed into Afghanistan. Most of them settled in the Gulan Camp in the Gurboz District of Afghanistan's Khost province. By May 2015, it was estimated that the Khost and Paktika provinces of Afghanistan hosted around 32,576 families of IDPs from Waziristan with over 205,000 individuals.

According to the FDMA, approximately 10,000 families of IDPs from Khost were expected to be repatriated. By the end of the year, 4,471 of these have been repatriated with 5,529 still in Khost. It has been difficult to ascertain the veracity of the claims made by the FDMA in this regard. The government authorities in Pakistan have been attempting to persuade the IDPs in Afghanistan to move back to Waziristan but have not been wholly successful thus far.

Census

The sixth countrywide population and housing census in Pakistan began in March and was completed in May 2017. According to the figures of the census reports on FATA, compiled by the Pakistan Bureau of Statistics (PBS), the total population of FATA was 5 million as compared to the 3.2 million of the 1998 census. These figures and the census reports about FATA were contested very strongly, not only by the residents of FATA but also by various political parties, social and political activists, as well as experts and analysts.

It appeared that no effort was made during the process of the census to

address the issues of massive displacement of the local population over the years, or the ongoing conflict that has caused destruction of properties and the infrastructure in FATA on a massive scale. No special provisions or mechanisms were developed to count the millions of IDPs forced to move to settled areas in the country. As there was no specific methodology to count the displaced population living outside of FATA, IDPs living in particular settled areas were counted and included as part of the population of those areas.

According to reports, there were several areas in FATA where the census could not be conducted, which included areas in the Baizai tehsil of Mohmand Agency, Datakhel in North Waziristan, Angoor Ada in South Waziristan, the upper sub-division of Orakzai Agency, and the central tehsil of Kurram Agency. In some of these cases, the census could not be conducted because of security reasons, as in the Datakhel area of North Waziristan.

In other instances, the local population in certain areas had moved back to settled areas of the country because of the lack of facilities in their native areas, such as the central tehsil of Kurram Agency and the Baizai tehsil of Mohmand Agency.

Wide-scale destruction of properties and infrastructure also impacted the process of the census in FATA. Census officials who visited certain areas in North and South Waziristan, and the Khyber, Orakzai and Kurram Agencies, could not get information about the damaged and, in some cases, completely destroyed houses and properties because no one was there. Empty houses were not counted in the census process.



Problems were anticipated in the census with the displacement of locals and the influx of refugees

The flawed census figures also caused major concern because the government allocates the budget according to population figures. As the real population of FATA was not accurately reflected in the census reports, the budgetary allocation for the region, which is already considered to be lower than required, will not be enough to address the needs of FATA and its people.

The Balochistan government was opposed to the inclusion of Afghan refugees in the census, claiming that it would create a demographic imbalance in the province and cause instability. Since the last census, when the Baloch accounted for almost 65% of the population in the province, there has been a sharp increase in the Pashtun population, while many of the Baloch have been displaced.

Predicament of stranded Pakistanis

Since 1971, around a quarter of a million Pakistanis have remained stranded in Bangladesh. This community of Pakistanis, also known as Biharis, belonged to the Urdu-speaking community in East Pakistan who opposed separation from the western part of the country at the time. As a result, and because of their insistence that they were Pakistani citizens and not Bangladeshis, the Biharis were considered traitors after the formation of Bangladesh.

While the Bangladesh Supreme Court in 1972 ruled that Biharis were eligible for Bangladeshi citizenship, many of them chose to preserve their Pakistani passports and proof of identity. While Pakistan did initially take some of them back, the majority of Biharis are still trapped in Bangladesh as Pakistan eventually stopped taking them back altogether.

There was little to no progress in 2017 in Pakistan to find a solution to the continuing predicament of these stranded Pakistanis.

Recommendations

- Pakistan should, with assistance from UNCHR and in collaboration with Afghanistan and the international community, find durable solutions for the Afghan refugees and ensure that all returns from Pakistan to Afghanistan are, without exception, voluntary and according to the international norms for repatriation.
- The government needs to prevent the law enforcement agencies from harassing and intimidating Afghan refugees. The authorities need to act to protect the dignity and the rights of the Afghan refugees in the country in accordance with due legal process and international norms.
- Pakistan should incorporate UN Guiding Principles on Internal Displacement into domestic policy and law. A specific legal framework to deal with the challenges of internal displacement is required as opposed to resorting to ad hoc measures. Efforts should be made to prevent internal displacement in the first place and, in cases where displacement is unpreventable, mitigating its impact should be a priority.
- Decisions about the IDPs should only be made after consulting with them. Sustainable returns of the IDPs to their places of origin can only be made possible if the affected communities are taken on board with regard to any efforts that are made to restore the infrastructures in their native areas. The views of the vulnerable segments of the IDP population in particular should be sought and their concerns should be addressed.
- The issue of the stranded Pakistanis in Bangladesh should be addressed immediately. The wishes of the stateless Pakistanis should be ascertained and those among them who wish to be citizens of Pakistan should be repatriated as soon as possible.

- The forced repatriation of Turkish nationals in Pakistan should stop immediately. Government authorities should respect the rights of the 285 Turkish nationals remaining in Pakistan, in particular their right to non-refoulement, in accordance with international law.

Appendices



**International Day of the Victims
of Enforced Disappearances**

جبری گمشدگی کے شکار افراد کا بین الاقوامی دن

پاکستان کمیشن برائے انسانی حقوق
Human Rights Commission of Pakistan

INTERNATIONAL DAY
**STOP
ENFORCED
DISAPPEARANCE
NOW...**

**CRIMINALISE
ENFORCED
DISAPPEARANCE
DISAPPEARANCE**

???
**ENFORCED
DISAPPEARANCE
UNACCEPTABLE**

ratry - UN
**Convention
disappearances**

HRCP Activities

HRCP Activities

The Human Rights Commission of Pakistan (HRCP) carried out a number of activities during 2017 to raise awareness about fundamental freedoms and advocate the protection of human rights in the country. All legal means of activism, including peaceful demonstrations, rallies, sit-ins, consultations, training workshops, fact-finding missions, press statements, and public meetings were used to safeguard the rights of people, irrespective of their religion, gender, race, sect, area and age group. Support and legal aid was also provided to those who found themselves abandoned by the justice system.

Across the country, campaigns and rallies were organised on universal human rights days by HRCP chapter and task force offices to highlight the international pledges the state had made by signing and ratifying human rights conventions and covenants.

HRCP and the Centre for Social Justice organised a live web viewing of the proceedings of Pakistan's 3rd cycle Universal Periodic Review (UPR), to keep civil society organisations informed of Pakistan's profile at the UN. A media briefing on Pakistan's UN human rights engagement was held in collaboration with the International Commission of Jurists.

A number of collaborations with other organisations sought to address specific issues, deficiencies and recommendations. Along with civil society organisations, the Commission held a meeting with a delegation of the Gilgit-Baltistan Legislative Assembly to lay down a policy for the prevention of the increasing rate of suicides in the Ghizer district. HRCP and Gilgit-Baltistan Policy Institute organised a meeting with civil society representatives to discuss the hurdles in the way of implementation of new law on local bodies government and the reasons for delaying elections of local government in GB. The Commission also collaborated with the Gilgit-Baltistan Thinkers Forum in organising a debate on 'the state of human rights in GB and the role of civil society in the protection of human rights.' A session on the issues of youth and its responsibilities, as well as a meeting on child rights, rights of abandoned children, issues of youth and responsibilities of civil society, was organised by HRCP and CEENA Welfare Services.

Across the country, seminars and training workshops were held on the broad spectrum of human rights issues and violations, legislation, and the

role of youth. Several training sessions were held in schools, colleges and universities to improve students' understanding of domestic and international human rights systems. Consultations were held in a number of districts and communities to engage them in human rights issues. HR activists from across the country attended the Commission's annual general meeting and annual training workshop of human rights defenders convened in April.

The Commission conducted fact-finding missions to Quetta and Hyderabad to gather information on incidents of gross rights violations, such as Naila Rind's suicide/murder case in Sindh University Jamshoro, the enforced disappearance of four persons from district Badin in Sindh, and the enforced disappearance of Punhal Saryo, a human rights activist from Hyderabad.

A breakdown of the Commission's main activities during 2017 follows:

Workshops/seminars/meetings

- **17 January, Peshawar:** Inter-faith dialogue on 'Discrimination against religious minorities in Pakistan: an analysis of federal and provincial laws'.
- **17 January, Hyderabad:** Group discussion on the impact of child begging on socio-economic conditions.
- **1 February, Hyderabad:** A consultation on early child marriages (at HRCP office).
- **9 February, Hyderabad:** A census review meeting.
- **6 February, Gilgit:** HRCP and Gilgit-Baltistan Thinkers Forum organised a debate on 'the state of human rights in GB and the role of civil society in the protection of human rights'.
- **6 February, Islamabad:** Cyber security training.
- **27 February, Hyderabad:** A talk on Balochistan unrest.
- **28 February-1 March, Karachi:** HRDs training on the Right to Equality and Non-discrimination.
- **2-3 March, Lahore:** HRDs training on the Right to Equality and Non-discrimination.
- **4 March, Hyderabad:** An event to commemorate the 50th anniversary of 4th March: the students' day of struggle against the dictatorship of former president General Ayub Khan.
- **8 March, Hyderabad:** A consultation on women's rights to commemorate International Women's Day at Sindhi Language Authority Hall.
- **8 March, Islamabad:** Conference on 'Opening spaces for women HRDs' on International Women's Day.
- **20 March, Islamabad:** HRCP publications were displayed at an event

organised by Denmark Embassy for Celebrating Sustainable Partnerships between Denmark and Pakistan.

- **21 March, Hyderabad:** A discussion on 'Post-Sehwan blast scenario and rising trends of extremism in Sindh'.
- **3 April, Hyderabad:** A meeting was held to express concerns on the conviction of rights activist Veerji Kolhi in a fake murder case.
- **3 April, Lahore:** HRCP's 13th AGM (Annual General Meeting).
- **7 April, Hyderabad:** A monthly meeting to discuss increasing trend of extremism in higher education institutions.
- **20 April, Quetta:** A one-day training on promoting human rights education and reporting human rights violations.
- **26 May, Peshawar:** Child Rights Movement (CRM- KP) orientation meeting was held at the HRCP office.
- **3 May, Gilgit:** HRCP and Gilgit Press Club organised a seminar on World Press Freedom Day.
- **16 May, Islamabad:** Consultation on challenges to effective representation of religious minorities in parliament.
- **19 May, Gilgit:** HRCP and Punial Students Welfare Organisation held a meeting on the role of youth in the promotion of peace and harmony in society.
- **19 May, Hyderabad:** A discussion on inter-community relations and community polarisation.
- **20 May, Quetta:** A consultation on minorities' rights and safeguarding their religious places.
- **24 May, Quetta:** HRCP and AGHS arranged an event on amendments in laws related to religious minorities.
- **25 May, Islamabad:** Consultation on 'Challenges for the Kalash community: the way forward'.
- **28 May, Gilgit:** Consultation on 'Human rights are women's rights: Is the violation of rights a hurdle in the way of women's empowerment?' was organised at Aga Khan Rural Support Programme office.
- **6 June, Gilgit:** A meeting of HRCP along with other civil society organisations was held with a delegation of Gilgit-Baltistan Legislative Assembly to lay down a policy for the prevention of the increasing rate of suicides in Ghizer district.
- **12 June, Hyderabad:** A consultation on 'Challenges and opportunities for vulnerable groups within Pakistan's Hindu community'.
- **16 June, Karachi:** HRCP in collaboration with CSOs conducted a press conference on the issue of illegal detentions and enforced disappearances in Sindh.

- **6 July, Gilgit:** HRCP and CEENA Welfare Services organised a session on the issues of youth and its responsibilities.
- **14 July, Karachi:** A consultative meeting with CSOs and HRDs to discuss the harassment of Ms Sehar Gul and devise a plan of action to hold the perpetrator accountable.
- **22 July, Quetta:** Consultation on proposed amendments to laws related to religious minorities in Pakistan.
- **23 July, Gilgit:** HRCP and CEENA Welfare Services organised a meeting on child rights, rights of abandoned children, issues of youth, and responsibilities of civil society.
- **28 July, Karachi:** A discussion on the revival of student unions in educational institutions.
- **28 July, Islamabad:** National Commission for Human Rights representative briefed the HRCP members about the case proceedings of the survivor of an attempted 'honour' killing in Nilore. Senate Committee's approval for Child Protection Bill 2017 which prohibits children under the age of 18 from working was also discussed during the meeting.
- **1 August, Gilgit:** HRCP and Gilgit-Baltistan Policy Institute organised a meeting with civil society representatives to discuss the hurdles in the way of implementation of new law on local bodies government and the reasons for delaying elections of local government in GB.
- **7 August, Gilgit:** HRCP and Aga Khan Rural Support Programme organised a dialogue on the current socio-economic, human rights, cultural, and social issues of GB.
- **7 August, Quetta:** A meeting was organised to discuss the human rights situation in Balochistan and the impact of the Panama Papers case decision.
- **10 August, Karachi:** A meeting to discuss the increasing trend of enforced disappearances.
- **17 August, Gilgit:** A seminar in collaboration with CSOs on the role of youth in peace building.
- **18 August, Islamabad:** Workshop on remedies and changes in law, policy and practice to protect places of religious significance.
- **18 August, Quetta:** A meeting on how to sensitise political parties about human rights issues.
- **19 August, Quetta:** HRCP team visited Central Jail, Mach.
- **22 August, Islamabad:** Presentation and discussion on SDGs and Data - Pakistan Census.

- **23 August, Islamabad:** A discussion on Child Labour and Child Marriage.
- **30 August, Islamabad:** A discussion on two draft laws: ICT Child Protection Bill 2017 and Juvenile Justice System Bill 2017.
- **30 August, Hyderabad:** A Dialogue on International Day in Support of Victims of Enforced Disappearances.
- **30 August, Gilgit:** A consultation to commemorate International Day in Support of Victims of Enforced Disappearances.
- **30 August, Quetta:** A consultation to commemorate International Day in Support of Victims of Enforced Disappearances.
- **2 September, Gilgit:** HRCP and Sher Qilla Youth Forum organised a programme on issues of youth in village Sher Qilla.
- **11 September, Gilgit:** A consultative meeting was held with Sher Qilla Youth Forum in Ghizer on the role of youth in the promotion of human rights.
- **12 September, Karachi:** A lecture on the issue of mass killings of Rohingya Muslims in Burma.
- **13 September, Gilgit:** An advocacy session was held by CEENA Orphanage Centre in collaboration with HRCP on vulnerable children of Gilgit-Baltistan.
- **5 October, Hyderabad:** A dialogue was arranged on issues of cotton picking women.
- **8 October, Lahore:** A consultation on National Census: Anomalies, Implications and Reforms.
- **8 October, Lahore:** HRCP Council meeting.
- **13 October, Islamabad:** Human rights awareness session with university students.
- **19 October, Quetta:** Workshop on 'Safeguarding places of religious significance and faith-based violence and threats'.
- **20 October, Lahore:** HRCP in collaboration with International Commission of Jurists organised a media briefing on Pakistan's UN human rights engagement.
- **21 October, Quetta:** A consultation in collaboration with AGHS on 'Minority rights and legislation for minorities'.
- **27 October, Islamabad:** HRCP member's monthly meeting. Attended by a youth group with whom a discussion on parliamentary democracy was held.
- **31 October, Peshawar:** A workshop on ways to secure places of religious significance.
- **4 November, Karachi:** A consultation against harassment and threats to

journalists in Balochistan.

- **11 November, Islamabad:** An interactive discussion on the composition of an HRCP Youth Group.
- **12 November, Hyderabad:** An Interactive Talk on Human Rights Violation in Sindh with students of the Mass Communications Department of University of Sindh.
- **13 November, Lahore:** HRCP and Centre for Social Justice organised a live web viewing of the proceedings of Pakistan's 3rd cycle Universal Periodic Review (UPR), at the HRCP office. Twenty-eight civil society organisations viewed the live screening and discussed the way forward.
- **16 November, Karachi:** A lecture on women in media.
- **19 November, Hyderabad:** A training session on democracy and human rights.
- **20 November, Islamabad:** An awareness session titled 'Our children are our future, let's safeguard their rights' on Universal Children's Day. The session was conducted at the Joint Staff Public School and College (JSPSC) Rawalpindi.
- **20 November, Peshawar:** A human rights awareness activity at Bacha Khan School Nothia on the eve of Universal Children's Day.
- **20 November, Lahore:** An awareness session titled 'Our children are our future, let's safeguard their rights' on Universal Children's Day. The session was conducted at Sanjan Nagar Public Education Trust School and Syed Ijaz Bukhari Maraka.
- **20 November, Quetta:** A programme on 'Our children are our future, let's safeguard their rights' on Universal Children's Day at Oxford Public Foundation Grammar High School.
- **21 November, Lahore:** A provincial workshop on ways to secure places of religious significance.
- **8 December, Islamabad:** A talk on Universal Declaration of Human Rights (UDHR) and state of freedom of expression in Pakistan.
- **11 December, Hyderabad:** A talk on freedom of expression.
- **11 December, Peshawar:** A discussion was organised by AGHS and HRCP on the challenges faced by religious minorities in Peshawar and to promote religious freedom and tolerance in the country.
- **16 December, Islamabad:** A consultation on 'promoting politics of tolerance'.

Fact-finding Missions

- **1-3 January, Quetta:** A fact-finding team visited Quetta to assess the human rights situation in Balochistan.

- **2 January, Hyderabad:** A fact-finding mission was formed to gather details of Ms Naila Rind's suicide/ murder case.
- **24 January, Hyderabad:** A fact-finding mission visited various places to collect information on the enforced disappearance of 80-year-old activist Ustad Muhammad Rahmoon.
- **27 June, Hyderabad:** A fact-finding team of HRCP and some members of other CSOs visited villages of district Badin following the incident of enforced disappearance of four persons.
- **29 September, Hyderabad:** A fact-finding team visited Jamshoro to collect facts about a blasphemy case registered against two writers, Ms Nayab Sarkash and Mr Sojharo Sindhi.

Demonstrations/rallies/visits

- **6 February, Gilgit:** HRCP and the Union of Journalists organised a rally against the show cause notices issued to local newspapers for highlighting media statements of opposition parties.
- **6 January, Gilgit:** A civil society delegation along with HRCP members and senior journalists of GB met the Chief Minister Gilgit-Baltistan. The delegation demanded the establishment of a Provincial Directorate of Human Rights, Child Protection Cell, and Shelter Home for female victims of domestic violence in GB.
- **10 January, Islamabad:** A protest was organised at Islamabad Press Club to demand the recovery of social media activists/bloggers.
- **11 January, Hyderabad:** A demonstration outside Hyderabad Press Club against the abduction and forced disappearance of a number of social and political workers across the country.
- **16 February, Hyderabad:** A protest demonstration for the recovery of political activist Zaffar Noonari, who disappeared from Hatri Town, district Hyderabad on 15 February 2017.
- **16 February, Gilgit:** A meeting was conducted with the Special Assistant of Chief Minister Gilgit to discuss the issues of persons with disabilities.
- **17 February, Hyderabad:** A candle vigil in front of Hyderabad Press Club in solidarity with the victims of brutal acts of terrorism in Lahore, Peshawar and Sehwan.
- **18 February, Hyderabad:** HRCP team went to the Civil Hospital to visit victims of the Shahbaz Qalander blast.
- **20 February, Hub Lasbela:** An HRCP team visited the Gadani ship-breaking yard where 27 workers were killed and 30 others injured in an accident.
- **21 February, Hub Lasbela:** HRCP team visited Central Jail, Gadani to

assess the problems of the prisoners.

- **24 February, Peshawar:** A press conference in Peshawar Press Club to highlight the discrimination against minorities.
- **6 April, Hyderabad:** HRCP activists received the Rawadari Tehreek (Movement for Tolerance) caravan.
- **18 April, Hyderabad:** A protest demonstration against the brutal murder of student activist Mashal Khan.
- **20 April, Hyderabad:** A sit-in in front of Jamshoro Press Club to condemn the cold-blooded murder in the name of religion of Mashal Khan, a young activist and student.
- **22 April, Hyderabad:** A demonstration for justice for Mashal Khan in front of Hyderabad Press Club.
- **30 April, Hyderabad:** A protest rally for the recovery of missing persons from Larkana, Dadu, Hyderabad, and other parts of the Sindh province.
- **3 May, Hyderabad:** A rally on World Press Freedom Day.
- **24 May, Hyderabad:** A walk for the recovery of Raza Jarwar, a writer and health employee and victim of an involuntary disappearance from Badin.
- **9 June, Hyderabad:** A protest rally against the misconduct of doctors of Government Hospital Umerkot who refused to treat a sweeper.
- **13 June, Hyderabad:** HRCP and Pakistan Fisherfolk Forum arranged a protest rally against illegal occupation of Kun Pura Lake.
- **21 June, Hyderabad:** A protest demonstration to condemn the attack on Asthma Jahangir's associates and threatening language against Asma Jahangir in LHC during a case proceeding.
- **23 June, Hyderabad:** HRCP activists and family of Raza Jarwa, a victim of enforced disappearance from Badin, staged a token hunger strike in front of Hyderabad Press Club.
- **26 June, Lahore:** A protest on International Day in Support of Victims of Torture.
- **26 June, Islamabad:** A protest on International Day in Support of Victims of Torture.
- **26 June, Quetta:** A protest on International Day in Support of Victims of Torture.
- **26 June, Hyderabad:** A protest on International Day in Support of Victims of Torture.
- **26 June, Karachi:** A protest on International Day in Support of Victims of Torture.
- **26 June, Turbat:** A protest on International Day in Support of Victims of Torture.
- **26 June, Gilgit:** A protest on International Day in Support of Victims of Torture.

- **26 June, Peshawar:** A protest on International Day in Support of Victims of Torture.
- **4 July, Karachi:** A demonstration at Karachi Press Club against the abduction of rights activist Punhal Saryo.
- **14 July, Hyderabad:** A protest demonstration outside the Press Club to demand the safe recovery of Saif Jatoi.
- **19 August, Quetta:** HRCP team visited Central Jail, Mach.
- **23 August, Gilgit:** HRCP and Awami Action Tehreek staged a protest against the increasing human rights violations in GB.
- **25 August, Gilgit:** A protest was organised outside the Gilgit-Baltistan Legislative Assembly by Blind Action Committee GB for the rights of visually impaired persons of GB.
- **30 August, Islamabad:** Demonstration outside National Press Club on International Day against Enforced Disappearances in solidarity with the families of missing persons.
- **30 August, Lahore:** A demonstration outside Lahore Press Club on International Day against Enforced Disappearances in solidarity with the families of missing persons.
- **30 August, Turbat:** A demonstration organised on International Day against Enforced Disappearances.
- **30 August, Karachi:** A rally in front of Peshawar Press Club on International Day against Enforced Disappearances.
- **17 September, Karachi:** HRCP delegation participated in a hunger strike camp at Karachi Press Club against the brutal murder of Tania Khaskheli.
- **21 September, Quetta:** HRCP team visited District Jail Quetta to assess the facilities given to juveniles and women prisoners.
- **10 October, Hyderabad:** Participated in a token hunger strike and protest staged by the Christian and Hindu communities against inundation of minority's graveyard in Tando Yousuf.
- **10 October, Hyderabad:** A rally on World Day against the Death Penalty.
- **10 October, Peshawar:** A demonstration on World Day against the Death Penalty.
- **10 October, Islamabad:** Demonstration on World Day against the Death Penalty at National Press Club Islamabad.
- **10 October, Quetta:** World Day against the Death Penalty observed at Quetta Press Club.
- **10 October, Lahore:** Demonstration on World Day against the Death Penalty at Lahore Press Club.
- **10 October, Turbat:** Demonstration on World Day against the Death Penalty.

- **17 November, Karachi:** A protest against harassment and threats to journalists in Balochistan.
- **19 December, Hyderabad:** A candle vigil and a peaceful protest to express solidarity with victims of suicide bomb attack on Bethel Memorial Church, Quetta.

Complaints Cell

HRCP received around 1,200 complaints during the year of police/administrative excesses, enforced disappearances, violation of women's rights, and domestic violence. A significant number of these were from Pakistanis residing abroad.



Internship Programme

Six interns from Pakistan and abroad joined the HRCP Internship Programme during 2017. The interns and research topics were:

Ms Aleena Ejaz, Research on 'Education and discrimination: a case study of transgenders in Lahore'.

Ms Fatima Mehmood, Research on 'Portrayal of women in Pakistani TV commercials'.

Mr Waqas Awais, 'Documentation of human rights violations in HRCP database'.

Ms Ayeza Khan, 'Drafting of consultation reports on Supreme Court judgment on the rights of religious minorities' and 'Challenges faced by the Kalash community'.

Mr Saad Bhatti, 'Analysis of complaints received by HRCP Complaints Cell'.

Mr Gulfam Mustafa, 'Cataloguing of HRCP Publications'.

Publications

HRCP released the following publications during 2017:

- HRCP Annual Report: State of Human Rights in 2016 (English/Urdu)
- Jehd-e-Haq: 12 monthly issues (Urdu). Four printed and online, eight online editions
- A fact-finding mission report on Gilgit-Baltistan, 'Aspirations for Identity, Integration & Autonomy' (English)
- Model Code of Conduct
- Hamara Nisab aur Insani Haqooq ki Taleem (Urdu)
- Bachon ke Haqooq ki Aahain (a booklet in Urdu)

HRCP Stands

The Commission continued to publicly comment on issues and events affecting the rights of people and a summary of the stands that have been taken during 2017 follows. The full text of these press releases can be accessed on HRCP's website: <http://hrcp-web.org/hrcpweb/category/press-releases/>.

Enforcement of law

9 January 2017: The Commission expressed its grave concern over the disappearance of four rights activists – Waqas Goraya, Asim Saeed, Salman Haider and Ahmed Raza Naseer – in Lahore, and demanded their immediate recovery: 'All four are known for airing their views, sometime critical of authority, extremism and intolerance, on social media... At the moment, the most important thing is the immediate recovery of all four. We hope the authorities will respond to the urgency of the task at hand.' The Commission also pointed out that threats and violence had never deterred Pakistan's activists from speaking their mind and flagging issues that conscious citizens must raise in a civilised society. However, HRCP implored the government to wake up to its obligation to provide a safe environment for human rights defenders and activists.

29 May 2017: The Commission condemned the reported enforced disappearance of four political activists in Badin district and said that a clampdown on activists because of their political affiliation and identity went against the very essence of democracy. HRCP demanded the immediate and safe recovery of the victims and a detailed probe into the actions of the perpetrators, including the police and other personnel, whether in uniform or plainclothes. It stated that was the only way to reassure politically conscious citizens, as well as to prevent this malaise from spreading further in Sindh and bringing further ill-repute to Pakistan.

19 July 2017: HRCP strongly condemned the incident of wanton violence against the Hazara Shia Community in Balochistan and took serious notice of the government's failure to curb violence against a minority community and its inability to crack down on known militant outfits. The Commission further stated that the continued prevalence of violence in parts of the country and the breakdown in law and order were symptomatic of the absence of government writ in those areas. HRCP remained dismayed by the fact that the deployment of law enforcement agencies and direct administrative measures had only led to a further slide in the situation. It hoped that all possible steps were taken by the government and all law

enforcement agencies in preventing any future attacks targeting a particular community, on an ethnic and religious basis.

30 August 2017: On International Day of the Victims of Enforced Disappearances, HRCP stated that the occasion held particular relevance to Pakistan since the phenomenon euphemistically called the missing persons issue was well entrenched in the country. It pointed out that despite a large number of 'disappearances' coming to light, not a single person had been held to account for perpetrating such heinous actions. HRCP believed it was a matter of equally grave concern that disappearances continued in Pakistan, as was apparent from the information released by the officially constituted Commission of Inquiry on Enforced Disappearances (CIED).

HRCP regretted that the government of Pakistan had not implemented the recommendations made by the UN Working Group on Enforced or Involuntary Disappearances (WGEID) after its visit to Pakistan in 2012 and subsequently as well. In its second Universal Periodic Review, the Government of Pakistan had accepted a recommendation (122.20) to specifically criminalise enforced disappearances. However, no concrete steps had been taken so far to make disappearances a distinct and autonomous crime. The government was called upon to implement, without any further delay, all the WGEID recommendations and the promises Pakistan made during the UPR process, particularly with respect to disappearances.

10 October 2017: On World Day against the Death Penalty, the Commission urged the government to urgently institute safeguards to ensure that a generalised resumption of executions did not violate Pakistan's human rights obligations. HRCP called upon the government to take stock of the pressing issues that had arisen ever since it terminated the moratorium in December 2014, such as the age of the convict or his or her mental or physical ability, as well as their socio-economic status. While calling upon the government to suspend the death penalty in the country as a first step towards abolition, HRCP demanded that these new issues should be urgently addressed through a conscious policy and not merely through last minute action in response to pleas from civil society in individual cases.

27 November 2017: HRCP condemned the recent spate of enforced disappearances involving Baloch students and activists in Karachi, and demanded that those student activists and human rights defenders be accorded due process if they were suspected of any crime, or be immediately released by the security forces that had detained them. The Commission also strongly urged the authorities, especially the prime minister and the Sindh chief minister, to put in place effective oversight of the security forces' actions, to make sure that they did not violate citizens' rights, and also to provide effective redress to the citizens whose rights were infringed.

5 December 2017: On the occasion of International Day for Persons with Disabilities, HRCP regretted that, despite the Pakistani government being a

signatory to the Convention on the Rights of Persons with Disabilities (CRPD) since 2008, little had been done to promote the rights of persons with disabilities or to ensure their equitable participation in society.

Further complicating this problem, HRCP stated, persons with disabilities often faced hostile and derogatory attitudes at the family, community and societal levels. The recent incidents of schoolchildren with disabilities enduring physical assault and torture at the hands of bus conductors, while travelling to their institutes in Lahore and Gujranwala, demonstrated the lack of societal regard generally and any recourse to protection systems for persons with disabilities in the public sphere.

HRCP said it was imperative that the government took notice of this neglected segment of society and devised inclusive policies, services and facilities to allow persons with disabilities to contribute fully to society. The government must realise that the greater the attention it paid to the rights and needs of its citizens with disabilities, the more integrated, inclusive and tolerant the nation would become.

Fundamental freedoms

11 May 2017: The Commission welcomed the removal of 47 individuals' names from a list under the 4th Schedule of the Anti-Terrorism Act in Gilgit-Baltistan, and called for a fair hearing for those remaining on the list. It further emphasised the need to respect and facilitate the right to peaceful protest, and fundamental freedoms, particularly the freedoms of association and expression, of all citizens.

19 May 2017: The Commission voiced serious alarm over arbitrary curbs on freedom of expression, a climate of intimidation, and the authorities' stated intent to act against any perceived slight to the armed forces through the social media. HRCP reminded the authorities that any limitations on the freedom of opinion, expression and information must be in consonance with Article 19 of the ICCPR and the constitution of Pakistan. The constitution itself stated that any restriction regarding the Article 19 freedoms must be reasonable and shall only take effect if provided by law. HRCP further emphasised that striving to gain freedom from all kinds of comments and criticism would not benefit the armed forces, or any other public institution for that matter, and might well cause harm to national institutions.

12 June 2017: The Commission condemned the killing of a journalist in Haripur and death threats and an apparent attack against another in Lahore. The statement said, 'It is a well-known fact that working journalists in Pakistan are a beleaguered community threatened from all sides. Pakistan has been one of the most dangerous countries for media practitioners for years. It has also consistently ranked among 10 nations with the highest levels of impunity for perpetrators of crimes against journalists. We believe that the culture of impunity makes the work-related threats facing journalists more grave.' HRCP urged the authorities to take all possible

measures to apprehend the perpetrators in both cases.

11 September 2017: HRCP expressed strong reservations over a proposed draft that was apparently aimed at gagging the print media and said that civil society would vigorously resist any such attempt. In a statement, the Commission said that media freedoms and freedom of expression in general were vital issues for which countless journalists and others in the vanguard of civil society had rendered immense sacrifices. That alone would justify the need for any discussion on the subject to include all the stakeholders. HRCP hoped that the inquiry that the information minister had vowed to order in this respect would be conducted swiftly and the findings made public without delay. It strongly denounced all attempts to curb freedom of expression and stressed that any such steps would arouse the immediate outrage of citizens and stated that it stood with the journalists and all citizens in the ongoing struggle to defend, preserve and expand these fundamental freedoms, which were the basis of any democratic society.

20 November 2017: HRCP expressed grave concern over the prevailing situation in Balochistan in terms of curbs on freedom of expression and a persisting climate of intimidation. In a statement the Commission called upon the government and separatist groups in Balochistan to ensure that the media was allowed to operate freely and that newspapers and journalists remained free from any threats or violence. It also reiterated that, 'a free press is vital to any democratic dispensation and allows for coverage of all prevailing viewpoints, however disparate. The stifling of press directly impinges upon freedom of expression.'

The Commission called on all sides to immediately desist from any activities that directly threatened journalists, newspaper employees, and hawkers and their livelihoods. HRCP also called upon the security forces deployed in the province to ensure a safe environment for those engaged in the newspaper business. The suspension of newspapers and threats to their employees would only add to further curbing of freedom of expression and parallel degradation in the security situation in the province, causing further polarisation.

9 December 2017: In the lead up to the 70th anniversary of the Universal Declaration of Human Rights in 2018, HRCP stated that the shrinking space for freedom of expression in Pakistan was extremely disturbing and the stifling of citizens' freedom of expression would lead to the negation of all other human rights. It noted that in recent months a range of measures had been implemented to restrict the Pakistani media's voice, with methods such as clampdowns, stoppages, manipulation, enforcement of the draconian Prevention of Electronic Crimes Act 2016, and increasing threats and intimidation of journalists. The 28-hour blackout of private news channels across Pakistan by the Pakistan Electronic Media Regulatory Authority, to keep the failure of the government's Faizabad operation from the public, was a disproportionate unilateral action taken by a government body to silence the media's voice. Anyone trying to circumvent these curbs had been

routinely abducted by the security forces. These enforced disappearances had included social media activists, news reporters, bloggers, journalists and human rights defenders. The latest victim had been Raza Khan, an Indo-Pak peace activist and convener of Aaghaz-e-Dosti.

HRCP emphasised that all such actions were clearly having a chilling effect on civil society's ability to exercise its freedom of expression for fear of the serious repercussions for speaking out freely. It called upon the government to stop ignoring the prevailing situation and resist being part of any repressive measures which threatened freedom of expression. At the same time, those responsible for expressing and disseminating information to the general public, especially mainstream media persons, needed to act responsibly and ethically to ensure that an impartial and objective viewpoint was presented.

Hatemongering and incitement to violence

10 February 2017: HRCP voiced its deep concern over a vicious campaign by a TV anchorperson against several renowned journalists and rights defenders in a tirade that had been going on for weeks. In a statement, the Commission said: 'HRCP has been horrified by the licence given to Mr Amir Liaquat on a private TV channel to ridicule renowned journalists and social activists and, even more dangerously, to incite violence against them...At a time when tackling hate speech in Pakistan is supposedly one of the nation's top priorities under the National Action Plan (NAP), those in authority must not remain mere spectators to this spectacle. A failure to rein in this daily campaign to malign respected journalists, followed closely by staging of small demonstrations and lodging of sedition cases raises many questions.'

The Commission called upon the government to unequivocally condemn and put an end to the despicable campaign, and ensure the protection of the journalists and civil society activists from the very clear threat of physical attacks.

12 October 2017: The Commission expressed outrage at the statement made by a parliamentarian from the ruling party in the National Assembly, targeting and calling for discriminatory actions to be taken against a religious minority group. HRCP condemned in the strongest possible terms the targeting of any Pakistani religious minority group and any call for discriminatory behaviour against any such group at a public forum. It further said the use of the National Assembly floor to advocate discrimination, hatred and exclusion for citizens in this manner was deplorable and regretted that no political party or attending parliamentarian condemned this parliamentarian as the speech was made. HRCP pointed out that Pakistan's national and international human rights obligations did not support such vehement and uncalled for disregard of the human rights of any of its citizens, irrespective of their religion, caste or creed, and the government must ensure that such hate speeches were investigated and condemned at the highest level.

Administration of justice

27 February 2017: The Commission was appalled by instances of 'apparent racial profiling' and 'stereotyping' as the authorities tried to clamp down on militancy and terrorism in the Punjab. The Commission condemned the formal or informal orders asking the population to keep an eye on suspicious individuals who looked like Pashtuns or were from FATA and to report any suspicious activity by them. 'The stereotyping that makes suspects of an entire ethnic group needs to be unequivocally condemned and appropriate corrective measures introduced at the training and execution stages to prevent any recurrence. Safeguards must be announced to protect individuals from harassment or being treated as suspects because of their appearance or facial features.'

7 March 2017: On the eve of International Women's Day, the Human Rights Commission of Pakistan (HRCP) called upon the authorities to recognise the role of women human rights defenders and protect them from discrimination, harassment and attacks. The Commission mentioned Pakistan's hostility towards human rights defenders, including women HRDs and its record of lobbying and voting against UN resolutions that have sought greater protection for women human rights defenders.

'The government must now follow up rhetoric with concrete action by publicly acknowledging the important and legitimate role of women human rights defenders in the promotion and protection of human rights, democracy, and rule of law. The government must also ensure that women HRDs are provided a secure and equal environment in which they can carry out their work without fear.'

8 March 2017: On the occasion of International Women's Day, HRCP hosted a conference on 'Opening up spaces for women human rights defenders' in Islamabad, at which the government was urged to recognise the important role of women human rights defenders and provide them with a secure and equal environment to carry out their work.

Focusing on physical security challenges and the newer threats of online harassment and surveillance, the conference acknowledged the valuable work of human rights defenders and the threats and harassment they suffered. The government was urged to acknowledge their role and offer protection against stigmatisation, threats, harassment and violence violations and abuses, and promptly bring to justice the perpetrators of such violations and abuse. The government was particularly called upon to change its hostile attitude towards human rights defenders on international human rights forums, to adopt and implement policies and programmes to give them access to effective remedies and support for violations and abuses, and to take meaningful measures to change social and cultural patterns that are based on stereotyped roles for men and women.

15 March 2017: The Commission voiced grave concern over government

representatives' statements regarding trying a key political leader under the cybercrime law. The Commission also expressed serious alarm over some parliamentarians seeking to malign the country's leading human rights defender for questioning how members of judiciary conduct themselves. The Commission expressed their hope and expectation that with regard to political parties, in this case the PTI, the government would proceed in a manner that did not aggravate the already tense political climate or which could be seen as political victimisation.

22 June 2017: HRCP strongly condemned an attack by scores of lawyers on renowned lawyer Asma Jahangir's associates inside a courtroom in the Lahore High Court.

In a statement, the Commission said: 'It is obvious that the attack occurred only because Asma Jahangir had agreed to represent petitioners against an influential lawyer, who also happens to be a member of the Pakistan Bar Council (PBC). The PBC is, of course, the highest body regulating the conduct of lawyers in the country.'

HRCP hoped and expected that the PBC and leaders of the legal fraternity would challenge such vile behaviour and take meaningful steps to ensure that such an episode never occurred again.

Extremism

14 April 2017: The Commission expressed grave alarm over a student's lynching by a mob at Abdul Wali Khan University in Mardan. It urged effective steps to bring all those involved to justice and to tackle the panic and horror among citizens, especially students and the academia, in the aftermath of the barbaric murder.

21 November 2017: The Commission voiced their concerns over an incident where a peace committee in Wana, South Waziristan, had issued a ban on virtually all socio-cultural activities in the region, including preventing women's movement outside their homes unless they are with a mahram, and prohibiting locals from using public spaces after 10pm, which indicated a possible revival of Talibanism. It said it was disheartened to see that the South Waziristan authorities had publicly denied the existence of such an incident, despite the pamphlet being widely available in the area and locals verifying the incident. No group – state or non-state – should have the ability to restrict the rights of any Pakistani citizen in the FATA region.

HRCP called upon the government to immediately take steps to ensure that such barbarism was curbed right at the onset and the citizens of FATA were assured the same rights and opportunities as the rest of their fellow citizens across Pakistan. It stated that the Taliban must be stopped in their tracks, firmly and straightaway, otherwise the country as a whole risked being enveloped in the wave of Talibanisation that was threatening to engulf FATA.

Democratic rights and political conditions

5 January 2017: HRCP voiced grave concern over the cavalier manner in which the authorities closed down Lahore on 4 January to prevent a protest. The Commission said, 'While agitation or protests are regulated the world over, that is not done through shutting down the traffic for an entire city...HRCP must stress that the use of thoroughfares is a right that must not be denied to the people. We hope that the government learns the right lessons from Wednesday's debacle and develops a policy for the future that seeks to alleviate the people's discomfort even when protests need to be regulated.'

2 April 2017: The Commission called for the government and the judiciary to take more interest in protecting the citizens' rights and ensure that the state distinguished itself by promoting rights and did more to prevent violations. The statement stressed the need to address several concerns on priority. The statement called upon the government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and also the Optional Protocol to the Convention Against Torture (OPCAT), stressing that international human rights treaties that Pakistan had already ratified must be properly implemented. It also stated that proactive measures were required to deal with violence to women, members of religious minorities and children, the plight of the internally displaced persons (IDPs) who had returned home to destroyed houses, infrastructure and livelihoods, and discrimination on any grounds. The Commission also called for the revival of elected student unions and healthy political activity in educational institutions.

Other issues that the Commission addressed included the China-Pakistan Economic Corridor (CPEC) and the need for effective mechanisms for transparency and fair distribution of benefits as well as the avoidance of any negative impact on the rights of people; the setting up of military courts whose judges were neither trained in law nor amenable to the jurisdiction of the Supreme Court; the need to involve parliament in decisions on military coalitions and to maintain a position of neutrality; the tactics of intimidation and harassment towards NGOs, and vigilantism that appeared to be supported by certain elements within the state. HRCP expressed particular solidarity with human rights defenders and those in the media who were routinely facing intimidation and death threats for the sole crime of having a liberal bent of mind.

29 July 2017: Commenting on the Supreme Court verdict in the Panama papers case and the subsequent developments, HRCP called for a nationwide effort to build strong democratic traditions. In a statement, the Commission said the Panama case had revealed much that was wrong with the way democratic institutions, including parliament, the cabinet and political parties, had been functioning and the removal of all such hindrances to the democratic system should be a priority item on the agenda of all politically conscious groups and citizens. The Commission further stated

that action against the outgoing prime minister had been taken under a provision (Article 62) that had no place in a democratic system. At the same time, efforts must be made to revamp administrative policies and practices so that all loopholes that permitted nepotism, graft and abuse of authority were plugged and timely action could be taken against any deviation from law or propriety.

8 October 2017: Lack of attention to governance and indifference towards the people's rights had caused deep resentment and frustration among the citizenry, which all institutions must urgently wake up to address, HRCP said. In a statement issued at the conclusion of its Executive Council meeting, the Commission stated: 'HRCP notes with grave concern the people's deep disappointment in all institutions. We believe it should be a wake-up call for everyone. The serious deficiencies in governance and skewed spending priorities also need urgent correction. The actions of all those who have contributed to undermining civilian rule and allowed space to undemocratic forces bear responsibility for the unfolding chaos. This situation is drawing the attention away from many of Pakistan's problems, which are aggravating by the day.'

'The practice of enforced disappearance is now becoming routine. The judicial and inquiry commission responses have become fatigued and entirely ineffective. A parliamentary committee and special benches in the high courts must be set up to tackle the matter with the urgency and the seriousness it deserves. The report of the commission of inquiry on enforced disappearance, which was concluded many years ago, remains classified still. It must be released immediately and the recommendations heeded.'

HRCP encouraged the Government of Pakistan to invite UN special rapporteurs to the country, especially the rapporteur on the freedom of expression and also the working group on enforced disappearances, saying that some institutions and individuals had complete impunity from accountability, while a chosen few had been hounded at every step. HRCP demanded across the board accountability, which must be accompanied by utmost respect for due process rights.

Other issues raised were: the mainstreaming of religious extremists; the misuse of the blasphemy law; faith-based violence, threats and discrimination and reports of mass conversions in Tharparkar, where a large number of religious seminaries had sprung up in recent years; shrinking of the space for civil society, including journalists; restricted access to the Federally Administered Tribal Areas (FATA); the plight of internally displaced persons (IDPs); the severe economic crisis, and the serious unaddressed concerns around the China-Pakistan Economic Corridor (CPEC).

16 December 2017: HRCP organised a press conference in Islamabad on 'Promoting politics of tolerance'. HRCP's previous engagement on the issue of safeguarding places of religious significance against faith-based violence

and threats had involved a series of consultations at the federal and provincial level. The aim of the press conference was to present the finalised recommendations on possible strategies to protect places of religious significance across the country. During the press conference Asma Jahangir, spokesperson of HRCP, said that freedom of expression, the rights of religious minorities and civil liberties were at stake and the speed with which civil power was being encroached upon was alarming for the concerned citizens of the country.



Human rights activist and HRCP spokesperson Asma Jahangir speaking at the press conference in Islamabad

Forcible deportation

27 September 2017: The Commission called for the immediate release of the family of Mesut Kaçmaz, former director of the PakTurk International School, who were residing in Pakistan on a UNHCR asylum seeker certificate. The family were abducted in Lahore. HRCP urged the government to immediately release the Kaçmaz family and desist from deporting them, as there were credible reports of other Turkish educationists being arrested and tortured upon their arrival in Turkey.

26 October 2017: FIDH and its member organisation the Human Rights Commission of Pakistan said Pakistan must protect 285 Turkish nationals from forcible repatriation, arbitrary arrest, and other human rights abuses. This call followed the deportation of a Turkish family of four on 14 October 2017.

The joint statement pointed out that the forcible repatriation of the Kaçmaz family and the risk of deportation faced by the remaining 285 Turkish nationals were in violation of Pakistan's obligations under international law. In particular, they were in breach of Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

which stipulates that '[n]o 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.' The abduction of Mesut Kaçmaz's two daughters is also in breach of Pakistan's obligations under Articles 22 and 37 of the Convention on the Rights of the Child, to which Pakistan is a state party.

'By forcibly repatriating the Turkish family, Pakistan flouted its international obligations simply to appease the Turkish government. It must reverse this approach with respect to the 285 Turkish nationals who still face deportation and ensure that it puts their human rights first,' said HRCP Chair Mehdi Hasan.

FIDH and HRCP condemned in the strongest terms the deportation of the Kaçmaz family to Turkey and called on the Pakistani authorities to respect the rights of the 285 Turkish nationals remaining in Pakistan – in particular their right to non-refoulement – in accordance with international law. The two organisations also called on the Pakistani authorities to respect the asylum seeker status granted by the UNHCR until October 2018, and to uphold orders by the domestic courts.