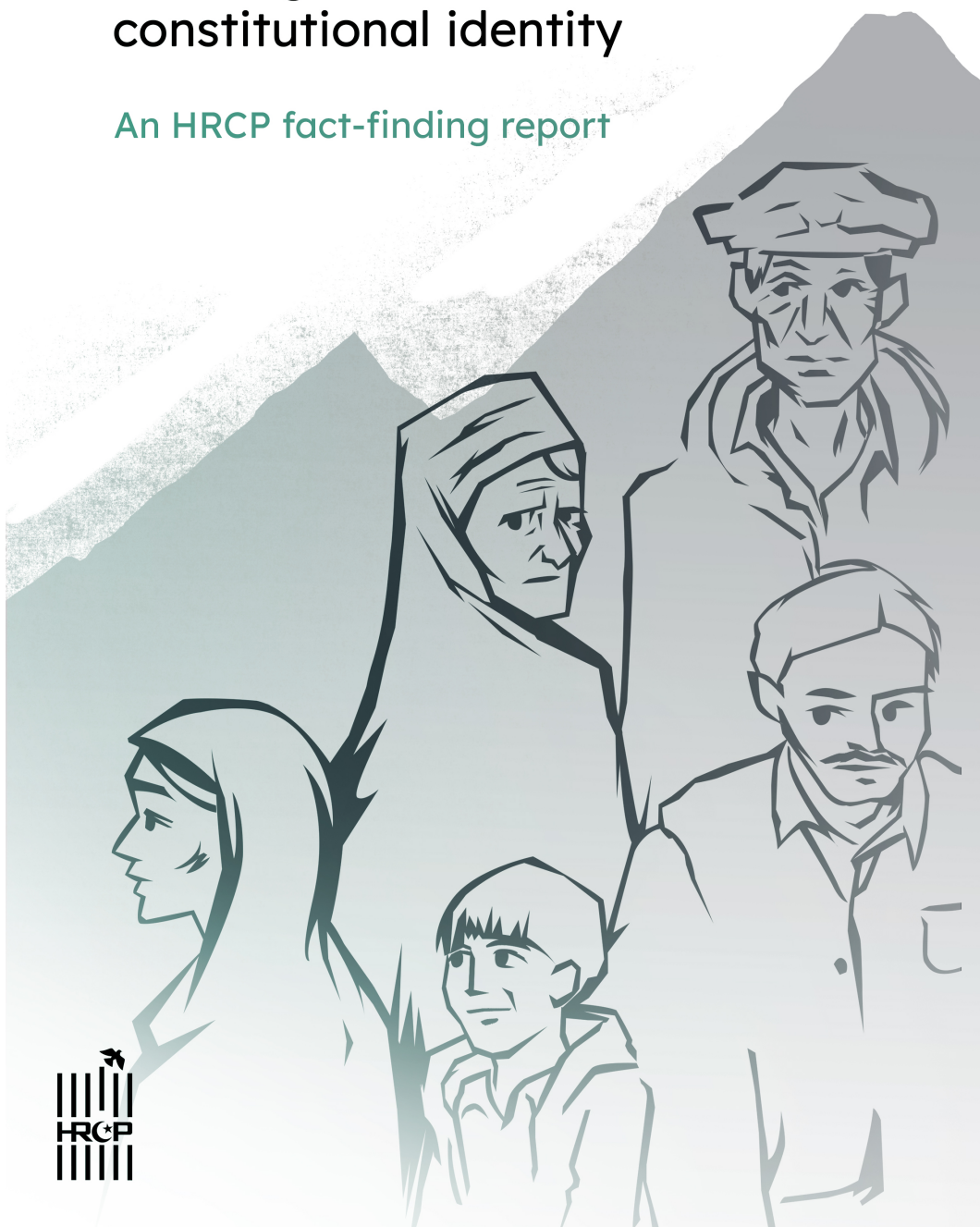


Gilgit-Baltistan: The long wait for a constitutional identity

An HRCP fact-finding report



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Human Rights Commission of Pakistan

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Introduction

Gilgit-Baltistan (GB), which remains a de facto administrative unit of Pakistan—its citizens deprived of the right to political representation at the level of Parliament—has long been an area of concern for the Human Rights Commission of Pakistan (HRCP). The organisation continues to advocate that GB’s people should enjoy the same fundamental rights as all citizens and residents of Pakistan. Accordingly, HRCP carries out high-profile fact-finding missions to GB periodically to assess the state of human rights in the area and recommend to policymakers measures that would alleviate the grievances documented during these missions. To this end, HRCP led a mission to GB during 4–9 June 2022, comprising HRCP Council members Salima Hashmi and Muzaffar Hussain, senior journalist Ghazi Salahuddin, and staff members Israruddin Israr (Gilgit), Zaheera Siraj (Gilgit), and Nadeem Abbas (Islamabad). The aims of the mission were to:

- Assess the implications of the political status of GB for the local population.
- Determine the extent and impact of curbs on freedom of movement, expression, association, and assembly in the area.
- Establish facts concerning the misuse of anti-terrorism laws—especially under Schedule IV of the Anti-Terrorism Act 1997—against human rights defenders and political activists.
- Assess people’s access to digital rights in GB.
- Examine the factors responsible for the reported rise in sectarian tension.
- Identify why the number of blasphemy cases registered in GB had surged in recent months.
- Investigate the forced acquisition of community-owned lands by the state for various purposes—including projects under the purview of the China-Pakistan Economic Corridor (CPEC)—and assess the impact of this acquisition on local populations facing displacement.
- Investigate the impact of climate change in GB, with a focus on climate justice.

The team visited the towns and districts of Skardu, Gilgit, Shigar, Sost, Aliabad, Gulmit, and Ghizer, holding focus group discussions, consultations and key informant interviews in each location. The mission concluded with a press conference held in Gilgit on 8 June 2022. During its five-day visit, the mission met representatives of political parties, civil society organisations, women’s rights activists, the legal fraternity, religious groups, the trader

community, labour leaders, student leaders, victims of natural disasters and armed conflict, and government functionaries. This report draws primarily on respondents' oral testimonies and key informants' analysis of the human rights situation.

Given the complexity and diversity of the issues affecting the area, HRCP made every effort to hold extensive deliberations to document stakeholders' perspectives, the challenges they faced, and the solutions they presented. HRCP is grateful to all those respondents who took the time to speak to the team (including many who travelled from other parts of the area to meet the mission) or helped obtain information on the human rights situation in GB.

A longstanding ambiguity: GB's unusual status

GB is unique in that it is the only administrative unit of Pakistan that is not mentioned in the country's constitution—nor is it represented in the National Assembly or Senate of Pakistan. The area does not stake claim to a well-defined identity; its relationship with the federation and other units of the state has yet to be determined. The judiciary's independence is often questioned and the bureaucracy is yet to be localised. In addition, GB is the only administrative unit in Pakistan whose residents are not 'citizens' of the country and whose fundamental rights are not protected by the constitution.

GB has been linked ambiguously by the state of Pakistan to the disputed Jammu and Kashmir area for 75 years, locking it into a constitutional impasse and depriving residents of their fundamental rights. Several unanimous resolutions have been passed by the Gilgit-Baltistan Legislative Assembly (GBLA) in favour of granting it provincial status integrated with Pakistan, particularly since 2015 (including one by the current assembly). However, one nationalist legislator, Nawaz Khan Naji—who is also part of the current assembly—has firmly rejected these resolutions.

Nationalist parties in GB remain opposed to the notion of a provisional province and have categorically declared the GBLA a 'puppet' assembly that retains no authority to demand a province. Even as the integration of GB with Pakistan has surfaced as a predominant demand, many from the area have questioned why GB should not be granted autonomous status on the premise that it is part of the Kashmir dispute, when this status has already been granted to Azad Jammu and Kashmir (AJK).

The people of this area consider that the protracted denial of a constitutional identity for GB stems from the fact that the area is conflated with the Kashmir dispute. They insist that the lingering conflict should not be invoked as grounds to deny them equal rights as Pakistanis.

Undefined constitutional status

A significant number of concerns that the fact-finding team sought to document stem from the governance system imposed by the federation, despite the ad hoc reforms instituted over the years—from the abolition of the FCR in 1974 to the introduction of party-based elections in the Legal Framework Ordinance 1994, and from the Gilgit-Baltistan Self-Governance Ordinance 2009 to the Gilgit-Baltistan Self-Governance Ordinance 2018.

Many respondents felt that the federation’s grip over GB’s political, legislative and economic affairs remained intact because these nominal reforms had failed to recognize GB’s right to self-rule as an administrative unit of Pakistan. The federation, through its extensive web of bureaucracy, continues to prevail in core affairs such as appointments in higher judicial and administrative institutions, revenue generation resources, and legislative matters. ‘GB is not considered a region, unlike Punjab, Khyber Pakhtunkhwa or Sindh,’ said a Skardu-based civil society activist, adding, ‘Rather, it is run akin to a department through direct administrative orders from the Ministry of Kashmir Affairs and Gilgit Baltistan.’



Meeting with Awami Action Committee members in Gilgit

Respondents across political and socioeconomic groups largely shared the conviction that the federation could not introduce meaningful reforms for GB without certain provisions, including amending the constitution to make GB an integral part of Pakistan, bringing it at par with other provinces. This meant granting GB political, legislative and economic autonomy as well as

representation in the National Assembly, Senate and other statutory bodies, and providing constitutional guarantees that GB's residents could exercise their fundamental rights. 'The federation has the opportunity to undo its wrongdoings and compensate for the decades-long injustice and discrimination it has meted out,' said one respondent in Aliabad.

On the other hand, several nationalists and progressive parties that met the mission said they opposed the idea of provisional provincial status. Rather, they demanded a setup similar to that of AJK or any arrangement under the resolutions of the United Nations Commission for India and Pakistan to secure self-rule and a protected identity for GB pending the resolution of the Kashmir dispute.

Concerns about independence of judiciary

Notably, the federation's involvement in judicial appointments and the impermanent tenure of judges have raised legitimate questions over the efficacy of the institution and appear to have eroded public confidence in the judiciary. During the focus group discussions held with the mission, GB's legal fraternity was apprehensive of the mechanism that authorised the prime minister of Pakistan to make appointments to GB's higher judiciary. The GB judiciary does not enjoy constitutional safeguards and thus remains vulnerable to political manipulation and executive influence. The absence of female representation in the higher judiciary was also pointed out.

Other problems that have marred the efficacy of the institution are the high number of pending cases and recurrent vacancies. Respondents complained that, whenever a judge of the chief court and/or the Supreme Appellate Court retired, the position would remain unoccupied for years, raising the backlog of cases to an unmanageable level.

Crackdown on rights campaigners and political workers

A commonly cited concern among respondents was the arbitrary use of anti-terrorism laws against political dissidents, rights campaigners, journalists, student leaders, and lawyers to stifle freedom of expression and assembly. The application of Schedule IV of the Anti-Terrorism Act 1997 against Ghulam Shahzad Agha, a sitting member of the GBLA, is indicative of the administration's cavalier attitude. At least one credible case was reported to the mission of nationalist party workers having been incarcerated on charges of sedition. A political worker in Aliabad alleged: 'We are not even allowed to put across our demands in a peaceful manner. [The administration] responds with brutal crackdowns.'

Another concern shared with the mission was the use of force by law enforcement agencies against critics of official policies. Respondents reported

several cases in which state agencies had harassed or arbitrarily detained rights activists and political workers for having spoken up on civil and political rights for GB's people. The judiciary's ensuing silence over such unlawful action has compounded the sense of frustration among residents. Respondents noted, however, that the judiciary had given relief to complainants in some cases where the local administration had misused the Anti-Terrorism Act 1997.

Freedom of expression and right to information

To date, no right-to-information (RTI) legislation has been enacted in GB,¹ as a result of which public departments often refuse to provide information on critical matters of public interest.



HRCP mission with journalists at Gilgit Press Club

In 2010, the president of the Gilgit Press Club filed a petition in the chief court, urging the court to issue an order to the government to abide by the principle of RTI, as prescribed in Pakistan's constitution. The petition was approved and, subsequently, the government was directed to implement this right so that government functionaries would stop concealing information on important public affairs. However, respondents alleged that journalists who approached government functionaries to seek information were told that they

¹ In July 2021, the GBLA reportedly began work on developing an RTI law on the lines of the Punjab Transparency and Right to Information Act 2013.

were not eligible to receive this information, given the absence of an RTI act in GB. Media persons have demanded that the GBLA legislate on this issue to remove any ambiguity and devise policies to protect freedom of expression and RTI.

Overwhelmingly, journalists have been seen resorting to self-censorship. The mission noted that it was not uncommon for state agencies to issue ‘media advice’ to GB-based journalists. Residents, including journalists, typically refer to social media for regional news, but even this is subject to the stringent Pakistan Electronic Crimes Prevention Act 2016. The local communities interviewed told the mission they felt that GB received inadequate coverage in the national media, thereby compounding the area’s sense of isolation.

Local government elections

The mission noted that local government elections had not been held in GB since 2009, implying that the area’s people had been deprived of their fundamental right to elected representation at the grassroots level for over a decade. The mission was told that the government was running local government institutions through unelected administrative officials and allocating funds in the name of local governments, thus contravening the principles of fair distribution, transparency and good governance. While political and social activists have long called for local government elections, the GB government has paid little heed to their demand.

It is worth noting that, in April 2021, while hearing a petition, the chief court of GB issued an order instructing the GB government to ensure that local body elections were held immediately. However, no measures have since been taken to carry out this order.

Contested ownership of Khalsa Sarkar land

The Khalsa Sarkar laws were originally levied by the area’s Sikh rulers almost a century ago, by virtue of which the government could claim ownership of barren or uncultivated land, even if it was collectively owned by the community. According to the respondents the team met, the subsequent 1978–80 Northern Areas Nautore Rules imposed by military ruler Zia-ul-Haq were an attempt on the part of the Pakistani federation to dispossess residents of their ancestral lands without paying compensation. As a result, the people of GB are unable to use what was originally collectively owned land for grazing, cultivation or construction.

Respondents said that attempts to lay claim to such land were met with threats of ‘dire consequences’—including arrest—by the authorities. As one respondent pointed out, the Khalsa Sarkar system violated international

human rights standards, including the UN Declaration of the Rights of Indigenous Peoples (which Pakistan voted in favour of in 2007). Although the leader of the opposition in the GBLA submitted a bill titled the ‘Gilgit-Baltistan Village Common Land (Shamilat Deh) Regulation Act 2016’ and a resolution to annul the Khalsa Sarkar laws was moved in the GBLA in November 2021, neither the bill nor the resolution have been sanctioned by the legislature due to differences among legislators.



HRCP mission members Ghazi Salahuddin and Salima Hashmi with activist Baba Jan

The mission noted that the continuing appropriation of land and natural resources by state institutions and external business enterprises in the guise of development projects, preservation of national parks and public interest schemes had created deep resentment among local communities. At the same time, the private corporate sector appears to have taken advantage of the abolition of State Subject Rule,² which has enabled it to exploit local

² State-Subject Rule was originally enforced in what is now GB by the maharaja of Jammu and Kashmir in 1927, defining people as hereditary state and non-state subjects and excluding the latter from public employment as well as land use and ownership. Since there were no official records relating to the law’s promulgation in GB, State Subject Rule continued after 1947, but was informally scrapped in the early

resources and concurrently induced demographic changes GB. There is growing consternation that, if the influx and settlement of outsiders remains unregulated, the local population could soon become a minority in their own land.

The mission also identified numerous local communities whose lands had been appropriated for national projects—such as the construction of roads and dams—without adequate compensation and, in some cases, without any compensation at all. Such reports go as far back as 1948, with people displaced by the construction of Gilgit Airport still reportedly waiting for compensation. Several residents of Gojal in Hunza, whose lands were acquired for the extension of the Karakoram Highway in 2007, said they had still not been compensated.

Exclusion from development projects

The exclusion of local communities from development projects—in particular those launched under the China-Pakistan Economic Corridor (CPEC)—mineral leases and decision-making positions in government service has deepened GB's sense of political and economic alienation. Several groups that met the mission alleged that senior positions, both in the private and public sectors, were invariably occupied by non-residents, leaving only menial or clerical jobs for residents.

All respondents expressed the view that GB's people had either been systematically excluded from, or not given their due share of, most development projects undertaken in the area. They argued that, despite being a gateway to CPEC projects, not a single special economic zone had been set up in GB. Similarly, the area had not been connected to the national electric grid even though GB provided an estimated 70 percent of the water needed to generate Pakistan's electricity. Another example of discrimination concerned the Diamer-Bhasha Dam: the dam's reservoir had been constructed in GB, but the royalties were directed to Khyber Pakhtunkhwa simply because 'the turbine was fixed there,' said one respondent.

Another concern was that mineral leases were usually granted to individuals and companies based in other parts of the country, precluding local communities from this sector other than in low-ranking jobs for businesses based elsewhere. 'Presently, there are roughly 600 mineral leases, of which only a handful were granted to local residents,' said one civil society activist during the mission's meetings in Aliabad.

1970s by Zulfikar Ali Bhutto. This created a legal vacuum, allowing outsiders to settle in the area and obtain public employment.

On a positive note

Notwithstanding the grievances related by GB residents, the mission noted some positive developments which, if sustained, could improve the area's rights record. Foremost is the distinct rise in literacy, particularly among girls. According to a rough approximation, GB has an average literacy rate of 72 percent, which is significantly higher than elsewhere in Pakistan. The mission was happy to observe that traditionally conservative areas such as Diamer—known for their reluctance to permit girls' schooling—have recently made efforts to raise awareness of the right to education.

In collaboration with Diamer's youth, the military authorities and local administration have been conducting a series of 'education jirgas' (discussions) for the last two years to push for gender-inclusive education. A local activist from Diamer has been working on digital education through a project named 'Digital Diamer.' Development organisations, including the Aga Khan Development Network, have launched initiatives for women's education and vocational training. The mission was also told that an increasing number of students had begun to pursue higher studies abroad.

Over the years, GB has also built up a vibrant civil society comprising social and environmental activists, student leaders, lawyers, and journalists, who continue to exhort the local administration to provide civic amenities and protect human rights, while exposing perpetrators of gross rights violations. Access to digital media has been instrumental in making residents aware of their civil rights, in ascribing responsibility to the authorities, and in underscoring the discrimination that GB's people face at the hands of the federation and its local proxies. Despite often poor internet access (which is controlled by the army-managed Special Communication Organisation), rights campaigners use social media platforms to express their concerns, launch campaigns, share information, and forge alliances nationally and internationally.

Another salient development welcomed by the mission was the reported fall in sectarian tension in the area. Respondents said that greater sectarian harmony had come about after signs that the federation was unwilling to appease right-wing elements, while the local religious leadership had also played a key role. In addition, the continuity in political processes—including the GBLA elections and greater political awareness—had given residents an avenue to forge affiliations on political rather than sectarian lines.

The mission was told by women's rights activists that, in spite of opposition from conservative segments, local women campaigned actively for their right to participate in all spheres of life, including recreation and sports. Prominent sportswomen in GB include mountaineer Samina Baig, athlete Nisha Sultan, and mixed martial arts champion Anita Karim, who hails from a remote area of the area.

Women’s rights

The reported rise in female suicide and weak (or no) investigation into such incidents was brought to the team’s attention. Reports of women murdered in the name of honour and vaguely dubbed ‘suicides’—according to women’s rights activists—warrant prompt and serious attention from the authorities.

The mission was also informed that women’s right to movement and education as well as their right to vote was greatly restricted in conservative areas such as Diamer, which had the lowest female literacy rate (as low as 5 percent according to one respondent) and the highest number of honour crimes.

Respondents cited cases of economic violence in the form of denied inheritance and property rights, with any protests by women in such cases being suppressed. The mission documented several instances in which women who had demanded their share of inheritance had subsequently faced the ire of the larger community.

The mission also learnt that domestic violence was not considered a legal offence in some areas. At the same time, the authorities had not met activists’ longstanding demand for shelters for survivors of domestic violence.

One respondent said that women had been ‘continually’ and ‘intentionally’ excluded from public spaces. The mission noted that not a single woman occupied senior positions in the higher judiciary, bar councils and associations, legislative assembly, cabinet or executive council. It is deeply ironic that even the women’s welfare department is currently headed by a male secretary.

Discrimination on the basis of sect

Respondents in Skardu and Gilgit expressed concern over what they perceived as the federation’s preference for a particular sect in recruitment to administrative positions. They were of the view that this amounted to explicit discrimination, inducing resentment among other communities and ultimately threatening sectarian peace in GB. People also expressed their reservations about the content of the educational curriculum which, they felt, was biased against the community in question and failed to acknowledge their contribution to the establishment of Pakistan.

Persons living with disabilities

Representatives of persons living with disabilities (PLWDs) told the mission they had long implored the authorities to conduct a census of PLWDs, frame rules of business for the Gilgit-Baltistan Persons with Disabilities Act 2019,

increase the number of registration centres for PLWDs, ensure that the job quota was implemented, protect their inheritance rights, establish shelters as well as educational and vocational centres, and introduce wellbeing packages and recreational opportunities for them.

While the special education complex in Gilgit has yet to become fully functional, it is a matter of great concern that a portion of the premises continues to be occupied illegally by the National Accountability Bureau, which has refused to vacate the building despite being ordered to do so by the chief court. The mission observed that PLWDs continued to face restricted access to public offices, thereby diminishing their access to public services even further. Worryingly, GB still has no institutions for PLWDs with mental illnesses, nor are there any shelters that cater to PLWDs' needs in general.

Displacement after the Kargil conflict

The mission met a number of families originally resident in the villages of Gangni, Bromlo, and Bresli in the district of Kharmang, who had been displaced during the 1999 Kargil conflict. Many of them were forced to abandon their land, property and possessions and seek refuge in Skardu.



The mission visits a camp housing families affected by the Kargil conflict

Since then, they have continued to eke out a meagre living, their crops, farms, orchards, and livestock having been destroyed by heavy shelling in 1999. Some respondents also alleged that security forces had set landmines in areas of Kargil, preventing them from returning home.

The mission learnt that displaced families had still not been compensated for the loss of their homes and livelihoods. Those affected alleged that the civilian and military authorities continued to shift responsibility for this onto each other, with no concrete progress towards redressing people's grievances. Respondents demanded that their lands be made cultivable and returned to them. They also called for the Kargil-Ladakh-Skardu-Khaplu route to be reopened, allowing divided families to meet.

Victims of natural disasters

The mission was especially concerned to learn that victims of natural disasters—including those displaced from the district of Rondu after an earthquake in 2021 as well as families displaced by the Shishper glacial lake outburst flood in Hassanabad—had neither been rehabilitated nor adequately compensated. The mission also spoke to families displaced by the 2010 Attabad Lake disaster, many of whom still await rehabilitation and reparations.

The failure of the authorities to implement the Disaster Management Act 2017 and create an effective disaster response mechanism, even after the passage of five years, has aggravated local apprehensions, given that GB's geography makes it vulnerable to climate-induced and other natural disasters.

The right to education and safe educational spaces

Recurrent incidents of sexual harassment, violations of privacy and intimidation of students have created a sense of palpable insecurity. In 2021, the vice-chancellor of the University of Baltistan was accused of having sexually harassed a female student, provoking widespread protests in GB. Earlier in November 2020, an employee of Karakoram International University was accused of harassing a female student. Security personnel deployed at campuses have also been accused of intimidating students and engaging in moral policing.

The mission met several delegations of students who alleged that calls for improvements in the education sector were met with intimidation and even the registration of criminal cases. They recalled one incident in which 11 students were implicated in a fabricated case under the Anti-Terrorism Act 1997 while one student at Karakoram International University was rusticated for voicing his concerns over students' problems.

The shortage of higher education institutions in GB, particularly medical and engineering colleges and vocational training centres, compels students to seek higher education in other parts of the country. This is costly and is often coupled with other difficulties, such as in finding accommodation and ensuring safety.

Students also felt that the curricula taught at campuses did not correspond to local needs and conditions: themes such as climate change, tourism and hydrology had not been made part of the curricula. One group of students told the mission that Karakorum International University had a student strength of 7,000, but its library was unable to accommodate more than 150 students at a time.



Meeting with a delegation of university students

Dismal state of health

Among the concerns communicated to the mission were that hospitals across GB lacked specialists and high-quality medical equipment. Respondents pointed out that remote rural communities typically suffered the brunt of poor healthcare and service delivery, and were often compelled to travel long distances to urban hospitals to be treated for even minor ailments. The conspicuous absence of functional sewerage systems and clean drinking water schemes meant that many areas were vulnerable to waterborne diseases.

Skewed priorities

The lack of access to good, affordable healthcare in GB was captured by one respondent as follows:

‘An area [Baltistan division] comprising four districts has a single hospital. In contrast, there are 12 assistant commissioners and four deputy commissioners assigned to the area, which should leave no doubt that Pakistan is more interested in spreading a network of bureaucrats than in laying down a network of services.’

Employment and labour rights

The closure of the Pakistan-China border, following the outbreak of Covid-19 in 2020, meant that cross-border trade was suspended, bankrupting a large number of small-scale industries in GB. A significant number of labourers associated with these industries also lost their employment. Subsequently, China agreed to open the border for trade, but imposed stiff conditions in view of the Covid-19 crisis, under which Pakistani exporters and importers were no longer allowed to enter China and would instead load and unload goods on Pakistan's side of the border for inspection and sterilisation. This has had an adverse impact on the numerous traders for whom trade with China was their only source of livelihood; one respondent estimated that at least 3,000 traders had been affected.

The absence of labour courts and strong labour laws in the area has long been criticised by labour rights activists, who allege that the federation is quick to extend anti-terrorism laws and courts to GB, but shows little interest in enacting labour laws and establishing labour courts to provide relief to vulnerable labour group. This inaction has enabled labour rights violations with impunity. Although some labour organisations have filed petitions in the Supreme Appellate Court, this has not necessarily ensured that labourers' fundamental rights are protected.



Consultation with civil society activists in Hunza

Government response to issues raised by GB residents

The GB chief minister was occupied with pre-budget meetings and could not make time to meet the HRCP team. However, the mission met the home secretary and raised some of the issues identified by the groups and individuals they had interviewed.

Responding to complaints that state institutions had occupied land belonging to GB residents, the home secretary justified the application of the Khalsa Sarkar laws and actions taken under the law. He claimed that barren tracts of land were, in fact, legally owned by the state, which used it for public interest schemes.

The home secretary pointed out that there was an unprecedented consensus among all stakeholders—including the political and military leadership—that GB should be granted the status of a provisional province. He alleged, however, that members of the GBLA had proven to be a stumbling block, wanting the scheme to be put on hold until they had completed their political terms. The change in the federal government in May 2022 had also stalled the process, he added.

When the mission asked whether it was true that a particular sect was given preferential treatment in recruitment to higher positions, the home secretary agreed this was the case. He said that the federation's perceived tilt towards the sect prevailed not only among the public, but also in the bureaucracy. The home secretary, however, denied the claim that senior positions in administration were often filled by outsiders to GB.



Meeting with GB home secretary

Conclusion

While a five-day visit was not sufficient to assess GB's human rights concerns in detail, the mission gained a number of important insights into core issues,

resolving which could bring about greater development, autonomy, rule of law, and protection of fundamental rights in the area.

The foremost issue that warrants the federation's urgent attention is the still-undefined constitutional status of GB. It is unacceptable that residents remain uncertain of their relationship with their own area, their relationship with other regions and citizens of Pakistan, and their relationship with the constitution, which requires their loyalty but neglects to mention them.

The second problem that has stalled the progress of fundamental freedoms and civil rights in GB is that of the authorities' excessive reliance on force to govern people. This appears to be the norm rather than the exception. The federation must also focus on providing people the basic rights and services to which they are entitled, by investing in a robust healthcare system, women's shelters, mental health services and institutes, child protection units, family courts, and labour courts.



Press conference in Gilgit held on concluding the mission

The mission noted with grave concern that HRCP's previous recommendations had not been taken seriously by the authorities, particularly those related to the revival of State Subject Rule, consultation with and inclusion of local communities in development schemes, well-thought-out policies to counter the increasing rate of suicide, investigations into honour crimes, prevention of sexual harassment at workplaces, compensation for and rehabilitation of victims of natural disasters and the Kargil conflict, and measures to mitigate the suffering of persons living with disabilities, among others.

The mission hopes the government will pay heed to the recommendations made in its latest report. As one respondent said during a public hearing, the real solution to GB's problems lies in a 'grand dialogue' between the people of GB and the federation of Pakistan—one that would 'lead to a new social contract based on the principles of equality, liberty, prosperity, justice, rule of law, and fundamental rights for all.'

Recommendations

HRCP's fact-finding mission has made the following recommendations:

- The area's **constitutional status** should be determined in accordance with the aspirations of the people of GB. A comprehensive and inclusive dialogue should be conducted with all stakeholders, taking them into confidence before any decisions are made with respect to GB's undefined status.
- Should GB's people opt for **political integration** as a province of Pakistan, then GB must be given due representation in the National Assembly, the Senate and other constitutional bodies, including the National Finance Commission, Indus River System Authority, National Economic Council, Council of Common Interests, Economic Coordination Committee, Election Commission of Pakistan, and National Commission for Human Rights. If, however, GB's people opt for **self-rule**, then a setup similar to that of AJK must be established.
- A robust, **autonomous government system** should be introduced and local elections held without further delay.
- **Judicial reforms** should be introduced to make the appointment process transparent. Judges should be granted permanent tenures and vacant judicial posts filled at the earliest so that the judiciary can dispense justice without fear or favour.
- The fundamental rights of the people of GB must become **constitutional guarantees**.
- The practice of hounding dissidents must stop, while those involved in crackdowns against **peaceful assemblies and freedom of expression** should be held accountable.
- Internet connectivity and coverage in GB, which is provided solely by the Special Communication Organization, must be improved and coverage expanded to strengthen people's access to **digital rights**.

- Rising cases of **suicide**—particularly among women and youth—must be investigated. A suicide prevention policy and action plan should be framed at the GB government level.
- The authorities must take strict note of **sexual harassment at workplaces** as well as restrictions on women’s movement and education in some areas.
- Women should be given effective **representation in policymaking** bodies and the GBLA cabinet, including appointments to key judicial, administrative and legislative positions.
- State institutions should **avoid grabbing pastures and other agricultural land** used by residents under the Khalsa Sarkar laws.
- Victims of natural disasters must be compensated and rehabilitated, and well-thought-out **disaster management and mitigation** plans put in place.
- People who were evicted from their land for national development projects must be compensated without further delay. The Land Acquisition Act 1894 should be enforced to protect the **right to fair compensation** under set criteria.
- The people of GB must be taken on board and given their **due share in development projects and mineral leases**. The government should respect the UN Declaration on the Rights of Indigenous Peoples and recognize GB residents’ right to their lands, territories and resources, including those traditionally held by them but now controlled by others as a matter of fact and also of law.
- Rules of business for the Gilgit-Baltistan Persons with Disabilities Act 2019 must be framed and the law implemented immediately to mitigate the problems that face **persons living with disabilities**. The National Accountability Bureau must end its illegal occupation of a portion of the special education complex in Gilgit so that it can be used for the purpose for which it was intended.
- **Reparations** must be made to the people affected by the **1999 Kargil conflict**. Not only should they be compensated for the losses they have suffered, but their lands must also be cleared of landmines, made cultivable and handed back to them. The Skardu-Ladakh road must be opened to enable divided families to meet one another.
- The **service tribunal**, which has been dysfunctional for three years, should be made operational.

- Vocational training centres should be set up and financial aid schemes launched to increase sources of **employment for young people**.
- The infrastructure of GB's existing educational institutions needs to be improved and more **universities, degree colleges and technical institutions** built and qualified human resources engaged. There is also a dire need for medical and engineering colleges in GB.
- GB urgently needs good **health facilities, doctors and hospitals**, especially for women and children. Policies and plans for the health sector should include a mental health component.
- **Labour courts and family courts** must be established to ensure that justice is dispensed in family and labour disputes.
- Rules should be framed around all **human rights-related laws** passed by the GBLA and new laws on human rights introduced as soon as possible.

Annex: An introduction to Gilgit-Baltistan

Gilgit-Baltistan, formerly known as the Federally Administered Northern Areas, is located in the northernmost corner of Pakistan. It borders Khyber Pakhtunkhwa to the west, Afghanistan's Wakhan Corridor to the north, China to the northeast, Azad Jammu and Kashmir to the southwest, and Indian-occupied Jammu and Kashmir to the east and southeast.

The administrative unit covers an area of 72,971 square kilometres, much of which is mountainous terrain. Three of the longest glaciers outside the polar regions are in GB, with clear implications for its vulnerability to climate change. Rich in geological deposits, GB is a national and international supplier of many important minerals. The Karakoram Highway, utilized primarily for economic activities and tourism, is the main road-link between this area and other parts of the country.

Administratively, GB comprises three divisions and ten districts. Gilgit and Skardu serve as its major political centres and the most populated towns. The Baltistan division is composed of four districts: Skardu, Shigar, Ghanche and Kharmang. The Gilgit division consists of Ghizer, Gilgit, Hunza, and Nagar districts. The Diamer division includes the districts of Diamer and Astore.

Prominent ethnic groups of the area include the Sheen, Yashkun, Brusho, Balti, Dome, Wakhi, Gujar and Khowar groups. GB is characterized denominationally by four sects: Shia, Sunni, Ismaili, and Noor Bakhshi.

Annex 2: A historical background

GB's territories were, historically, governed by a series of independent local rulers up until the mid-nineteenth century. In the 1840s, the modality of rule was transformed when the Dogra rulers of Kashmir invaded these territories and annexed them to Kashmir. The princely state of Jammu and Kashmir came to embody four units, including the provinces of Jammu and Kashmir and the districts of Gilgit and Ladakh.

As British rule staggered to an end in the 1940s, uprisings against the Dogra maharaja occurred in different parts of Kashmir. Amid fears of Muslim unrest, the maharaja declared the accession of Kashmir to India on 27 October 1947. The move was greeted with profound discontent and the Gilgit Scouts, a paramilitary outfit of local soldiers and officers, revolted against Dogra rule with the help of the local population. Gilgit and its adjoining areas were liberated on 1 November 1947. Ostensibly, the foundation of an independent state and a provisional government were thereby established. After 16 days of independence, the Government of Pakistan accepted the request of the provisional government and took over the administration of what is now GB.

On 16 November 1947, the Government of Pakistan deputed Mohammad Alam Khan, a tehsildar of the Revenue Department in the North West Frontier Province (now Khyber Pakhtunkhwa), as a political agent in Gilgit. The government lent in effect a vast area consisting of thousands of square kilometres and a population of around one million to a junior revenue officer. Before the ratification of the Karachi Agreement with the Kashmiri leadership in 1949, the area was under the control of the AJK government. After the agreement, Pakistan assumed complete administrative control of the area and handed it over to the North West Frontier Province under the mandate of the draconian Frontier Crimes Regulations (FCR) 1901.

The FCR, a 'black' colonial law applicable to the Federally Administered Tribal Areas, was originally designed by the British to govern 'wild tribes' in the Subcontinent and other parts of the British Empire. The FCR did not meet recognised international human rights standards and was also in violation of the Constitution of Pakistan. Under the FCR, residents of GB were not allowed to exercise their fundamental freedoms and any attempt to do so was considered an offence. The FCR also contrived to mete out collective punishment. The political agent was designated as the supreme authority with executive, legislative and judicial powers. Furthermore, Pakistan allowed the despotic *rajgiri* (principality) and *jagirdari* (feudal) system to continue, keeping the former Dogra ruler's system of forced taxation and forced labour intact. GB's residents withstood the onslaughts of the FCR, feudal system and principality system up until the mid-1970s.

In 1970, GB was proclaimed a separate administrative unit under the name of the 'Northern Areas' and the Northern Areas Consultative Council was formed. In 1974, the FCR—coupled with the feudal and principality systems—came to an end when Prime Minister Zulfikar Ali Bhutto introduced a reforms package in the area and divided it across different districts. In 1994, the Government of Pakistan ushered in the Legal Framework Order 1994, which served as the constitution of the Northern Areas and incorporated some fundamental rights. In addition, the 1994 reforms laid the bedrock of a political process and, for the first time in GB's history, elections were held on a party basis. The Northern Areas Council was also renamed the Northern Areas Legislative Council.

In May 1999, the Supreme Court of Pakistan concluded the Al-Jehad Trust case, ruling that the people of Gilgit-Baltistan were 'citizens of Pakistan for all intents and purposes... and could invoke constitutionally guaranteed fundamental rights.' The judgement stated that they were 'entitled to participate in the governance of their area and to have an independent judiciary to enforce... Fundamental Rights.' The apex court directed the federal government to take all necessary measures to ensure that the people of Gilgit-Baltistan could enjoy their fundamental rights as enshrined in the Constitution of Pakistan.

In 2007, the Northern Areas Legislative Council was renamed the Northern Areas Legislative Assembly. In mid-2009, the Government of Pakistan introduced the Gilgit-Baltistan Empowerment and Self-Governance Order 2009. This was touted as legislation that gave GB self-governing status similar to that of the provinces. In 2015, the then PML-N government formed a committee under the Adviser to the Prime Minister on Foreign Affairs Sartaj Aziz. The committee submitted a report in 2017, proposing provisional provincial status for GB with representation in the National Assembly, Senate and other constitutional bodies. However, all such proposals have been subjected to political wrangling and expediency, ultimately constraining their translation into practice.

In 2018, the government promulgated the Government of Gilgit-Baltistan Order 2018. Hearing a petition against the new order, the Supreme Court struck it down and directed the government to change it in line with the amendments suggested by the apex court. The Government of Pakistan then filed a review petition with the court, arguing that it would rather bring in a law of Parliament to support constitutional reforms in compliance with the aspirations of GB's residents.