

STATE OF HUMAN RIGHTS IN 2018



Human Rights Commission of Pakistan

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Sources

Sources, where not quoted in the text, are HRCP surveys, fact-finding reports and communications from its correspondents and private citizens; official gazettes; economic and legal documents and other public releases and statements; reports in the national and regional press; and publications of international agencies such as UNDP, ILO, WHO, UNICEF, UNFPA, and the World Bank.

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

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Aiwan-e-Jamhoor, 107 Tipu Block, New Garden Town
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Tel: +92-42-35864994
Fax: +92-42-35883582
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url: www.hrcp-web.org

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Abbreviations

ADB	Asian Development Bank	DSJ	District and Sessions Judge
ADR	Alternate Dispute Resolution	DSP	Deputy Superintendent of Police
AJK	Azad Jammu and Kashmir	ECL	Exit Control List
ANP	Awami National Party	EIA	Environment Impact Assessment
ASI	Assistant Sub-Inspector [of Police]	EPA	Environment Protection Agency
ASJ	Additional Sessions Judge	EPI	Expanded Programme for Immunisation
ATA	Anti-Terrorism Act	FATA	Federally Administered Tribal Areas (now merged with KP)
ATC	Anti-Terrorism Court	FCR	Frontier Crimes Regulation
BHC	Balochistan High Court	FDMA	FATA Disaster Management Authority
BHU	Basic Health Unit	FIA	Federal Investigation Agency
CDA	Capital Development Authority	FIDH	International Federation for Human Rights
CEC	Chief Election Commissioner	FIR	First Information Report
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women	HEC	Higher Education Commission
CCI	Council of Common Interests	HRCP	Human Rights Commission of Pakistan
CIA	Criminal Investigation Agency	ICCPR	International Covenant for Civil & Political Rights
CII	Council of Islamic Ideology	ICESCR	International Covenant on Economic, Social and Cultural Rights
CJ	Chief Justice	IDMC	Internal Displacement Management Centre
COAS	Chief of Army Staff	IG	Inspector General [of Police]
CNIC	Computerised National Identity Card	IMF	International Monetary Fund
CrPC	Criminal Procedure Code	INGO	International Non-governmental organisation
CRC	Committee on the Rights of the Child	ISI	Inter-Services Intelligence
CRPD	Convention on the Rights of Persons with Disabilities	ISPR	Inter-Services Public Relations
DCO	District Coordination Officer		
DFID	Department for International Development UK		
DIG	Deputy Inspector General [of Police / Prisons]		
DPO	District Police Officer		

IUCN	International Union for Conservation of Nature	PPC	Pakistan Penal Code
IUS	Unesco Institute for Statistics	PPP	Pakistan People's Party
JI	Jamaat-e-Islami	PS	Police Station
JJSO	Juvenile Justice Systems Ordinance	PTI	Pakistan Tehreek-e-Insaf
JPP	Justice Project Pakistan	RHC	Rural Health Centre
JUI (F)	Jamiat-e-Ulema-e-Islam (Fazlur Rehman Group)	SC	Supreme Court
LHC	Lahore High Court	SAARC	South Asian Association for Regional Cooperation
LHW	Lady Health Worker	SAFRON	States and Frontier Regions
MNA	Member of the National Assembly	SCARP	Salinity Control and Reclamation Project
MPA	Member of the Provincial Assembly	SCBA	Supreme Court Bar Association
MQM	Muttahida (formerly Mohajir) Qaumi Movement	SHC	Sindh High Court
NA	National Assembly	SHO	Station House Officer
NAB	National Accountability Bureau	SI	Sub-Inspector [of Police]
NACTA	National Counter Terrorism Authority	SITE	Sindh Industrial Trading Estate
NAP	National Action Plan	SP	Superintendent of Police
NCHR	National Commission for Human Rights	SSP	Senior Superintendent of Police
NCSW	National Commission on the Status of Women	TLP	Tehreek-e-Labbaik Pakistan
NEQS	National Environment Quality Standards	TTP	Tehreek-e-Taliban Pakistan
NGO	Non-governmental organisation	UDHR	Universal Declaration of Human Rights
NIC	National Identity Card	UNDCP	United Nations Drug Control Programme
NIRC	National Industrial Relations Commission	UNDP	United Nations Development Programme
NSC	National Security Council	UNESCO	United Nations Educational Scientific and Cultural Organisation
PAEC	Pakistan Atomic Energy Commission	UNFPA	United Nations Population Fund
PATA	Provincially Administered Tribal Areas	UNHCHR	United Nations High Commissioner for Refugees
PFUJ	Pakistan Federal Union of Journalists	UNICEF	United Nations Children's Fund
PHC	Peshawar High Court	WAPDA	Water and Power Development Authority
PkMAP	Pakhtunkhawa Milli Awami Party	WASA	Water and Sewerage Authority
PMA	Pakistan Medical Association	WB	World Bank
PML(N)	Pakistan Muslim League Nawaz. PML-Q is Pakistan Muslim League, Quaid-e-Azam.	WHO	World Health Organisation
PONM	Pakistan Oppressed Nations Movement	WTO	World Trade Organisation
		WWF	Worldwide Fund for Nature



Glossary

[Terms commonly used in discourse on rights and laws]

abadi:	settlement; habitation; also population
asnad:	certificates awarded by educational institutions, especially religious schools. [singular sanad]
amir:	literally, leader. Frequently used to refer to leaders of Muslim groups
Assalam-o-Alaikum:	“May peace be upon you.” Muslim greeting
ameen:	righteous
azaan:	the Muslim call to prayers
azad:	free
baitul mal:	originally the state treasury in an Islamic state. In Pakistan it mainly disburses zakat
baitul zikr:	house of prayers. Ahmadis have been using this term for mosque since April 28,1984, when they were barred from using Islamic terms
baradari	brotherhood, often associated with parties and political alliances
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
chaadar:	a long loose cloak worn over other garments by Muslim women
chaadar and chaar 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
Chaudhry:	a common surname in the Punjab; in its original sense, it describes the head of a village’s foremost landed family
cheera:	from the word meaning ‘tearing up’. It is a

	common method of third degree torture in which the victim's legs are spread apart to the maximum and kept in that position. The pain generally makes the accused 'confess'.
chehlum: china cutting	a Shia procession taken out forty days after Ashura. term used for illegal occupation and carving up of land into plots for sale
deh:	a small village [plural: dehaat]
dera:	extended residential site of an influential figure; also a farmhouse
diyat:	the financial compensation paid to the victim or heirs of a victim in cases of murder, bodily harm, or property damage
ehtisab:	accountability
Eid-ul-Fitr:	Festive occasion which marks the end of the Muslim month of fasting (Ramazan)
fatwa:	religious ruling
fiqah:	Muslim jurisprudence
gaddi nashin:	custodian of a shrine
gherao:	laying a kind of siege to someone important to pressure him into acceding to your demands (literally, 'to surround')
hadd:	Islamic punishment (plural: hudood)
haari:	Sindhi peasant, tenant or farmhand
hujra:	retiring room of an imam or any religious person; outhouse
iddat:	In Islam, the period of time during which a divorced woman or a widow cannot remarry, originally observed in order to ascertain if a child was conceived prior to divorce or widowhood (and as a mourning period in the latter instance)
iftar:	breaking of fast
ijtihad:	the process in Islamic law of making a legal decision by independent interpretation of the legal sources, the Qur'an and the Sunnah
ijtima:	congregation; gathering
imam:	prayer leader
imambargah:	Shias' place of congregation
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
mehr:	the money the groom pledges to the bride at the time of the wedding as a token of his earnestness
moharrir:	police clerk who records complaints and crime reports
Muharram:	the Muslim month of mourning, especially for Shias
murtad:	apostate
naib qasid:	office boy
najis:	unclean; something religiously regarded as impure
napaid bazo:	family's decision to wed one off ahead of birth
nazim:	mayor, also administrator
naib nazim:	deputy mayor
nikah:	marriage; also marriage ceremony
nikahkhwan:	a mullah who is authorised to solemnise marriages
nikahnama:	marriage certificate
nohas:	a Shia lament
panchayat:	a gathering of elders
patharidar:	an influential landowner in Sindh who harbours criminals
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
qabza:	forceful seizure and occupation
qatl:	murder
qatl-i-amd:	premeditated murder
qazf:	false imputation of immorality against a woman
qazi:	a judge of an Islamic court
qisas:	equal retribution; eye for an eye, tooth for a tooth
quo warranto:	a writ (order) used to challenge another's right to either public or corporate office or to challenge the legality of a corporation's charter
Ramazan:	the Muslim month of fasting
sadiq:	truthful
sangchatti:	Sindhi term for swara
suo motu	when a court takes cognisance of a case or controversy on its own initiative and commences proceedings
swara:	a child marriage custom in the Pashtun areas. It is tied to blood feuds among the different tribes and clans where young girls are forcibly married to members of different clans in order to resolve the feuds
taaleem:	education
taluka:	an administration division (also known as 'tehsil'
tazia:	replica of Imam Hussain's mausoleum displayed during Muharram processions
ulema:	persons learned in Islamic practices [singular: aalim]
ushr:	Islamic land tax
vani:	a cultural custom in parts of Pakistan, called swara in 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 jirga, a council of tribal elders
wadera:	a big landowner; jagirdar; powerful feudal lord
watta satta:	the swap system of marital alliances in which a brother and sister of one family are married to the siblings of another.
Youm-e-Ashur:	The tenth day of Muharram.
zakat:	a tithe Islam imposes on every Muslim as a fixed proportion of his/her income and wealth, and meant as a contribution to help the poor and the needy
zaakir:	religious preacher who mostly recounts events of Imam Husain's sacrifice at Karbala
ziarat:	pilgrimage
zina:	adultery; fornication. Rape is zina-bil-jabr



Introduction

In a year of general elections, it was inevitable perhaps that the progress and observation of human rights issues might be suspended, if not forgotten altogether. The elections themselves were plagued by allegations of pre-poll manipulation and rigging of votes – never fully resolved – and some appalling outbreaks of violence.

The unprecedented level to which the fundamental right to freedom of expression was overtly violated, particularly in the run-up to the elections, came as a rude shock. Under the opaque shroud of ‘national security concerns’, the restrictions on media coverage were stepped up, journalists increasingly took to self-censorship to evade intimidation and threats, cable operators were prohibited from broadcasting certain networks, the distribution of a national newspaper was severely curtailed, and a media blackout was imposed on coverage of certain events.

The net was cast wide and even this publication came under scrutiny. HRCP had its own first-hand experience of the stern view taken by authorities on the reporting of the state of human rights in the country. After the launch of the report in April, the editor’s home was raided. She was held for over an hour, threatened with physical violence, questioned, and robbed for good measure – an abuse not only of freedom of expression and dignity of person, but also of what should have been the inviolable dignity of home.

While restrictions on freedom of expression continued to be highlighted throughout the year, the public conscience was unremittingly assailed by reports of enforced disappearances, extrajudicial killings, the abuse and murder of children, violence towards women, child labour, religious intolerance, the persecution of minorities, crimes committed in the name of ‘honour’ – the list is long and seemingly endless.

The enthusiasm that greeted the introduction of legislation and numerous initiatives to aid the beleaguered transgender community masked some of the realities they continued to face. Proving once again that legislation and directives alone cannot bring about societal changes, reports persisted throughout the year of transgenders being attacked and killed.

The intolerance and antagonism towards minorities, particularly

religious minorities, showed no sign of receding, with blasphemy laws providing yet another opportunity to vent hatred. One bright prospect opened up when the Supreme Court acquitted Aasia Bibi, but the ensuing violence against the verdict could only be quelled when an 'agreement' was reached.

The year began with a horrifying crime against a six-year-old child and the relative speed with which the culprit was apprehended was in no small part due to the public outcry. The sentence handed down proved to be no deterrent—distressing reports of abuse and violence involving children continued to surface and the revulsion that the nation felt against the predators and the criminals was accompanied by the despairing realisation that this was only the tip of the iceberg.

To bring an end to the exploitation and ill treatment of children in industries and homes, and restore their right to a safe and protected childhood, calls for a monumental and dedicated effort. Legislation may exist or be forthcoming, but is there the will and the means to enforce it?

This was also a year in which the proliferation of suo motu cases raised eyebrows, perhaps more so for the questionable choice of some issues. Nonetheless, it spoke volumes about the prevailing law and order situation that many deserving cases might never have been heard had they not been taken note of by the Supreme Court.

While the interventions of the Supreme Court attracted much attention, the long-awaited reform of the criminal justice system remained on the back burner. And the steady accumulation and growth of the backlog of cases went unchecked in all the courts of the country. The frustration and suffering of litigants was exacerbated by delays, and the judicial process was further marred by the simmering conflict between lawyers and the judiciary.

Particularly notable during the year were the prolific and widely reported activities of the National Accountability Bureau, whose modus operandi was viewed with a mix of approbation and dismay. No one, it seemed, was immune from their endeavours to root out corruption. The axe fell on former prime ministers, politicians, media personalities, CEOs, and university officials alike.


The festering sores of enforced disappearances and extrajudicial killings remained a blight on the nation's image. Until and unless victims and families are given full and unimpeded recourse to due process, and impunity is denied to the perpetrators, these extreme violations of the rights of citizens will never be eradicated.

Never was there a time more in need of the fearless, forthright, and uncompromising defender of the rule of law. The sudden and tragic loss of Asma Jahangir in February 2018 left the country bereft of a

bold voice prepared to speak out on behalf of the underprivileged, the unrepresented, and the vulnerable.

In the general elections, the country voted for change in the hope of a brighter, better tomorrow. Time will tell if one is indeed on the horizon.

Mehdi Hasan
Chairperson



Key Issues

Laws and law-making

- The federal parliament made a total of 39 laws in 2018, a slight increase from 2017 when 34 laws came into effect.
- The Federally Administered Tribal Areas (FATA) were merged with the province of Khyber Pakhtunkhwa on 31 May 2018.
- The Transgender Persons (Protection and Rights) Act 2018 was passed, covering a range of provisions, and significantly allowing a transgender person to be recognised as per his or her self-perceived gender identity.
- The Juvenile Justice System Act 2018 replaced the Ordinance promulgated in 2000.
- Sindh was once again just ahead with the highest legislative output, closely followed by the Punjab. Two significant Act passed by the Sindh government were The Sindh Maternity Benefits Act 2018, and The Sindh Home-Based Workers Act 2018.

Administration of justice

- By year end, there were close to 1.9 million cases pending in over 250 lower, special, and superior courts.
- The National Accountability Bureau filed 440 corruption references, apprehended 503 accused persons, received 44,315 complaints, and conducted 1,713 complaint verifications during the year.
- While suo motu interventions by the Supreme Court proliferated, the long-awaited reform of the criminal justice system was put on the back burner.
- At the end of the year 4,688 prisoners were on death row. At least 500 have been executed since 2014, fourteen of them in 2018.
- The landmark judgment on the acquittal of Aasia Bibi by the Supreme Court was a welcome sign that, even in a flawed judicial system, the rule of law was still capable of protecting an innocent victim.

Pakistan and international human rights mechanisms

- Pakistan has affirmed in its election pledge to the Human Rights

Council that it is 'firmly resolved to uphold, promote and safeguard universal human rights and fundamental freedoms for all.'

- HRCPT expressed concern that Pakistan had chosen to only 'note' key human rights principles including, among others, the reporting of investigation and prosecution of security forces that commit human rights violations; amending discriminatory laws against marginalised groups, taking effective measures to prevent the abuse of blasphemy legislation, and the use of violence against religious minorities.
- Requests for country visits from UN Special Rapporteurs on extrajudicial executions; the situation of human rights defenders; the promotion and protection of human rights while countering terrorism; freedom of religion or belief; and torture and other cruel, inhuman or degrading treatment or punishment, remain pending.
- Pakistan has ratified the eight ILO fundamental conventions but never fully applied them.

Law and order

- As in previous years, there has been a steady decline in conflict-related deaths, although the 2018 General Election saw a rise in violent deaths for the period between June and July.
- During the year, numerous reports emerged of police blackmail and extortion, torture and harassment during raids, custodial deaths, refusal to register FIRs, and corruption.
- HRCPT monitoring data showed 845 incidences of sexual violence against women, and 316 crimes in the name of 'honour' perpetrated against both men and women. These are minimum figures.
- Child sex abuse incidents are on the rise. One report showed an increase of 32 percent in the first six months of 2018 compared to the same period the previous year, a 47 percent increase in cases involving boys, and a 75 percent rise in sexual violence against children in the age group of 0-5 years.
- Despite legislation, violence against the transgender community continued during the year.
- Cybercrime and online harassment across Pakistan have seen an exponential rise in cases.

Jails and prisoners

- Overcrowding continues to be a major challenge with jails across the country holding up to 57 percent more inmates than their capacity.
- In an NCHR report on Balochistan prisons, the need to adopt a

human rights approach in the administration of prisons was said to be of utmost importance.

- Another NCHR report also observed that conditions for mentally ill inmates in Khyber Pakhtunkhwa prisons were particularly poor.
- The Supreme Court was told in May that the government had sent 1,330 persons to internment centres while 253 others had been released.
- According to the Interior Ministry, the official number of Pakistanis in foreign prisons was almost 12,000.

Freedom of movement

- The excessive and arbitrary use of the Exit Control List (ECL) continued to feature prominently in the news.
- Official restrictions on movement were imposed on people attending political and protest rallies.
- Protests, sit-ins, and traffic snarl-ups inhibited the movement of citizens across the country.
- The ground-breaking for the visa-free Kartarpur Corridor connecting Gurdwara Darbar Sahib in Pakistan to Dera Baba Nanak in Indian Punjab was performed on 28 November.

Freedom of thought, conscience and religion

- There was no noticeable abatement in violence against religious minorities, as attacks on people and property continued to be reported.
- In a landmark judgment, the Supreme Court acquitted Aasia Bibi of blasphemy charges in October. The subsequent nationwide unrest over the decision forced the government to agree to a review of the ruling.
- The Islamabad High Court ruled that all citizens should be identified by their faith and applicants for government and semi-government jobs should declare their faith before being considered eligible.
- The government withdrew the nomination of Atif Mian from the Economic Advisory Council (EAC) following a backlash over his Ahmadiyya faith.
- The Punjab government passed a landmark Bill 'The Punjab Sikh Anand Karaj Marriage Act 2018' providing for the solemnisation and registration of Sikh marriages.

Freedom of expression

- Curbs on freedom of opinion and expression escalated to

unprecedented levels during the period of the elections.

- Media coverage was severely inhibited and journalists intimidated into self-censorship, most specifically in reporting on abuses by government security and intelligence agencies as well as militants.
- The government's announced intention of forming a 'Pakistan Media Regulatory Authority' was greeted with concern by the media as another means of restricting the freedom of the press.
- Pakistan's internet freedom ranking declined in 2018, attributed to a problematic cybercrime law, internet shutdowns, and cyber-attacks against political dissenters, justified on the grounds of national security.
- A Freedom Network report documented more than 150 violations, including verbal threats, killings, harassment, arrests, abductions, illegal confinements, and physical assaults, against journalists and media groups across the country between May 2017 and April 2018.

Freedom of assembly

- Pre-emptive detention of activists was frequently employed to restrict or disrupt rallies and protests, particularly in the months preceding the elections.
- Roads leading to the venues of rallies were blocked and media coverage blacked out.
- The government was said to be preparing a comprehensive strategy to prevent violent protests on the road and hate speech on sensitive religious issues and to ensure that people's lives and properties were protected.
- Police frequently used force to hamper or break up peaceful protests, including visually impaired demonstrators protesting about the lack of jobs and salaries.

Freedom of association

- Barriers to setting up unions, categories of workers prohibited from joining unions, limitations on, and methods used to break up, certain types of strikes, as well as the possibility of dismissal are factors that inhibit the growth of trade unions.
- The restrictions and banning of INGOs continued in 2018 with 18 ordered to wind up and leave the country by 30 November.
- The restoration of student unions remained pending and unresolved.
- Workers and supporters of social movements and some with political affiliations were subjected to intimidation or detention on charges of sedition and terrorism.

Political participation

- The elections were marred by allegations of pre-poll manipulation and vote rigging, an issue that was never resolved, and the pre-poll environment clearly did not offer a level playing field to all parties.
- Doubts were raised about the fairness of the election process when security forces assumed control of the polling stations after the close of polling, and told all polling agents to leave their posts and come back an hour later.
- Pre-election rallies and gatherings, as well as polling stations, were once again targeted by bomb attacks although the incidences were fewer than in the 2013 elections.
- Attempts by the media to draw attention to some banned (as terrorist) entries in the elections were in vain.
- The rise of the Pashtun Tahafuz Movement (PTM), and the government's response, was a significant political development.

Women

- Pakistan was named once again the second worst country in terms of gender equality in the world by the Global Gender Gap Index 2018.
- Despite the legislation enacted for women's rights in recent years, violence against women and unlawful practices persist and continue to escalate.
- Seventy-five percent of women and girls are involved in the agriculture sector and 60 percent of their work is being utilised as unpaid.
- There were more women candidates for general seats in the 2018 general elections than in any past election. For the first time, transgender candidates contested the elections. The first Sheedi woman was elected to the Sindh Assembly, and the first Hindu Dalit woman was elected to the Senate.
- The Transgender Persons (Protection of Rights) Act, 2018 was passed giving them the right 'to be recognised as per his or her self-perceived gender identity', and making discrimination against them in numerous areas unlawful.

Children

- There has been a sharp increase in child sexual abuse, involving both boys and girls, and reports of abuse appear with shocking regularity.
- Despite legislation on the employment of minors, this practice

persists in industries and homes and the cases of abuse of child domestic workers continue to surface.

- Only four percent of children in Pakistan receive a ‘minimally acceptable diet’ according to a UN report.
- In the Thar region of Sindh, 638 children died of malnutrition in the period 1 January to 31 December 2018.
- The National Commission on the Rights of the Child (NCRC) Act was passed in 2017, and the Commission has yet to be constituted.

Labour

- The Sindh government produced a record number of labour-related legislation, including the first-ever law in Pakistan to protect the rights of home-based workers (The Sindh Home-Based Workers Act 2018).
- In general, implementation of international ILO and UN conventions and covenants relating to labour standards and human rights is an ongoing problem in Pakistan.
- Scores of mine workers lost their lives in deadly incidents in Balochistan and other provinces with no evidence of progress in the implementation of safety and health standards.
- Despite legislation, Pakistan ranked 8th on the Global Slavery Index 2018, with an estimated three million living in modern slavery/ bonded labour.
- An estimated 12 million children are involved in child labour in the country.

The elderly

- The current figure of over 11 million senior citizens in Pakistan is set to rise to over 43 million by 2050 according to the UNFPA.
- The implementation of existing Acts for the rights of senior citizens, and the formulation of others, is painfully slow.
- There is a dearth of housing and health facilities for those unable to live with their families.
- The informal sector accounts for 70% of the economy, yet it remains out of the ambit of The Employees Old Age Benefits Act 1976.

People living with disabilities

- Statistics on the number of persons with disabilities (PWDs) in the country vary in the absence of verifiable survey data, but the prevalence of disability has been estimated at 15 percent by WHO.
- Laws fully based on the UN Convention on the Rights of Persons

with Disabilities which Pakistan ratified in 2011 have yet to fully manifest themselves and there is a lot of ground to make up.

- The Sindh Empowerment of Persons with Disabilities Act 2018, however, emphasises a rights-based approach modelled on the core principles of the CRPD.
- Schooling, training, and employment of children and people living with disabilities is a much-neglected area.
- Stigma and superstition attached to disability in Pakistan prevents the visibility, inclusion, and participation of PWDs in society.

Refugees and IDPs

- The number of Afghan nationals registered in Pakistan is over 2.8 million, of which 1.6 million hold a Proof of Registration Card (PoR) card, according to NADRA. There are at least one million undocumented Afghan nationals residing in the country.
- A total of 13,584 refugees were voluntarily repatriated from Pakistan to Afghanistan in 2018, a significant decline as compared to 57,411 in 2017.
- FDMA estimates that around 16,136 IDP families have yet to return. Independent analysts, HRCP monitors on the ground, and organisations working with IDPs say the numbers of IDPs who were forced to leave their homes in FATA, and who are currently still displaced, are much higher.
- The government made an announcement about the possible granting of citizenship to around 1.5 million Afghans born in Pakistan, but this was later clarified as a move to 'initiate a debate' on the subject.
- The perception that Afghan refugees were all involved in criminal or terrorist activities continued to persist and, in some cases, was encouraged as evidenced by reports of continued harassment and aggression.

Education

- The number of out-of-school children was reported to have risen from 22.63 to 22.84 million. Another report spoke of a promising trend as the children between the ages of six and 16 enrolled in schools had risen from 81 percent in 2016 to 83 percent in 2018.
- GEM 2019 showed that just about half of the pupils attain minimum proficiency in reading and mathematics by the end of the primary level, but the ASER report 2018 registered an improvement in learning levels.
- The issue of tuition fee hikes at elite schools was taken up by the

Supreme Court.

- The funding for the Higher Education Commission was slashed by around Rs5 billion in a mid-term budget released in October.
- Militants torched 12 schools, mostly for girls, in Gilgit-Baltistan, the Khyber tribal district, Khyber Pakhtunkhwa, and Balochistan.
- Cases of corporal punishment continued to be reported throughout the year from the Punjab, KP, and other provinces.

Health

- The country's spending on the health sector is still less than one percent of its GDP whereas WHO recommends it should be around 6 percent.
- The unsatisfactory quality and coverage of public health services means a high dependence on the private sector which is too costly for many. As a result, people are driven to consult unqualified medical practitioners and quacks, often with dire consequences.
- The country is becoming increasingly depressed, according to the Pakistan Association for Mental Health. There is no evidence that Pakistan has developed a coordinated national strategy to achieve the objectives of WHO's comprehensive mental health action plan (2013-2020).
- The control of communicable diseases remains a challenge, while there is a rising trend of non-communicable diseases – heart disease, stroke, diabetes, hypertension, and various types of cancers.

Housing

- There were some notable efforts to stop land grabbing and illegal encroachment, but those practices as well as illegal occupation and china cutting continued especially in the major cities.
- With a deficit of roughly seven to 10 million houses in the country, the government's pledge to build five million affordable houses throughout Pakistan might be a major challenge particularly after the announcement that applicants would have to bear 20 percent of the total cost of their home.
- The authorities' operations to evict 'illegal' occupants from residential areas and to demolish illegal structures met with some strong resistance.
- The frequent reports of roof and wall collapses causing numerous fatalities expose the substandard quality of construction in homes and buildings.

Environment

- Air and water pollution, lack of sanitation, and exposure to heavy metals are responsible for approximately 340,000 deaths annually in Pakistan, according to Yale's 2018 Environmental Performance Index.
- Pakistan is among the top ten countries most affected by climate change, with wide-ranging impacts on the population and economy due to extreme weather events over the last two decades.
- Balochistan and Sindh, and other parts of the country, were reported to be experiencing drought-like conditions, with the Thar region particularly hard hit.
- A World Bank report recommended urgent investments in faecal waste management systems as well as in the provision of safe drinking water to prevent transmission of disease.
- Pakistan is forging ahead with the building of coal-fired plants—Thar coal will fuel nine of the 17 proposed CPEC power plants—despite the global trend towards replacing fossil fuels with renewable energy.
- The Punjab government was reported to be conducting a forensic audit of the Quaid-e-Azam Solar Power Project in Bahawalpur amid concerns over the cost of the project and the electricity being produced there.

Rule of Law



Laws and Law-making

Wherein shall be guaranteed fundamental rights, including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality.....So that the people of Pakistan may prosper and attain their rightful and honoured place amongst the nations of the World and make their full contribution towards international peace and progress and happiness of humanity.

**Constitution of Pakistan
Preamble**

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

**Universal Declaration of Human Rights
Preamble**

In 2018, a total of 107 Acts were passed by the Parliament and provincial assemblies. Thirty-nine of these Acts were federally passed – applicable to the whole nation – while 68 Acts were passed by the four Provincial Assemblies. This represented an overall increase from the previous year.

This report summarises the 2018 Acts categorised according to their jurisdictions. Within provincial jurisdiction, Sindh passed the highest number of Acts in 2018; many of them, however, were amendments to existing statutes. The Punjab, however, was just two Acts short of the same number as Sindh.

Most notably, this year saw the merger of the Federally Administered Tribal Areas (FATA) with the province of Khyber Pakhtunkhwa on 31 May 2018, thereby ending the reign of the Frontier Crimes Regulations (FCR). The FCR was a special set of laws, enacted in 1901 by the British Empire to confront Pashtun insurgents. Under the FCR, a whole tribe would be held responsible for the crime of one individual.

Also, this year an Act for the protection and welfare of Pakistan's transgender community was passed. There was a pressing need for this recognition as the prominent community of transgenders in Pakistan has been cornered into forgoing their fundamental rights as a result of discrimination. Pakistan now recognises the right of transgenders to

identify themselves as a self-perceived gender on all national identity documents.

An Act was also passed to establish and regulate a systematic juvenile justice system, and to define and govern the arrest and detention of juveniles. It provides for the recognition of the misconduct that occurs in juvenile detention, due to the absence of official guidelines governing the juvenile justice system.

Federal

A total of 39 Federal Acts were passed in 2018, a slight increase from 2017.

- **The Apprenticeship Act, 2018** aims at making provisions for promoting, developing, and regulating systematic apprenticeship programmes.
- **The National Commission on the Status of Women (Amendment) Act, 2018** amended the National Commission on the Status of Women Act 2012. Section 4 of the 2012 Act was amended, and a new sub-section (6) was inserted which stipulated that within 30 days of the occurrence of a vacancy, a new chairperson shall be appointed.
- **The Law and Justice Commission of Pakistan (Amendment) Act, 2018** amends the Law and Justice Commission of Pakistan Ordinance 1979.
- **The Anti Terrorism (Amendment) Act, 2018** amends the Anti-Terrorism Act, 1997.
- **The Shaheed Zulfiqar Ali Bhutto Medical University, Islamabad (Amendment) Act, 2018** amends the Shaheed Zulfiqar Ali Bhutto Medical University Islamabad Act 2013.
- **The Marine Insurance Act, 2018** regulates the business of marine insurance.
- **The National University of Technology Act, 2018** was for the setting up of a National University of Technology in Islamabad to meet the unprecedented increase in demand for technical and skilled manpower in all sectors of the economy, and to encourage growth in technology and research.
- **The National Assembly Secretariat Employees Act, 2018** regulates the recruitment and conditions of service of persons appointed in the National Assembly.
- **The National Skills University Islamabad Act, 2018** was introduced to upgrade the status of the National Institute of Science and Technical Education Islamabad into a National Skills University. The Act also provides for the establishment and functions of various

departments of the University.

- **The Pakistan Bait ul Mal Act (Amendment), 2018** amends the Pakistan Bait-ul-Mal Act, 1991. Amendments include provision for rehabilitation centres to be made for the rehabilitation of disabled children.
- **The Prevention of Cruelty to Animals (Amendment) Act, 2018** amends the Prevention of Cruelty to Animals Act, 1890.
- **The Corporate Rehabilitation Act, 2018** provides for the rehabilitation and reorganisation of distressed corporate entities and their businesses to encourage economic growth and development.
- **The Supreme Court of Pakistan and High Court (Extension of Jurisdiction to Federally Administered Tribal Areas) Act, 2018** extends the jurisdiction of the Supreme Court of Pakistan and the Peshawar High Court to the Federally Administered Tribal Areas (FATA).
- **COMSATS University Islamabad Act, 2018** provides for the upgradation of the status of Comsats Institute of Information Technology Islamabad to COMSATS University.
- **The Regulation of Generation, Transmission and Distribution of Electric Power (Amendment) Act, 2018** amends the Regulation of Generation, Transmission, and Distribution of Electric Power Act 1997.
- **The Criminal Laws (Amendment) Act, 2018** amends the Pakistan Penal Code 1860 and the Code of Criminal Procedure 1898.
- **The Transgender Persons (Protection and Rights) Act, 2018** is for the protection and provision of relief and rehabilitation of the rights of transgender persons. It allows a transgender person to be recognised as per his or her self-perceived gender identity. The Act prohibits harassment, as well as discrimination in the context of a wide range of factors including education, health service, and opportunity to hold public/private offices. It also provides for their inheritance, in accordance with whatever gender the person identifies with. The government under Article 25A of the Constitution shall take steps to provide free and compulsory education to transgenders.
- **The Islamabad Healthcare Regulation Act, 2018** was for the establishment of the Islamabad Healthcare Regulatory Authority, to provide quality healthcare services and implement quality standards in the healthcare sector for the residents of Islamabad.
- **The Institute of Science and Technology Bahawalpur Act, 2018** provides for the establishment of the Institute of Science and Technology Bahawalpur as a degree awarding institute.

- **The Prevention of Smuggling of Migrants Act, 2018** was introduced to prevent the smuggling of migrants by land/sea and air. It also aims to protect smuggled migrants and promotes national and international cooperation in this regard. Any person who intentionally engages or attempts to engage in the smuggling of migrants will be imprisoned.
- **The Health Services Academy (Restructuring) Act, 2018** provides for the restructuring of the Health Services Academy as a degree awarding institute. The Act then stipulates information regarding the composition, functions, and setup of the institute.
- **The Juvenile Justice System Act, 2018** provides for a criminal justice system for juveniles. A juvenile is defined as a child who has not attained the age of eighteen years and who may be dealt with for an offence in a manner different from an adult. The Act also establishes a juvenile court which shall decide the matter within six months after the court has taken cognisance of the offence. At the time of the commission of the offence the juvenile shall not be awarded punishment of death, they shall not be handcuffed, nor should they be given any corporal punishment while in custody. Special provisions also cater to female juveniles.
- **The Islamabad Capital Territory Child Protection Act, 2018** was introduced to provide utmost care and protection to the children residing in Islamabad. It lists the factors that determine what constitutes the best interests of a child. The Act creates a Child Protection Advisory Board, to advise the Government on matters regarding implementation of child rights. The Act also establishes Child Protection Institutions. Section 17 provides for the procedure for court application. Special provision is made for a girl child, who cannot be placed under the care of a male caregiver or child protection officer. Unless the court permits otherwise, the identity and report of a child being dealt under this Act must be kept confidential.
- **The Finance Act, 2018** aims to give effect to the financial proposals presented by the Federal Government for the year beginning on the first day of July 2018, and to amend certain laws.
- **The National Civic Education Commission Act, 2018** strives to promote civic education by creating awareness about fundamental rights and obligations of citizens. The objective of the legislation is to educate young people about the Constitution, civic sense, and respect for laws of the country.
- **The Federal Employees Benevolent Fund and Group Insurance (Amendment) Act, 2018** amended the Federal Employees Benevolent Fund and Group Insurance Act 1969. It states that if an employee

dies in a security related incident in the course of employment, his/ her spouse shall then be entitled to receive a monthly benevolent fund for life, and the Act discusses details of this particular matter at length.

- **The Women in Distress and Detention Fund (Amendment) Act, 2018** amended the Women in Distress and Detention Fund Act 1996.
- **The Establishment of the Federal Bank for Cooperatives and Regulation of Cooperative Banking (Repeal) Act, 2018** was repealed as the FBC had been dissolved in 2014 after completion of all formalities and liquidation process.
- **The House Building Finance Corporation (Repeal) Act, 2018** repealed The House Building Finance Corporation (Repeal) Act 1952 on the basis that it had lost its effectiveness and had become redundant.
- **The Sir Syed-CASE (Centre for Advanced Studies in Engineering) Institute of Technology, Islamabad, Act, 2018** provides for the establishment of this Centre and for all matters regarding its setup and arrangement.
- **The Institute for Art and Culture Act, 2018** provides for the establishment of this institute and deals with the composition and functions of the institute and all matters relating to it.
- **The Gas Infrastructure Development Cess (Amendment) Act, 2018** was introduced to amend the Gas Infrastructure Development Cess Act 2015.
- **The National Disaster Management (Amendment) Act, 2017** makes the Act more effective and gender responsive with appropriate financial allocations and state of the art financial institutional disaster management structure at all administrative levels.
- **The Prevention of Trafficking in Persons Act, 2018** aims to prevent trafficking, in particular of women and children. A person who, through any means, compels another person to perform labour/ commercial sexual acts, will be liable for the offence of trafficking and shall be subjected to punishment which includes imprisonment for 10 years, or a fine extending to one million rupees, or both. Offences under this Act are cognisable and non-bailable. The Prevention and Control of Human Trafficking Ordinance 2002 was repealed.
- **The President's Salary, Allowances and Privileges (Amendment) Act, 2018** amends the President's Salary, Allowances and Privileges Act 1975. It also aims at regulating the monthly salary of a president in accordance with determining factors for an increase.
- **The Legal Practitioners and Bar Councils (Amendment) Act, 2018**

is aimed at amending The Legal Practitioners and Bar Councils Act 1973. The following amendments were made:

- Amendment of Section 2 in Act XXXV of 1973
 - Amendment of Section 4 in Act XXXV of 1973
 - Amendment of Section 5A in Act XXXV of 1973
 - Amendment of Section 7 in Act XXXV of 1973
 - Amendment of Section 11A in Act XXXV of 1973
 - Amendment of Section 13 In Act XXXV of 1973.
- **The Constitution (Twenty-Fifth Amendment) Act, 2018** approved the merger of the Federally Administered Tribal Areas (FATA) with the province of Khyber Pakhtunkhwa. This Amendment also sought to increase the number of seats in the Provincial and Federal Assemblies. The allocation of seats was amended in 2018 as follows:

	General Seats		Women's Seats		Total Seats	
	2017	2018	2017	2018	2017	2018
Balochistan	14	16	3	4	17	20
Punjab	148	141	35	32	183	173
Sindh	61	61	14	14	75	75
Khyber Pakhtunkhwa	35	45	8	10	43	55
Federal Capital	2	3	-	-	2	3
Total	260	266	60	60	320	326

- **The Finance Supplementary (Amendment) Act, 2018** amended laws regarding taxes and duties. Amendments were also made in the following acts:
 - Amendment of Customs Act (IV of 1969)
 - Amendment of Sales Tax Act 1990
 - Amendment of Income Tax Ordinance, 2001 (XLIX of 2001)
 - Amendment of the Federal Excise Act 2005.

- **West Pakistan Juvenile Smoking (Repeal) Act, 2018** repealed The West Pakistan Juvenile Smoking Ordinance 1959, to the extent of Islamabad Capital territory.

Provincial Acts

Punjab

The following is a summary of the 23 Acts passed by the Punjab Provincial Assembly in, 2018. The Punjab has remained fairly active in legislative matters, maintaining its stand as one of the larger provinces of Pakistan.

- **The Bahawalpur Development Authority (Repeal) Act, 2018** repealed the BDA 1991 Act so that Bahawalpur Development Authority may be constituted under the provisions of Development of Cities Act 1976. Proceedings by the repealed Act are to remain active unless explicitly repealed.
- **The Cholistan University of Veterinary and Animal Sciences Bahawalpur Act, 2018** aims towards promoting and stimulating animal health services, making provisions for advanced teaching.
- **The Punjab Bonded Labour System (Abolition) (Amendment) Act, 2018** amends the Bonded Labour System (Abolition) Act, 1992 (III of 1992) for the purpose, among others, of making more effective provisions to deal with the menace of exploitation of the persons subjected to any form of bonded or forced labour. The scope of the Act has been expanded to include forced labour as well.
- **The Explosive Substances (Punjab Amendment) Act, 2018** inserted an amendment in Section 7 of the Explosive Substances Act 1908 (VI) where it said that the trial of any person for an offence under this Act could not proceed without the consent of the provincial government. To prevent delays in proceedings, the Amendment Act stipulates that consent to a trial will be deemed to have been given if a response is not received from the provincial government within 60 days.
- **The Code of Civil Procedure (Punjab Amendment) Act, 2018** updates certain provisions of the Code of Civil Procedure 1908.
- **The Limitation (Punjab Amendment) Act, 2018** amends the Limitation Act 1908 and provides a limitation of 90 days for filing a revision petition under Section 115 of CCP 1908.
- **The Punjab Agricultural Marketing Regulatory Authority Act, 2018** facilitates and regulates growth of agricultural produce and assists development of agricultural commerce.

- **The Punjab Charities Act, 2018** aims towards establishing effective provisions for registration, administration and regulation of charities.
- **The Punjab Compulsory Teaching of the Holy Quran Act, 2018** aims towards making the teaching of the Holy Quran compulsory for all educational institutions in the Punjab province.
- **The Punjab Criminal Prosecution Service Inspectorate Act, 2018** introduces an effective system of monitoring and inspection of the Punjab Criminal Prosecution Service.
- **The Punjab Hepatitis Act, 2018** provides for the surveillance, diagnosis and treatment of hepatitis along with measures for its prevention and control.
- **The Punjab Legal Aid Act, 2018** establishes legal aid agencies to provide legal aid to indigent persons.
- **The Punjab Regularisation of Service Act, 2018** aims in the public interests to regularise the appointment of certain employees presently serving on contract.
- **The Punjab Sikh Anand Karaj Marriage Act, 2018** provides for the solemnisation and registration of Sikh marriages, commonly known as Anand Karaj.
- **The Punjab Tianjin University of Technology Lahore Act, 2018** establishes the Punjab Tianjin University of Technology Lahore. It lays down the framework for its composition and management.
- **The Punjab University of Technology Rasul Act, 2018** establishes the University of Technology Rasul. It stipulates as to how the University is to be managed and provides details regarding the functions that have to be carried out by the departments.
- **The Punjab Witness Protection Act, 2018** aims at protecting witnesses and other people connected to certain criminal proceedings. It establishes a Witness Protection Board which is obliged to frame policy guidelines for the purposes of this Act. Any victim, witness, or person connected to criminal proceedings may apply for protection under the Act. Once the application has been made the Government, Counter Terrorism Department, Public Prosecutor, and Court will proceed to determine whether or not the person is at risk.
- **The Punjab Education Initiatives Management Authority, 2018** establishes the Punjab Education Initiative Management Authority and lists its functions and related matters.
- **The Punjab Safe Medical Supplies Authority Act, 2018** establishes an authority for the procurement of drugs and medical equipment,

and for providing them to public health facilities in Pakistan.

- **The Punjab Zakat and Ushr Act, 2018** makes provisions for the assessment, collection, and disbursement of Zakat and Ushr in the province of Punjab.
- **The University of Narowal Act, 2018** establishes the Narowal University and lists all matters regarding its composition and functions.
- **The University of Sialkot Act, 2018** establishes the Sialkot University and lists all matters regarding its management.
- **The Punjab Finance Act, 2018** aims to levy, alter and rationalise certain taxes and duties in the province of Punjab and to deal with ancillary matters.

Balochistan

The following is a summary of Acts passed by the Provincial Assembly of Balochistan in, 2018. Despite being the largest province in the country, Balochistan passed only six statutes in, 2018, out of which four were Amendments. There appears to be a lack of legislative activity in Balochistan, especially in human rights awareness.

- **The Balochistan Juvenile Smoking (Balochistan Repeal) Act 5 of, 2018** repealed the Balochistan Juvenile Smoking Ordinance 1959 (West Pakistan Ordinance no. XII of 1959).
- **The Balochistan Prohibition of Smoking in Cinema Houses (Balochistan Repeal) Act No 4 of, 2018** has repealed the Balochistan Prohibition of Smoking in Cinema Houses Ordinance 1960 (West Pakistan Ordinance no IV of 1960).
- **The Balochistan Finance Act 2 of 2018** takes effect from the first day of July and extends to the whole of Balochistan except the tribal areas. It defines the rate of tax payable by the following:
 1. Contractors/Suppliers
 2. Medical Practitioners
 3. People running private hospitals/diagnostic centres
 4. Hotels.
- **The Balochistan Public Service Commission (Amendment) Act No VI of 2018** amends the Balochistan Public Service Commission Act II of 1989 in order to bring conformity with Article 242 of the Constitution. A new sub-section (3) is substituted in the 1989 Act which stipulates that the Governor has 15 days to require the Chief Minister to reconsider advice and has 10 days to act in accordance

with it. It also formulates the consequences that will follow if the procedure laid down in section 3A is not followed.

- **The Balochistan Protection of Communal Property of Minorities Act XIV of 2018** provides for the protection of the property of minorities and further states the punishment that will follow if the sections of the act are violated. It also lays down the procedure and punishment that will come into effect if an encroacher has occupied the property.
- **The Balochistan Civil Servants (Amendment) Act XV of 2018** was passed to further amend the Balochistan Civil Servants Act 1974. Amendments were made in Section 22, sub-section (2).

Khyber Pakhtunkhwa

The following is a summarisation of the 14 Acts passed by the Khyber Pakhtunkhwa Provincial Assembly in 2018. The Act regarding marriage functions and protection against harassment of women reflects on the changing patterns of Pakistan regarding women's position in society. However, the passing of Acts does not automatically lead to a change in societal trends.

- **The Khyber Pakhtunkhwa Finance (Amendment) Act, 2018** aims to further amend the Khyber Pakhtunkhwa Finance Act 2013, to levy, continue and revise certain taxes in the Province of Khyber Pakhtunkhwa.
- **The Khyber Pakhtunkhwa Child Protection and Welfare (Amendment) Act, 2018** was passed to further amend the Khyber Pakhtunkhwa Child Protection and Welfare Act 2010 in Section 2, 3, 4, 5, 9, 11, 13, 14 and 21.
- **The Khyber Pakhtunkhwa Medical Teaching Institutions Reforms (Amendment) Act, 2018** was passed to further amend the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Act 2015. The insertion of a new Section 4A was made to establish a Policy Board for these institutions.
- **The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education Department (Appointment and Regularisation of Services) (Amendment) Act, 2018** was passed for the administrative amendments that were required in the Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education Department (Appointment and Regularisation of Services) Act 2017.
- **The Khyber Pakhtunkhwa Employees of Transport Department (Regularisation of Services) (Amendment) Act, 2018** was passed to amend the Khyber Pakhtunkhwa Employees of Transport

Department (Regularisation of Services) Act 2017, substituting Section 5 within the Act.

- **The Khyber Pakhtunkhwa Provincial Buildings (Management, Control and Allotment) Act, 2018** provides for the management control, allotment and cancellation of allotment of provincial buildings to government departments/offices and public office holders in Khyber Pakhtunkhwa.
- **The Khyber Pakhtunkhwa Local Government (Amendment) Act, 2018** amends the Khyber Pakhtunkhwa Local Government Act 2013. It stipulates as to how the accounts and pre-audits in the local government have to be maintained. It also lays down the procedure that will follow if the office of Nazim/District Council/Tehsil Council/ Village/Neighbourhood council is vacant.
- **The Khyber Pakhtunkhwa Local Government (Amendment) Bill, 2018** has amended the Khyber Pakhtunkhwa Local Government Act 2013. It also stipulates that the land or any building in University Town Peshawar can be used for commercial activities.
- **The Khyber Pakhtunkhwa Establishment of Information Technology Board (Amendment) Act, 2018** has amended the Khyber Pakhtunkhwa Establishment of Information Technology Board Act 2011. It also provides for the establishment of a Khyber Pakhtunkhwa Information Technology Board in order to regulate the information and technology enabled services and education for public and private sectors of the province.
- **The Khyber Pakhtunkhwa Universities (Amendment) Act No XI of 2018** amended the Khyber Pakhtunkhwa Universities Act 2012 and the following new entries were added to the Khyber Pakhtunkhwa Universities Act 2012:
 - o The University of Lakki Marwat
 - o The University of Agriculture, Dera Ismael Khan
 - o The University of Engineering and Technology Mardan.
- **The Khyber Pakhtunkhwa Marriage Functions (Prohibition of Ostentatious Displays and Wasteful Expenses) Bill, 2018** aims at regularising marriage functions by placing restrictions on wasteful expenses. It also restricts the following:
 - o Function timings
 - o Bridal gifts
 - o Ostentatious celebrations.

- **The Khyber Pakhtunkhwa Public Service Commission (Amendment) Act, 2018** amends the Khyber Pakhtunkhwa Public Service Commission Ordinance 1978 and the conduct of examination tests for the purposes of promotion/selection on merit or for initial appointment.
- **The Khyber Pakhtunkhwa Protection Against Harassment of Women at the Workplace (Amendment) Act, 2018** amends The Protection against Harassment of Women at the Workplace Act 2010. It further lays down the procedure for the appointment of the Ombudsperson.
- **The Khyber Pakhtunkhwa Employees (Regularisation of Services) Act, 2018** states the procedure for appointment and provides for the regularisation of services of employees appointed on an ad hoc basis against civil posts and contract basis against project posts in Khyber Pakhtunkhwa.

Sindh

The following is a summarisation of all Acts passed by the Sindh Provincial Assembly in 2018, including 14 Amendments on previously existing Acts. This year again, Sindh has been the frontrunner in passing the highest number of statutes within one year.

- **The Sindh Public Procurement (Amendment) Act 2017** amended The Sindh Public Procurement Act, 2009, in section 2, for clause (p), where the definition of ‘services’ was reconstituted.
- **The Code of Criminal Procedure (Sindh Amendment) Act 2017** amends The Code of Criminal Procedure, 1898, in its application to the Province of Sindh, in section 144, in sub-sections (a), (b), (c), (d), (e).
- **The Sindh Sales Tax on Services (Amendment) Act, 2018** amends The Sindh Sales Tax on Services Act 2011, substituting its provisions in Section 4 and Section 84.
- **The Sindh Holy Quran (Printing, Recording and Disposal of Damaged or Shaheed and Sacred Auras) Act, 2018** regulates the handling of the Holy Quran (Arabic text), in the context of its translation, drafting, disposal, and offences against the Act. This Act repeals The Publication of Holy Quran (Elimination of Printing and Recording Errors) Act, 1973 (Act No. LIV of 1973), in its application to the extent of the province of Sindh.
- **The West Pakistan Highways (Sindh Amendment) Act, 2018** amends the West Pakistan Highways Ordinance 1959, in its application to the province of Sindh.

- **University of Modern Sciences, Tando Muhammad Khan Act 2017** aims to upgrade and reconstitute the University of Modern Sciences to impart a higher and more systematic standard of Higher Education as defined in the Act. There is encouragement of, but not limited to, extensive research and publications, exams and award of educational degrees.
- **The Sohail University Act 2017** (Sindh Act No. XIII of 2018) provides for the establishment of Sohail University to impart a superior and more systematic standard of higher education as defined in the Act. There is encouragement of, but not limited to, extensive research and publications, exams and award of educational degrees.
- **The Sindh Maternity Benefits Act, 2018** provides safeguards to working women's maternity benefits, proper child nursing and job security in public and private organisations. It enforces proper recognition of maternity leave for working women and ease for mothers-to-be to balance their personal and professional lives.
- **The Sindh Regularisation of Aesthetic and Laser Treatment Act, 2018** provides provisions to ensure regulations regarding laser and aesthetic skin treatments in establishments providing treatments, recognising that it is necessary to safeguard the public from amateur and fraudulent practices that can result in permanent disfiguration and injury.
- **The Emaan Institute of Management and Sciences at Karachi Act, 2018** provides for the establishment of the Emaan Institute of Management and Sciences at Karachi by the Al Hamd Educational Society which has committed to fully fund the establishment, future management, maintenance and operation.
- **The Sindh Sports Board (Amendment) Act, 2018** provides for the amendment of certain provisions of the Sindh Sports Board Ordinance 1980.
- **The Sindh Regularisation of Teachers appointed on Contract Basis Act, 2018** provides for regularisation of the services of certain teachers appointed on contract basis in the year 2014 through the National Testing Service (NTS) under the Teacher Recruitment Policy (TRP) 2012, and Sindh University under TRP-2008.
- **The Ziauddin University (Amendment) Act, 2018** amends Section 5 clause (xiv), Section 8(1) and Section 18 of the Ziauddin University Act 1995.
- **The Sindh Workers Welfare Fund (Amendment) Act, 2018** amends Section 3(2) and Section 9(2) in the Sindh Workers Welfare Fund Act 2014.

- **The Sindh Minimum Wages (Amendment) Act, 2018** amends Section 3(1) in the Sindh Minimum Wages Act 2015.
- **The Sindh Employees Social Security (Amendment) Act, 2018** made amendments in Section 2, 3(1), 5(1), 7(4), 20(1), 21, 23, 26, 32, 38, 39, 44, 57, 61, 62, 74, 75 and 84 of the Sindh Employees Social Security Act 2016.
- **The Sindh Employees Old-Age Benefits (Amendment) Act, 2018** amended Section 7(1)(c, d) in the Sindh Employees Old-Age Benefits Act 2014.
- **The Karachi Development Authority (Sindh Amendment) Act, 2018** amended Article 52-A, clause (2) in the Karachi Development Authority Order 1957.
- **The Sindh Development and Maintenance of Infrastructure Cess (Amendment) Act, 2018** added Section 19 to the Sindh Development and Maintenance of Infrastructure Cess Act, 2017, repealing the provisions of Section 9 of the Sindh Finance Act 1994.
- **The Sindh Land Tax and Agricultural Income Tax Ordinance 2000 (Amendment) Act, 2018** made amendments to the Preamble, Section 1(1), 2, Chapter II, 11, 13, 17, First Schedule and Second Schedule of the Sindh Land Tax and Agricultural Income Tax Ordinance 2000.
- **The Provincial Motor Vehicles (Amendment) Act, 2018** amended the Provincial Motor Vehicles Ordinance, 1965 by inserting a new section 82-A, 82-B, 87-A and 101-A, as well as an amendment to Section 2, 94, 98 and the Twelfth Schedule in the West Pakistan Ordinance No. XIX of 1965. The additions in the Amendment make it mandatory for all motorists to give way to ambulances and other emergency vehicles, a continuing issue in Pakistan's major cities.
- **The Sindh Home-Based Workers Act, 2018** formulates law relating to persons working in the informal or unorganised sector within their homes or in the surrounding grounds, and protection of their rights. It highlights social benefits and grants that are owed to home-based workers and regulation of their administration.
- **The Sindh Regularisation of Contingent paid or Work-charged Employees of Left Bank Outfall Drainage (LBOD) Act, 2018** provides for regularisation of the services of employees appointed on contingent or work-charged basis in the Left Bank Outfall Drainage (LBOD) of the Irrigation department of the Sindh Government.
- **The Regularisation of Doctors appointed on Contract or Ad hoc Basis Act, 2018** provides for regularisation of the services of all categories of doctors appointed on contract or ad hoc basis in the Health department or working in its projects, programmes and

health facilities.

- **The Sindh Regularisation of Veterinary Doctors Appointed on Contract Basis Act, 2018** provides for the regularisation of the services of certain doctors appointed on contract basis under the district-wise Veterinary Service Programme of the Livestock and Fisheries department, Sindh Government.

Observations

The focus in 2018 has been on administrative amendments. Apart from a few initiatives, there appears to be no real movement within the ambit of human rights in Pakistan.

The country has faced the reality of child abuse during the year as the media has raised awareness regarding the issue. Some action is being taken for the protection and welfare of children but the implementation in practical terms is less visible.

The Twenty-fifth Amendment in the Constitution regarding the allocation of seats even now lacks the ultimate gender equality that a democratic nation should represent.

The quota that has been allocated to women in the National Assembly has improved over the year although the true essence of the right to equality, which has been promised in the Constitution, is still lacking. Moreover, the alterations for women in the provincial seats has been negligible and the increase in the number of seats this year has not benefited women whatsoever.

The issue of enforced disappearances is more prevalent in Pakistan and the brutality of the crime is an offspring of the lack of legislation surrounding it. The inability of victims and their families to seek legal assistance in cases of enforced disappearance is a violation of fundamental rights.

The stifling of freedom of expression intensified when the Prevention of Electronic Crimes Act (PECA) 2016 was used to harass, subdue, and arbitrarily detain human rights defenders over commentary made online.

Blasphemy laws continued to contribute to the violation of the rights of Pakistan's citizens, used as they are to settle personal disputes and enmities without the application of basic rule of law. The civil unrest incited after Aasia Bibi's acquittal demonstrated the opposition of conservatives to a fair and accepting environment.

Minorities are still at the receiving end of discrimination despite the relevant legislation being enacted. Issues relating to human rights stem primarily from the cultural backgrounds of Pakistan's various

communities and an intolerant mindset. However, it is the state's responsibility to align its legislation with international obligations and standards of human rights.

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 June 2018, the Chief Justice admitted that he had been unable to put his 'house in order', effectively conceding that the long overdue judicial reforms had yet to materialise, and that the courts were overwhelmed by a mounting backlog of cases. By year end, there were close to 1.9 million cases pending in over 250 lower, special, and superior courts, according to estimated official figures released by the Law and Justice Commission of Pakistan (LJCP).

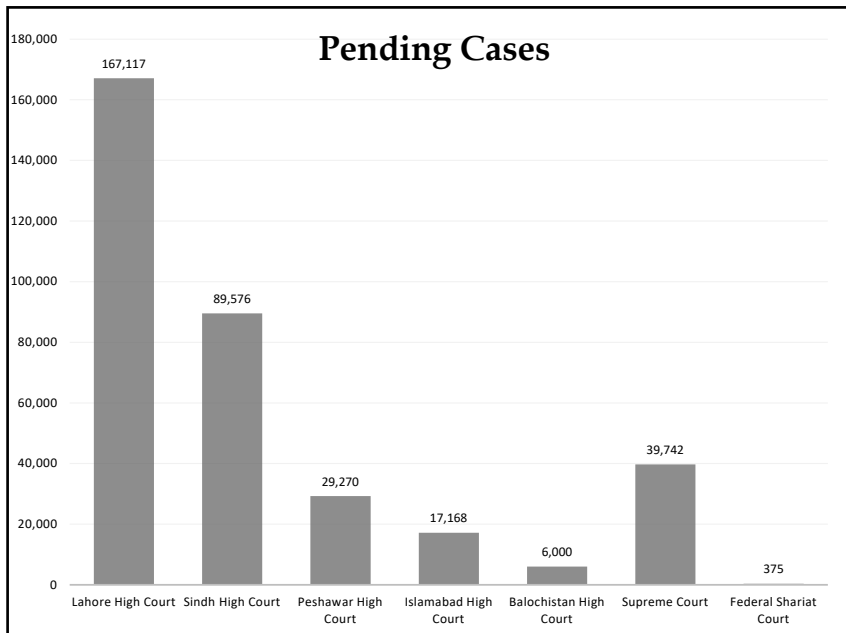
The expeditious disposal of cases and revamping of the criminal justice system were among the topics for discussion at the 8th Judicial Conference 2018 held in Islamabad in May. However, no effective mechanisms were put in place as judicial activism took centre stage.

Judiciary – Pending cases

Pending cases in the Supreme Court (SC) hit an all-time high of 40,336 on 31 July. There has been an increase in the institution of cases in the top court—1,739 cases were filed in the month of July alone. During the same period, the SC decided 1,355 cases. In the first half of August, 682 new cases were received. The clearance of the backlog appeared an insurmountable task, with an average of over 1,000 cases added to the pendency every month, and the suffering of litigants was exacerbated by the slow judicial process.

According to Law & Justice Commission data, collected as at 15 January 2019, as many as 39,742 cases were pending in the top court. Similarly, in the high courts of all the provinces and Islamabad, 309,131 cases were pending. In the district judiciary, of the 1,470,264 cases yet to be decided, the Punjab accounted for 1,109,578 cases, Sindh 102,663; Khyber Pakhtunkhwa 202,641, Balochistan 14,139, and Islamabad 41,243.

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 some reports, the increasing number of pending cases was primarily due to there not



Data as at 15.01.19 - Law & Justice Commission of Pakistan

being sufficient judges to hear the cases.

The Judicial Conference in May recommended that the ‘number of courts and judicial staff should be increased for speedy disposition of cases.’ The delay in disposal of cases was attributed to the shortage of judges and strikes. The conference mentioned in this context that there was ‘a dire need for reduction of strikes in the courts.’

Two Acts had been passed the previous year to address this problem. The Cost of Litigation Act 2017 aimed to discourage vexatious and false proceedings under the Code of Civil Procedure, and the Alternate Dispute Resolution Act 2017 was intended to reduce 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) was reported to have approved the Evening Courts Bill 2017.

One key objective of this initiative was to ensure that children who had to appear in court could do so without having to miss school, as well as to keep children away from the traditional environment of courts. A pilot project of family courts in the evening was launched in November at the Lahore High Court under the West Pakistan Family Courts Act 1964 and Guardians & Wards Act 1890. This will be extended to 36 other districts if required for the expeditious deciding of family cases. Over time, it is expected that this new venture will be extended to the courts generally, and would necessitate the induction of more judges and associated staff.



A pilot project of family courts in the evening was launched in November at the Lahore High Court.

Accountability

The most touted promises of the new government have been to build a special task force to recover looted national wealth and to strongly pursue large tax evaders. The activities of the National Accountability Bureau (NAB) have been prolific in 2018. The conviction rate was said to have reached 70 percent as the current NAB administration filed 440 corruption references, apprehended 503 accused persons, received 44,315 complaints, and conducted 1,713 complaint verifications during the year. NAB claimed to have deposited Rs2.5 billion in the national exchequer in 2018.

The pursuance of accountability has become extremely newsworthy, attracting both acclaim and criticism — and even apprehension, according to the Sindh Chief Minister, who said the fear and insecurity generated

by NAB was affecting the performance of government officials.

The most prominent case over the year was that of ex-premier Nawaz Sharif, his daughter Maryam Nawaz, and his son-in-law Captain Safdar. All three were granted bail and their sentences suspended. In December, however, Nawaz Sharif was convicted by the accountability in another case – Al-Azizia Steel Mills corruption reference – and given a seven-year jail sentence together with a fine of Rs1.5 billion and US\$25 million.

His brother, Shahbaz Sharif, was implicated in the Ashiana Iqbal Housing Society corruption case in October. Former president Asif Ali Zardari and his sister, along with other prominent persons, were named in fake bank accounts and money laundering cases in July. The cases are ongoing.

Other prominent cases involved the instigations of investigations into Bahria Town, Defence Housing Authority (DHA) and Capital Development Authority (CDA) after a Supreme Court verdict in a case against the housing projects. A PML-N MNA and his brother, a former Punjab health minister, were arrested and accused of misdealing in the Paragon Housing Society scam.

A 17-year-old corruption case against three former generals and a brigadier was re-opened in February when the Islamabad High Court ruled that the army's accountability process could not shield retired military officers. The formal corruption reference against them was filed in April.

In December, the Federal Investigation Agency (FIA) recommended to the Supreme Court that the Asghar Khan verdict implementation case be closed, citing its inability to gather evidence required to launch criminal proceedings. Air Marshal Khan had filed a human rights petition in the SC in 1996, accusing the Inter-Services Intelligence (ISI) of facilitating a group of politicians and political parties in the 1990s. The SC had found in favour, but left it to the then PPP government to take action under the Constitution and the law.

Others caught in the NAB net included former prime ministers Yousuf Raza Gilani and Shahid Khaqan Abbasi, politicians, media personalities, and even the current prime minister's advisor Babar Awan who resigned after NAB filed a reference against him in the Nandipur power plant case.

A former Punjab University Vice-Chancellor Dr Mujahid Kamran, arrested by NAB for allegedly hiring people illegally and granting contracts to undeserving companies, was later released on bail. He claimed the accountability watchdog was torturing people in custody and had installed CCTV cameras in washrooms.

The Supreme Court took suo motu notice of 70-year-old Dr Kamran being led to his Lahore court hearing in handcuffs. The NAB Chairperson also took notice of the incident and directed the Bureau's Lahore chief to investigate the matter and take action against the people involved. The National Commission on Human Rights (NCHR) wrote to NAB in November asking them not to humiliate detainees, saying 'basic human rights cannot be curtailed even if someone has been put into jail.'



70-year-old Dr Kamran being led to his Lahore court hearing in handcuffs.

The CEO of the University of Sargodha, Mian Javed Ahmed, had been arrested by NAB in October on charges of corruption. He died in judicial custody in Lahore District Jail in December and was reportedly in handcuffs even after death. There was an outcry on social media and HRCP expressed grave concern at the way in which people's fundamental right to dignity was being eroded away, ostensibly in the name of accountability. The Commission further stated that the innocence or guilt of those taken into custody by state institutions such as NAB needed to be established under the law and with strict and transparent regard for due process.

Towards the end of December, NCHR took suo motu notice of Mian Javed's death and told NAB to allow a team of the commission to inspect their places of detention.

Around the same time the Punjab additional chief secretary (Home) directed the inspector-general of prisons to strictly treat the inmates allegedly involved in different cases instituted by NAB according to the rules, and to ensure that no one was given any extra facilities in the jails.

Suo motu intervention

There was much controversy over the proliferation of suo motu notices and action during the year, on a wide range of issues relating to public interest, human rights, health, education, and even population control, as well as matters that had been pending for decades. Some seemed insignificant, even inappropriate, for the attention of the apex court, such as the incident involving a Gilgit-Baltistan minister pushing an airport officer at Islamabad airport, the transfer of a police officer under political influence, the exorbitant fees at private hospitals, and the banning of Indian content on Pakistan TV channels, as well as ‘contemptuous speeches’ against the judiciary.

Other notices met with more appreciation, especially when the notice taken by the Supreme Court expedited the filing of cases: the brutal rape and murder of little Zainab in Kasur; the case of a child maid tortured by her employers; the murder of a journalist associated with a Lahore-based newspaper in Sialkot; the killing of people belonging to the Hazara community in Quetta, and the inquiry into the negligence of police and private hospitals after the tragic death of the child Amal, caught in police crossfire.

One of the most important was the notice taken of the extrajudicial killing of Naqeebullah Mehsud in an ‘encounter’ in Karachi, a case that lingers on. SSP Rao Anwar – known as the ‘encounter specialist’ – was booked for killing four men, including Naqeebullah, in a fake encounter in Shah Latif Town on 13 January 2018. He was also booked for claiming fake recoveries of illicit arms and explosives on the victims. Rao Anwar absconded until his arrest on 21 March. He was granted bail in July.

In 2017, a judicial magistrate sentenced law student Shah Husain to prison for seven years for stabbing 21-year-old fellow student Khadija Siddiqui, 23 times. During the trial, both evidence and statements of witnesses were taken into account in the judge’s ruling that it was attempted murder ‘without any shadow of a minor doubt’.

In June 2018, the Lahore High Court overturned the verdict. Acquitting the assailant, Justice Sardar Ahmed Naeem in a controversial judgment ruled the prosecution had ‘failed to prove guilt beyond reasonable doubt’. The fact that Shah Hussain’s father belonged to the legal fraternity caused some to doubt judicial independence. Khadija, steadfast in her determination to obtain justice, took heart when the Supreme Court, amid the uproar, decided to use its powers to re-examine the case, even without a formal complaint.

The Pakistan Bar Council (PBC) in December reiterated its demand for framing of rules by the Supreme Court for regulating the exercise of suo motu powers under Article 184(3) of the Constitution by the top court.

Justice System Reform

A key discussion at the Judicial Conference in May revolved around the need to counteract the drift towards lawlessness and extremism through the rule of law, a culture of tolerance and the guarantee of justice. Much emphasis was placed on the long-term measures needed to improve the criminal justice system, a continuing refrain throughout the year from several quarters.

In November, the PPP expressed concern over the 'broken criminal justice system' and called for an overhaul of the system including the creation of a separate constitutional court in the country besides the Supreme Court, an amendment to the Constitution to provide the right of appeal against decisions in all suo motu cases under Article 184(3), and a review of the procedure for appointment of superior court judges.

The Strengthening Participatory Organisation (SPO) organised a conference in July, titled '*Rule of Law: Access to Justice and Citizen Inclusion*', where it was stated that many vulnerable and marginalised people in the country including women and minorities, especially those from the lowest socioeconomic classes and rural areas, were in fact unable to get justice or access to legal aid and were not even aware of their legal rights.

The Pakistan government supported the recommendation in its 2012 Universal Periodic Review Report to 'continue the reform of the judiciary'. 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 NACTA National Counter Extremism Policy Guidelines (NCEPG) 2018 go some way towards addressing this, but implementation across the provinces could prove problematic, with the lack of coordination between federal and provincial authorities.

Tensions between the bar and the bench have also highlighted the flaws in the judicial infrastructure, a fact recognised in the Judicial Conference declaration that 'both the Bar and the Bench must work together in order to curb delays'. There were numerous reports of stand-offs between judges and lawyers, and the activism of lawyers in campaigning for separate high court benches to be established received much news coverage. An uncompromising resolution passed by the Karachi Bar Association in June, ostensibly over the Chief Justice's alleged disparagement of an additional district judge in Sindh which resulted in his resignation, implied that the CJ was micro-managing the judicial system and interfering in the functioning of high courts. Prolonged activism by lawyers has often disrupted and delayed court proceedings.



Prolonged activism by lawyers often disrupted and delayed court proceedings.

In December, in expressing dissatisfaction on the performance of NAB, the Prime Minister indicated that legislation for legal reforms for the early disposal of cases would be done through presidential ordinances – a reference to the fact that the opposition had a majority in the Senate.

Military courts

The continuing excessive delays in the trial process and low conviction rates resulted in the extension of the mandate for military courts until March 2019. It was reported that the government was seeking another similar extension after that deadline. A decision was still outstanding at the end of the year, with some members of the opposition saying they would not support an extension.

According to the ISPR – the media wing of the Pakistan military – since inception the military courts had taken on 717 cases, out of which 646 were logically concluded. Death sentences were awarded to 345 terrorists.

The interior ministry presented different figures to the National Assembly in December: Of the total 717 cases referred to the military courts, 478 cases had been decided, which meant that the conviction rate of the cases was more than 60 percent. Death sentences had been awarded to 284 convicts and 56 of them had already been executed. Similarly, 192 convicts had been awarded rigorous imprisonment, two accused had been acquitted, and 54 cases dropped for technical reasons.

According to the ministry, 185 were still under process and had to be completed by March 2019.

During the year, the Peshawar High Court (PHC) overturned a number of convictions by military courts. In October, the PHC set aside convictions by military courts of as many as 74 terrorism-accused, the majority of whom faced death sentences.

Earlier, in September, another bench of the PHC stayed the execution of a man who, his father claimed, had gone missing in 2009. According to the father, he came to know about the fate of his son through a May 2018 ISPR press release announcing the award of the death sentence to 11 ‘hardcore militants’ by a military court.

This is an indication that the requirements of justice are not being fully met in the military courts, known for their lack of transparency, disregard of eyewitness accounts, and not giving the accused the benefit of the doubt in the absence of sufficient evidence.

Blasphemy (see also *Freedom of Thought, Conscience, and Religion*)

The landmark judgment on the acquittal of Aasia Bibi was a beacon of hope for opponents of the blasphemy law and a sign that, even in a flawed judicial system, the rule of law was still capable of protecting an innocent victim.

Aasia spent eight years on death row until she was acquitted by the Supreme Court in October. At the end of the year she was still in protective custody until the ruling has been reviewed and she can leave the country to claim asylum.

The judgment could herald a new era of judicial precedent in which someone accused of blasphemy will not be presumed guilty before the trial begins. Accusations of blasphemy have an instantly inflammatory effect, and threats from radical extremists are a very real concern for judges and lawyers involved in such cases.

Weeks after Aasia’s acquittal, two Christian brothers were sentenced to death for blasphemy. Qaiser and Amoon Ayub from Lahore fled the country after they were first accused in 2011 but eventually returned home. They were arrested at the airport while trying to leave a second time and have been in Jhelum prison since 2014. They were convicted in December of the ‘use of derogatory remarks in respect of the Holy Prophet’, and sentenced to hang, after the judge ruled that the prosecution had proved its case beyond the shadow of reasonable doubt.

Though no one has yet been hanged for committing blasphemy, the delay in pronouncing a verdict is a tactic often employed by the judiciary to keep the accused behind bars – many languish for decades before being acquitted.

Citizenry

Transgender people (see also Women)

There was much progress evident in 2018 for transgender rights. The state responded to campaigns launched by transgender rights activists to improve state-based facilities and legislation protecting and enhancing their rights with the enacting of the Transgender Persons (Protection of Rights) Act, 2018.



Transgender community celebrating the passing of transgender bill of rights

In January, for the first time in the history of Pakistan, a commissioner for transgender persons was appointed at the Wafaqi Mohtasib Secretariat to redress the grievances of the community, as well as systemic issues, through consultations with key stakeholders, research and studies. The commissioner was also empowered to take suo motu action with prior written approval from the Federal Ombudsman of Pakistan, coordinating with the law enforcement agencies and making efforts for their welfare.

The Punjab Chief Secretary said in June that, in accordance with the orders of the Supreme Court, the process for the issuance of computerised national identity cards (CNICs) to transgender people would be made simple and easy under a one-window operation, by setting up facilitation centres in all districts through NADRA's mobile vans.

In September, the Lahore High Court sought an explanation of the unavailability of separate wards and rooms in public hospitals for the transgender community, in response to a petition that pointed out the Supreme Court had already issued an order in this regard which had not been complied with.

The same month, the transgender community in the twin cities of Rawalpindi and Islamabad expressed their resentment over the

discriminatory treatment they received in healthcare facilities. The Forum of Dignity Initiatives (FDI) and Blue Veins produced a study – *Barriers to the Provision of and Access to Quality Healthcare for Transgender Population of Pakistan* – highlighting the serious widespread ignorance, insensitivity, and discriminatory attitude of the healthcare providers.

By the end of November, the Human Rights Minister and the Federal Minister for National Health Services, Regulations and Coordination, inaugurated a separate ward at PIMS Hospital in Islamabad, announcing free treatment and separate doctors for transgender patients.

It is too early to comment on the effects that the recently enacted Transgender Persons (Protection of Rights) Act will have but, as in all other human rights issues, the implementation of legislation is often a supremely difficult task.

Racial Profiling

In June, at least eight people including four Pashtuns in Lahore were injured in a ‘clash’ between the local residents and Pashtun traders over a petty dispute which turned into an incident of alleged racial profiling. According to witnesses, an announcement was made from a nearby mosque calling on all the residents to ‘teach the Pashtuns a lesson’. The Pashtun traders shut down their shops and fled the attackers, who then allegedly damaged and ransacked the shops. The traders said the police had been reluctant to register an FIR on their behalf but had allowed an FIR against them. In August, the Punjab Police removed from its official website a list of ‘Real Terrorism’ that contained pictures and names of Punjab University students, mostly Pashtuns and Balochis, after an uproar on social media.

A controversial government advertisement was pulled from TV broadcasts on 15 September 2018 after it courted controversy and allegations of racial profiling of Pashtuns. The advert urged people to report hate speech, display of arms, illegal use of loudspeakers, and any other suspicious activity.

Cases of significance

Supreme Court

- The Court acquitted Aasia Bibi, a Christian woman condemned to death on blasphemy charges, after accepting her appeal against her sentence, saying the ‘prosecution has categorically failed to prove its case beyond reasonable doubt.’
- The Supreme Court (SC) reinstated a ban on the transmission of Indian content on terrestrial, satellite, and cable TV channels, setting aside an earlier verdict by the Lahore High Court (LHC), and citing as justification the fact that India was constructing a dam in the

country's northern territory claimed by Delhi and was blocking rivers that flow into Pakistan.

- In a landmark verdict, the Supreme Court ruled that disqualification handed down under Article 62 (1)(f) of the Constitution was for life. The Article sets the precondition for a member of parliament to be "*sadiq*" and "*ameen*" (honest and righteous).
- While hearing a case pertaining to exorbitant fees charged by private schools, the Court ordered a 20 percent decrease in fees, and directed the schools to return half the fees they had charged for the summer vacations. The order was applicable to private schools across the country whose fees were in excess of Rs5,000. The Court had ordered the schools to furnish their audit reports in October, and had formed a committee to find an amicable solution to the issue.
- The Court delivered a landmark judgment in dismissing Tatheer Fatima's petition to remove her father's name from her birth certificate and all other official documents as he had neither paid for her maintenance nor registered her with NADRA, due to which she could not obtain an identity card. She had requested the court to add '*Bint-e-Pakistan*' in place of her surname. The court-appointed advocate acting as amicus advised that the father's name on official documents was mandatory, and NADRA would have to install new software to skip the father's section. The Court added that the father's name could not be taken off under the Islamic Sharia and Constitution.
- The Supreme Court ordered the federal cabinet to review its decision to place the names of Sindh Chief Minister Murad Ali Shah and other politicians on the Exit Control List (ECL). The Court was hearing a suo motu case on a delay in a 2015 probe into fake bank accounts allegedly used to launder billions of rupees.

Lahore High Court

- The Court upheld the verdict of an anti-terrorism court in the rape and murder case of six-year-old Zainab of Kasur, and dismissed Imran Ali's appeal against his death sentence.
- While hearing petitions against '*contemptuous*' speeches by PML-N leaders, the Court ordered the Pakistan Electronic Media Regulatory Authority (PEMRA) to make sure that no TV channels aired any '*anti-judiciary speeches*' in the future, and to ensure strict monitoring of programmes to prevent any such content from being broadcast.
- The Court acquitted a man convicted earlier on charges of trying to kill Khadija Siddique in a brutal knife attack. Shah Hussain, the son of a senior lawyer, had been handed down seven years' rigorous

imprisonment in 2017 by a judicial magistrate, which was later commuted to five years by a sessions court in March. The original judge had observed that the crime had been established beyond doubt.



Khadija Siddique was stabbed 23 times by Shah Hussain, the son of a prominent lawyer.

- The Court rejected a mother's petition for stay of execution of her 'schizophrenic' son Khizar Hayat, noting that the condemned had been 'convicted by the country's biggest court'. The bench had asked the petitioner's counsel to prove that Hayat was ill and also apprise the court under which law a schizophrenic prisoner could not be executed.

Sindh High Court

- A division bench of the Sindh High Court Hyderabad circuit expressed displeasure over the cases of two missing persons from 2015 and 2016 and directed police officials to appear in person before it as there were specific allegations against them. The Court ordered that the Sindh home secretary form a joint interrogation team (JIT) for the recovery of a resident of Hyderabad in line with an earlier order and directed the SP Hyderabad to provide legal protection to life and liberty of the petitioner.
- While hearing a bail application of a suspect allegedly involved in subjecting a three-and-a-half-year-old girl to criminal assault after abducting her from the house of her maternal grandmother in a Korangi locality earlier in the year, the Court expressed serious concerns over the poor investigation of the case. The Court issued guidelines to the police for investigation of such cases, underlining the need for proper coordination between the investigating and prosecuting agencies and directing that measurers be taken for the

protection of the victims as well as proper training of investigating officers.

- The Court accepted an application filed by the father of Naqeebullah Mehsud – killed in a staged encounter in Karachi early in 2018 – to transfer the case to another anti-terrorism court (ATC). The appellant had expressed lack of confidence with the ATC-II judge hearing the case, a view shared by the prosecutor.
- In hearing a case regarding more than five percent increases in tuition fees by private schools and institutions, the Court ordered private schools to restore the fee structure in place on 20 September 2017 and reimburse any excess fees charged. The court also ordered the schools to desist from collecting three months' fees in advance, and said that non-compliance with the order would result in contempt of court proceedings.

Peshawar High Court

- The Court suspended the death sentence handed to a man convicted for terrorism by a military court for an attack on a civilian funeral service in Mardan, which resulted in the deaths of 30 people. The plaintiff's lawyer submitted that Burhanuddin was mentally unfit, undergoing treatment before and throughout the duration of his custody, and had not been given a fair trial. The Court accepted the family's plea and asked the federal government and departments concerned to submit a report.
- The Court stayed the execution of eight terror convicts by suspending the death sentence awarded to them by military courts and summoned the records of their cases from the defence ministry.
- A single-member bench granted bail to a man suspected of being involved in murdering a transgender person and dismembering the body. The bench observed that it appeared from the records that not one iota of evidence had been collected during investigation to show the petitioner's involvement in the murder and therefore his case was arguable for the purpose of bail.
- In considering a case of the convictions by military courts of 74 people accused of terrorism, the Court set aside the convictions and sentences as having been based on malice in law and facts, and lack of evidence, and directed that all the convicts/internees be set free.
- A single-member bench temporarily stopped the execution of a militancy convict charged by a military court of attacking law enforcement officers. Issuing the stay order, the bench ordered the defence and interior ministries to respond to a petition filed by Bashir Ahmad's wife, and sought records of the case.

Islamabad High Court

- In a landmark judgment in the case of the disappearance of IT expert Sajid Mehmood, the Court ruled that officials involved in enforced disappearances would be subject to criminal sanctions and may be charged under the Anti-Terrorism Act (ATA). It said the police had ignored grave violations of fundamental rights of citizens in not investigating the case. The Court said it was the 'duty and obligation of the State to take effective and prompt action when "enforced disappearance" has been alleged'. In its judgment, the High Court used a definition of enforced disappearances in line with the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), despite Pakistan not having ratified it.

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.
- 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.
- Exercise sparingly the discretionary power of taking suo motu notices 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. Make 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) appealable.
- 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.
- Ensure fair and transparent trials for everyone as there is little evidence to show that military courts have succeeded in increasing respect for the rule of law.
- Reinstate the moratorium on the death penalty and also consider abolishing it by ratifying the Second Optional Protocol of the ICCPR.
- Restrict the number of offences carrying the death penalty to the most serious crimes only, and refrain from adopting new crimes entailing capital punishment.

Death Penalty

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**

At the tail end of the year, human rights campaigners and proponents of justice and mercy were stunned at the news that Pakistan, along with 161 other countries, had voted in favour of a UN resolution calling for a moratorium on the death penalty. Sadly, the news really was too good to be true – within hours the Foreign Office said that the UN had made a ‘mistake’. Pakistan had voted against the resolution in accordance with its ‘consistent policy’. This was yet another missed opportunity. Particularly at risk are the poor and undereducated, who have to rely on substandard legal defence.

The extraction of ‘confessions’ under duress, unsubstantiated evidence and allegations made to settle personal scores, defective investigations by law enforcement officers, and the military courts who operate without transparency, are all characteristics of the flawed criminal justice system that allows the death penalty to be handed down for 27 offences. Many of these offences do not cause death.

Grim statistics

According to Justice Project Pakistan (JPP), a non-governmental organisation working for prisoner’s rights:

- There were 4,688 prisoners on death row at the end of the year.
- At least 500 have been executed since 2014, 14 of them in 2018.
- Despite a reduction in death row numbers, Pakistan continues to account for 13 percent of global executions.
- The Punjab still accounts for 81 percent of the executions carried out, and 89 percent of the death sentences awarded since 2014.
- The average time a person will spend on death row is 11 years.

The Amnesty International report, *Death Sentences and Executions 2017*, which was released in April 2018, placed Pakistan 5th amongst the

countries where most executions took place, and among four countries which together accounted for 84 percent of all reported executions.

The report also mentioned that it ‘believed that juvenile offenders remained on death row’ in Pakistan, along with four other countries, noting that ‘imposition and execution of the death penalty against people who were aged under 18 when the crime was committed is a violation of international law’. Pakistan was also mentioned along with several countries where people with mental or intellectual disabilities were executed or remained under sentence of death.

Figures submitted by the Federal Ombudsman to the Supreme Court indicated that there had been a drop of 2,476 prisoners on death row. Despite a 35 percent reduction in the death row population since 2012, Pakistan accounts for 24 percent of the world’s death row and continues to add prisoners at an average 351 annually since 2004.

Pakistan’s prisons are severely overcrowded, with inmates said to be 57 percent over capacity. As many as eight prisoners could be confined for most of the day in a cell meant to accommodate two, as their numbers are topped up regularly.

Death Penalty	Sessions courts		Military Courts		Anti-terrorism courts		Anti-narcotics courts		Other/No info	
	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018
Awarded	215	149	9	156	34	34	-	6	3	1
Executions	18	11	43	1	2	2	-	-	1	-
HRCP Death Penalty monitoring data										

Total	2017	2018
Awarded	261	346
Executions	64	14

Mental illness and the death penalty

The death sentences handed down to Kaniz Fatima and Imdad Ali, both of whom had a history of mental illness. were reviewed by the Supreme Court in April. At the time, the Chief Justice said ‘Neither reason nor sensibility allow me to believe that we can execute a mentally ill or disabled person’.

In October the SC ordered the formation of a medical board of renowned

psychiatrists to re-examine Imdad Ali to determine exactly when his illness had started. He has been in prison for 16 years and has received multiple execution warrants. The medical board was directed to provide their final report within two months. A member of the bench remarked that 'We have to decide whether the execution of an inmate will remain relevant if the convict had developed the disease two years before his execution date.'

The same order was applied to Kaniz Fatima who has been in prison for 29 years and, according to her lawyers, has not spoken for 12 years and is not able to eat, drink or take care of herself without assistance.

Saleem Ahmad, 63, has been in prison for 14 years, accused of murder. The investigation officer testified to having knowledge of his mental illness, and the trial court recognised that he was 'insane' and 'did not have any orientation about time and space.' Despite this, he was sentenced to death in 2004. His scheduled execution in November 2017 was stayed and subsequently, in November 2018, a medical board confirmed that he was suffering from chronic schizophrenia, which required regular medical treatment.

In November, Human Rights Watch urged Pakistan to remove people with psychosocial disabilities from death row as it violated the 'country's international legal obligations' to ensure the right to be free from cruel, inhumane, or degrading punishment.

Beyond the shadow of a doubt

The Justice Project Pakistan report found that a special appellate bench, formed by the Supreme Court to adjudicate upon murder appeals, had overturned 467 death sentences in 546 appeals, that is 85 percent, since December 2014.

Most of the decisions cited faulty investigations, evidence and mistrials. Whether a single bench can keep up with the number of death sentences meted out at a rate higher than the world average is questionable, particularly given that the study says a prisoner spends on average 11 years on death row before acquittal or commutation of a death sentence. There have also been reported instances where prisoners have been executed before being acquitted of the crime they were accused of.

During the year, the Peshawar High Court overturned a number of sentences awarded by military courts. In October, the PHC ordered the release of 74 convicts accused of involvement in terrorism on the grounds that the charges against them could not be proved. It was reported that close to 50 of them had been sentenced to death.

The civil dispute factor

Another aspect highlighted by the JPP report was that civil disputes

involving a homicide were predominate amongst the cases resulting in death sentences. It was suggested that delays in resolving civil disputes moved people to take matters into their own hands, with the inevitable violence and fatalities inviting death sentences for the perpetrators.



HRCP holds a rally against the death penalty

The way forward

Amnesty International claimed in their report *Death Sentences and Executions 2017* that there was a global trend towards the abolition of the death penalty, and its secretary general said that ‘the isolation of the world’s remaining executing countries could not be starker’.

While the abolition of the death penalty has to be the ultimate goal, a first step for the long-neglected reform of the criminal justice system would be to restore the moratorium pending the review. The high incidences of death sentences being overturned by the Supreme Court clearly demonstrate that the current system leaves too much room for error and miscarriages of justice. Unless curtailed, it will continue to make hapless victims of the underprivileged and unrepresented.

Recommendations

- Reinstatement of the moratorium on the death penalty and also consider abolishing it by ratifying the Second Optional Protocol of the ICCPR.
- Restrict the number of offences carrying the death penalty to the most serious crimes only, and refrain from adopting new crimes entailing capital punishment.

Pakistan and International Human Rights Mechanisms

Universal Periodic Review

The year 2018 was an important one for assessment of Pakistan's international human rights commitments and compliance with treaty obligations. In March, the United Nations Human Rights Council adopted the outcomes of Pakistan's third Universal Periodic Review (UPR).

The UPR is a key mechanism of the UN Human Rights Council which assesses the human rights situation of all UN member states with the objective of improving the fulfilment and compliance of the human rights obligations and commitments of the member states. The UPR is essentially a peer-reviewed process, and status of fulfilment of human rights obligations of each country is reviewed every four to five years by the UPR Working Group, consisting of the 47 UN member states of the Human Rights Council. All UN member states have the right to take part and make recommendations in the discussions during the UPR of the reviewed states.

The third UPR report highlighted areas of concern that remain in Pakistan since its previous UPRs in 2012 and 2008. Pakistan had its third UPR on 16 November 2017 and received a total of 289 recommendations during the review. Delegations of 111 states took the floor to make statements, and 14 states submitted their questions in advance.

Pakistan received a broad range of recommendations during the review process. These included reinstatement of a moratorium on execution with the aim of abolishing the death penalty completely; repealing or amending 'blasphemy laws' to bring them in line with international human rights law; and ensuring effective protection of the rights of religious minorities, human rights defenders, journalists and other vulnerable groups, amongst many others.

Pakistan has implemented some of the recommendations from the second cycle of UPR in 2012. It established the National Commission for Human Rights (NCHR), a statutory authority to monitor human rights, but which still needs to be properly empowered to operate independently. Pakistan has also enacted legislation, as promised, criminalising domestic violence and workplace harassment, addressing the lacunae in the anti-honour killing bill, and enacting a law to register

Hindu marriages.

In adopting the second cycle UPR outcome report, Pakistan agreed to ensure accountability for violent attacks and other abuses on religious minorities. Pakistan also agreed to adopt measures to prevent the abuse of blasphemy laws, and halt forced conversions. Despite that, since 2012 religious minorities have faced sharply increased insecurity and persecution.

In its statement on the outcome report of the UPR, Pakistan promised to 'review and align the legislation with freedom of religion and belief and freedom of expression, as stipulated in the ICCPR.'

Section 295-C of Pakistan's penal code makes the death penalty mandatory for blasphemy, although no one to date has been executed for the crime. The Pakistani government failed to amend or repeal the blasphemy law provisions that provide a pretext for impunity and violence against religious minorities.

During its UPR review in 2012, Pakistan accepted the recommendation to take measures to 'bring to justice perpetrators of attacks on journalists by effectively investigating all individuals and organisations accused of such abuses.' However, no progress has been made in this regard, nor has the government acted on its commitment to 'introduce strong legislation prohibiting attacks against journalists to effectively investigate such acts and prosecute the perpetrators.'

In its 2012 UPR, the Pakistan government supported the recommendation to, 'continue the reform of the judiciary, law enforcement and the penitentiary system, as well as continue the policy to reduce crime and corruption.' Instead of taking measures to reform the criminal justice system, the Pakistan government approved the functioning of secret military courts empowered to try civilians and impose the death penalty in terrorism-related cases.

Pakistan supported the recommendation during its last UPR to, 'specifically criminalise enforced disappearances in the penal code and reinforce the capacities of the Pakistanis [sic] Inquiry Commission on Enforced Disappearances in order that the Commission can fully carry out its mission.' Pakistan has failed to uphold that commitment.

In the last UPR in 2012, the Pakistan government accepted the recommendation to 'consolidate measures to address sexual abuses and exploitation of children.' In May 2016, the UN Committee on the Rights of the Child concluded its review of Pakistan and expressed concern about a number of issues affecting children, including executions, the impact of sectarian violence and terrorism, alleged torture and ill-treatment in police custody, and use of children in the worst forms of labour. The Pakistani government failed to establish the National Commission on



Protesters demand the recovery of missing persons at a rally at the Liberty roundabout in Lahore

the Rights of the Child, an independent body to protect and enforce child rights in the country.

During the 2012 UPR, the Pakistan government agreed to ‘continue working for the welfare of children, women and persons with disabilities.’ Pakistan ratified the Convention on the Rights of Persons with Disabilities in 2011, yet implementation has been slow. For example, under the convention Pakistan is obliged to provide adequate health care, support, and procedural adjustments to enable people with disabilities to participate in the judicial process. Yet adequate safeguards for the rights of prisoners with disabilities have not been put in place.

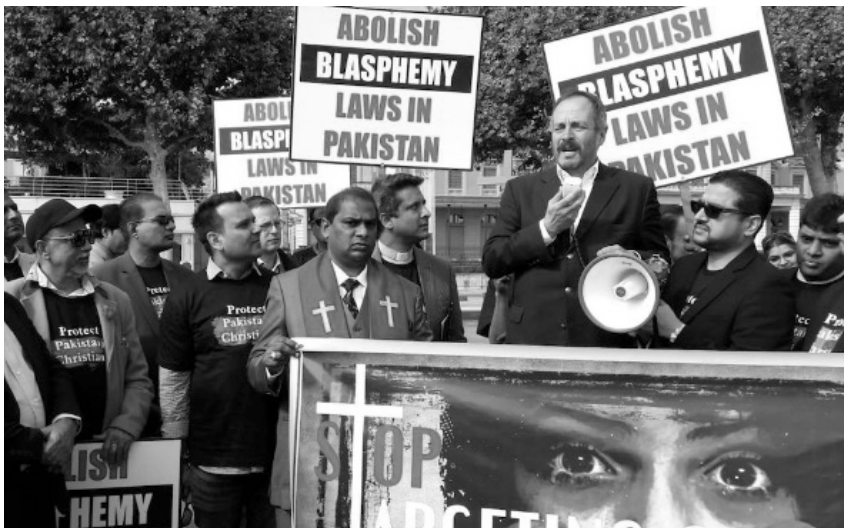
Some individuals with physical or psychosocial disabilities were on death row in very difficult conditions, including solitary confinement, which can severely exacerbate previously existing mental health conditions.

On protection of human rights defenders, specifically, Canada recommended that Pakistan bring to justice anyone who threatens, abducts or attacks human rights defenders, journalists, bloggers, or others who work to promote democracy. On ensuring freedom of expression, Austria recommended introducing strong legislation prohibiting attacks against journalists, to effectively investigate such acts and to prosecute the perpetrators.

The Pakistan delegation to the UPR mentioned its key recent achievements as the Elections Act 2017, encouraging the participation of women in elections as both candidates and voters; a review of the Convention on the Rights of Persons with Disabilities to identify the changes necessary in the relevant laws; the introduction in the Senate of the Transgender Persons (Protection of Rights) Bill; the enactment of the laws against rape and ‘honour’ crimes; adoption of the law on the protection of children and the National Commission on the Rights of the Child Act to bring the legal system into conformity with the Convention on the Rights of the Child; the adoption of the National Health Vision (2016–2025) to set national priorities with clear budgeted targets; and the introduction of the Bill on compulsory child immunisation.

Regarding achievements at the provincial level, the Pakistan delegation mentioned the adoption of the Punjab Protection of Women against Violence Act; Acts on domestic violence in Sindh and Balochistan; the Punjab Fair Representation of Women Act; and the Punjab Marriage Restraint (Amendment) Act. The delegation stated that institutions such as the Inter-provincial Ministerial Group were working for the promotion and protection of human rights across the country. The delegation stated that the application of the death penalty was in full compliance with the International Covenant on Civil and Political Rights. It was applicable only for the most serious crimes. It could not be imposed on an individual under the age of 18.

The delegation also argued that the blasphemy laws were non-



Pakistan still needs to do a lot more to support key human rights principles, such as taking effective measures to prevent the abuse of blasphemy legislation

discriminatory in nature, dealt with offences against all religions, and were applied to Muslims and non-Muslims alike, and several safeguards were in place to prevent their abuse.

On growing concerns regarding freedom of expression the delegation stated that free expression was preserved through Article 19 of the Constitution and that the safety of journalists was of paramount importance in view of the instrumental role played by them in ensuring freedom of the press, fostering a culture of accountability, and protecting citizens' rights.

HRCP's response to the UPR

Marking the 70th anniversary of the Universal Declaration of Human Rights (UDHR), the Human Rights Commission of Pakistan (HRCP) organised a public lecture by its honorary spokesperson and veteran human rights defender, I A Rehman in December 2018. The event was attended widely by civil society, including students, lawyers, human rights activists and media persons.

The theme of the lecture was to assess Pakistan's performance during its third Universal Periodic Review (UPR) in 2017. Under the auspices of the Human Rights Council, all member states are given the opportunity to declare what actions they have taken to improve the human rights situations in their countries and to meet their human rights obligations.

HRCP expressed its grave concerns at the exponential rise in the number of recommendations Pakistan had received from its peers with respect to human rights concerns in the country. The Commission was encouraged by the recommendations that had been 'supported' by Pakistan under the 2017 Review, which included the reduction of poverty and inequality; making enforced disappearance a criminal offence and ensuring that all allegations of enforced disappearance and extrajudicial executions were thoroughly investigated; ensuring that all perpetrators of torture were brought to justice; the right to a fair trial for all; and preventing impunity for crimes against journalists and media workers.

However, Pakistan had chosen to 'note', rather than 'support', key human rights principles such as reporting the investigation and prosecution of security forces that commit human rights violations and abuses; amending discriminatory laws against marginalised groups, including women and girls and ethnic and religious minorities; protecting the rights of the child more effectively, particularly during counter-terrorism activities; desisting from issuing death sentences and executing juveniles; and taking effective measures to prevent the abuse of blasphemy legislation and the use of violence against religious minorities.

In a statement, HRCP strongly urged the state to commit to its

willingness to continue cooperating with the United Nations human rights mechanism, and to apply both in principle and practice the UPR recommendations it had ‘noted’ as well as ‘supported’.

HRCP stressed that, by 2022, the country’s human rights record must be seen to improve substantially – not merely to uphold an international image, but because these principles were part of the state’s moral and responsibility to its citizens and residents under the Universal Declaration of Human Rights, to which it was a signatory.

At the lecture, former senator Farhatullah Babar called for the 2017 report of the third Universal Periodic Review containing the UN recommendations and the promises made by Pakistan to improve its human rights record to be placed before Parliament. He pointed to the deteriorating human rights situation in the country where enforced disappearances continued with impunity, internment centres had become Guantanamo like prisons, the security of human rights defenders was diminishing, movement was restricted, censorship imposed, and there was no legislation to protect the rights of refugees.

Election to the UN Human Rights Council

In October 2017, Pakistan was elected to serve as a member of the UN Human Rights Council from January 2018 to December 2020. The UN General Assembly selected 15 states to serve as members of the UN Human Rights Council for the three-year term. From the Asia-Pacific region, Nepal, Qatar, Afghanistan, and Pakistan were selected out of five candidates.

According to UN General Assembly Resolution 60/251, ‘members elected to the Council shall uphold the highest standards in the promotion and protection of human rights.’ The Resolution also provides that ‘when electing members of the Council, Member States shall take into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments made thereto.’

Pakistan has affirmed in its election pledge to the Human Rights Council that it is ‘firmly resolved to uphold, promote and safeguard universal human rights and fundamental freedoms for all.’ However, according to international human rights organisations, the pledge did not directly address many of the most serious human rights issues facing Pakistan, including enforced disappearances, the use of the death penalty, blasphemy laws, the country’s use of military courts, women’s rights including the right to education, and threats to the work of human rights defenders, lawyers, and journalists.

Cooperation with United Nations Special Procedures

Since 2012, Pakistan has accepted country visit requests by the UN Special

Rapporteur on the independence of judges and lawyers and the UN Working Group on Enforced or Involuntary Disappearances. Requests for visits from a number of other special procedures, however, remain pending, including: the Special Rapporteur on extrajudicial executions (pending since 2000); the Special Rapporteur on the situation of human rights defenders (pending since 2003); the Special Rapporteur on the promotion and protection of human rights while countering terrorism (pending since 2006); the Special Rapporteur on freedom of religion or belief (pending since 2006); and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (pending since 2010), among others.

International Labour Organisation (ILO)

The ILO is the only tripartite U.N. agency, bringing together governments, employers, and workers of 187 of its member states, to set labour standards, develop policies, and devise programmes promoting decent work for all women and men.



Pakistan has never fully applied the fundamental ILO conventions

The Government of Pakistan has ratified 36 out of a total 189 ILO conventions, including eight fundamental conventions, out of which 31 are still in force. The eight core conventions cover: forced labour; the right to unionise; the right to collective bargaining; equal remuneration; abolition of forced labour; discrimination in employment/occupation; minimum age; and the worst forms of child labour.

Pakistan has never fully applied the fundamental conventions. Even where legislation exists, there is a huge gulf between enactment of laws and their implementation. The ILO Committee of Experts on the Application of Conventions and Recommendations has repeatedly, through 2016-2018, expressed the hope that the government of Pakistan will comply with its obligation to submit Conventions, Recommendations and Protocols to the competent authority and to inform the ILO in this respect.

Pakistan ratified the C144 - Tripartite Consultation (International Labour Standards) Convention, 1976 in 1994, and the subject of labour was subsequently devolved to the regions under the 18th Amendment. The enactment of new labour legislation is slow in the provinces, with the exception of Sindh which has passed the most labour laws. At the end of 2017, the Sindh government held its first consultation and formulated 14 new labour laws, after which it initiated the process of framing new Rules. In 2018 it organised its second consultation with the technical and financial support of the ILO through its International Labour and Environmental Standards project, funded by the European Union, and its German-funded Labour Standards in Global Supply Chains project.

As a result, the Rules of Business were drafted for the following five labour laws: The Sindh Industrial Relations Act 2013, Sindh Bonded Labour (Abolition) Act 2015, Sindh Prohibition of Employment of Children Act 2017, Sindh Terms of Employment Act (Standing Order) 2015, and the Sindh Workers Compensation Act 2015. The other provinces have yet to follow suit in holding tripartite consultations.

Significant among the conventions that Pakistan has not ratified are those on pollution-free environment; safety and health in construction, in agriculture and in mines; home workers and domestic workers; prevention of major industrial accidents; and minimum wages.

The numerous and regular reports of industrial accidents in Pakistan, and particularly the all too frequent cases of fatal accidents in mines, point to the urgent need for regulations.

GSP Plus

The Generalised Scheme of Preference plus (GSP +) is an initiative of the European Union (EU) which allows vulnerable developing countries to pay fewer or no duties on exports to the EU, giving them vital access to the EU market and contributing to their growth. Pakistan applied for the GSP Plus status to be formally granted by the European Union and was given the status in March 2018. The European Parliament had previously granted the GSP Plus status to Pakistan through a vote of 406 parliamentarians out of a total of 780.

The grant of GSP Plus status is contingent upon the implementation of 27

core human, labour, environment rights, and governance conventions.

In January 2018, the European Union issued an assessment of Pakistan for the period 2016-17.

The EU noted some positive developments and efforts made by the government to promote and uphold human rights. Among them was The National Action Plan on Human Rights, which was the first of its kind in Pakistan, and was approved by the Prime Minister in the first half of 2016. The EU observed that the plan, while somewhat general, includes many important priorities and actions. However, the EU expressed concern at the lack of progress reporting of the Plan to the public and that consequently it remained unclear how many of the priorities and actions outlined in the Plan had been implemented.

The EU report noted the establishing of Treaty Implementation Cells (TICs) at the federal and provincial levels as a positive development. Other key initiatives that the EU highlighted included the National Commission on Human Rights (NCHR), which was constituted in 2015, and how it has in the past two years gradually played a more active role and issued a number of important reports and observations, including on controversial topics. However, according to the EU, the NCHR's functional and budgetary autonomy, as required by the Paris Principles, has not yet fully materialised. The NCHR was not able to appear before some UN Treaty Body committees.

The federal and provincial Commissions on the Status of Women have also played an important role in promoting human rights in Pakistan. The National Commission for Child Welfare and Development has been established.

While noting the positive developments mentioned above the EU also highlighted that there were several areas where the human rights situation in Pakistan remained unchanged or where there were worrying developments. For instance, only limited action had been taken to address the longstanding issue of enforced disappearances and extrajudicial killings.

Similarly, the Government had not taken effective measures to prevent the widespread use of torture. According to the EU, the application of the death penalty and executions remained a grave concern, while a review of the crimes carrying the death penalty would be a welcome first step in the right direction.

The EU expressed concern at the continued difficult situation of religious and ethnic minorities. According to the EU serious concerns remained about freedom of expression, freedom of association and assembly, the situation of human rights defenders and civil society activists, and the overall 'shrinking civil society space'.

The EU termed the picture of Pakistan's performance on human rights during the reporting period as mixed and that the lack of progress in certain areas can to some extent be explained by the many challenges faced by the Government, including the difficult security situation, and the lack of resources and capacity. However, it reiterated that Pakistan must step up its efforts and take more proactive, sustained and forceful action to implement legislation and to address problematic areas.

The EU emphasised that to do so it was imperative Pakistan follows up on the recommendations provided by the UN Human Rights Treaty Bodies, addressing identified shortcomings and strengthening the overall implementation of the relevant treaty obligations.

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

Violence

As in previous years, there has been a steady decline in conflict-related deaths, although the 2018 General Election saw a rise in violent deaths for the period between June and July.

According to the Centre for Research and Security Studies (CRSS) Annual Security Report 2018, of the 2,333 casualties in 2018, 1,131 were fatalities, down 45% from 2047 the previous year. Balochistan had the highest number of fatalities at 407, followed by erstwhile FATA (208) and Sindh (192). The biggest decline was in the Punjab, where fatalities dropped by nearly 69% (469 to 146), followed by Sindh (57.8%) and the

former FATA (52.3%). Civilians accounted for 53 percent of the total casualties (598), with 243 security personnel and 289 militants.

Suicide attacks represented the main form of violence by militants and the primary source of casualties. The Pakistan Institute for Conflict and Security Studies (PICSS) said that 46% of the overall deaths, and 48% of the total injuries, in militant violence in 2018 were caused by suicide attacks – with the ratio of deaths per attack in 2018 increasing from 13 to 15. During the year 2017, the percentage of deaths in suicide attacks was 33 percent.

Violence spiked sharply during the time of the general elections. The PICSS said that 40 percent of the total deaths took place in July. Several candidates were targeted during public gatherings, including a sitting minister. Five separate attacks took place in July alone. On 7 July, an attack on the convoy of Muttahida Majlis-e-Amal (MMA) candidate Shiren Malik in Bannu resulted in injuries to him and six others.

A second fatal attack on 10 July in Peshawar claimed the life of Awami National Party (ANP) leader Haroon Bilour, along with 21 others. Jamiat Ulema-e-Islam-Fazal (JUI-F) leader Akram Khan Durrani’s survived an attack on his convoy on 13 July as it headed back from an election rally in Bannu, but four others were killed. Hours after, a suicide attack on a rally in Mastung targeted Balochistan Awami Party (BNP) provincial assembly candidate Nawabzada Siraj Raisani. At least 131 people lost their lives along with Raisani.

Ikramullah Gandapur from the Pakistan Tehreek-e-Insaf (PTI) was also killed in Dera Ismail Khan. Thirty-one people were killed on polling day in Quetta in an attack outside a polling station.

Violence perpetrated by the police

The year was marked by increased conversation in the mainstream media and political movements as well as civil society regarding extrajudicial killings, fake encounters, and brutality at the hands of law enforcement agencies. The extrajudicial murder of Naqeebullah Mehsud, along with three others, at the start of the year culminated in nationwide protests by the Pashtun Tahafuz Movement (PTM) and resulted in an inquiry committee that found police personnel culpable in the killing, although the main suspect, Rao Anwar, was still out on bail at the end of 2018.

A young man, Maqsood, also died in Karachi in January, allegedly caught in the crossfire between police and a gang of criminals. CCTV footage later revealed it was another fake encounter and he had been targeted by police.

‘Encounter’ has become a euphemism for extrajudicial killings, where the deaths of citizens during clashes with the police and other security

forces are viewed with suspicion. These were frequently reported across the country throughout the year, and rarely investigated. The lack of transparent and credible police reports has only fuelled the perception that law enforcement agencies can act with impunity. Only occasionally is there any evidence that they are held to account.



Police encounters were frequently reported across the country throughout the year

In May, 11 policemen were booked six years after ‘killing’ a man in a staged encounter in the district of Kasur, and then only because his mother determinedly pursued the case. In another incident, a departmental inquiry conducted in Larkana found that the claim by the Bakrani police of having killed a ‘notorious dacoit’ in an encounter on 21 May was false. The SHO concerned was booked, along with five others.

In 2017, Emaan Fatima was raped and killed in Kasur and the police picked up a man and killed him the same day. When Imran Ali was convicted in Zainab’s murder case in 2018, DNA evidence revealed that he had also committed the 2017 attack. The media highlighted the fact that the police had shot dead an innocent man months before. A JIT was constituted and found the police guilty.

In October, a murder case was lodged against a police team that had killed a young man in an alleged encounter in Karachi around three months earlier.

The innocent are often caught up in the indiscriminate crossfire between police and criminals. The tragic death of ten-year-old Amal, shot during yet another police encounter in Karachi in August, shocked the country.

According to the CRSS statistics for fatalities from security operations,

162 were attributed to encounters or suspected encounters with law enforcement agencies. In the 2018 list of the Baloch Human Rights Organisation (BHRO), of the 264 cases listed under extrajudicial killings, 23 were attributed to encounters, and 24 to custodial deaths. The BHRO also recorded 832 missing in their list of enforced disappearances in the province.

There were many reports of enforced disappearances at the hands of security forces, with human rights defenders and activists bearing the brunt – see *Enforced Disappearances*.

Police crime/dereliction of duty

Amidst growing concern around police accountability, the Sindh government set up the Internal Police Accountability Branch (IAB) in August, answerable to the Inspector General of Police and tasked with ‘conducting inquiries against policemen over allegations of corruption, misuse of powers and other complaints in a transparent manner’.

Accountability measures taken by the Punjab police are under the Punjab Police Efficiency and Discipline Rules 1975 and the Punjab Civil Servants (E&D) Rules 1999, depending on the rank. The Punjab police has not released figures for 2018. In 2017, however, 270 punishments were awarded to ASP/DSPs, 64,458 were meted out to constables, 1,792 to inspectors, 10,077 to sub-inspectors, 12,151 to assistant sub-inspectors and 3,773 to head constables. In total, 2,434 members of the police force were dismissed in 2017 – out of the dismissals, one was on grounds of torture, two were due to illegal confinement, and 167 cases involved corruption. Overall, 15 cases of torture resulted in punitive action. Disciplinary action was more common at the level of lower ranks as opposed to higher ranked officers.

In May, in response to a complaint filed by Justice Project Pakistan (JPP), the National Commission on Human Rights initiated a formal inquiry into nearly 1,500 cases of torture uncovered in Faisalabad alone. The JPP had produced a report in collaboration with Yale Law School, *Policing as Torture: A Report on Systematic Brutality and Torture by the Police in Faisalabad*, which revealed conclusive signs of abuse in 1,424 cases for the period 2006-2012.

According to the data, 58 of the victims were children and over 134 were women. The report stated that 143 victims were suspended, 464 were forced to witness others being tortured, 15 were subjected to sleep deprivation, 11 were exposed to extreme heat or cold, and 114 were sexually abused. The report also found that 61 percent of women were sexually abused, and 81 percent were subjected to culturally inappropriate practices.

Thirteen policemen, including three SHOs, were subsequently

summoned by the NCHR in August for torturing citizens. Despite this action, a fruit vendor in Faisalabad was picked up in September, blindfolded, brutally tortured at an undisclosed location, and allegedly forced to accept that he had committed a robbery, proving that the practice of torture was still very much a part of police investigation.

In June, on the occasion of the International Day in Support of Victims of Torture, the NCHR said they had received 100 complaints in the past year, adding that the commission had also picked up 58 cases suo motu, of which 34 were related to female victims. According to the commission, Pakistan lacked data, adequate monitoring and redressal mechanisms, as well as comprehensive national legislation against torture. It was reported that human rights officers had been appointed to prohibit and prevent torture in police stations, and that nearly 25 officers of the Islamabad police had been dismissed for their involvement in inflicting torture.

During the year, numerous reports emerged of police blackmail and extortion, torture and harassment during raids, custodial deaths, refusal to register FIRs, and corruption.

Several cases of police corruption emerged from Sindh in 2018, as the Sindh government made inroads into exercising more power over the policing branch. An accountability court in August sentenced a senior superintendent of police to 10 years' imprisonment in a reference pertaining to embezzlement of Rs50 million. In September, the Sindh government requested an inquiry against 18 top police officers over allegations of corruption and illegal appointments.

The government proposed the Sindh Police Act 2018, which dilutes the powers of the Inspector General and expands those of the Sindh Government 'to manage, direct, review, and oversee the administration and financial affairs of the Sindh police.' This Bill had not been passed by the end of the year and both police authorities and civil society expressed concerns about the implications for the independence of the Sindh police.

At the expiration of the five-year term of the PTI government in Khyber Pakhtunkhwa, it was found that they had failed to establish an independent Public Safety Commission and the Regional Complaint Authority in most districts of the province in order to ensure police accountability. On the other hand, it was reported that, since the passage of the KP Police Act 2017, in-house accountability had resulted in the dismissal of almost 800 policemen and punishments for over 6,000 staffers.

The home department in the Punjab sent a summary to the Chief Minister in September, seeking his permission to place before the cabinet a request

to approve the constitution of the Commission for Police Reforms and Implementation. In October, the police reforms chief, Nasir Durrani, resigned which was considered a setback to the implementation of police reforms in the province.

Crime

Reported crime in the Punjab during the period of January till December 2018 was slightly on the rise as compared to 2017, jumping from 405,895 to 409,030. Out of these, 50,483 were crimes against persons, while the rest were classified as crimes against property (87,770), crimes against local and special laws (136,884) and miscellaneous (133,893). According to statistics provided by the Punjab Police, 25,511 out of the total number of registered cases were rendered untraceable (6.2%), 39,993 were under investigation (9.7%) and 317,292 cases were challaned (77.5%).

A large proportion of the crimes reported against persons in the Punjab involved cases of physical harm, in the form of murder (4,146), attempted murder (4,980) and hurt (15,191); a significant portion of these were rape (3,300) and attempted rape (196).

The annual report submitted by the Sindh police listed 14,115 crimes against property and 13,271 crimes against persons in 2018, while four incidents of terrorism occurred as well as nine target killings, 1,298 murders, three bank robberies, and 38 kidnappings for ransom. Street crime remained a challenge for the Sindh government in terms of law and order; there was a rise in mobile phone snatchings, increasing from 14,321 in 2017 to 15,038 in 2018 (5% increase).

The official website of the government of Balochistan states that reported crime in 2018 had dropped as compared to the previous year—8,763 in 2018 and 9,479 in 2017. Target killings, on the other hand, were reported to be on the rise from 29 in 2017 to 34 in 2018.

Unlike their counterparts in Sindh and the Punjab, the Khyber Pakhtunkhwa Police department website did not provide up-to-date statistics on reported crime.

Islamabad Capital Territory saw an unprecedented and exponential rise in crime—in many cases crimes had doubled in 2018. Despite the implementation of the Safe Cities Project in the city, motorcycle theft cases rose from 177 in 2017 to 426 in 2018. Furthermore, 2,207 cases related to robbery and car lifting were reported—225 stolen cars were reported in 2018 as opposed to 138 in 2017. Additionally, the number of violent crimes also increased—there were 106 murders and 147 attempted murders, as compared to 85 murders and 142 attempted murder cases in 2017.

HRCP maintains its own database, relying on media reports and

information from regional representatives and individuals. The statistics consequently do not reflect the true scale of crime or human rights violations – actual figures are likely to be much higher, particularly given that many crimes go unreported and motives are often not completely apparent.

January to December 2018						
	Total		Punjab	Sindh	KP/Fata	Balochistan
Category	Cases	Victims	Victims	Victims	Victims	Victims
Blasphemy	18	18	16	1	1	0
Police encounters	124	183	79	79	18	7
Police Excesses	98	150	143	6	1	0
Death penalty awarded	194	346	295	32	17	2
Death penalty executed	14	14	10	0	4	0
Violence in prison	36	38	30	4	0	3
Sectarianism	13	117	0	3	96	18
'Honour' crimes (Men/ Women)	316	374 F: 254 M: 120	199 F: 153 M: 46	118 F: 71 M: 47	72 F: 43 M: 29	30 * F: 16 M: 14
Sexual violence against women	845	856	820	18	17	1
Acid attacks	67	67	58	4	2	3
Women kidnappings	583	620	587	10	23	0
Domestic violence against women	129	135	117	10	6	1
Burning	77	77	66	8	3	0
Suicide	1338	1338 M: 786 F: 552	967 M: 565 F: 402	166 M: 103 F: 63	186 M: 111 F: 75	19 M: 11 F: 8
Suicide bids	516	516 M: 273 F: 243	411 M: 216 F: 195	81 M: 46 F: 35	22 M: 12 F: 10	2 (Males)
Corporal punishment for children	70	86	74	3	9	0
Data compiled by HRCP						
(* Aurat Foundation quoted a figure of 50 victims for 'honour' crimes in Balochistan.)						

Violence against Women

There was no discernible improvement in the status of Pakistani women in 2018. Pakistan continued to languish at the bottom of gender-related indexes. According to the World Economic Forum (WEF) *Global Gender Gap Index 2018* report, Pakistan was the second worst ranked country – 148 out of 149. While the index measures women’s political, social and economic participation, the question of violence is part of the everyday experience of women’s lives. A report by the Thomson Reuters Foundation (TRF) declared that Pakistan is the sixth most dangerous country for women.

Access to criminal justice, cases of violence against women, and the failure of the courts system to provide protection was highlighted in the mainstream media in 2018. The case of Khadija Siddiqui, who was stabbed 23 times by a class fellow, garnered significant coverage in the media and the decision of the Lahore High Court (LHC) to exonerate her attacker was widely criticised.

According to data collected from September 2017 to September 2018 in the Punjab by the Aurat Foundation, there were 151 gang rapes of women in the province. The organisation estimated that more than 10,000 women are victims of violence every year and ‘over 1,000 commit or attempt suicide due to the denial of their rights, extreme poverty, physical and sexual violence in Punjab.’ While they did not provide figures for ‘honour’ killings in the Punjab, HRCP’s own monitoring of reports revealed at least 199 victims, 153 of which were female, by the end of 2018.

The statistics from the Punjab Commission on the Status of Women (PCSW) showed that 3,860 women sought assistance for domestic violence in 2018, and there were 5,320 cases of sexual harassment from the Punjab. According to the Commission’s *Gender Parity Report 2018*, there was a 21.5 percent increase in violence against women in 2017 – 8,882 cases were registered in the Punjab. The recently opened Violence against Women Centre (VAWC) Multan recorded 1,545 cases of violence against women during the period of March 2017 to April 2018 – including 918 cases of domestic abuse, 165 family cases, 99 harassment cases, and 89 property disputes.

In Sindh, a report produced by the Sindh women development department found that 1,643 cases of violence were filed by women, including 13 cases of ‘honour’ killings, between July 2017 till April 2018.

In Khyber Pakhtunkhwa, 202 cases of gender-based violence were reported during the period January to June 2018, according to a news report on a workshop organised in Peshawar by Noor Education Trust. Out of these, 97 were murders of women, 24 were ‘honour’ killings (see

HRCF figures), 72 reported rapes and 6 cases of domestic violence.

The provincial cabinet of Khyber Pakhtunkhwa approved the 'Khyber Pakhtunkhwa Domestic Violence Against Women (Prevention and Protection) Bill 2018'. The proposed Bill, however, has come under criticism for being limited in scope, providing protection to only women as opposed to other vulnerable groups in domestic settings.



Participants of the Aurat March 2018 demand an end to violence against women

In their annual report released in November 2018, Aurat Foundation stated around 50 people, including 30 women, were killed in the name of honour in Balochistan from January 2018 till November 2018. These statistics were based on reported crimes at police stations across the province, with the most number of cases emerging from the Nasirabad division. Other reported instances of violence included 17 women who committed suicide over family disputes, and 21 women who were subjected to torture. There were 14 reports of women kidnapped, four cases of sexual harassment, and four reports of acid attacks.

Violence against Children

National attention was focused on the issue of child abuse and victimisation of children with the case of Zainab in early January 2018.

Six-year-old Zainab was found dead in Kasur after being sexually abused. This turned out to be the tip of the iceberg as Zainab's murder was reportedly the twelfth such incident to occur within a 10-kilometre radius in the city over a 12-month period.



According to a disturbing report, there has been a 75 percent rise in sexual violence against children in the age group of 0-5 years.

The mid-year statistics on child sexual abuse, compiled and released by the NGO Sahil, showed that child sexual abuse incidents increased by 32 percent in the first six months of 2018 compared to the same period the previous year. In the first six months 2,322 cases were reported while 1,764 cases were recorded in the first half of 2017. The report also showed that the number of cases involving boys had drastically increased by 47 percent since 2017. Another disturbing finding of the report was the 75 percent rise in sexual violence against children in the age group of 0-5 years. In this age group, 79 cases were recorded in the first six months of 2017 whereas in 2018 the figure had reached 321.

Quoting newspaper articles, the report stated that the major crime categories of the reported cases from the first half of 2018 were abduction (542), sodomy (381), rape (360), missing children (236), attempt of rape (224), gang sodomy (167), attempt of sodomy (112), gang rape (92), and 53 cases of child marriages.

Provincial statistics showed that 65% cases were from the Punjab, 25% cases from Sindh, 3% cases from Islamabad, 3% cases from KP, 2% cases from Balochistan. Twenty-one cases were reported from AJK, and two cases from G-B. Out of the total reported cases, 74% were from rural

areas and 26% cases reported from urban areas.

According to statistics reported by a TV channel (9 January 2019) and collected from government departments, 1,214 children were raped in the Punjab in 2018. The number of girl victims was 400 and the number of boy victims was 789, almost double that of girls. In another news report in November 2018, 1,109 cases of sexual abuse of children of less than ten years of age were reported to the Punjab police up to September.

The rate of conviction remained very low in child abuse cases. The Ministry of Interior informed the Senate in August 2018 that a total of 79 cases of child abuse had been registered in the federal capital from January 2014 to June 2018 but only four perpetrators had been convicted during that period. The Sahil report statistics also showed that 89% of cases were registered with the police. In 32 cases the police refused to register a case, 17 cases were unregistered with the police, and the registration status of 196 cases were not mentioned in newspapers.

The National Assembly passed the 'Islamabad Capital Territory Child Protection Act' to address issues of safety and abuse of children. Furthermore, the Juvenile Justice System Act of 2018 was also passed, amending the Juvenile Justice System Ordinance 2000, with the aim of addressing the challenges that children face in the criminal justice system.

Violence against Transgender Community

Despite several legislative advances and initiatives, there was continued violence directed against the transgender community.

In January, an eighteen-year-old transgender person was kidnapped and gang raped by nine people through the night only to be released the next morning in Peshawar. When the survivor filed a complaint with the police, they refused to register a First Information Report (FIR). The survivor believed that she had been targeted due to a recent protest she had attended against attacks on two other transgender persons. In the same month, three members of the transgender community were returning after attending an event in Swabi's Yar Hussain tehsil when assailants attempted to sexually abuse them. Upon resistance, the assailants opened fire, critically injuring two of the three survivors.

In March, a transgender person and her friend were gunned down in Peshawar by two assailants on a motorcycle. In April, another transgender individual's residence was raided by armed men in the Kalu Khan area of Swabi. The men beat her before fatally shooting her.

In May, another member of the transgender community was murdered over a money dispute in the Kotkay area of Mansehra. News reports indicated that the individual was shot after refusing to provide change

for Rs1,000.

In June, news reports surfaced of two transgender persons being beaten in Karachi after which the police registered a case against around half a dozen people. One of the individuals reportedly went to a local restaurant around midnight for a meal where she was harassed by a group of people.

In July, a young transgender individual was shot and sexually assaulted when she resisted a kidnapping attempt after two men forcibly entered her residence in Haripur.

In August, two men were arrested in Peshawar after being caught by the police carrying a bag full of human body parts of a transgender victim. In another incident in Mansehra, a transgender was attacked and tortured when a man accompanied by relatives entered her residence.

In September, a transgender victim was burnt alive by unidentified people at a cab stand in Sahiwal.

In October, the transgender community in Peshawar protested against the Charsadda police for manhandling and committing violence against members of the transgender community. They said the police had raided a music event and illegally detained them for no reason in the police station where they were subjected to physical violence.

In November, a man was taken into custody for attempted killing after a complaint was filed by a transgender that he fired gunshots at an event to stop her from dancing.



Transgenders in Pakistan continue to suffer despite many legislative advances

Cybercrime

Since the passage of the Prevention of Electronic Crimes Act 2016 (PECA), online spaces are increasingly shrinking and freedoms are rapidly being reduced. Internet shutdowns and blocking of websites continued unabated in the year 2018, while at the same time cybercrime and gender-based violence in online spaces was also on the rise.

The Federal Investigation Agency (FIA) and non-profit organisations working on these issues said there had been an exponential rise in cases of cybercrime and online harassment across Pakistan. According to the FIA, 2,295 inquiries were conducted, 255 cases registered, and 209 arrests were made in 2018 (from January till October). This number had almost doubled from 2017, when the number of inquiries were 1,290. The Digital Rights Foundation received 1,193 reports in 2018 on its cyber harassment helpline, 1,225 of which involved female victims. Access to digital communications is still dangerous for women in Pakistan, highlighted by the case of a woman being shot dead by her husband over sending text messages on different mobile phone numbers in Taxila.

Digital technologies were also used to broadcast violence against women and transgender persons, exemplified in the case of a gang rape of a transgender woman that was recorded and distributed over mobile phones in Peshawar.

In early 2018, an online blasphemy case emerged that resulted in the torture and harassment of the accused at the hands of law enforcement agencies. The case highlighted the potential for abuse on the part of law enforcement agencies.

In 2018 Pakistan's first conviction under the crime of online child pornography was handed down in Punjab. The accused was sentenced to seven years under section 22 of PECA. Another suspect was arrested from Jhang, Punjab for possessing and dealing in child pornography videos.

Several cases of online harassment emerged from across Pakistan. In January the FIA in Peshawar arrested an individual over charges of issuing death threats through social media to human rights activist, Gulalai Ismail, who was demanding justice for slain Mashal Khan. In February, a man was arrested in Faisalabad for blackmailing and harassing a woman over the internet.

In March, a magistrate in Lahore sentenced a man to six years and imposed a fine of Rs0.7 million for harassing and blackmailing a woman online. In April the FIA apprehended a man posing as a *pir* in Haripur, on charges of sexually abusing and blackmailing women. In June, a medical student was arrested after being accused of harassing women online and extorting money through Facebook.

Attacks on Institutions

Seven people were killed in an attempted attack on the Chinese consulate in November 2018 in Karachi. The attackers were unable to gain access to the embassy. However, the attempt raised concerns around the security of foreign missions in Pakistan and development projects involving regional cooperation.

Mob Attacks

There were a number of mob attacks in which the police intervention was restrained. In May, a mob of around 600-700 men joined a team of the Tehsil Municipal Committee when they arrived to demolish an Ahmadi historic building in Sialkot, ostensibly over illegal construction. In what appeared to be a premeditated attack, the place of worship and an adjoining building were demolished and ransacked. There was disturbing evidence to suggest that the administration was either powerless to act against the attackers or complicit in their activities.

In early November, following the Supreme Court acquittal of Aasia Bibi in a blasphemy case, there was widespread violence and destruction of property after members of the Tehreek-e-Labbaik Ya Rasool Allah staged protests across the country, bringing major cities to a standstill. Main roads were blocked, cars and buses were set alight, toll booths ransacked, police officers attacked, and property damaged. The government struck a deal with the protestors to end their action.

Women in the Police Force

While the number of women in the police remains low, this year some women's contribution garnered mainstream attention. After the operation against the militants at the Chinese consulate, SSP Suhai Aziz Talpur was lauded for having led the operation.

Figures were not available for 2018, but in a report compiled by the National Police Bureau (NPB) in 2017, women made up less than 2 percent of the total Pakistani police force despite the 10 percent quota. Out of the 391,364 police personnel across the country, only 5,731 were women. Gilgit Baltistan had the highest female participation in the force with 3.4 percent, and Balochistan had the lowest participation rate of 0.48 percent.

According to the annual performance report of Lahore police's investigation wing, Model Town SP (Investigation) Dr Anoosh Masood Chaudhry was declared the best crime fighter for the year 2018. She was rewarded for successfully submitting challans of 74 percent of crime cases in local courts.

In the Punjab, three Women's police stations have been established in Lahore, Rawalpindi and Faisalabad. These stations are staffed with



SSP Suhai Aziz Talpur led the operation against the militants at the Chinese Consulate

women police officers with the aim of catering to female victims of crime and domestic violence.

Safety of women in the police workforce is also cause for concern. In September 2018 a case emerged where a female constable was allegedly sexually assaulted by an unidentified individual on her way home from work.

Recommendations

- Create effective, independent checks and balances for law enforcement agencies and guard against human rights violations, extrajudicial killings, and abuse of power.
- Embed greater transparency in the police force relating to disciplinary and accountability mechanisms, particularly in cases of police brutality and torture.
- Introduce more stringent procedures for the recruitment and training of police officers to ensure integrity, honesty, and professional conduct in a police force that earns the trust and respect of citizens.
- Take affirmative action to recruit and induct women in the police force to ensure gender sensitisation and equitable gender participation.
- Expand Violence Against Women Centres (VAWC) across Pakistan

to provide effective redress for gender-based violence.

- Allocate greater resource allocation for investigation and prosecution for crimes against women, children, and transgenders.
- Develop effective awareness and educational campaigns through the media and public school curriculums to combat violence against women, children, and transgenders.

Jails and Prisoners

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

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

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

Article 14(1) and (2)

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

Universal Declaration of Human Rights Article 5

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

Article 8

Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Article 2

Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture. 2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Article 4

Jails in Pakistan are severely overcrowded and the implementation of recommendations and directives extremely slow. With a reported two-thirds of the total prison population still awaiting or undergoing trial, and jails holding up to 57 percent more inmates than their capacity, overcrowding is a major challenge that needs to be overcome if the deplorable living conditions of inmates and prison staff are to be alleviated. Hygiene and health facilities have been compromised and

infectious and contagious diseases spread rapidly in such conditions, a situation exacerbated by the lack of appropriate medical care.

Jails

In a suo moto case before the Supreme Court of Pakistan in July 2018 on the conditions of inmates in prisons, counsel for Wafaqi Mohtasib (Federal Ombudsman) informed the court that there were 78,160 inmates in a total in 98 jails against a sanctioned capacity of 63,532 prisoners. Of this, 25,195 were convicted, 48,780 were under-trial, and 4,688 were condemned prisoners.

According to statistics provided by the International Committee of the Red Cross and published in the World Prison Brief, the total prison population of Pakistan in 2018, including pre-trial detainees and remand prisoners, was 83,718, slightly higher than stated by the Wafaqi Mohtasib. World Prison Brief data also differed in other respects: it gave the number of establishments/institutions for prisoners in Pakistan as 106, and the official capacity of the prison system as 53,231—based on this capacity, the occupancy level in 2018 was calculated to be 157.3 percent. Although the prison population fluctuates, the discrepancy in the number of jails and the stated capacity is more difficult to reconcile.

The Supreme Court directed all the provinces to submit their replies and objections, if any, on the report of the Federal Ombudsman to examine the systematic failure in the administration of prisons.

In March 2018, a news item revealed that the National Commission for Human Rights (NCHR) had produced a report titled *Balochistan Prisons: An Exposé* which said that ‘Pakistan’s prison system has failed to keep pace with the needs of [the] time in the wake of rising crime and other serious security challenges, particularly the spread of violent extremism across the country.’ The report was compiled after NCHR officials visited the Quetta District Jail, the Mach Central Jail, and the Sibbi District Jail in pursuance of Article 9(c) of the NCHR Act, 2012. It particularly mentioned that the need to adopt a human rights approach in the administration of prisons was of utmost importance.

According to the report, there were close to 2,300 inmates in the jails of Balochistan at the time, of which 942 were convicted and 1,166 under trial. It further said that the pathetic conditions of jails in Balochistan could worsen the country’s major internal security challenges and hamper efforts to counter the spread of violent extremism across Pakistan. In particular, the report emphasised that human rights violations within the prisons had been exacerbated by the severe lack of well-trained, well-paid, and disciplined staff.

The NCHR also visited central prisons in Peshawar, Haripur, Bannu, Mardan, and District Prison Kohat during the year and observed that

conditions for mentally ill inmates were particularly poor. According to their report, 251 mentally ill prisoners were found in five jails. Their accommodation lacked proper lighting, exhaust systems, ventilators, beds and toilet facilities. The food and clothing were inadequate, and appropriate medical attention unavailable. The report further said that 'communication is the main problem. There is no social, moral, behaviour change and environmental condition in which mental prisoners could live'.

Overcrowding

The report of the Wafaqi Mohtasib before the Supreme Court had stated that in the Punjab, 48,760 prisoners were detained in 41 jails having a capacity to accommodate 33,235. In Sindh, 18,420 prisoners were detained in 25 jails with a total capacity of 12,413. In Khyber-Pakhtunkhwa (KP), 10,358 prisoners were detained in six central and 15 district jails as against a sanctioned strength of 8,395. Surprisingly, given the NCHR's reported condemnation of the dire state of prisons in Balochistan, it was noted that jails were not overcrowded in that province. As many as 2,158 prisoners were detained in 11 jails in Balochistan which have a total capacity of 2,585.

The Mohtasib recommended that the provinces should form committees to work on the improvement of the lives of inmates in jails, especially children, women and the destitute, as well as district oversight committees to monitor the implementation of court orders in their respective districts.



Overcrowded prisons are difficult to manage and are often plagued by an increase in conflict and violence amongst prisoners.

The composition of the committees was recommended to be members from civil society, bar associations, and educational and health sectors with a proven track record of significant contributions in this field. The report suggested that the Ministry of Interior and Prison Departments should be directed to appoint senior officers to act as focal persons for surprise visits of the said committees.

Similarly, it was proposed that the Law & Justice Commission, together with advocates general and provincial ombudsmen, should review and submit proposals for significant expansion of probation and parole facilities to reduce pressure on accommodation facilities in jails.

Overcrowding becomes particularly challenging when prisoners have to go to court and security measures are needed. Delays in courts, the absence of a parole system, and rigid bail laws are some of the main causes of overcrowding in the prisons.

In October 2018, it was reported that the Lahore High Court expressed dismay over the Punjab government's failure to present a progress report about construction of new jails in the province and constituted a commission to review the projects of new jails. At a previous hearing held in 2016, a committee had been constituted to ensure that the development work being conducted for the jails in Hafizabad, Narowal, Shujabad, Rajanpur and Khanewal was completed within two months. The Advocate General of Punjab headed the committee with the Deputy Inspector General (Prisons), and additional secretaries of home, communication and works, planning and development and finance departments as its members.

However, the judge learned that no progress had been made in the under-construction projects of jails. He noted that the committee had not held its meeting for the previous six months to oversee the projects, and observed that the prisons' population continued to rise but not a single jail project had been completed during the last 10 years.

At the end of the year, it was reported that provincial departments had stated that the establishment of new jails had started and funds had been sought from respective governments. In Sindh, new jails were under construction at Districts Malir, Mirpurkhas and Nawabshah, although various districts including Mithi, Qambar Ali Shah, Tando Allah Yar, Jamshoro, Kashmore, Kandhkot had no jails.

Conditions in jails

The management and minimum standard of jails, including programmes for the betterment and welfare of the prisoners, are severely affected by overcrowding. As the need for living space increases, the space available for sports, educational, cultural, and religious activities is frequently reduced. Overcrowded prisons are difficult to manage and are often

plagued by an increase in conflict and violence amongst prisoners. This is because movement is limited, adding to the stress and hostility felt by inmates. Keeping prisoners in a limited space causes difficulty for the staff in maintaining discipline and implementing safety measures.

A research study titled '*Addressing Overcrowding in Prisons by Reducing Pre-Conviction Detention in Pakistan*', developed by the National Counter Terrorism Authority (NACTA) in collaboration with Cursor for Development and Education Pakistan (CODE) and the International Committee of the Red Cross (ICRC), found that Pakistan's prisons were holding up to 57% more prisoners than their authorised capacity, leading to overcrowding that has had an adverse effect on the living conditions of both detainees and staff. In December 2018 it was reported that eleven jails in Balochistan were facing severe difficulties due to an ongoing water shortage.

It has been acknowledged by the Wafaqi Mohtasib that, although some philanthropic assistance was currently being provided to the prisoners in coordination with local communities and NGOs, effective mechanisms were still needed to provide basic facilities such as mattresses, medicines, exhaust fans, electric water coolers, and blankets. Prisons are increasingly unable to play a corrective and reformatory role.

The Mohtasib's report made a number of recommendations, including housing prisoners with drug addictions and mental disabilities in drug clinics and asylums, where they could be provided with medical treatment. It also suggested that family members of prisoners, particularly of women and children in jails, should have the right to visit them once a week on pre-notified days, and proper facilities should be provided. It also mentioned that transportation and escorting facilities for prisoners to the premises of courts should be revised and updated.

Female prisoners and juveniles

According to the World Prison Brief data, the percentage of female prisoners in Pakistani jails in 2018 was 1.8 percent.

In the same suo moto case before the Supreme Court of Pakistan on the conditions of inmates in prisons mentioned earlier, the court had been informed that 1,955 women and 1,225 juveniles were imprisoned in different jails of the country. In the Punjab, it was reported that there were 359 female convicts and 629 juveniles. [As per the statistics of the Punjab Prisons Department, by end December 2018 the total number of females was 893 and the total number of juvenile prisoners was 671.]

In Sindh, there were 192 female prisoners. In Khyber-Pakhtunkhwa (KP), 382 juvenile prisoners were reported. In Balochistan, it was reported that only 20 women and 50 juveniles were among those detained. The report also pointed out that there were no separate

barracks for hardened criminals, first offenders, juveniles, and women.

The Federal Ombudsman also proposed that provincial governments should build jails in every district headquarter, and the federal government in Islamabad. Every jail should have a separate and independent portion for women and juvenile prisoners, with sleeping space for every prisoner and adequate toilet and hygiene facilities.

In October 2018, the Lahore High Court directed the government to appoint female doctors in jails for women and children prisoners. The government was also ordered to ensure that the barracks of women and men in jails were segregated.



1,955 women and 1,225 juveniles are imprisoned in different jails of the country.

In September 2018 the Supreme Court ordered the release of a 21-year-old man after eleven years in jail. Muhammad Adnan was a child of ten years when he was convicted of trafficking drugs, and sentenced to life imprisonment by the Juvenile Court, Sheikhpura, a decision upheld by the Lahore High Court. The co-accused, one of whom was a police constable, absconded and were not proceeded against. Adnan is suffering from TB, requiring treatment in a hospital every week.

In recent times, there have been reports of sexual abuse and exploitation of juvenile prisoners. The Juvenile Justice System Act 2018 states that convicted juveniles shall be confined in Juvenile Rehabilitation Centres

until the completion of the period of imprisonment or until they turn 18 years of age. Juvenile convicts can receive an education as well as vocational or technical training at these centres. A female juvenile shall only be kept in a Juvenile Rehabilitation Centre established or certified exclusively for female inmates. There are reported to be a total of seven juvenile detention facilities in Pakistan—two in the Punjab, four in Sindh, and one in Khyber Pakhtunkhwa which is not functional. There is apparently no such facility in Balochistan.

There could also be as many as 500 children living with their mothers in jails but, without official statistics, it is impossible to verify that number.

Pakistani Prisoners in Foreign Jails

In September 2018, there was a crucial development in the longstanding case filed by Ms Rida Qazi, a civil society member. Years earlier she had filled a petition for jail reforms in Pakistan. She urged the court to ensure the proper application of the Pakistan Prisoners Code (Jail Manual), insisted upon the need for government assistance to bring home the Pakistani citizens in foreign jails, and emphasised the urgent need for the construction of new jails.

In response to the Court direction, the Interior Ministry submitted a report to the Lahore High Court in September. The report revealed the latest official statistics of Pakistanis jailed in foreign prisons, and the official number goes as high as 11,803. The report also provided some country-wise statistics highlighting the exact number of Pakistani prisoners in Saudi Arabia, Greece, India, Afghanistan, China, Iran and Malaysia. The number of Pakistani prisoners per country were as follows:

Country	No. of Pakistani Prisoners
Saudi Arabia	2,937
Greece	1,842
India	582
Afghanistan	177
China	242
Iran	188
Malaysia	226

The case further revealed that the Ministry also moved a summary to the Finance Division for a supplementary grant of US\$35,000. This grant would be used to make the relevant arrangements for the repatriation

of Pakistani citizens imprisoned in foreign jails. The need for sufficient time to produce successful outcomes and to demonstrate good use of the grant money was emphasised.

In addition to this, it was highlighted that the procedure of the 'Transfer of Offenders' agreement has been set in motion with 20 countries in accordance to the Supreme Court's direction. These countries include Saudi Arabia, Iran, Turkey, China, Russia, Qatar, Bahrain, Malaysia, Ireland, Yemen, Afghanistan, Maldives, Korea, Jordan, Azerbaijan, Uzbekistan, Cyprus, Seychelles, Kirghizstan and Nigeria.

On 27 December 2018, Pakistan and the United Kingdom (UK) signed a 'Prisoner Transfer Agreement' at the British High Commission in Islamabad allowing foreign inmates in both the countries to serve their sentences closer to home. According to the British High Commission, the agreement was approved in principle during the British Home Secretary's visit to Pakistan in September to restore and update a previous treaty between the UK and Pakistan, and includes strengthened assurances that all the transferred prisoners will serve their appropriate sentences before being released. It also allows the inmates to prepare for reintegration into their home communities when they are eventually released from prison.

Torture in Prisons

On 26 June 2018—the 'International Day in Support of Victims of Torture'—a member of the National Commission for Human Rights (NCHR) highlighted the fact that Pakistan was a state party to the Convention against Torture and needed to properly define and criminalise torture.

The Deputy Inspector General of Police (Prisons) Rawalpindi stated that psychologists had been appointed by the department for the victims of torture in prisons. He further added that to eliminate torture in prisons it was vital to counter overcrowding by at least increasing the capacity of the lower staff of the prison department. With regard to the staff involved in inflicting torture, the DIG claimed that strict disciplinary actions had been taken.

The Law & Justice Commission Secretary recommended engaging Provincial Justice Coordination Committees, which the commission oversees, as a forum to monitor torture.

On the same day, the Human Rights Commission of Pakistan (HRCP) issued a statement which strongly urged the state to revisit the Torture, Custodial Death and Custodial Rape (Prevention and Punishment) Bill passed by the Senate in 2015 and which had been allowed to lapse. HRCP said the right to protection against cruel, inhuman or degrading treatment or punishment applied in all circumstances, with no exceptions

whatsoever. This was fundamental to what it meant to be a civilised state.

HRCF also called on the state to take measures to implement the United Nations Convention against Torture, to which Pakistan is a signatory, and to ratify the Optional Protocol to UNCAT and establish a corresponding national preventative mechanism. The statement emphasised that law enforcement agencies also needed greater support in terms of training, resources, and access to modern, scientific methods of investigation to replace the prevailing culture in which the means are seen to justify the end. The need for a system of democratic accountability for state personnel involved in torture was stressed.

Internment Centres

On 2 May 2018 the Additional Attorney General (AAG) told a three-judge bench of the Supreme Court that 1,330 people had been sent to different internment centres in the country and 253 other persons had been released. The bench asserted that authorities cannot be allowed to detain citizens for as long as they wish and asked for details of offences under which these people had been detained as this was their basic fundamental right.

Technology in prisons

After a successful pilot project of the Prison Management Information System (PMIS) at District Jail, Lahore, the Punjab Information Technology Board (PITB) announced in December that it had decided to start the application at six different jails of Punjab in the first phase. The computerisation of jail records was one of the recommendations of the Federal Ombudsman.

PMIS includes a comprehensive online database of inmates using an automated fingerprint identification system (AFIS), planning and execution of reformatory measures, regulation and management of day-to-day affairs related to courts, facilitation of the public through fast-track registration of interviews, instant redressal of public grievances, as well as maintenance of a comprehensive database of prison staff.

According to the PITB, the system was integrated with the MIS of the Home Department, Punjab Police, Lahore High Court, and Anti-Corruption, and had ensured efficient control and management of jail affairs. It required less manpower and time and had significantly facilitated visitors. Through the PIMS, the information of 51,747 prisoners, 14,895 visitors and 136 patients hospitalised in the jail had been compiled in the pilot project.

In the same month, the secretariat's report said that in the Punjab the inspector general of prisons, prosecution department, and courts had

developed independent IT modules and packages for automating their activities. However, there was no interface or link between them with the result that the prisoners' attendance in courts was not being reflected through the system. The problem was said to have arisen because each department had worked in isolation rather than in an integrated system. The need to integrate the criminal justice system under the umbrella of NADRA was emphasised. The report said that the Punjab government Home Department would lead in coordinating with the police, jails and prosecution departments to develop a feasibility report and plan with timelines for the execution of a project of biometric verification from jails to courts.

The secretariat report said that a memorandum of understanding (MoU) had been signed in Sindh between the Prison Department and UNODC on April 20 for developing and installing the Prison Management Information System (PMIS). NADRA had again been asked to give jail authorities access to the NADRA database for proper verification of identity of the prisoners as well as visitors.

Positive measures

In September 2018, the Federal Ombudsman submitted a report to the Supreme Court on the status of implementation of its recommendations to improve the prisons and said that the home departments had reported that considerable work had already been done.

Home departments had been asked to make recommendations for significant expansion of probation/parole facilities to deal with overcrowding and reformation of convicts, juveniles and first-time offenders.

Provincial prison departments had started computerisation of prisoners' records and had been told to expedite implementation in all the jails in their jurisdiction, as well as develop interface between police, prisons, courts and the National Database Registration Authority (NADRA) to monitor and verify prisoners' records and court proceedings. They were required to submit a compliance report.

The Federal Ombudsman, the Provincial Ombudsmen, and the District Oversight Committees would monitor status of implementation on their recommendations such as provision of missing facilities, segregation of prisoners of different categories, free legal education, upgrading of probation and parole, philanthropy assistance, computerisation of prisoners' records, formal and technical skills programmes.

In December 2018, the Wafaqi Mohtasib secretariat submitted a report to the Supreme Court that said that all the provincial prison departments had now initiated mechanisms for development of interface among jails, courts, and NADRA for the monitoring and verification of prisoners'

records. It also stated that the secretariat had started work on improving the welfare of prisoners including payment of fines for those who had completed their sentences. In addition, psychological counselling, education and vocational training would be provided to facilitate their integration into society after their release.



PMIS includes a comprehensive online database of inmates using an automated fingerprint identification system (AFIS)

A work plan was reported to have been prepared, in collaboration with international organisations, to address the issues of women, juvenile and under-trial prisoners at Central Jail Haripur, Central Jail Quetta and Mach, Central Jail Lahore, Borstal Institute and Juvenile Jail Faisalabad, and Central Jail Karachi. The objective was to provide legal assistance, availability of correctional psychiatric facilities and medical examinations, as well as improving the infrastructure, furniture and other utilities, and training for prison staff.

The Higher Education Commission of Pakistan (HEC) had been asked to submit a comprehensive programme of education and skill training for prisoners in coordination with universities who would be approached by the provincial governments to involve them in professional and vocational training in jails.

It was reported that 400 prisoners in various jails of the Punjab had passed the Bachelor of Arts (BA) examination during the year.

Recommendations

- Revisit the Torture, Custodial Death and Custodial Rape (Prevention and Punishment) Bill passed by the Senate in 2015 and which had

been allowed to lapse.

- Implement the United Nations Convention against Torture, to which Pakistan is a signatory, ratify the Optional Protocol to UNCAT, and establish a corresponding national preventative mechanism to specifically criminalise torture.
- Provide greater support to law enforcement agencies in terms of training, resources, and access to modern and scientific methods of investigation.
- Repeal Actions (in Aid of Civil Power) Regulation 2011 and other domestic laws related to prolonged and preventive detentions.
- Implement the recommendations relating to the elimination of torture made in the 2017 Universal Periodic Review.

Enforced 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)

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

Universal Declaration of Human Rights

Article 8

«Enforced disappearance» is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorisation, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law (Art.2)

International Convention for the Protection of All Persons from Enforced Disappearances

Article 2

The scourge of enforced disappearances continued unchecked across the country in 2018. Political activists, students, human rights defenders, lawyers, journalists, members of religious groups, and various ethnic minorities have all fallen victim in recent years. No one has ever been held accountable. Whether through lack of training or lack of independence, police are powerless to investigate the cases of missing persons where either military or intelligence agencies are implicated.

When victims of enforced disappearance reappear, their statements are not recorded. When missing persons are tracked down to prisons or internment centres, no efforts are made to investigate the circumstances of their incarceration. Yet the Supreme Court has on several occasions directed that this be done. In July 2018, when social activist Raza Mahmood Khan, who had been missing for seven months, was reported to have returned home, he was said to be refraining from making a statement due to 'security concerns'. The Commission of Inquiry on Enforced Disappearances (CoIoED) says that many of the persons that have been traced declined to say anything about their ordeal 'due to

obvious reasons.’

The families of the victims have little recourse to fall back on other than their protest camps, and their pleadings to be heard. Too often, these peaceful gatherings are disrupted and dispersed with force. The families’ anguish is exacerbated by the financial difficulties they have to endure without the breadwinner of the family.

Judicial interventions

After hearing a petition for the recovery of an IT expert abducted from his Islamabad home in March, the Islamabad High Court (IHC) imposed fines on several high officials and ordered that Rs117,000 per month be paid to the family. The ruling introduced strict penal consequences for officials involved in enforced disappearances.

In November, the IHC imposed a fine of Rs2 million and froze half the salaries of the defence and interior secretaries, and the inspector general of Islamabad police, as well as censuring members of a joint investigation team (JIT) for their failure to trace a missing person, Abdullah Omar. The court set a six-month deadline for the recovery of Omar and indicated that members of the JIT might be dismissed from service if they failed to recover him. The petition claimed that Omar was injured during a firing incident in Rawalpindi in May 2013 when he lost the use of his legs. He was admitted to hospital and taken into custody in June 2013 until 2015 when he was released on bail by the anti-terrorism court of Islamabad. He was then allegedly abducted by agency officials in June 2015.

Both these court decisions were challenged on appeal but they served to demonstrate the courts’ frustration at the way their efforts to do justice to the victims of enforced disappearances have been thwarted by the executive authorities.

Commission of Inquiry on Enforced Disappearances

The Commission, set up through an interior ministry notification, has not been given the necessary authority to effectively fulfil its responsibilities, nor does it have adequate financial and human resources. As a consequence, their efforts to trace missing persons does not have the cooperation of military and intelligence agencies.

The chairman of the Commission of Inquiry on Enforced Disappearances (CoIoED) said in August 2018 that the issue of missing persons “has always been politicised” and that the situation is “not as bad as it is made to sound”. He added, “In Balochistan, there are merely 131 cases regarding missing persons being heard,” and that, in a number of instances, the Commission had found that people were picked up by rival tribes due to personal enmity.

According to the Commission, it received 5,706 complaints related to



As many as 5,000 people are still reportedly missing from Balochistan.

enforced disappearances since its establishment in 2011 and disposed of 3,600 cases. The backlog of cases remains disturbingly consistent. In August it was around 1,822. At the end of November, the balance of cases was reported to be 2,116. At the end of December, the backlog still exceeded 2,000.

Between January and July 2018, the Commission received a total of 682 complaints. In August, 59 cases were received, followed by 74 in September, 84 in October, and 101 in November—a steady stream of reported disappearances that the Commission has been unable to keep pace with.

Official handouts proclaim the achievements of the Commission and the remarkable efforts acknowledged by relatives of missing persons. HRCP has consistently expressed dissatisfaction with the working of this commission and endorsed the call of the UN Working Group on Enforced Disappearances (WGED) for strengthening the commission in terms of both human and material resources. Nor is the commission's sentiment echoed by the chairperson of the Defence of Human Rights (DHR) who expressed dissatisfaction over their performance. According to her, the Commission held inquiries and disposed of cases when informed by intelligence agencies' officials that the person in question was in their custody. She claimed that the cases disposed of were of those actually dead or interned, with very few releases.

In September, the Chief Justice formed a two-member special bench to study a report on missing persons' cases submitted in court by

CoIoED, to supervise long-running ‘missing’ persons cases, monitor the Commission’s proceedings, and ensure implementation of production orders issued by the Commission. The CoIoED report claimed that 3,519 cases out of the 5,349 it had received in the year had been resolved, and the Commission was working on the remaining 1,830 cases.

On 16 October 2018, the Commission submitted a monthly progress report to the special bench which said that 36 ‘missing’ persons had been traced in Sept 2018. Fourteen of those were found to be detained at various internment centres for militants.

Of the 84 cases received in November, the Commission claimed to have disposed of 78:

Traced Persons	70
Returned to Home	22
Confined in Internment Centres/Jails	46
Dead Body	02
Deleted not being cases of enforced disappearance /incomplete address	08

Counting the cost

Enforced disappearances continued to be reported in significant numbers and many more are not reported either in the absence of redress mechanisms or fear that protests or agitation may endanger missing persons. The HRCP in a statement said, ‘the lack of reliable estimates of the number of disappeared people, given the enormous discrepancy between official estimates and reports on the ground, was a chilling reminder of why the state cannot afford to stall this issue’.

In November, Sardar Akhtar Mengal of the BNP-M expressed doubts about whether the situation would be any different in Naya Pakistan as 235 people, including nine women, had gone missing from Balochistan. Families had received 45 dead bodies during the period from 25 July to 30 October 2018 and as many as 5,000 people are still reportedly missing from Balochistan. According to him, people were afraid to register FIRs if any of their family went missing because, if they did, they received threats from law enforcement agencies. Sardar Akhtar claimed that human rights activists, nationalists, and anyone who raised the issue of enforced disappearances on social media were also picked up by intelligence agencies.

In their Bi-annual Report 2018 *The State of Balochistan’s Human Rights*, the Baloch Human Rights Organisation and Human Rights Council of Balochistan said they had received ‘partial reports’ of 541 cases of enforced disappearances in the first half of the year. In the majority of

cases 'the persons were picked up by security forces from their homes, in front of the entire families and villagers'.

According to Amnesty International in March, the UN Working Group on Enforced or Involuntary Disappearances had more than 700 pending cases from Pakistan.

Protest and persecution

A protest camp was organised on 31 March outside the Lahore Press Club demanding the release of the report of the 2010 Judicial Commission and calling for the criminalisation of enforced disappearances.

Addressing a press conference at the Quetta Press Club in April, Hamida Baloch, sister of missing Saghir Baloch, appealed to the government of Pakistan, the Supreme Court, the Human Rights Commission of Pakistan, and civil society to raise their voice for the safe recovery of her brother. Saghir, a student of BS Political Science at the University of Karachi, went missing on 20 November 2017.

The families of missing Sindhi political activists led a 72-hour hunger strike from 20-22 May in Karachi demanding the release of their abducted relatives. They set up a protest camp outside the Karachi Press Club. They were joined by members of several political parties and human rights organisations. The police and Rangers surrounded the camp and baton-charged the protestors. Local police were seen beating up protestors and behaving roughly towards women.

In May, activists of human rights organisations, members of civil society, and nationalist parties took out rallies and observed a 72-hour hunger strike outside the Hyderabad Press Club to protest against 146 enforced disappearances in Sindh. They called for the arrest and exemplary punishment of all the personnel of the law enforcement agencies involved in attacking peaceful protesters and the families of missing persons outside the Karachi Press Club. They also demanded the arrest of policemen involved in attacking members of the Mehran Council of Quaid-i-Azam University Islamabad outside the Islamabad Press Club.

In August, university students joined a protest organised by the HRCP in Lahore against increasing enforced disappearances by security agencies. HRCP claimed to have received 3,300 complaints about abductions, mostly from militarised zones around the country.

In a statement issued to mark the International Day of the Victims of Enforced Disappearances, HRCP emphasised that an enforced disappearance implied the absence of the right to liberty, security and life. It meant having no guarantee whatsoever of the right not to be subjected to torture or to inhuman or degrading treatment and it put the person entirely out of reach of the right to a fair trial or effective remedy.

Victims' families and friends – and the public – were denied the right to know the truth of the circumstances of the disappearance.

On 19 November, huge rallies were held across the province to protest enforced disappearances in Balochistan. Families had initially camped outside the Quetta Press Club until they were forced to move away to the Chief Minister's House to continue their sit-in, demanding reassurance from the government that they would have recourse to due legal process. In expressing solidarity with the families, HRCP expressed shock that women, children and the elderly had to camp out in large numbers in the open in winter to merely ask that they be heard and their constitutional rights respected. The families were later given assurances by the government that their demands would be heard.

In December, it was reported that students of Bahauddin Zakariya University were protesting the disappearance of a classmate. Jiand Baloch was allegedly taken by security agencies from his residence in Quetta along with his father and 13-year-old brother on 30 November.

Demands may be heard, but they will not necessarily be met. During its last Universal Periodic Review, Pakistan supported the recommendation to 'specifically criminalise enforced disappearances in the penal code and reinforce the capacities of the Pakistanis [sic] Inquiry Commission on Enforced Disappearances in order that the Commission can fully carry out its mission.' Simply adding enforced disappearances to the Penal Code will not suffice. Until and unless the government forms a statutory commission or tribunal, answerable to the Supreme Court and independent of external interference, the process of eliminating this particular crime and providing redress to the victims and their families will continue to be stalled. And the cases of missing persons will continue to pile high.

A government bill on the subject of disappearances has been pending in parliament since 2014. It criminalises enforced disappearances and proposes the creation of tribunals to trace the victims of enforced disappearance and refer cases for trial of perpetrators of this crime by sessions courts. But the new government indicated that it wished to draft a new bill.

Recommendations

- Ratify the International Convention to Protect All Persons against Enforced or Involuntary Disappearance.
- Replace the CoIoED with a statutory commission answerable to the Supreme Court.
- Review the justification for maintaining internment centres under the Actions in Aid of Civil Power Regulations.

Fundamental Freedom



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

Despite its fundamental status, freedom of movement in Pakistan continued to be restricted for various reasons, including an uncertain law and order situation, religio-political demonstrations, and militancy and counterinsurgency operations. The excessive use of the Exit Control List (ECL) featured prominently in headlines in 2018. At the year's close, No Objection Certificate requirements for North Waziristan entry were removed for non-residents, although implications for local NGOs wishing to work there remained unclear. A new visa-on-arrival policy for tourist groups was also introduced.

Travel for some religious and gender minorities remained dangerous. Despite a lack of data, the large number of reported trafficking and forced labour cases, especially by high-profile individuals, was disturbing.

Official Restrictions

In March the ban on the issuance or renewal of Pakistan Origin Cards (POC) was lifted for foreigners who had been married to their Pakistani spouses for five years minimum. However, reported cases of the National Database & Registration Authority (NADRA) refusing renewals suggests selective issuance might be in place.

After several petitions were filed in the Peshawar High Court and Supreme Court (SC), some barricades and check posts in various areas of Peshawar were removed. The check posts and barricades, which had been installed due to the long-term security situation in Khyber Pakhtunkhwa (KP), combined with the under-construction Bus Rapid Transit Project, had aggravated traffic congestion.

When the PTM planned a rally on 12 May, they were forced to change the venue from the central location of Jinnah Bagh to Al-Asif Square at Sohrab Goth. Main roads were blocked on the day of the meeting, and people who were trying to reach the venue were threatened and harassed. Convoys arriving from other cities were blocked on the way and dozens were arrested.

A boarding pass was denied to the leader of the PTM, Manzoor Pashteen, for the flight he had booked on a private airline to Karachi. Security checks prevented him from reaching the Lahore airport to catch a flight from there, and he finally travelled by road, arriving late for the rally.

Protests and obstructions

The protests of the Pashtun Tahafuz Movement (PTM) attracted the attention of thousands. Their demands included a countrywide inquiry into extrajudicial killings of Pashtuns, removal of landmines from Waziristan, and an end to alleged mistreatment at check posts.

Riots and protests for a variety of reasons were a frequent occurrence during the year, causing disruption and inconvenience to the general public.

In August thousands from Tehreek-i-Labbaik Pakistan (TLP), the political wing of a religious party, marched from Lahore to Islamabad demanding the new government sever ties with the Netherlands following the announcement of a controversial cartoon competition by a Dutch politician.

In March, Lady Health Workers staged a five-day sit-in demanding payment of arrears, blocking Lahore's Mall Road until the Lahore High Court (LHC) directed the Punjab government to fulfil their demands and end the sit-in.

On 3rd April the Pakistan Mini Mazda Association blocked the M2



Lady health workers staged a five-day sit-in blocking Lahore's Mall Road

Motorway, protesting toll hikes. On 25-26 September, a protest by students of University of Sargodha's Lahore sub-campus regarding non-issuance of transcripts blocked Canal Road for hours. Traffic Police cordoned off much of Lahore's Mall Road to restrict the movement of lawyers demanding the formation of LHC district benches in November, but reportedly failed to remove barricades after protesters left.

Following the SC's acquittal of Aasia Bibi in October, the TLP announced countrywide protests, paralysing major cities for three days. Educational institutions remained shut and people were unable to reach offices. Public and private transport services in many areas were affected as several associations of transporters supported the strike. Many key roads, including motorways, remained blocked or shut because of the demonstrations.

Mobs used barbed wire and burning tyres to block roads. Fuel shortages exacerbated restrictions on movement. Protests in some areas turned violent. Reports and footage revealed protesters torching and thrashing vehicles with iron rods, sometimes with motorists trapped inside.

Roads were often cordoned off to facilitate VIPs and development project delays exacerbated traffic congestion. GPO Chowk Lahore was closed in March due to the Orange Line Metro station construction. The delay in the construction of the Shaukat Khanum flyover in Lahore caused delays and ill-health from dust pollution. Official sources claimed

the interim government's non-release of funds had halted construction. The SC ordered the removal of encroachments from railway lines and a revival of the long-defunct Karachi Circular Railway (KCR) in November. Half a million passengers would be facilitated by the KCR revival, but Karachi Urban Lab research indicated that around 45,000 people in 28 settlements across the city would be forced to move. After protests and concerns about displacement and loss of livelihood caused by evictions were raised by political parties and activists, the Sindh government filed a review petition against the anti-encroachment drive in the SC in December, the outcome of which is pending.

Yearly ban

District authorities during Muharram restricted the movement of hundreds of religious clerics known for their tendency to stir sectarian hatred. Forty-two clerics were banned from entering Rawalpindi and Sindh authorities restricted the movement of 300 clerics for two months.

Militancy and counter-insurgency measures

There were a number of attacks by militants—including the bombing of two schools for girls—in former FATA, and military operations continued there, leaving it largely inaccessible to the general public. Operation Radd-ul-Fasaad, launched in 2017 and aimed at 'eliminating the residual threat of terrorism' across the country, continued in 2018.

In May, military officials told journalists that over 110 check posts had been abolished in North and South Waziristan. They claimed this was unrelated to the PTM, despite the fact that PTM activists had been protesting for a reduction of check posts.

The North Waziristan administration announced that the requirement to obtain No Objection Certificates (NOCs) from the army headquarters in Rawalpindi or check post registration for non-residents entering the district as well as security clearance requirements for locals would be removed from 2019.

Pakistanis from outside the district could enter North Waziristan by showing their identity cards at a check post, but foreigners would still need to obtain an NOC and register. These requirements had been introduced for the 'maintenance of law and order' in the region following the commencement of operations against militant groups in 2014, which led to the displacement of many locals. The administration claimed restrictions had been lifted due to the improved security situation and repatriation of many Internally Displaced Persons. Counterinsurgency operations against separatists in some areas of Balochistan also continued.

In May the alleged harassment of foreign tourists at G-B check posts led

to the G-B Home Secretary claiming computerised cards would be issued to foreigners at local airports to address the issue.

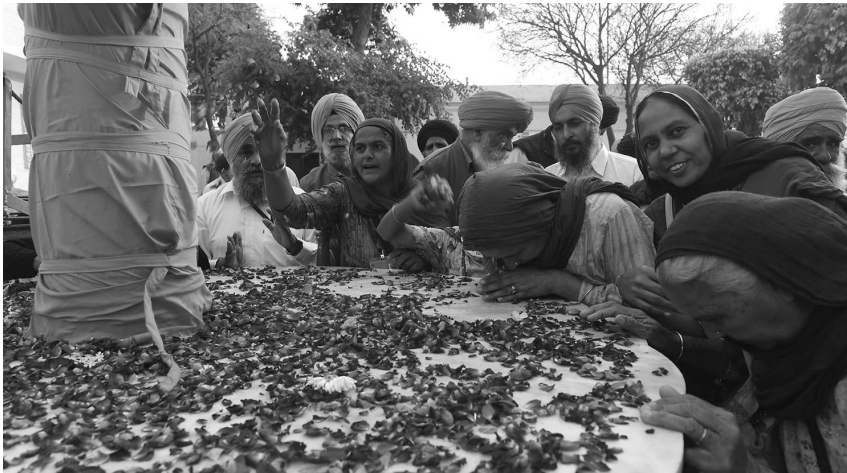
The Cabinet in October announced Proof of Registration cards for Afghan refugees would be extended until June 2019. Border crossings at Torkham (KP) and Chaman (Balochistan) were closed at multiple points during the year, including during both countries' elections due to 'security risks', hampering trade and leaving thousands stranded.

Attempts to fence the Pak-Afghan border to prevent the entry of militants remained underway. In one instance Pakistani authorities closed the Chaman border after Afghan troops fired at them for attempting to erect fences along disputed territory. The border was temporarily reopened to allow stranded people to cross over.

International Travel

In January, reversing the previous Interior Minister's policy, 30-day visas-on-arrival were offered to tourist groups from 24 countries.

In March, the Ministry of Foreign Affairs expressed disappointment over the non-issuance of visas by India to over 500 pilgrims for the 'Urs' (death anniversary) of Sufi saint Moinuddin Chishti in Ajmer, as well as the denial of visas to 192 pilgrims for Nizamuddin Chishti's Urs in Delhi. The Ministry claimed that the Indian Ministry of External Affairs in February failed to issue clearance to 173 pilgrims hoping to visit the Katas Raj Temple in Pakistan.



Sikh Pilgrims gather in the Kartarpur Gurdwara Sahib after the groundbreaking ceremony.

The ground-breaking on the Pakistani side of the long-awaited, visa-free Kartarpur Corridor connecting Gurdwara Darbar Sahib in Pakistan to Dera Baba Nanak in Indian Punjab was performed by PM Imran Khan

on 28 November. The government announced facilities such as accommodation, shuttle services and a boarding terminal would be provided.

In December, Indian pilgrims, including Hindu Pilgrims Party leader Shiv Partab Bajaj, arrived for a 3-day visit to the Katas Raj. While thanking the Pakistan government for maintaining Hindu religious sites, Bajaj expressed regret over the limited number of visas issued.

Following Portugal's relaxation of its travel advisory for Pakistan in December, the Information Minister claimed plans to offer visas-on-arrival to tourists from 55 countries were underway.

Exit Control List

The extensive, if not unprecedented, use of the ECL was widely observed. It appeared to be used as a tool against suspects before their convictions, even when it seemed clear they did not intend to flee. Many of the prominent cases from earlier in the year had ties to the PML-N, while in December a number of PPP associates were included. Activists, especially PTM associates, were also targeted.

The PTI Cabinet in August placed Nawaz Sharif and Maryam Nawaz's names on the ECL, after they had been convicted by an accountability court in the Avenfield properties reference and had two pending court cases against them.

The ex-Director General of the Lahore Development Authority was blacklisted from obtaining a passport in March due to the National Accountability Bureau (NAB) investigation against him regarding the Ashiana Housing scam. Nawaz Sharif's ex-Principal Secretary was placed on the ECL in August for the same reason.

On 30 May NAB had the PML-N appointed Pakistan State Oil MD placed on the list due to an investigation against him. In June the Interior Ministry placed 23 bureaucrats close to the Sharifs on the ECL at NAB's request, on corruption charges.

In May, FIA officials prevented a US diplomat who had violated a red light, killing a motorcyclist, from leaving Pakistan, but he was allowed to leave following negotiations with the US. During the same period, in a retaliatory move against new restrictions on the movement of Pakistani diplomats in America, Pakistan revoked some privileges from US diplomats.

Discussions about the arbitrary application and anomalies of the ECL policy were prompted after Zulfi Bukhari, a close associate of the PTI Chairman, was given 'one-time permission' to accompany him for Umrah. Bukhari was under investigation by NAB and had been 'blacklisted' by the Interior Ministry. The Islamabad High Court (IHC)

accepted his application to remove his name from the blacklist, but he was placed on the ECL in August. The IHC accepted Bukhari's appeal for the removal of his name from the ECL in December.

The ECL also appeared to be used to target perceived political dissenters including PTM associates. PTM supporter and UAE resident Hayat Preghal was detained by the FIA for 'anti-state activity through social media' while visiting KP. Amnesty International called for Preghal's unconditional release. He was granted bail on the condition that his passport be confiscated and his name placed on the ECL.

Upon returning from the UK, prominent Pashtun and women's rights activist Gulalai Ismail's passport was confiscated by FIA officials, who claimed her name was on the ECL due to her 'anti-state' activities. MNAs Mohsin Dawar and Ali Wazir were detained by FIA officials while attempting to travel to Dubai in November and told their names had been placed on the ECL after Swabi police registered an FIR against 19 PTM leaders for their involvement in a public gathering in August. The Cabinet removed the MNAs' names from the list in December.



MNAs Mohsin Dawar and Ali Wazir were detained by FIA officials while attempting to travel to Dubai in November

Following disruptive nationwide protests against the Aasia Bibi verdict, an agreement between TLP and the government stated the latter would initiate 'legal action' to include Aasia's name in the ECL. This came a day after the government stated through its official PTI Twitter handle that it had 'no plan' to put her name on the list, creating confusion.

Rao Anwar, who had attempted to flee the country and gone into hiding after being charged with the extrajudicial killings of four people in January, appealed to the SC to remove his name from the ECL, claiming this violated his freedom of movement.

The increasingly arbitrary and politically motivated use of the ECL was noted by several officials. In March, around the time NAB started demanding the inclusion of the Sharifs on the ECL, the Cabinet, under the former Prime Minister, formed a subcommittee to review names on the list. In October a Senate standing committee called for a reform of ECL policy to prevent misuse.

The Information Minister's announcement on 27 December – before the Joint Investigation Team (JIT) report had gone to trial – that the Cabinet would place 172 persons accused by the JIT of involvement in fake bank accounts on the ECL drew much criticism. Among the 172 were PPP leaders, the Sindh Chief Minister, as well as individuals associated with the Omni Group, Summit, and Sindh Banks, Bahria Town and others. The Chief Justice of Pakistan (CJP) asked the Federal government to review its decision.

In June, the SC ordered NADRA to unblock former President Pervez Musharraf's CNIC and passport so he could return to Pakistan for a treason hearing, which he then failed to do.

Unsafe movement and travel

Balochistan's Hazara Shia community remained vulnerable to targeted



Jalila Haider at a hunger strike camp in Quetta, protesting Hazara killings

attacks. Driven into virtual ghettoisation, the community's freedom of movement remains severely limited, with many migrating abroad, often illegally.

In April, there were four targeted attacks on Hazaras in Quetta, leaving nine dead and two injured. Some were killed in drive-by shootings at their own shops. The authorities' failure to protect Hazaras sparked protests in Quetta, including a five-day sit-in led by Jalila Haider, which ended after the Army Chief met protestors. In May the CJP took suo moto notice of these attacks, directing provincial and national authorities to file reports within 10 days.

Modern slavery see *Labours*

Disasters

High levels of year-round ambient air pollution (smog) made visibility especially poor for several days in January and December, when major motorway routes in Punjab and KP were closed and some flights diverted.

Malpractice

Over a dozen locals were arrested by the FIA for travelling on fake documents. FIA arrested a few people issuing fake identity documents to Afghan nationals. Some travel agents were arrested for illegal Umrah visa facilitation in Sargodha. In March, FIA recovered 133 passports from a human trafficker in Rawalpindi, who had been smuggling people to Europe via the Middle East on the pretext of arranging visits to religious sites.

The Gwadar Passport Office was non-operational for over two months due to resource shortages. There were allegations of officers accepting bribes and 'agent mafia' operating in certain passport offices in Lahore and Gujranwala in January and February respectively.

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.

Fundamental Freedoms

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)**

Minorities continued to face harassment, arrests, or even death for simply living their lives in accordance with their beliefs in Pakistan in 2018. International rankings show Pakistan's abysmal performance in improving the plight of religious minorities.

The United States added Pakistan to its blacklist of countries that violate religious freedom and mistreatment of their minorities. A year earlier,

the U.S. had placed Pakistan on a special watch list of countries of particular concern, having engaged in or tolerated 'systematic, ongoing, [and] egregious violations of religious freedom'.

The U.S. Commission on International Religious Freedom (USCIRF) also recommended that Pakistan be designated as a 'country of concern' because of its alleged 'serious violations of religious freedom'. The report year 2018 said that religious minorities in Pakistan continued to face attacks from extremist groups and society at large. It also noted that 'abusive enforcement of the country's strict blasphemy laws results in the suppression of rights for non-Muslims, Shias and Ahmadis'.

The Minority Rights Group International placed Pakistan at number 9 in its Peoples Most Under Threat - Highest Rated Countries 2018 list. 'Pakistan continues to be wracked by insecurity. Shia Hazara living in the provincial capital, Quetta, remain the target of repeated attacks by extremist groups. A more general climate of intolerance and hostility towards minorities including Shias, Ahmadis, Hindus, and Christians persists in the country, promoted through state institutions and societal attitudes.'

Undoubtedly, religious minorities suffered the most in Pakistan, but sects within the Muslim majority such as Hazaras also faced extreme sectarian violence in 2018.

Sectarianism

The U.S. Annual Religious Freedom report, released in June 2018, stated that religious persecution is growing in Pakistan. Sectarian violent extremist groups continued to target Shia mosques, religious gatherings, religious leaders, and other individuals in attacks resulting in at least 112 persons being killed during the year.

Sectarian terrorism in Balochistan has disproportionately targeted the Hazara community.

Six Hazara men were shot dead and one injured in four separate attacks in the short span of one month. Two were killed in the Western Bypass area of Quetta. A shopkeeper was gunned down on 18 April while another Hazara man was killed at the beginning of the month. Two Hazara men were killed in the fourth targeted attack on 28 April. On 4 March, a member of the Hazara community was shot dead in a targeted killing in Quetta, while on 8 March in Quetta a policeman was shot dead and another sustained injuries while guarding the Hazaras.

Hazara activists staged a sit-in outside the Balochistan Assembly building, and a group of Hazara women went on hunger strike outside the Quetta Press Club on 29 April, demanding that targeted killings of Hazaras end immediately and the perpetrators be arrested. In May the

Supreme Court took suo motu notice of attacks on Hazaras.

As Hazaras are driven into enforced seclusion for the sake of safety, their children's education is disrupted and thriving businesses abandoned. Tens of thousands have chosen the perils of illegal migration to Australia over their restricted life in Pakistan.

A report by the National Commission of Human Rights (NCHR) claimed that 509 Hazaras were killed in various incidents of terrorism in Quetta over the past five years. However, the regional head of the Hazara Democratic Party claims the actual number is much higher and 'more than 200 Hazaras were killed only in two suicide attacks'.

A Hazara woman who has opened a restaurant in the centre of Hazara Town explained their plight, 'We are in a very sad predicament today. Many homes have no male breadwinners left—they have either been killed or have left Quetta. In a community where children's education was of paramount importance and child labour looked down upon, many children have had to leave school and work as waiters in restaurants, or errand boys in medical stores or in shoe shops etc. to support their families.'

The Shia community continued to be under threat of targeted killings. In February, three persons, including a religious leader, died in a targeted firing on an Imambargah in Dera Ismail Khan. On 22 March, a Shia man was shot dead and two were seriously injured in a sectarian attack in Karachi. On 8 August, three Shias were shot dead in Dera Ismail Khan. The Shia Missing Persons Release Committee claims that around 140 Shia Muslims are missing.

On 13 July, the District Police Officer of Dera Ismail Khan told the Supreme Court that some politicians use sectarian violence to promote their vested interests, increasing their vote bank by supporting religious extremist groups.

Ahmadis

The widespread hatred and antagonism against the Ahmadiyya community in Pakistan is nothing new. Incitement against them continued unabated in 2018 in an environment conducive to bigotry and hate speech. The barefaced persecution of the community has gone on for decades, with instances of mob attacks, desecration of worship places, targeted killings, and hate speech. Banned religious organisations openly targeted Ahmadis on Facebook, Twitter, and other forums on social media, spewing out venom against them.

After the rise of the groups such as Tehreek-e-Labbaik Pakistan (TLP) and the Faizabad sit-in, an Islamabad High Court judge said that NADRA cannot change anyone's religion without the permission of the

High Court and demanded a separate database of Ahmadis, making them more vulnerable than before.

In another verdict the IHC made faith declaration mandatory for the military and civil posts, yet another step towards exposing them to persecution. The court also requested records of travel details of Ahmadis and those who converted to the Ahmadiyya faith. This ruling has serious repercussions for all religious minorities, not just the Ahmadiyya community. Condemning the verdict, HRCP said in a press statement that 'requiring a faith declaration for computerised national identity cards, passports, birth certificates and entry into voter lists will further choke the capacity of minorities to exercise their fundamental rights.'

In September, the Prevention of Electronic Crimes (Amendment) bill 2018 was moved in the Senate, in which anti-Ahmadi laws were specifically included – 'A Qadiani calling himself a Muslim or preaching his belief will be punished with three years' imprisonment and fine'.

In the July 2018 elections, the Ahmadiyya community felt compelled to refrain from voting altogether under the current discriminatory electoral laws. There was one list of voters that included all religious groups, including Muslims, Hindus, Christians, Zoroastrians, and Sikhs, with a separate voters' list for Ahmadis. This discriminatory treatment on the basis of belief is a deliberate attempt to disenfranchise the Ahmadis of Pakistan from the electoral process and deny them their fundamental right to vote.

Prejudice against Ahmadis showed its true extent when the government withdrew the nomination of Atif Mian from the Economic Advisory Council (EAC) following a backlash over his Ahmadiyya faith. The objection was raised by extremist groups including the TLP and opposition parties led by the Pakistan Muslim League-Nawaz (PML-N), which submitted a notice in the Senate against the appointment of Mian.

The religio-political parties have time and again humbled successive Pakistani governments on matters relating to the Ahmadiyya community. The TLP issued a protest call following the appointment of Atif Mian to the EAC. Within a day, the government backtracked on Mian's appointment.

Briefing the Senate Committee on Human Rights about the demolition of an Ahmadi place of worship in Sialkot, the Punjab police representative, in an apparent reference to the removal of Atif Mian from the EAC, said, 'What can a District Police Officer be expected to do if members of the Ahmadi community cannot even survive on a government committee.'

Several places of worship came under attack during the year under review. The most significant was the demolition of an Ahmadiyya mosque in Sialkot as well as a house of historical significance to the

community. Another Ahmadi place of worship in Sialkot was damaged and later set on fire in the presence of police officials. On 24 August, an Ahmadiyya mosque in Faisalabad was torched. Police closed down yet another Ahmadiyya mosque in Ichhra Centre, Lahore.

In Gujjarpurab and Sadoke, police registered two separate cases against Ahmadis under PPC 298-C for sacrificing goats on the festival of Eid-ul-Azha. An Ahmadi, arrested under the blasphemy law in Layyah in October, was denied post-arrest bail.



Protest against the appointment of an Ahmadi as an adviser to the government

Though the number of Ahmadi target killings has gone down compared to the previous year, the malicious intent seems overwhelming. The burials of three Ahmadis were denied in common cemeteries. Eight Ahmadis were charged under the blasphemy law PPC 295-C, ten were booked for allegedly defiling the Holy Quran, and one was booked for preaching in 2018.

Christians

This proved to be another hard year for Christians in Pakistan. According to Open Door's World Watch List 2019, for the reporting period 1 November 2017 - 31 October 2018, Pakistan ranked fifth in the list of worst places to be a Christian, and one of two places where Christians suffer the most violence. According to the report, an estimated 700 Christian women and girls are abducted every year and often forced to marry Muslim men.

The year was especially tough for the Christians in the province of Balochistan. On 3 April, four members of a Christian family fell victim to a targeted attack when gunmen on two motorcycles opened fire on them. The militant Islamic State proudly claimed responsibility for the attack. Two weeks later, in the same month, two Christians were killed and five others injured in a firing incident near a church in Quetta when worshippers were leaving after attending Sunday mass. A large number of Christians living in Quetta temporarily relocated after this incident.

A Christian woman was hospitalised with 90 percent burns in an acid attack in Lahore for reportedly turning down a Muslim man's marriage proposal. She succumbed to her injuries after a five-day-long fight for life. The family of the victim said that instead of registering an FIR against the attacker, the Sialkot Civil Line police changed the nature of the crime in the FIR taking advantage of them being illiterate. In Sialkot in the month of April, a Christian girl was set alight for refusing to marry the accused.

Delays in justice for Christians was common in 2018. Tania Mariyam was murdered in 2017 but the murderer is still at large. Years have passed since the Gojra incident in 2009 and the Joseph Colony incident in 2013 where a mob torched houses located in a Christian neighbourhood in Lahore, without any progress in the cases.

Farhan Aziz, a Christian youth from Gujranwala accused of sending blasphemous text messages, has been languishing behind bars since 2 August. Following the accusations, an incensed mob surrounded the neighbourhood where Farhan lived and he had to be rescued by the police. Many Christian residents of the street fled out of fear as the mob appeared ready to take matters into their own hands.

Being vulnerable communities, minorities were often intimidated and their lands were grabbed by members of the Muslim majority. In Narang Mandi, powerful landlords illegally took possession of a Christian cemetery at gunpoint and destroyed several graves. In June, 24 Christian boys were abducted and tortured by the land mafia in Karachi. In August, 24 Christian families pleaded to the PM and CJP to help them get the three-marla plots which were allotted to them in 1992 when their houses were demolished without notice. They were not given any compensation despite four orders of the Lahore High Court.

In April, guards of a family park in Peshawar physically assaulted a Christian boy and his Sikh friends, including a girl, who were there to celebrate Easter.

In June it was reported that 40 Christian families in Nayya Sarabah in the Punjab district of Toba Tek Singh had been told they could not have a church in the Muslim majority village. Six months earlier they were

forced to sign a form pledging they would no longer hold services there.

On the positive side, the Chief Justice of Pakistan ordered the construction of a church in Kamoke which had been held up despite the necessary funds being available. The Lahore High Court also directed the city administration to restore the condition of a Christian cemetery and ordered reconstruction of the church which was razed in Manawan.

Sikhs

Over the past few years, Sikhs in Khyber Pakhtunkhwa have often been targeted by militant groups who have been threatening them with dire consequences if they do not pay Islamic taxes. While several Sikhs have been kidnapped, some have lost their lives and Sikh properties expropriated.



Sikh leader Sardar Charanjeet Singh was shot dead in Peshawar

In a huge loss to the Sikh community, human rights activist and well-known Sikh leader Sardar Charanjeet Singh was shot dead by unidentified assailants in the outskirts of Peshawar in May.

After receiving threats and attacks on account of his struggle for human rights, Sikh activist and serving president KP's Pakistan Minorities' Alliance Radesh Singh Tony was forced to move from Peshawar.

In October, two rescue 1122 men raped a mentally-challenged Sikh girl in Nankana Sahib.

In February, Guru Singh Saba petitioned against Evacuee Trust Property Board (ETPB) who were going to demolish a Gurdwara in Sahiwal. The Sikh community moved the Peshawar High Court against Auqaf and

other government officials for not creating a crematorium place even though they have the required budget. Meanwhile, the Sindh High Court summoned the Religious Affairs Secretary, Chairman of EPTB, and others on leasing out a Gurdwara in Mirpurkhas to a private individual. In August, the Sikh community in Rawalpindi approached the ETPB for their handing over the Old Gurdwara in Raja Bazar, where a government office has constructed a mosque.

The opening of Kartarpur Corridor is a landmark development for Sikhs living on both sides of the Indo-Pak border, a long-standing demand of the international Sikh community for whom Kartarpur is an important pilgrimage to visit Baba Guru Nanak's shrine. Approximately 16,650 Sikh *yatris* (pilgrims) came to Pakistan between January and October 2018 compared to around 70,000 in the same period the previous year—a huge drop in numbers. It is hoped that the Kartarpur Corridor will attract several thousand more *yatris* to Pakistan.

On 26 October, the SC ordered inclusion of a column of 'Sikhism' in the population census. Following the directions of the Peshawar and Sindh High Court, the Pakistan Bureau of Statistics have included the Sikh religion as a distinct religion in the census form. As per the direction number C.P/D/1760-2017 issued by the Sindh High Court, the census authorities were asked to print the Muslim, Christian, Hindu, Ahmadi, Scheduled Caste, Sikh, Persian, Bahai, Kailash, Buddhists, and Jains in the census forms. Initially, when the census forms were released in March 2017, the Sikh religion was included in the 'others' category. This upset many Sikhs across the country. Due to the unavailable data regarding Sikhs, they are denied several opportunities so this inclusion, though delayed, was welcomed.

Hindus

Uncertainty and insecurity continued to plague the Hindu community. The largest religious minority in Pakistan, Hindus are concentrated mainly in Sindh. Reports of forced conversions of Hindu women, mostly lower caste minor girls, continued to surface. Hindu girls are kidnapped, forcibly converted to Islam, and married to Muslim men. The Sindh Child Marriage Restraint Act 2013 has not been enforced effectively and the state's response to forced marriages has been mixed. If not accomplices, police are insensitive and indifferent at best in most cases.

A teenage Hindu girl who was abducted from a village in Thar was reportedly forced to convert to Islam and enter into a marriage. The parents were told by police that little could be done after a Hindu girl is married to a Muslim man. Another teenage girl from district Umerkot reportedly 'disappeared' after being taken into police custody and handed over to a landlord, according to the girl's family. A 12-year-old

was kidnapped from Yazman, district Bahawalpur. Although an FIR was registered, the police failed to recover the girl.

In a few cases the police were effective. They recovered three sisters from the Hindu community, who were allegedly kidnapped from Tando Jan Mohammad in Mirpurkhas, within three days.

Unfortunately, no authentic data is available on forced conversions and forced marriages in Pakistan. Around one thousand cases of Hindu and Christian girls were estimated in the province of Sindh alone in 2018. The cities where such cases occurred frequently included Umerkot, Tharparkar, Mirpurkhas, Badin, Karachi, Tando Allahyar, Kashmore and Ghotki.

The Sindh Assembly's Forced Conversions Bill under which no person under 18 could convert to Islam even of their own will, was passed unanimously by the Sindh Assembly in November 2016. However, the ruling party caved in to pressure from religious extremists and ordered more consultations with stakeholders, delaying the process.

In some cases, the judiciary took prompt action. In January, the Sindh High Court took suo motu notice of the rape of a Hindu girl in Kumri, Umerkot and instructed police to provide security to the victim and her family. A judicial magistrate in Mithi handed down a two-year prison sentence to four people for forcing a 14-year-old Hindu girl to marry a 55-year-old man.

The Supreme Court took suo motu notice of alleged encroachments on properties of the Hindu community in Sindh. Prof Dr Bhagwan Devi posted a video on social media that went viral, alleging that land and properties owned by Hindus were being encroached by land mafia. Bogus power of attorneys were being produced in upper Sindh, causing the Hindu community to feel insecure and threatened. Many Hindu families were leaving Pakistan and migrating to other countries, while several others were preparing to sell their properties and leave.

The Lahore High Court ordered the Punjab Government to release funds for the renovation of a Hindu cremation place near Babu Sabu, Lahore. A petitioner had moved the LHC to order that a cremation ground be constructed in Lahore for Hindus to perform the last rites of their dead. In Hyderabad, police and some influential people were allegedly involved in the encroachment of a Hindu cremation site which sparked protests in the city.

In another case, the Supreme Court took suo moto notice of reports that the pond in the Katas Raj temple complex was drying up because cement factories nearby were drawing off a large amount of water through a number of sub-soil wells. The CJP directed the factory owners to fill the pond with natural sources. Levels in the area would automatically rise

once water pumps at the factories were shut down. The Katas pond in Chakwal is one of the holiest sites in Hindu mythology.

In some cases, the response from law enforcement agencies was appalling. In Mithi, two Hindu brothers, traders by profession, were shot dead by robbers. According to press reports, the police did not bother to respond to the incident for several hours, resulting in protests in Thar and Umerkot. A teenage Hindu boy was gang-raped after being kidnapped in April. A Hindu trader was abducted in broad daylight in Dera Murad Jamli in July. The culprits were not apprehended. A Hindu trader was attacked by unknown assailants in Larkana in October. No FIR was registered until the incident was highlighted by the media.

The Sindh Assembly amended the Sindh Hindu Marriage Act 2016, awarding the right of separation to both husband and wife in addition to ensuring financial security of the wife and children. The Hindu community can benefit as a whole from this legislation, particularly women and children who have been denied those rights for decades. Matrimonial cases are exploited due to the absence of the required laws.

The ETPB team finally inspected the 100-year-old temple 'Kali Mata' for encroachments in Rawalpindi. It had been closed for several decades. In 1982 the ETPB gave the adjoining building to a school which later let it to local traders.

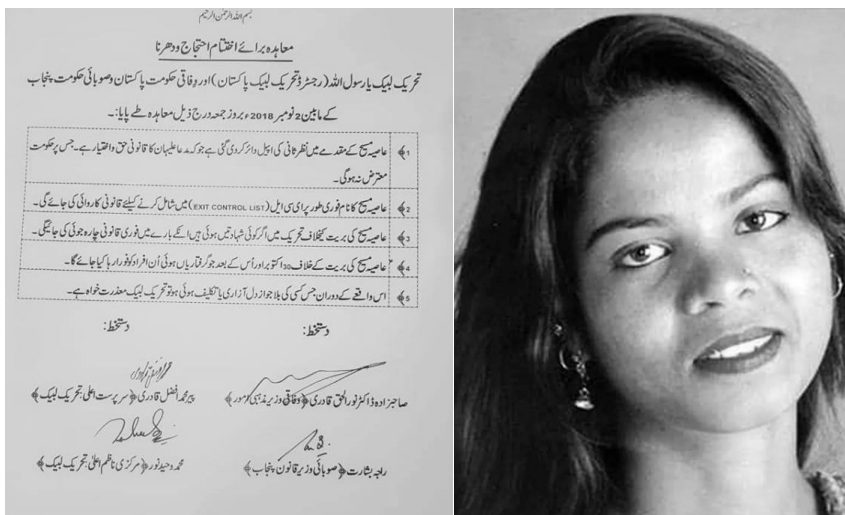
The CJP also recommended that the chairman of the ETPB, who is responsible for the maintenance of religious properties and worship places of religious minorities, should be from a minority group.

Blasphemy

The blasphemy laws have been grossly abused with many people lodging false complaints to settle their personal vendettas. In many cases, blasphemy allegations end up in a mob lynching or targeted killing of the accused before they can be tried or heard in a court of law. Even if the accused is found innocent by the court, they are unable to lead a normal life for fear of threats from extremists or social boycott. Since 1990, close to 70 people have been lynched so far on blasphemy charges, while another 40 are currently on death row or serving a life sentence.

Proponents of Pakistan's anti-blasphemy laws were shocked after the Supreme Court in October overturned a decision sentencing Asia Bibi to death for allegedly using 'defamatory and sarcastic' statements against the Prophet Muhammad (PBUH). Countrywide protests erupted minutes after the decision and paralysed cities. Bigots took to violent protests and openly threatened the lives of those associated with the case. Businesses were affected and most educational institutions remained closed for days as protesters brought everything to a standstill.

The Balochistan Assembly passed a joint resolution urging the federal government to move the Supreme Court to review its decision of freeing Aasia Bibi. The Jamiat Ulema-e-Islam-F (JUI-F) took out protest rallies, and thousands attended the Muttahida Majlis-e-Amal (MMA) Million March against Aasia's acquittal in Lahore. Initially indicating a firm stance, the government subsequently chose to enter into an agreement with the protestors, supporting a perception that they had surrendered to the violent mobs. Pending a judicial review, Aasia Bibi was still not free at the end of the year and her whereabouts unknown. Her lawyer fears for his life after receiving real threats from the far-right.



Demonstrations against Aasia Bibi's acquittal only ended when an agreement was signed to review the decision

The apparent ease with which a few thousand extremists shut down Pakistan's major cities, controlling roads into and out of Lahore, Karachi and Islamabad, has invoked real concern as to whether the apex court, let alone a trial court, can dare to release a victim of alleged blasphemy.

HRCF strongly condemned the vicious reaction of far-right religious-political groups who took to violent protests and openly threatened the lives of those associated with this case. It urged the state to make it perfectly clear that any party's incitement to religious hatred – notably that of Tehreek-e-Labbaik Pakistan – will not be tolerated and is punishable under the law.

Blasphemy remains a highly sensitive issue and allegations do not have to be proven before provoking murder. On 23 January, a student killed his college principal on the allegation of blasphemy in the Shabdqadar

area of Charsadda. The incident happened after the student had allegedly been reprimanded over his absence from college. He had skipped college to attend the Faizabad sit-in in November 2017.

Those accused of blasphemy suffer prolonged periods of pre-trial detention before appeals are decided. Lawyers and judges involved in blasphemy cases live in a climate of fear and face real threats of extrajudicial violence. Junaid Hafeez, a former teacher at Bahauddin Zakaryia University, has been under trial for a blasphemy allegation since March 2013. A few months after the case went to trial, his counsel Rashid Rehman was assassinated in his office by two unidentified gunmen. To this day, his murderers have not been apprehended. Hafeez's case has been needlessly shifted as many as six times from one judicial officer to another while he languishes in jail. His lawyer has been denied an opportunity to meet him in private in prison.

On 1 February in Swat, an ATC court sentenced a man arrested for blasphemy in the Damair area of Chitral to life imprisonment and imposed a fine of Rs300,000. On the same day, Burewala police arrested a man on blasphemy charges.

Blasphemy suspect Sajid Masih jumped off from the 4th floor of FIA building to escape the brutal treatment and sexual harassment by officials during interrogation at the end of February. A day earlier, his teenaged cousin Patras Masih, had been arrested on blasphemy charges when a vigilante mob blocked Shahdara crossing and demanded his arrest and public hanging for allegedly posting blasphemous material on his Facebook page.

On 23 February, the SC acquitted blasphemy accused Malik Ishaq who was arrested in 2009 and sentenced to death in 2011. He remained in jail for nine years for a crime he never committed.

On 3 March, Daska police arrested a mentally deranged woman on blasphemy charges and shifted her to Sialkot District Jail. She had recently returned home after spending two months in a Lahore hospital.

In April, Jaranwala police arrested two drunk men who allegedly burnt pages of the Holy Quran.

On the same day in the same city, a man attacked his friend with a knife inflicting serious injuries on him. He alleged that his friend said blasphemous words. In June, Muridke police arrested a labourer for alleged desecration of the Holy Quran. In July, Dena Police arrested a man on the same charges. In August, Mirpurkhas police arrested a Hindu teenager accused of blasphemy by a local prayer leader. Khazana police in Peshawar arrested a man for allegedly desecrating the Holy Quran in September. Thatta Sadiqabad police in Sahiwal arrested a man in October who allegedly appeared in a blasphemous video clip posted

on social media and sent him to Multan jail. In November, an expat living in Germany was booked on blasphemy charges 295-C by the Gujrat police for allegedly airing a 'blasphemous' video. As many as 74% of blasphemy cases originate from the Punjab.

Despite criticism at home and abroad, Pakistan's political leadership is still unprepared to introduce even minor amendments to the blasphemy laws, fearing a violent backlash from religious extremists. The blasphemy laws, according to legal experts, have several legal loopholes.

Positive Developments

The Senate Standing Committee on Human Rights has recommended that all content concerning minorities in textbooks should be reviewed and suggested that any material spreading hate against religious minorities should be expunged from the syllabus.

Hindu Mahesh Kumar Malani became the first non-Muslim to win a general seat in the National Assembly since the amendment in Legal Framework Order was passed in 2002. During the Senate elections in March, Krishna Kumari from Tharparkar became the first Thari Hindu woman to be elected to the Senate on a reserved seat for women from Sindh.



Krishna Kumari (centre) - the first Thari Hindu woman to be elected to the senate

Wazir Zada has become the first ever Kalash legislator on a reserved seat for minorities in the Khyber Pakhtunkhwa Assembly. The Kalasha are the smallest ethno-religious community of Pakistan.

The Punjab government has announced a 'Minorities Empowerment

Package' that includes implementation of job and education quotas, sentence remission system, skill development trainings, quota in the Naya Pakistan Housing Scheme, religious education in government schools for children from various faiths, and implementation of the by-laws for registration of marriages among the minorities.

In March 2018, the Punjab Assembly unanimously passed a landmark bill to regulate Sikh marriages.

HRCF is currently pursuing a Public Interest Litigation (PIL) in the Supreme Court of Pakistan (SCP) to implement the June 2014 judgment of the SC reaffirming the rights of non-Muslim citizens of the country. The SC has constituted a committee which is to submit a report on the status of the implementation of the judgment. The judgment also addresses the issue of discrimination against minority groups in school curriculums and the committee constituted through the PIL will be looking at what the federal and provincial governments have done to implement the judgment.

Recommendations

- Endorse and implement the recommendations made at the third Universal Periodic Review (UPR) that called for the adoption of measures aimed at protecting religious minorities and the right to freedom of religion or belief.
- Take special steps to ensure that the places of worship and sites of religious significance for minority communities are protected as far as possible.
- Ensure that blasphemy allegations are no longer used to settle personal vendetta or violate the human rights of any Pakistani.
- Repeal the Islamabad High Court's (IHC) ruling requiring a declaration of faith for government and semi-government job applicants.
- Take an unequivocal and consistent stand against groups and individuals who employ violent, extra constitutional means to coerce the state in matters relating to the religion and rights of minorities.

Freedom of Expression

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

Constitution of Pakistan

Article 19

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

Article 19-A

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

Universal Declaration of Human Rights

Article 19

"...promote the exercise of the right to freedom of opinion and expression, including, as a matter of high priority, against journalists or other professionals in the field of information."

Mandate of the Special Rapporteur

UN Human Rights Council

The startling increase in the restrictions placed on individual and collective freedom of expression in 2018, particularly in the run-up to the general elections, became an issue of deep concern. Media coverage was severely inhibited amid a climate of intimidation and fear, most specifically in reporting on abuses by government security and intelligence agencies as well as militants.

Media groups were pressured by authorities to avoid coverage of certain issues, journalists were forced to resort to self-censorship, and cable operators were blocked from broadcasting networks that had aired critical programmes.

Individuals and organisations alike were drawn into the spiralling orbit of the curbs on freedom of opinion and expression. Credible accounts of intimidation, harassment, and surveillance of various NGOs by

government authorities were reported.

Overt repression was attributed to national security concerns. In most cases, however, the incidences of interference and intimidation by state and non-state actors received no official acknowledgement and there was a complete absence of efforts to hold anyone accountable. Once again, the impunity with which state agencies operate was very much in evidence, and the threat to citizens' rights to freedom of opinion, expression and information very real.

Right to information

In September, the Punjab Information Minister told journalists in an informal interactive session that the Right to Information Act would soon be promulgated in the Punjab to facilitate the media in accessing required information. The minister acknowledged that journalism was the fourth pillar of the nation and its role in nation building could not be ignored.

The Sindh Transparency and Right to Information Act was passed by the Provincial Assembly of Sindh on 13 March 2017 and assented to by the Governor of Sindh on 8 April 2017. The Khyber Pakhtunkhwa (KP) Right to Information Act had been passed in 2013. In April 2018, it was reported that the Chief Minister Balochistan had accorded approval to the Right to Information Act 2018 which would be submitted to the provincial cabinet for final approval.

The Institute of Research, Advocacy and Development (IRADA) conducted a study titled *Impeding Transparency, Accountability and Access to Information: Inactive Government on Proactive Disclosure* and released it on the occasion of the International Day for Universal Access to Information (28 September). According to the report, federal ministries had not provided 39 categories of information required under the 2017 Federal Right of Access to Information Act, 17 ministries had not set up websites, and 29 had performed poorly in complying with the proactive disclosure clause.

In releasing the report, the IRADA Executive Director said, 'The right to information empowers citizens to optimally benefit from all recognised rights and to claim others. It also makes governments and public agencies accountable and transparent. Allowing people to seek and receive public documents serves as a critical tool for fighting corruption, enabling citizens to more fully participate in public life, making governments more efficient, encouraging investment, and helping persons exercise their fundamental human rights.'

The official reluctance for information to be freely disseminated to the public has unexpected consequences. The HRCP Annual Report is a publication on the state of human rights in the country during the year

in question, based on factual accounts, news, reports, and even the government's own published statistics. Within three days of the launch of *State of Human Rights in 2017*, an armed raid—thinly disguised as a burglary—was conducted on the home of the editor. In the hour-long visitation, her phones, laptop, and hard drives were removed and documents inspected. She was questioned on her personal and professional status, including her religion, caste, and who was paying her. Jewellery and cash were also taken. The police admitted that it was no ordinary burglary and she was advised against filing an FIR. An investigation never materialised and formal letters written to the authorities went unacknowledged.

Curbs on the media

A series of events in the run up to the elections exposed an alarming trend of threats to freedom of expression. A notice was served by the Press Council of Pakistan (PCP) on Dawn in May for what was termed violating the Ethical Code of Practice by publishing an interview of former prime minister Nawaz Sharif. Dawn Assistant Editor Cyril Almeida was named in a treason case along with Nawaz Sharif and former PM Shahid Khaqan Abbasi. An arrest warrant was issued on Almeida and his name placed on the Exit Control List. Both were later withdrawn.

The distribution of Dawn newspaper was disrupted and transmission of its news channel blocked in cantonment areas following the serving of



Journalists hoist black flags at the National Press Club building as they chant slogans during a protest for press freedom and against moves to curtail the distribution of Dawn.

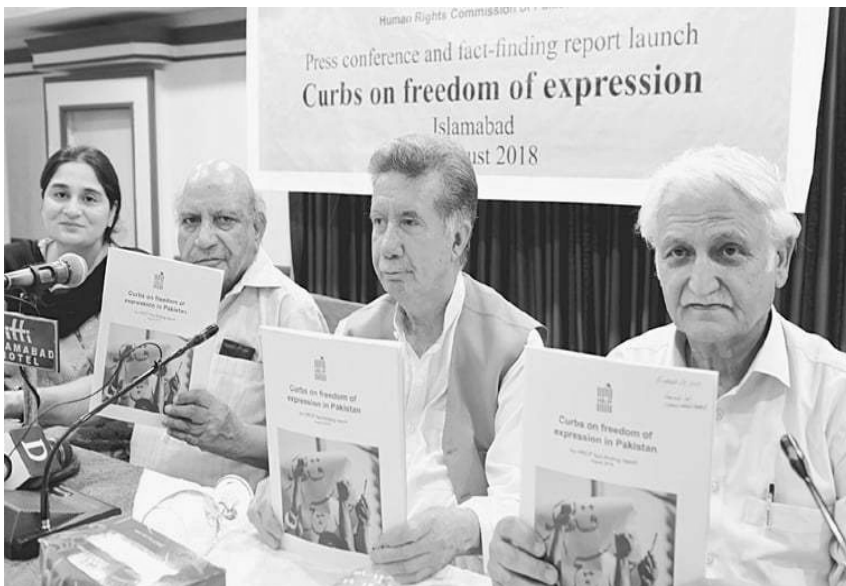
the notice. HRCP condemned the action saying ‘such curbs are tantamount to press harassment and only chip away further at the shrinking space for Freedom of Expression.’

In July, large numbers of journalists, politicians, lawyers, and civil society activists showed up at protest camps organised across the country by the Pakistan Federal Union of Journalists (PFUJ) in support of Dawn.

The EU election observation mission to Pakistan issued a report following the elections that highlighted significant curtailment of freedom of expression.

The media were reportedly also pressured into firing certain employees who were deemed too critical of the Pakistani establishment. Prime-time news show hosts Talat Hussain, Murtaza Solangi, Mateeullah Jan, and Nusrat Javed either quit or lost their jobs.

In the months preceding the elections, HRCP had received numerous complaints from journalists in the print and broadcast media of interference with freedom of expression and reports of unlawful interference with distribution of the Dawn newspaper. In response to this, HRCP conducted an independent fact-finding exercise, the results of which corroborated reports of the extent and nature of the restrictions being imposed on the media. The report was launched in July.



HRCP received numerous complaints from journalists in the print and broadcast media of interference with freedom of expression

Distribution in the print media

The interviews carried out by HRCP with distributors in Balochistan, the Punjab, and Sindh supported allegations by Dawn newspaper that disruptions and intermittent closures in commercial establishments and residential areas associated with the military had had a serious impact on business.

Following the publication of an interview with former Prime Minister Nawaz Sharif on 12 May 2018, sales agents alleged that the distribution of Dawn had been disrupted daily in at least 20 targeted cities and towns—specifically in cantonment areas and army offices and schools. Hawkers were subjected to continual harassment, threats, and physical coercion by military personnel while attempting to deliver copies of Dawn to regular subscribers. At least two distributors confirmed that they were asked to provide information on their subscribers.

Concurrently, advertisements were withdrawn or suspended. Dawn reported that it had, since October 2016, suffered a complete ban on advertising from organisations falling under the domain of the ISPR, including DHA and other commercial establishments.

Over the year, a number of media organisations had to downsize or close down due to declining advertising revenue or other financial constraints. Hundreds of media workers lost their jobs as a consequence. (See also *Labour*)

Transmission in the broadcast media

The government and the Pakistan Electronic Media Regulatory Authority (PEMRA) faced harsh criticism for blacking out coverage of a peaceful movement by ethnic Pashtuns, known as the PTM, against enforced disappearances and extrajudicial killings. The government was also accused of blocking the signal for Geo TV, Pakistan's most widely watched news channel, for more than a month.

HRCP documented at least three instances in which cable operators in the Punjab and Gilgit-Baltistan said they were compelled to take certain channels off air. In each case, they received a telephone call from persons identifying themselves as state or intelligence agency officials, warning them to 'remove' Geo TV from the list of channels being transmitted or to move it to the very end, thereby making it less accessible. All respondents said they had no choice but to comply for fear their business would be closed down or attacked.

The resulting uncertainty and inevitable cost reduction exercises for such a prominent television channel management served to unsettle smaller TV channels who felt they had no other option than to fall into line.

Press advice and intimidation

Numerous respondents to the HRCP survey spoke of verbal press advice, received either on the telephone or during a visit, usually pertaining to what should not be published or broadcast. The most commonly tabooed subjects cited were: missing persons, the Pashtun Tahafuz Movement (PTM), Baloch separatists and rights activists such as Mama Qadeer, the Panama trial and NAB references, the disqualification and arrest of Nawaz Sharif, references to any questionable decisions by the judiciary, allegations of judicial overreach, and questions about the armed forces. Some respondents claimed that other prohibited topics included criticism of the PTI party.

Another reportedly common piece of press advice to the broadcast media was that the channel should give greater coverage to PTI rallies and only minimal coverage to other parties' events. Other issues raised included questions pertaining to coverage of national security issues, editorial policies and even reporters' sources.

Respondents in both the print and broadcast media said that the advice was issued by civil bureaucrats, the office of the DG Press and Information, or directly by the ISPR, often relayed through the management. In some cases, state or intelligence agencies approached channel or newspaper owners directly, threatening their channel/publication or parent business with NAB or FIA cases or suspension of advertisements unless they agreed to abide by certain conditions.

The common consequences of non-compliance were vicious character assassinations through anonymous social media accounts and social networking platforms that went as far as to incite violence against media persons and, in the case of women, rape threats. Editors and reporters in G-B have testified to receiving press advice and being threatened with dire consequences—including threats of arrest, violence or death—if they did not comply. Most said they were warned against giving coverage to nationalists and reporting negatively about state institutions and government departments. In one extreme instance, a case was registered under the Terrorism Act against an editor and publisher who did not comply. He was arrested and remains in prison.

Threats to a free press

Whether through actual coercion and intimidation, or self-imposed censorship for fear of reprisals, the impediments to objective journalism were manifold. Some members of staff refused to work or left altogether, adding to the burden of newspaper management caught between intimidating 'advice' about what not to publish, and threats from religious radicals and representatives of nationalist or political parties if their activities were not reported.

Press Freedom Barometer 2018, a report published by the Pakistani media watchdog Freedom Network ahead of World Press Freedom Day in May, documented more than 150 violations against journalists and media groups across all four provinces, Islamabad, and the tribal areas. The violations, recorded between 1 May 2017 and 1 April 2018, averaged around 15 cases a month and included officially enforced censorship, written or verbal threats, killings, harassment, arrests, abductions, illegal confinements, and physical assaults conducted by state and nonstate actors, and political and religious parties.

The report said that, in 39 percent of all the attacks, the victims or their families suspected the state functionaries were somehow responsible. The other suspects were political parties, religious actors, criminal elements, and unidentified sources of threats.

During the remainder of the year, reports of aggressive and intimidatory tactics continued. Gul Bukhari, a journalist and activist, and vocal critic of the military, was abducted in Lahore in June by unknown assailants and released after a few hours. On the same night, Asad Kharal, a broadcast journalist, was assaulted and injured by masked men in Lahore. Kadafi Zaman, a Norwegian journalist, was arrested by police in July while covering a political rally and beaten up. He was released after three days.

Digital media under scrutiny

The HRCP enquiries found that press advice to social media users, especially those critical of state policies, had also increased. The advice from the ISPR and civil agencies such as the FIA intensified in cases of criticism of the policies of the military or discussions of extremist violence. Social media users were allegedly called for ‘hearings’ relating to their online activity, albeit with no supporting official orders. Direct requests were commonly received to delete specific tweets and, in one case, a request to report ‘objectionable’ tweets.

In January 2018, one social media user escaped an abduction attempt during which his travel documents, laptop and phone were taken. He went into exile soon after. Subsequently, he set up a website ‘Safe Newsrooms’ to enable whistle-blowers to unmask censorship, but the website was blocked soon after.

Another social media user was detained for one night in Lahore a day before the PTM rally in April 2018. She alleged that she was hit with the butt of a gun and pushed so hard that her head hit the wall. She was called a traitor and then put in solitary confinement overnight at the Counter Terrorism Department headquarters in Lahore. Subsequently, her computer was attacked with malware through a video link sent to her three days before the PTM rally in Karachi in May 2018 and her

internet data blocked for a month during the same period.

In the wake of disruption to cellular services shortly before the general elections in July, the Digital Rights Foundation (DRF) and Bolo Bhi issued a joint statement calling on the caretaker government to ensure the uninterrupted operation of mobile networks and digital accessibility, and to protect freedom of speech, as well as the right to associations for citizens. 'Internet shutdowns have not proven to contribute substantial benefits towards national security and/or against terrorism. In fact, they promote chaos among people at the receiving end of this violation of their fundamental right to free speech as guaranteed under Article 19, and the right to information under Article 19-A, and have been declared as illegal by the Islamabad High Court (IHC) earlier this year,' the statement read.

A Freedom House report released at the beginning of November showed Pakistan's internet freedom ranking had declined in 2018. The country received an 'internet freedom status' score of 73 out of 100 (with 100 being the worst)—only slightly better than countries such as Saudi Arabia and China. Internet shutdowns, a problematic cybercrime law, and cyber-attacks against political dissenters were quoted as factors that contributed to the ongoing deterioration.

Political speech was vulnerable to restriction as the country entered the election year, the report noted, adding that in the lead-up to the vote, bots supporting political parties surfaced online, including many spreading disinformation. The report noted that the government continued to use national security as justification for internet shutdown and restrictions on social media as well as other communication platforms. Social media campaigns disseminating false information had also had an adverse impact in offline spaces.

Also highlighted in the report was the continued arrest and prosecution of internet users for online expression, as well as torture and sexual violence during detention. It mentioned complaints of detailed technical attacks targeting human rights defenders, their accounts and devices. The websites of NGOs, opposition groups and activists had also been targeted.

One of the key findings of the report was a continuation of internet shutdowns in the region formerly known as Federally Administered Tribal Areas (FATA) and parts of Balochistan. The report condemned the media blackout of dissent and social movement forces for criticising the military establishment.

The future for a beleaguered media?

The new government announced that political censorship on state-run news organisations had been lifted. In a statement posted on Twitter, the



Journalists protesting the killing of their colleagues

Information Minister said that both Pakistan Television (PTV) and Radio Pakistan would now enjoy complete editorial independence over the content they produced.

Similar announcements have been made by previous governments, but PTV is not considered a particularly impartial channel. Owned by the government, administrative control over the organisation and editorial content is managed by the party in power.

The International Press Institute (IPI) welcomed the announcement, noting that 'the independent media in Pakistan is facing serious intimidation, restrictions on the sale and circulation of newspapers as well as the blockading of television broadcasts by the administration.' The IPI had written to the Prime Minister both before and after the elections expressing grave concern over the decline of press freedom in the country.

Soon after, the Federal Information Minister's reference to the formation of a 'Pakistan Media Regulatory Authority' to replace existing media regulatory bodies was met with mixed reactions as to whether it signalled positive changes in the media industry, or a move towards greater state control of the media.

The Council of Pakistan Newspaper Editors (CPNE) called on the government to consult editors, journalists, publishers, and other stakeholders before carrying out legislation on any media law. The

CPNE said there was ‘no need for special media laws as media should be regulated through ordinary laws’ and believed the subject of information was best left to provinces under the 18th Amendment.

A similar draft law had been proposed in 2017 by the PML-N government to set up a Pakistan Print Media Regulatory Authority to replace the Press Council Ordinance and the Press, Newspapers, News Agencies and Books Registration Ordinance, both of 2002. The vigorous opposition from the press fraternity had caused the proposed law to be shelved.

By October, there were growing concerns about the purpose of the new proposal. The Information Minister announced the draft of the Pakistan Media Regulatory Authority under which the existing regulatory bodies were to be consolidated to oversee print, electronic and social media, and said that ‘no one will be able to defame anyone under the new law’. This was generally viewed as possibly another regressive tactic to impose curbs on the media and the lack of information on the powers of the proposed Authority only added to the unease.

By the end of the year, that unease appeared justified. The Voice of America’s Urdu and Pashto websites were reported to have been blocked in Pakistan. While the Pashto website had been blocked some months earlier, the Urdu one also became inaccessible in early December. According to a VOA official, the ban followed coverage by the international news organisation of a rally by the Pashtun Tahafuz Movement in KP. The Information Minister was quoted on VOA’s English website as saying that the action was taken on account of ‘false and prejudiced reporting’, which he alleged was promoting a single narrative while ignoring the many positive developments in the country.

At the end of December, the Press Council of Pakistan (PCP) at a meeting attended by the All Pakistan Newspapers Society, Council of Pakistan Newspaper Editors, Pakistan Federal Union of Journalists, Pakistan Bar Council, and Pakistan Commission on Women Status, unanimously rejected the proposed creation of a media regulatory authority and urged the government to ensure the freedom of the press if its intention was to make institutions more efficient.

Clampdown on opinions and dissent

Stifling voices of dissent became commonplace during the year.

It was reported in early May that the Pakistan Electronic Media Regulatory Authority (PEMRA) had fined 17 satellite TV channels for incorrectly reporting that the Lahore High Court had imposed an interim ban on the airing of anti-judiciary speeches made by former prime minister Nawaz Sharif, his daughter Maryam Nawaz and other Pakistan Muslim League-N leaders. Later in May, a Lahore High Court full bench in May issued a notice to the Pakistan Electronic Media Regulatory

Authority (PEMRA) on a civil application questioning the airing of alleged anti-judiciary speeches.

Police registered a case under Section 7 of the Anti-Terrorism Act against some political activists for shouting slogans against the chief justice of Pakistan and the representative of a state institution during a protest against alleged election rigging organised in August outside the Election Commission of Pakistan (ECP) office.

In September, the Chief Justice hinted that Article 6 of the Constitution (high treason) could be invoked against those opposing the construction of dams in the country saying, 'I am examining the scope of Article 6 to see whether it could be invoked against opponents of this national cause.'

An Islamic High Court judge was sacked in October for his remarks about alleged interference by the Inter-Services Intelligence (ISI) in judicial proceedings.

In November, it was reported that the Awami National Party had suspended the basic membership of its two stalwarts, Afrasiab Khattak and Bushra Gohar, for violating its discipline, but did not specify charges against them. It is generally known that both ANP leaders have been very vocal for the rights of the Pashtun, actively supporting the Pashtun Tahafuz Movement on social media by re-tweeting and liking its tweets. The party they are associated with maintains a distance from the social rights movement.

Empty chairs on the platform of the stage spoke volumes about the absence of four scheduled speakers at a festival in Lahore in November. It was alleged that their presence had been barred by state authorities.



At least two scheduled panellists claimed that their invitation to speak at a prominent festival in Lahore was rescinded at the last minute for reasons left unspecified

They were due to participate in sessions covering freedom of expression and parallel politics.

The protection and promotion of basic human rights is inextricably linked to the fundamental right to information, which in turn promotes free thought, opinion, and expression. The fact that Pakistan only 'noted' five recommendations from the recent Universal Periodic Review that pertained to freedom of expression, threats to journalists, and cases of murdered media persons, serves to exacerbate rather than alleviate concerns that the end to the stifling of dissent and curtailment of free speech and expression is not yet in sight.

Recommendations

- Set up complete and effective information commissions in each province to implement the state's obligations under the Right of Access to Information Acts.
- Remove Sections 20 and 37 from Pakistan Electronic Crimes Act-2016 (PECA) which give the state overbroad powers to censor and initiate criminal prosecutions against dissidents.
- Take appropriate steps to prohibit and prevent unauthorised, illegal, and unlawful interference with freedom of expression in the country.
- Prevent interference in the sale and distribution of newspapers, and the deliberate displacement or blocking of TV channels.
- Halt the practice of issuing 'press advice' or press-advice-like 'instructions' on the part of state agencies.

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 – to participate in political activities, to protest against perceived injustices, even to come together to engage in artistic pursuits, cultural and social activities, and religious observances – is enshrined in the Constitution of Pakistan. Section 144 of the Criminal Procedure Code (CrPC) is imposed and security personnel deployed to disperse protestors if the administration and law enforcement agencies have reason to believe there is a risk of obstruction, riots resulting in damage to property, or danger to human life. Obstructions on The Mall in Lahore were so frequent that the government was called upon to legislate on protests in that area.

In 2018, the citizens of Pakistan continued to exercise their right to protest, demonstrate and hold sit-ins to press for their demands or highlight their complaints. These were mostly staged in areas where their protests were likely to receive the most attention, and even smaller gatherings frequently resulted in chaotic traffic jams and disruption to the everyday life of the general public.

The protests encompassed a multitude of issues, among them targeted killings, enforced disappearances, civic conditions, alleged persecution, outrage over assaults and deaths, denial of dues, price hikes, perceived

injustices, and religious fervour.

Pre-emptive measures

In the run-up to the elections, there were numerous reports of crackdowns on human rights defenders, activists, journalists and other members of civil society.

In March, predominantly young activists of the Pashtun Tahafuz Movement (PTM) staged a 10-day protest against extrajudicial executions, enforced disappearances and other human rights violations in Islamabad, with similar protests in Swat and Peshawar. Subsequently, 37 activists were detained in Adiala Jail in Rawalpindi for participating in the peaceful protests, prompting nationwide protests and demands for their release.

When the PTM organised rallies in the main cities of the country, there were numerous media reports of intimidation, harassment and arrests to subvert the events.

In response to the PTM's intention to stage a rally at Mochi Gate in Lahore on 22 April, police launched raids the evening before and arrested several leaders of the PTM, Awami Workers Party (AWP) and Pashtun students from a local hotel and Punjab University. The news of the arrests spread through social media, prompting protests in Quetta and Peshawar.

On 19 April the HRCP stated that there was growing speculation that the authorities were not happy with the idea of allowing a Khyber Pakhtunkhwa organisation to hold a public meeting in Lahore and urged the Punjab government to avoid taking any steps that might be seen as interfering with people's fundamental right to assembly. In a letter to the Punjab chief secretary, the HRCP said 'We believe that the people of Khyber Pakhtunkhwa have as much right to enter Lahore and hold a public meeting as the people of any other province.'

Recalling the events of March 1973, when security forces fired on a public meeting being held by the National Awami Party in Liaquat Bagh, Rawalpindi, an HRCP spokesperson observed: 'The country has already paid a heavy price for interfering with people's right to assembly. History must not be allowed to repeat itself. The Punjab government is thus duty-bound to ensure that any peaceful political activity taking place in the province is not hindered, and that people—all people of Pakistan—have the right to express their grievances peacefully.'

Despite the authorities' refusal of a permit for the event it went ahead as planned, and was attended by thousands. Media coverage was blacked out.

A similar rally was planned in Karachi on 12 May. The PTM were forced

to change the venue from the central location of Jinnah Bagh to Al-Asif Square at Sohrab Goth. In the weeks before the meeting, more than 150 activists and political workers involved in the preparations were abducted, and legal cases registered against some of them, including charges of sedition and terrorism. Main roads were blocked on the day of the meeting, and people who were trying to reach the venue were threatened and harassed. Convoys arriving from other cities were blocked on the way and dozens were arrested.



In March, predominantly young activists of the Pashtun Tahafuz Movement (PTM) staged a 10-day protest in Islamabad against extrajudicial executions, enforced disappearances and other human rights violations

The leader of the PTM, Manzoor Pashteen, was denied a boarding pass for the flight he had booked on a private airline to Karachi. He was prevented from reaching the Lahore airport to catch a flight from there, and finally travelled by road, arriving late for the rally.

There was a massive turnout at the event but, once again, the media was blacked out.

In June, a three-day sit-in was held in Zhob, Balochistan to protest against the continued detention of the 37 PTM activists.

On 28 June, activists of the PTM were arrested for raising anti-army slogans. At least 10 people were injured in a fight that broke out in Wana after a PTM gathering, adding to the tension.

In October, an anti-terrorism case against the 37 activists was withdrawn.

When Nawaz Sharif's Pakistan Muslim League (PML-N) party announced they would be organising a rally for Sharif's return to Lahore before the July elections, scores of party activists were arrested in night raids ahead of his return.

It was reported that 10,000 police officers were deployed across Lahore. Containers were set up to block main thoroughfares across the city, and traffic diversion plans were put in place. Roads leading to the airport were sealed. Police were directed to take strict action against violators of the law during election campaigns and rallies, although political leaders and workers who remained peaceful would be guaranteed security.

These measures followed events just days earlier when Nawaz Sharif's son-in-law, given a one-year jail sentence, staged a rally in Rawalpindi. Hundreds of PML-N workers thwarted attempts by the National Accountability Bureau (NAB) and police to take him into custody before he finally presented himself for arrest.

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. In 2018, there was a disturbing resurgence of the agitation by the Tehreek-i-Labbaik Pakistan (TLP) that had earlier manifested itself in 2017.



Asia Bibi's acquittal by the Supreme Court prompted massive protests by the TLP

On 2 April, the TLP started a sit-in on The Mall in Lahore and threatened nationwide protests if the government failed to implement the terms of the controversial Faizabad agreement. In the days that followed, stick-wielding TLP workers blocked all entry and exit points of Lahore, deflating tyres of vehicles and parking them on the roads. Sit-ins were staged in Rawalpindi and other cities of the Punjab. Many major cities of the Punjab, including Sialkot, Sahiwal, Gujranwala, Kasur, Mandi Bahauddin, Chunia, Multan, Faisalabad, and Muzaffargarh, were soon cut off from the rest of the country. The police foiled attempts at sit-ins in Islamabad and dozens of local leaders and activists were arrested.

The sit-ins finally ended after ‘successful’ talks with the government.

In the wake of the landmark acquittal of Aasia Bibi by the Supreme Court at the end of October, the TLP once again brought the country virtually to a standstill for three days – rickshaws, cars and lorries were burnt, traffic jams held up ambulances, and authorities shut most schools. The anti-blasphemy campaigners were depicted hitting and throwing shoes at posters of Pakistan’s chief justice and the new prime minister. During the violent protests, one TLP leader called for mutiny against the military chief and the murder of the judges who acquitted Aasia Bibi.

The protests ended after the government agreed not to release Aasia Bibi and to place her name on the Exit Control List pending a judicial review. However, in the weeks that followed, a massive crackdown was launched and scores of protestors were detained under Section III of the Maintenance of Public Order (MPO) Ordinance. The leader of the TLP was placed in ‘protective custody’.

A call for protests in Islamabad and Rawalpindi on 25 November was withdrawn after the authorities took pre-emptive action including, according to reports, heavy advance deployment and discouragement of support for the protesters. Steps were also taken to prevent anyone from Islamabad from travelling to proposed protest venues. Scuffles that broke out were swiftly quelled by riot police supported by Rangers.

The Information Minister is reported to have said the government was preparing a comprehensive strategy to prevent violent protests on the road and hate speech on sensitive religious issues and to ensure that people’s lives and properties were protected.

Counting the cost

Otherwise peaceful protests that block roads and disrupt the free movement of citizens inevitably have an impact on everyday life. Traffic jams impede travel to and from work and schools, and affect businesses, vendors and those on daily wages.

Protests and demonstrations that are either intended to violate the law or escalate into violence with heightened emotions have more far-reaching effects, endangering lives and causing damage to property for which citizens normally cannot hope for compensation. On 6 November the Lahore High Court (LHC) dismissed a petition seeking compensation for the damage caused to public property during the protests by the TLP, deeming it non-maintainable.

The petition held that the federal and provincial governments were responsible for the protection of people's lives and property and they should pay compensation to the citizens.

The same day, the Chief Justice of Pakistan (CJP) took suo motu notice of the losses caused by the riots during the three-day protests. He directed the federal and provincial governments to submit within three days reports on the losses and steps taken to compensate victims of these riots.

On 8 November, it was reported that the Prime Minister had directed the Punjab government to prepare a compensation package for the people whose properties were damaged during the protests by 'miscreants'.

Terrorism and freedom of assembly

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

- In April, a terrorist attack as people were leaving a church in Quetta left two dead and five injured.
- In July, over 130 people were killed and 180 injured in two separate terrorist attacks during election-related rallies in Balochistan and Khyber Pakhtunkhwa.
- Later in July, 31 people were killed in a bomb blast at a polling station in Quetta.
- Around 15 people were injured by a grenade attack as they were celebrating Independence Day in the Nushki town of Balochistan.

The use and abuse of freedom

The right to peaceful assembly is jeopardised when protestors turn violent and provoke police intervention. When feelings run high—protestors are determined to get their point across and law enforcement officials are either ill-equipped to deal with the situation or fearful of their own or the public's safety—confrontations are often inevitable.

Riots broke out in Kasur in January as residents protested against perceived police inaction over the rape and murder of a 6-year-old girl. Two people were reportedly killed by gunshot wounds as enraged protesters armed with sticks and stones attempted to storm the deputy

commissioner's office and clashed with police. At least two others sustained bullet injuries.

Following the rape and murder of a six-year-old girl in Karachi in April, relatives and area residents placed the body of the girl on Orangi Road in protest but the situation turned violent with demonstrators pelting police and nearby vehicles with stones. Police resorted to firing and teargas to disperse the protesters and two people were injured. A man later died. Ten police personnel were reportedly also injured in the incident. The situation was brought under control when Rangers were deployed.

In May, 40 people were booked for staging a protest against the Kotwali police in Jhang over a death in custody.

Also in May, dozens of protesters were injured during a clash with police in Gilgit over GB reforms. The protestors were heading towards the Assembly building for a sit-in and the police blocked the roads. The police resorted to teargas to disperse the protestors who were reportedly hurling stones at them.



Protests were held against the Gilgit-Baltistan reforms announced in May

The legal fraternity were again in the news as they staged protests that descended into mayhem. In May, scores of lawyers in Faisalabad reacted to the registration of a terrorism case against 30 colleagues by attacking the office of the City Police Officer, pelting its main building with stones, thrashing policemen and visitors, damaging vehicles and staging a sit-in that brought traffic to a halt. The aforesaid 30 lawyers had allegedly thrashed SHO and his subordinates when they produced an accused, the brother of a lawyer, in court.

In October, members of the Lahore Bar Association (LBA) locked the entrance gates of the sessions court for hours as a protest against a suo motu notice taken by Chief Justice of Pakistan over the manhandling of a policeman by lawyers.

The protests by lawyers for the establishment of the Lahore High Court benches in five more cities of the province received much media attention and the Information Minister promised strict action against their rowdy behaviour.

In December, the All Pakistan Bar Councils Inter-Provincial Committee announced a nationwide strike from the 17th in support of the demand of the Punjab Bar Council. Lawyers on 21 December locked down the district courts and 'detained' judges of the subordinate judiciary in protest against the demolition of some of their chambers. The Capital Development Authority (CDA) had removed 21 lawyers' chambers illegally constructed on the footpath and in the emergency exit of the district courts. In retaliation, lawyers declared the district courts a no-go area and also shut down a block housing 20 courtrooms.

The heavy hand of the law

One of the recommendations in the 2017 HRCP annual report was for law enforcement agencies to be given specialised training in crowd management to deal with demonstrations, rallies and protests, particularly the avoidance of disproportionate force.

In March 2018, the Lahore High Court issued a notice to the Punjab government and police for using force against visually-impaired protestors. The protest was a continuation of several demonstrations against the Punjab government's failure to provide persons with disabilities (PWDs) with jobs and salaries.

According to the petition that initiated the notice, a group of visually-impaired people were marching towards the Punjab chief minister's house and the police allegedly baton-charged the protesters to prevent them from reaching their destination, leaving several demonstrators 'badly injured'. The judge who heard the case asked the defence whether the police had any other modern technique of maintaining law and order that did not entail beating people.

In April, the Chief Justice took suo moto notice of police action against protesting local and foreign journalists, and members of various associations who wanted to present a charter of demands to Parliament. The protestors were marching to mark the International Press Freedom Day. According to the police, they attempted to break the police cordon preventing them from reaching Parliament. The Chief Justice held that the journalists' protest was peaceful, and that it was inappropriate to use force against women and peaceful protesters.



Women protesters were manhandled by law enforcement agencies in Karachi at a gathering of families of the forcibly disappeared

In May, at a gathering of families of the forcibly disappeared, women protesters were manhandled by law enforcement agencies in Karachi.

Throughout the year, there were reports of clashes between police and protesters.

Right to enjoyment

Valentine's Day celebrations were banned across Pakistan for a second year in a row. The Pakistan Electronic Media Regulatory Authority (PEMRA) announced the ban on 7 February, in compliance with an order from the Islamabad High Court issued the previous year.

It was announced in December that the Punjab government had to lift the 12-year-old ban on the Basant (kite-flying) festival celebrations in February, on the basis that it was an economic activity and promoted tourism.

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

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**

Shrinking spaces and freedoms in Pakistan have defined 2018. The promise of the third consecutive democratic transition of power in the country, a milestone achieved on the basis of the struggles of political parties, workers, students and civil society, fell depressingly short of delivering emancipatory potential. The year began with the use of terrorism laws against protesting students at the Punjab University, and newspapers reported that 196 students of the university were presented before an anti-terrorism court in Lahore.

The incident follows a trajectory of indiscriminate misuse of terrorism laws. Only last year, leaders of the Railway Drivers Association were booked under terrorism laws for holding a strike, and it was reported in the media that the FIR registered against them mentioned that their protest attempted to undermine Pakistan and China's friendship and

derail the CPEC. This frightening trend has continued with increased ferocity in 2018 as laws denying freedom of movement, free speech and association were extended to political parties, student groups, labour unions, local and international non-government organisations, social movements and protesters.

Pakistan received Generalised System of Preferences (GSP) Plus status in 2014, which was contingent on its compliance with 27 core conventions of human rights and labour policies. The core labour policies relate to areas of freedom of association, recognition of the right of collective bargaining, elimination of bonded labour and child labour, and discrimination in respect of employment and occupation

The overall crackdown on freedoms accompanies worsening social, economic and political inequalities in the country. Despite being one of the most heavily legislated subjects in the Constitution, labour remained one of the most neglected segments of the population. The implementation of regulations and laws protecting workers' rights remains a distant dream as the increasing neo-liberal economic policies of the government have ensured that the traditional platform for collective bargaining and protection of rights, the trade unions, are disempowered. As a result of anti-union practices and legal restrictions, trade union density dropped to 5.5% in 2017, according to the Danish Trade Council for International Development and Cooperation (*Labour Market profile 2018, Pakistan*).

The inalienable right of freedom of association has seen massive curbs over the past year. In some cases, the right has been extended selectively to groups involved in hate speech and incitement to violence. As a result, the situation appears bleak and the prevailing conditions detrimental to democracy and democratic principles.

Trade Unions

As of March 2018, Pakistan has ratified 36 International Labour Organisation (ILO) Conventions, which include eight fundamental conventions to improve compliance and reporting, as well as the C144 - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). As a result, the country is expected to uphold principles in line with ILO's C87 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and C98 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98). Following the 18th Amendment, labour as a legislative subject was devolved to the provinces. The rights enshrined in international conventions are expected to be reflected in the provincial legislation.

According to ILO data, the country's workforce is estimated to be 61 million and there are 7,096 registered trade unions in public and private sector organisations, 1,390 of which are collective bargaining agents

(CBA). The total membership of the unionised workforce is 1,414,160.

Various reports suggest that non-CBA unions tend to disband after losing elections and most of their members join the CBA unions. Trade union activity is seen to become animated only around the elections after which it fizzles out and stays dormant till the next election. This is due to a variety of reasons including restrictions and barriers on union activities such as barriers to setting up unions, categories of workers (for example contractual labour) prohibited from joining unions, limitations on certain types of strikes, and use of police violence and threat of dismissal in the case of strikes in certain sectors.



GlaxoSmithKline (GSK) workers protest sackings and contractual employment in Karachi

Employees in most private sector organisations remain unable to form their own unions because legal loopholes allow employers to register 'yellow' unions that are unrepresentative of workers' aspirations and are dominated by the employer. Instead of providing a platform for collective bargaining, such unions become tools for 'weeding out' workers looking to unionise. This allows for certain perceptions to take root among workers: the law and the state are not on their side but always side with the powerful, and secondly, unions have lost their effectiveness after their heyday in the 70s and are hence not representative of or helpful to workers. This is reflected in the mushrooming of associations in public sector organisations, parallel to traditional union formations.

While implementation of labour rights remains poor at best, provincial governments have been quick to implement laws declaring certain

strikes and picketing illegal. On 9 December, Karachi police baton charged and used water cannons to stop Port Qasim dock workers from protesting in front of Governor House. In certain provinces, the law requires police authorisation for assembly of four or more people, which extends to union strikes and demonstrations.

Moreover, a vast majority of workers in Pakistan do not have the right to unionise because they are either employed in the informal sector and are thus not regulated, or in most cases are not recognised as labour, or they are hired through third-party contractors (despite Supreme Court rulings [vs Fauji Fertiliser 2013 and Pakistan State Oil 2017] which extend the rights of permanent employment, collective bargaining and decent work to all employees, the rulings are not reflected in legislation and have not been implemented).

Even though the agricultural sector covers 42.27% of the total employment, the sector is not recognised as an industry in the Punjab and Khyber Pakhtunkhwa and so those employed in it do not have the right to unionise. The Balochistan Industrial Relations Act 2010 and the Sindh Industrial Relations Act 2013 have extended agricultural and fisheries workers recognition as labour and thus the right to unionise. Sindh also led the move to extend home-based workers, who are mostly women, recognition as labour by passing the Home-Based Workers Act 2018. Punjab announced its Labour Policy 2018 in December, which includes a Domestic Workers Policy and a Home-Based Workers Policy. These policies are a welcome move but the Home-Based Workers Bill has been tabled in the Punjab Assembly before without success, while even the implementation of previous laws pertaining to bonded labour, workplace safety, and child labour were poor at best.

The Human Cost

In November, the NTUF held a rally to mark the second anniversary of the Gadani shipbreaking yard tragedy in which 29 workers died after the oil tanker they were working on caught fire. At the rally, a leader of the Shipbreaking Workers Union Gadani claimed that the ship-yard owners had registered a 'yellow' union formed by a labour contractor who forcibly collected contributions from workers and there had not been a referendum to elect a collective bargaining agent in 50 years.

There is no formal written contract for the workers and none of them are covered under the social security system. They are paid less than the statutory minimum wage and forced to work long hours. The precarious nature of their work necessitates stringent measures to protect their safety yet, once again, in July this year four workers were trapped inside a cargo ship that caught fire at the ship-breaking yard.

In September, the Supreme Court was asked to order an inquiry into the

deaths of 318 coal miners in 45 incidents of painful death between 2010 and 2018. Employment in coal mines is through contractors and subcontractors with discrimination against union members.



Unions held a day of protest on 28 September against continuing deaths in coal mines. Many miners are insufficiently organised and lack union representation.

Women in the workplace

According to an IMF report, women constitute 28% of the workforce. Since there has been no major formalisation of the labour market, almost 80% of the Pakistani women on the labour market are in vulnerable employment. The participation and representation of women in nearly all trade unions in the country is negligible. Existing unions must open up spaces for women in their ranks and democratise their working. However, if provincial governments expedite their work to extend the right to unionise to home-based workers and domestic workers, this trend may change for the better. It will also grant them access to the Employees Social Security Institution, the Employees Old Age Benefit Institution, the Workers Welfare Board, and other such workers' welfare organisations.

Student unions and collectives

On 30 November, hundreds of students from public and private universities across the country participated in the Students Solidarity March organised by the Progressive Students Collective, the Progressive Youth Alliance and the Progressive Students Federation, among others. They held rallies in Islamabad, Quetta, Karachi, Gilgit-Baltistan,

Hyderabad, Jamshoro, Khairpur, Kotli (Azad Kashmir) and Multan to demand the restoration of student unions and representation in decision-making bodies on campuses.



Clashes on the Punjab University campus resulted in the arrest of over 200 students.

In January, clashes erupted on the Punjab University campus after the Islami Jamiat Talaba (IJT) heckled Pashtun and Baloch students at their Culture Celebration Day. The police arrested over 200 students and registered terrorism cases against them. It was only after hundreds of students protested against the police that the charges were dropped. In May, the Minhaj University in Lahore expelled more than 300 women from its hostel because one or a few of them leaked a video of the Pakistan Awami Tehreek (PAT) Secretary General being aggressive with the women who had asked for permission to go out for Iftar. These are only some of the many incidents of students agitating against university highhandedness and being treated as criminals for demanding their rights.

If the ban on student unions is lifted, the space to press for such demands could become more democratised and systematic. (See also *Education*)

Crackdown on civil society and NGOs

The Securities and Exchange Commission of Pakistan (SECP) cancelled the registration of 3,000 NGOs and non-profit organisations (NPOs) during 2017-18 on the pretext that their accounts were suspected of being misused for money laundering. This was done in order to comply with the 40 recommendations set by the Financial Action Task Force (FATF) to curb terror financing and money laundering in Pakistan. In June, the FATF had placed Pakistan on its terror financing watch list.

Towards the end of last year, over 30 INGOs and NGOs had been asked to wind up their operations and leave the country. The crackdown only intensified this year. As many as 18 international NGOs were ordered to wind up and leave the country by 30 November. In the first half of the year, 18 INGOs were refused registration. In October, envoys of the United States, Canada, Japan, Australia, Norway, and Switzerland, as well as the ambassador for the European Union, wrote to the Ministry of Interior and the prime minister expressing concern over the crackdown against INGOs. The orders were not rescinded.

The mushrooming of NGOs in Pakistan coincides with the state's structural adjustment policies that necessitated a rollback from provision of social services to the population. The lack of social services opened up the space for an exponential growth of the non-profit sector and NGOs in Pakistan. After working unimpeded for nearly three decades now, the space these organisations occupied have become central to the wellbeing and livelihood of millions of people across the country. This is why the ongoing crackdown against INGOs, NGOs and the civil society at large is counterproductive and will have far-reaching ramifications for vulnerable communities.

The explanations circulating for this crackdown range from conspiratorial tales about 'foreign-hands' and 'foreign-funding' meant to destabilise Pakistan, to terror financing and passing the blame for not being able to catch Osama Bin Laden onto the NGO that financed the vaccination drive that made it possible for the US to identify him. None of these explanations hold merit. They need to be viewed in the larger context of an overall crackdown on progressive and pro-people movements and organisations in the country.

Social movements and political affiliations

In May this year, Karachi's Manghopir police registered cases against over 150 workers of the Pashtun Tahafuz Movement (PTM) under Sections 124-A (sedition), 125 (waging war against any power in alliance with Pakistan), 500 (punishment for defamation), 505 (statements conducing to public mischief), 149 (every member of unlawful assembly guilty of offence committed in prosecution of common object), 148 (rioting, armed with deadly weapon) and 7-ATA (Anti-Terrorism Act of 1997).

This was one of dozens of cases of terrorism and charges of treason that were invoked against members and supporters of the PTM ahead of their rallies planned in Bannu, Swat, Lahore, Peshawar and so on, all year round. The movement was sparked by the extrajudicial murder of Naeqebullah Mehsud, an owner of a clothes shop and an aspiring model, on 13 January 2018. The PTM's rallies were met with a draconian

response from the state. Dozens of student supporters across the country were picked up by intelligence agencies, communities were issued warnings of dire consequences if they attended the PTM rallies and the police took hundreds of supporters into custody. The names of the leaders and prominent supporters of the movement were placed on the Exit Control List, even though two of them are elected members of Parliament.

But the crackdown was not only limited to social movements. Leaders of the Pakistan Muslim League-Nawaz (PML-N) also found themselves charged with terrorism after they held a rally in Lahore in support of former prime minister Nawaz Sharif when he was returning to the country to be taken into custody. Cases were registered against nearly 1,500 PML-N workers.

The skewed logic of accountability being pursued by the state has now been extended to the Pakistan People's Party and the names of its leaders, former president Asif Ali Zardari and PPP chairperson Bilawal Bhutto Zardari, have been placed on the Exit Control List.

Following the violent protests in the aftermath of Aasia Bibi's acquittal, the state also cracked down on the Tehreek-i-Labbaik Pakistan (TLP). According to reports from various journalists, known supporters have had to sign written affidavits stating that they had nothing to do with the organisation to avoid being arrested.

None of these actions would have required the measures that were taken if law and order functioned as it should in a democratic country. In earlier protests carried out by the TLP, the state handed out cheques to the protesters. This selective application of extreme measures is a sign of a complete breakdown of the democratic process in the country, and does not bode well for any movements, unions, or political organisations.

Recommendations

- Restore student unions.
- Expedite work on laws pertaining to Home-Based Workers and Domestic Workers.
- Strengthen trade unions and curtail police action against striking workers.
- Open up space for civil society and NGOs and restore the jobs of thousands of workers.
- Allow unions and movements to operate without political or state interference.

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

Return to guided democracy

The year 2018 marked Pakistan's reversion to a system resembling guided democracy. After the general election in July Imran Khan's Pakistan Tehreek-e-Insaf (PTI) took control of the centre and the provinces of Punjab and Khyber Pakhtunkhwa (KP). The two mainstream political parties that had alternated in power during the post-Zia period, Pakistan Muslim League-Nawaz (PML-N) and Pakistan People's Party (PPP), suffered a decline and betrayed their critical weaknesses.

The older religio-political parties (JUI and JI) also suffered a loss of power and influence while a new and more militant group that had emerged in 2017, Tehreek-e-Labbaik Ya Rasool Allah (or simply Tehreek-e-Labbaik Pakistan, TLP), surprised all observers by its performance in the general election and made its presence felt in the subsequent months, until it took a stumble on the last day of October and appeared to be in the dock for that. And women had the satisfaction of getting the election to an assembly seat cancelled because of their lower than stipulated turnout. A new and a different kind of political formation, describing itself as the Pashtun Tahafuz Movement (PTM), taxed the establishment's capacity to deal fairly with dissent.

Run-up to elections

The PML-N government headed by Shahid Khaqan Abbasi, formed after the ouster of Nawaz Sharif from power, staggered along until its

term expired in May. However, the contours of the shape of things to come started emerging a couple of months earlier.

All eyes throughout the first two months of the year were on the election of new members of the Senate, half of its total strength, that was due in March. Since the PML-N was poised to gain control of the upper house too, and this for at least three years, doubts were openly raised in the media as to whether this election would be held at all. These doubts were proved to be baseless but the circumstances under which the election was held added a new whodunnit drama to the country's history.

There was a revolt in the ruling assembly party in Balochistan—the PML-N—and, faced with defeat on a no-confidence vote, the provincial government resigned. The rebel MPAs formed a new government and later unfurled the banner of a new organisation—the Balochistan Awami Party (BAP).

As a result PML-N was deprived of the seats in the Senate it was hoping to win from Balochistan. This party also faced a temporary difficulty when it was told its nominees for Senate seats from the Punjab and elsewhere could not contest election on the party ticket as they had been nominated by Muhammad Nawaz Sharif, who had been disqualified from holding the party leader's office. They were allowed to join the electoral race as independent candidates and they could join the PML-N ranks after getting elected.

When the time to elect a new chairman of the Senate came, PTI and PPP got together in a marriage of convenience to defeat the nominee of PML-N, the largest single group in the house. Under the slogan of giving the Senate chairmanship to a smaller (than Punjab and Sindh) province they threw their lot behind the BAP nominee, Sadiq Sanjrani, and he was elected chairman.

The PPP got its candidate, Saleem Mandviwala, elected deputy chairman into the bargain. He had earlier been put up by the party leader, Asif Ali Zardari, as a candidate for the Senate chairmanship in preference to a senior party member and outgoing chairman, Raza Rabbani. The latter might have won easily as he was acceptable to PML-N as well.

During the manoeuvres about the Senate elections Zardari was initially given much credit for pulling the strings but he was obviously no match for the superior strategists in the arena.

The installation of caretaker governments this time around was no easier than in 2013. Considerable confusion was caused in the Punjab by PTI's difficulty in choosing its nominee for chief ministership. Former Supreme Court chief justice Nasirul Mulk became the caretaker prime minister and a retired civil servant, Fazalur Rahman, was named as the caretaker chief minister of Sindh through the regular parliamentary process. But

the caretaker chief ministers of KP, Balochistan, and Punjab – Justice (R) Dost Mohammad Khan, Allauddin Marri, and Dr Hasan Askari Rizvi, respectively – were chosen by the Election Commission.

Pre-poll scenario

The elections to the National and four Provincial Assemblies held on July 25 were an unusually messy affair and HRCP described it as the dirtiest, thoroughly micromanaged, and most intensively fought exercise in the country’s history before the first vote was cast.

A group of PML-N MNAs in the outgoing National Assembly belonging to the south-western region of Punjab deserted the party. They formed a bloc to agitate for grouping the southern districts of Punjab into a new province, a move the PPP had made a few years earlier and had failed to carry any further. Soon afterwards the members of the group arrived at the house of PTI head Imran Khan, where they were received with open arms and PTI adopted the creation of a South Punjab province as one of its objectives.

Shortly afterwards eleven candidates who had secured PML-N tickets surrendered them and the party had difficulties in finding replacements. Some of this was not unexpected as PML-N was perceived as a party in deep trouble but the scale of desertions was surprising.



Many candidates from PML-N and PPP crossed over to the PTI camp days before the election

According to media reports, no less than 161 former PML-N legislators defected from the party. There were reports from across the country, especially from all parts of the Punjab, of efforts by farsighted officials to inform PML-N supporters of the futility of clinging to a lost cause. These defections and what had happened in Balochistan a few months earlier reminded political observers of an event in the 1950s, when most of the members of the ruling Muslim League party in the West Pakistan Assembly rechristened themselves overnight as the Republican Party and were catapulted into power at the centre as well. Thus PML-N joined the electoral race under a heavy handicap.

The other mainstream party, PPP, was similarly affected. A few of its veteran fighters crossed over to the PTI camp. At the same time the various opposition groups in Sindh found the environment conducive to the formation of a joint front, Grand Democratic Alliance (GDA), against the PPP.

The Muttahida Qaumi Movement (MQM), which for many years had been the third largest party in the National Assembly and a strong opposition party in the Sindh Assembly, had destroyed itself in a fratricidal conflict. The older religious parties, led by Jamiat Ulema-e-Islam-F (JUI-F) and Jamaat Islami (JI), found the going getting tough and decided to revive their electoral alliance of the 1990s—Muttahida Majlis-e-Amal (MMA).

The only parties that faced the challenge of the polls without fear were PTI and its allies, PML-Q and Sheikh Rashidi's AML—and Imran Khan outpaced his rivals with a frenzied, no holds barred campaign—and TLP whose leaders were confident that their Faizabad dharna of 2017 had opened up to them the high road to power.

The pre-poll environment manifestly did not offer a level playing field to all parties. This assessment by national organisations HRCP and PILDAT was endorsed by the European election observers' mission, its desire not to ruffle the Pakistan authorities' feathers notwithstanding.

Shortly before the polling day the Election Commission of Pakistan released the final list of voters. The total number of voters in the country was put at 105.0955 million, 23 percent higher than in 2013. The male voters accounted for 55.9 percent of the voters while females constituted 44.1 percent, and the gap was too large to be accepted as correct. Young voters numbered 46 million. The votes of minority communities had risen by 30 percent since the preceding general election.

This election revealed a further decline in the importance political parties attached to their manifestos. While MMA, TLP and PPP released their manifestos in the month of June, PML-N, PTI and MQM did so in July, and the last two parties disclosed their manifestos less than a

fortnight before the polling day. There was no time for public debate on these manifestos, nor was this apparently intended, and manifestos were reduced to an unnecessary chore to be carried out by the party's 'backroom boys' or hired helpers.

The process of selecting candidates for party tickets this time around displayed new features. All parties, PTI perhaps more than others, were looking for electable figures. The electability of a candidate, especially his capacity to spend big money, has always been one of the grounds, in addition to his *baradari*, for granting him a party ticket. But the hunt for electables was carried out with such great fervour and in utter disregard for one's qualifications and suitability for an elective office that the criteria for selecting good candidates seemed to have suffered considerable derogation.

Election-related violence

There were genuine fears of violence during the electoral process though no significant group had issued a clear threat. Yet there was no room for complacency in view of the hostility of religious extremists to any democratic activity.

When ANP's candidate for a KP assembly seat, Haroon Bilour, was killed along with 12 others in a suicide bombing attack in Peshawar about a fortnight before the polling day, the administration's anxieties increased. Soon afterwards a large gathering in Mastung (Balochistan) came under a bomb attack and a prominent and well-connected candidate for a seat in the provincial assembly, Siraj Raisani, was killed along with 127 other victims. This proved to be the worst terrorist attack during the 2018 elections. On the eve of the election another KP assembly candidate, Ikramullah Gandapur, was killed in D. I. Khan and for this Tehreek Taliban Pakistan (TTP) owned responsibility. The authorities were relieved that the number of terrorist attacks during election 2018 was much below the 2013 figure of 148 incidents.

Military mobilisation

The terrorists might have been deterred from carrying out their plans by the mobilisation of a several hundred thousand strong army force that began its involvement with the general election in accepting the responsibility of overseeing the supply of poll material to polling stations throughout the country. The troops took control of polling stations on 23 July, two days before the polling day.

These security arrangements won public approval but when army men entered polling stations and polling booths, reportedly to guide the voters and keep the queues in order, the poll watchers, democratic-minded citizens, and candidates had reason to protest against this obvious breach of a universally accepted requirement that security



Haroon Bilour (ANP), was killed along with 12 others in a suicide bombing attack in Peshawar

forces should stay a reasonable distance away from the polling booths.

Polling on the Election Day was by and large peaceful. The ECP made a good gesture by accepting a PTI plea for increasing the voting period by one hour. However, the situation took an ominous turn towards the close of voting time. Since a large number of people were still waiting in queues as the time to close the voting drew near, PML-N requested for a short extension of the voting time but ECP rejected the plea and only allowed the voters who had entered the polling station before the time for voting expired to cast their ballots, a direction that was variously respected by the different batches of the security forces.

Rigging charges

What happened after the close of polling had no precedent in Pakistan's election history. The security forces assumed control of the polling stations and told all polling agents to leave their posts and come back an hour later. This activity laid the foundation of doubts about the fairness of the election.

Some other happenings that strengthened these doubts were the delays in announcement of results, and the discontinuation of ECP's prized system of rapid transmission of the vote count figures from all polling stations to the ECP control room and the immediate release of consolidated results. It was said that the system had collapsed. NADRA, the agency responsible for operating the system, contested this view and asserted that the system did not collapse; rather its use was discontinued.

Armed with all these complaints the losing parties and a number of concerned groups and individuals asserted that the elections had been massively rigged. However, the main losers, that is PML-N and PPP, declined to support JUI chief Maulana Fazlur Rahman's plea for a boycott of the newly-elected assemblies and agitation to get the whole election set aside.

Eventually it was decided to move forward and pursue the grievance about election rigging inside the legislatures, Finally, a parliamentary committee headed by Defence Minister Pervez Khattak was set up to deal with the matter. Nothing about the committee's labours is known and it is doubtful that the case of rigging the elections will reach any conclusions. The leaders of PML-N and PPP had to fight for their survival and the tale of rigged elections got more and more remote from their minds.

In any case the first count of votes for 272 directly filled National Assembly seats were shared by political parties as given below:

118	64
Pakistan Tehreek-i-Insaf	Pakistan Muslim League-N
43	11
Pakistan People's Party	Muttahida Majlis-i-Amal
6	2
Muttahida Qaumi Movement-P	Grand Democratic Alliance
4	3
Pakistan Muslim League-Q	Balochistan Awami Party
3	1
Balochistan National Party-M	Awami Muslim League
12	1
Independent	Awami National Party
2	2
Result awaited	Election postponed

The party position in the National Assembly changed when independent candidates joined their favourite parties and elections to seats reserved for

women and minorities had been held. On the completion of these stages of indirect election of MNAs the ECP declared the final composition of the National Assembly as under:

158	82	63	15
PTI	PML-N	PPP	MMA
7	5	5	4
MQM	PML-Q	BAP	BNP
3	1	1	1
GDA	JWP	ANP	AML
	4		
	INDEPENDENTS		

In the elections to the provincial assemblies, BAP emerged as the single largest group in the Balochistan assembly; PTI returned to power in KP with an increased majority in the assembly; and PPP retained its hold on Sindh with an increased majority in the provincial assembly. PTI emerged as the largest opposition group, pushing MQM into third place.

In the Punjab PML-N offered PTI tougher resistance than it had in the election to the National Assembly and in the initial count it won a couple of seats more than PTI in the provincial assembly. PTI quickly wiped out its deficit by winning over the independent candidates and was able to form its government in the Punjab too.

Religious parties

In addition to the older religio-political parties, such as JUI-F, JI and Majlis Wahdatul Muslimeen, nearly half a dozen new and militant outfits under religious banners entered the fray. Considerable noise was made by the media over the participation of some banned (as terrorist) entries in the elections but in vain.

Jamaat-ud-Dawa, the parent organisation of Lashkar-e-Tayyaba, was denied registration by the ECP but it claimed to have launched about 200 candidates from the platform of the Allah-o-Akbar party that had been duly registered with the ECP. It also proudly claimed to have put up 20 women candidates.

Several other new religious groups with questionable credentials also found registered parties under whose banners they filed the nomination papers of their candidates and disclosed this fact on TV. The ECP chose not to interfere and argued that it could not proceed against a person

suspected of affiliation with a terrorist group if he had taken refuge with a duly registered party. The question as to what ECP would do if a registered party was found involved in terrorist activity remained unanswered.

TLP's tactics

While most of the new quasi-religious parties failed to attract voters, Tehreek Labbaik Pakistan (TLP), of the Faizabad dharna fame, made a strong showing. Apart from winning two seats in the Sindh provincial assembly from Karachi, it captured third place (after PTI and PML-N) on the table of parties that had polled the highest number of votes in the Punjab.

This impressive performance in the electoral field obviously persuaded TLP to assume an aggressive posture in public affairs. On 31 October it took the lead in organising countrywide agitation against the Supreme Court decision to accept Aasia Bibi's appeal against her conviction for blasphemy and the awarding of the death sentence. The demonstrators resorted to violence and wanton destruction of property, mainly cars and other motorised vehicles, at a number of places.

The TLP leaders tried to deny responsibility for these acts of violence but it was apparently blamed for some vicious and abusive attacks on the prime minister and the army chief on social media. This could be considered as biting the hands that fed the party during the Faizabad sit-in and facilitated an accord in its favour. A number of TLP leaders and activists were taken into custody ostensibly for trial on criminal charges but no court proceedings have as yet been reported.

The new provision in the Election Act about nullification of polls in an area or in a constituency, if the number of ballots cast by women was less than 10 percent of their registered votes, was tested in this election. One of the constituencies that failed the test was the Shangla provincial assembly constituency in KP and there a fresh election was ordered.

The setbacks suffered by two mainstream parties, PML-N and PPP, were not wholly due to the nature and strength of the forces arrayed against them; the weaknesses in their party apparatuses and their total dependence on the supreme leader also contributed to their tribulations.

It seemed the leaders of these parties took the easy path of resigning to their fate. Their inability to democratically organise their parties not only added to their own trials, it also arrested the country's movement towards democratic consolidation.

The PTM phenomenon

A significant political development during 2018 was the government's inability to present a rational response to the rise of the Pashtun Tahafuz

Movement (PTM). The movement grew out of the group the Mehsud tribe had created for protecting its interests.

When Manzoor Pashteen, an extremely effective orator, took over the group's leadership, he decided to voice the grievances of the entire Pashtun community, especially the Pashtuns living in tribal areas, and included in their complaints the losses suffered during the war on terror.

The authorities read in PTM demands more than what its leadership had ever demanded, although a section of the administration and an element in the security apparatus believed PTM could be fruitfully engaged. Two prominent leaders of PTM, Ali Wazir and Mohsin Dawar, who wielded considerable personal influence in their communities, won seats in the National Assembly in the 2018 general election.

On 12 August 2018 PTM held a large public meeting at Swabi in KP and the administration overreacted by registering cases on criminal charges against 19 persons, including PTM leaders and Gulalai Ismail, an internationally respected human rights activist. That case is still pending.

Subsequently, Manzoor Pashteen decided to seek support from people outside the Pashtun belt and KP and planned public meetings at Lahore and Karachi. The official reaction was reminiscent of the hostile response to Wali Khan's attempts to introduce his party in the Punjab in the early 1970s.

While after several hiccups the Lahore meeting was allowed, extremely crude attempts were made to prevent Manzoor Pashteen from reaching Karachi. It is possible that some of the points PTM leaders were making were unpalatable for the powers that be, but by proceeding against them the administration was only driving them to the wall.

The net to harass PTM was spread so wide as to include anyone who said hello to its leaders. The various political parties sought safety in distancing themselves from PTM. The ANP, which has its base in KP, went to the extent of expelling from its ranks two of its frontline leaders, former Senator Afrasiab Khattak and former MNA Bushra Gohar.

The two PTM leaders who sit in the National Assembly as independent members have been targeted unwisely. Their names were put on the Exit Control List (ECL) but the decision had to be withdrawn. Now it is a measure of the state of fear in which the politicians have chosen to exist that the grand opposition in the Parliament is afraid of having any truck with MNAs Ali Wazir and Mohsin Dawar!

FATA merger with KP

Some of the formalities required for carrying out the merger of the Federally Administered Tribal Area (FATA) with Khyber Pakhtunkhwa

were completed during 2018.

First of all, the jurisdiction of the Supreme Court and the Peshawar High Court was extended to FATA. But as the PML-N government headed by Shahid Khaqan Abbasi neared the completion of its 5-year term it started doubting whether it had enough time to complete the merger. At one stage it was reported to have decided to leave this task to the next government. Soon afterwards, however, it pushed the 25th constitutional amendment through the parliament to seal the merger plan.

In the last week of May, the KP assembly endorsed FATA's merger with KP and the federal government notified the FATA Interim Government Regulation 2018.

The caretaker government formed after the expiry of the National Assembly's term continued the process of the FATA-KP merger. It replaced political agents in FATA with Deputy Commissioners and set up task forces to complete the merger formalities.

In September the new government of Prime Minister Imran Khan took charge of the merger process but it soon had a problem on its hands when the Peshawar High Court ruled that some of the provisions of the FATA Interim Government Regulation of 2018 were in conflict with the Constitution.

Further, the disappearance of FATA as a legal entity did not affect the operation of the Actions in Aid of Civil Power Regulation and there was no report that the internment centres set up under it were being wound up.

A controversial order for Gilgit-Baltistan.

During its last days in office the PML-N government issued on 21 May the Government of Gilgit Baltistan Order 2018 and claimed to have put that area at par with the provinces of Pakistan. Public opinion in Gilgit-Baltistan vehemently repudiated this claim and there were protests in the territory against what was described as a retrogressive replacement of the Gilgit-Baltistan (Empowerment and Self-government) Order of 2009.

The Gilgit-Baltistan Supreme Appellate Court struck down the new order and revived the order of 2009 on 13 July. Three weeks later the Supreme Court of Pakistan overruled the G-B court's order. The issue was carried into 2019.

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 has been named once again the second worst country in terms of gender equality in the world by the Global Gender Gap Index 2018, flanked by Iraq (147) and Yemen (149). The scores are based on economic participation and opportunity, educational attainment, health and survival, and political empowerment. Pakistan was said to have made some good progress in wage equality as well as on the Educational Attainment sub index. However, this progress was considered 'insufficiently rapid to avoid the country being overtaken by a number

of faster-improving countries at the lower end of the Index's global rankings'.

The outlook for women showed little signs of improvement from that reported in previous years, and the issues that confront women were illustrated in stark terms in the news throughout the year—most notably in the cases of domestic and sexual violence that prevail in such a patriarchal society. When other factors come into play—so-called 'honour' killings, acid attacks, extended family dynamics, social restrictions on movement and jobs, inequality and abject poverty, forced and arranged marriages—a grim picture emerges.

Yet there were some positive signs: the record number of women in the running for NA general seats, reports of higher women turnout during the elections, the initiatives taken for transgender people, and the first woman chief justice appointed in a Pakistani high court.



There were reports of higher women turnout during the elections

Legislation

Over the past decade, a raft of legislation has been enacted that focuses on women's rights. The fact that so many violent and unlawful practices persist and continue to escalate illustrates yet again the massive challenges to implementing the law and changing deeply entrenched societal attitudes. Significant legislation includes:

- Protection Against Harassment of Women at the Workplace Act

in 2010

- Acid Control and Acid Crime Prevention Act 2011
- Prevention of Anti-Women Practices Act 2011 (to protect women's right to inherit property and to prohibit forced marriages, including to settle disputes.)
- Domestic Violence (Prevention and Protection) Act was only passed in 2012. The Act prohibits violence in private spaces and mandates a quick resolution of cases within 90 days.
- Anti-Honour Killing Act 2016
- Anti-Rape Act of 2016
- The Hindu Marriage Act 2017.

The Alternate Dispute Act of 2017 was enacted to reduce the huge backlog of cases in the courts. It allows informal and traditional 'courts' to settle 23 types of civil and criminal disputes, including matters such as the dissolution of marriage and payment of maintenance, personal injury, and various disputes over property settlement. These traditional courts, known locally as *panchayats* or *jirgas*, are run by tribal and community elders primarily in rural areas, and civil society and human rights activists believe them to be historically detrimental to women's rights. There is considerable concern that the lack of safeguards will undermine any hard-fought for progress made in recent years.

The Council of Islamic Ideology (CII) announced in September 2018 that the practice of 'triple *talaq*' should be discouraged and men who end marriage this way should be penalised. The Council further decided to formulate a divorce deed—'*talaq nama*'—to be forwarded to clerics for consent. CII is a constitutional body that advises Parliament on whether or not a certain law goes against the teachings of Islam. This discriminatory custom gives men the right to control women's lives—often no reasons are given for the verbal divorce—and frequently affects the wife's right to a share in property, inheritance, and child custody. Nevertheless, it was unclear as to whether this pronouncement by the CII would go through the due process of consultation and legislation for alternative legal mechanisms.

Laws impacting the religious minority women and girls

The Christian Marriage and Divorce Bill 2017 remained a source of contention during the year. The Lahore High Court heard an appeal in October on the restoration of the Christian Divorce Act to its previous form and sought information on Parliament's progress with regard to the legislation. The appellant had challenged the former LHC Chief Justice's verdict which allowed Christian men to divorce women for

reasons other than adultery.

Women from religious minority communities remained particularly vulnerable to abuse. According to a report by the Movement for Solidarity and Peace in Pakistan, at least 1,000 girls belonging to Christian and Hindu communities are forced to marry Muslim men every year. The government has done little in the past to stop such forced marriages.

Shortly before the election, the PTI leader Imran Khan pledged to take effective measures to prevent forced marriages of Hindu girls with Muslims, saying that he had received complaints from the Hindu community in Sindh. Most Hindu families in Pakistan live in Sindh and, according to media reports, some 25 forced marriages take place every month in the Umerkot district. The Criminal Law (Protection of Minorities) Bill prohibiting forced conversions was adopted by the Sindh Assembly in 2016 but sent back for reconsideration by the then Governor after pressure from the Council of Islamic Ideology (CII) and religious parties to either withdraw or amend it.

Women and the economy

Closing the gender gap could boost GDP in Pakistan by 30 percent, according to a report the International Monetary Fund (IMF) released in June. Quoting empirical data and research statistics, the study – *Pursuing Women’s Economic Empowerment* – suggests that ‘educational attainment correlates positively with female labour force participation’. It cannot be disputed that women’s empowerment in the labour force would boost the economy, which could ultimately be measured in rising GDP.

Increasing workforce participation for women aged 20 and over through greater access to quality education, financial services, and health facilities, as well as incentive policies to encourage and accommodate women, would go some way towards achieving this. The report noted that some advances had been made by linking conditional cash transfers to female school enrolment through the Benazir Income Support Programme, but the aim should be inclusion in formal finance – currently denied to so many – which would open up access to the means to bring about empowerment.

The Georgetown Institute for Women, Peace and Security Index 2017-18 ranked Pakistan 150th out of 153 countries. The primary goal of the index is to accelerate progress on both the international Women, Peace and Security agenda and the Sustainable Development Goals, bringing partners together around an agenda for women’s inclusion, justice, and security.

The lowest ranked included the countries with the worst global scores on female employment and discriminatory norms. The WPS Index uses a new measure for discriminatory norms derived from the Gallup World

Poll question that asked respondents whether ‘it is perfectly acceptable for any woman in your family to have a paid job outside the home if she wants one’. The extent of male disagreement with this proposition ranged as high as 73 percent in Pakistan.

Pakistan was also listed among ten countries with entrenched preference for sons over daughters, leading to prenatal sex selection.

Women and work

Societal barriers to women’s representation and advancement in the civil service persist, according to a study *Gender Equality in Public Administration* jointly released in March by the United Nations Development Programme (UNDP) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women). The study suggested that a multi-faceted approach must be devised that accounts for socio-economic realities to increase women’s access to decision-making positions in public administration.



Women’s entry into the labour force is dependent on education levels, family and domestic restrictions, and transport

The study noted that the baseline for gender equality in the labour force left significant room for improvement. While women’s labour force participation in Pakistan has increased by more than 50 percent over the past 15 years, only one out of every five women participates in the labour force.

A woman’s entry into the labour force in Pakistan is dependent on

several socioeconomic and cultural factors—among them education levels, family and domestic restrictions, transport etc. Pakistan’s labour laws do not create an enabling working environment for women and suffer from inconsistencies in the definitions of labour and labour rights, among other problems, according to a gender audit carried out by Women’s Action for Better Workplaces.

The report’s findings and recommendations were revealed at an event in October attended by parliamentarians, political workers, civil society, and working women from various fields. The laws were analysed through categories that included freedom of association or freedom to bargain collectively, wages, occupational safety and health, protection against sexual harassment in the workplace, equality of work and opportunities for women, and maternity leave and benefits.

The Peace and Development Foundation, an organisation working on interfaith harmony and women’s rights, conducted a study to evaluate the implementation of the 15 percent job quota for women and five percent job quota for minorities, especially women. The findings of its study, shared in July, revealed that most of the 327 government departments did not respond, while a large majority of the 121 departments and institutions that did respond reported that the job quota was not being met. There was evidence that, to some extent, the quota system did help rectify women’s underrepresentation in the public sector but women still faced many challenges due to the work-life balance as well as cultural and religious issues.

Despite the many disadvantages faced by women in the formal sector of employment, they are still at the higher end of the spectrum as compared to the vast numbers of women working in the informal sector.

Women in agriculture

With almost two-thirds of Pakistan’s population in rural areas, seventy-five percent of women and girls are employed in the agriculture sector, according to a *Rural Women in Pakistan Status Report 2018*, launched in July by United Nations Women. Sixty percent of their work is being utilised as unpaid—in family farms and enterprises—while only 19% are in paid employment.

A college education facilitates entry into formal, paid employment. Only three percent of rural women have college degrees and 57 percent of those are engaged as primary teachers at an average wage of Rs16,000 per month. According to the report, the literacy rate of rural women between the ages of 15-64 years is 35 percent, while in urban areas it is 69 percent. Twenty percent of rural women are classified as own account workers. Support for microenterprises is still limited to low return skills and average loans of Rs25,000 per woman.

The report highlighted the launch of the National Financial Inclusion Strategy which aims to provide easy access to financial services for at least 50 percent of the adult population and 25 percent of adult women by 2020. However, few women and especially those in rural areas have access to such services. The report says, 'rural women are not prepared to cope with the changes resulting from urbanisation, climate change, environmental degradation and shocks, and technological innovations.'

The report concluded that legislation, policy, and activism are required to address the rights and wellbeing of women agricultural workers, and emphasised the need for research ranging from the introduction of new technologies, the value of unpaid care work and the care economy, and rural women entrepreneurs, to the links between climate change and rural women, the impact of CPEC, and violence against women.



Seventy-five percent of women and girls are employed in the agriculture sector

Home-based workers (see *Labour*)

Domestic workers (see also *Children* and *Labour*)

The alleged torture of a 20-year-old maid, Anees Bibi, by police in Gujranwala was reported in January 2018. Her employer, a landlord in Bhamowali village, had alleged she had stolen some expensive items from his house. She was arrested and reportedly tortured. An inquiry committee appointed by the chief minister held the police officials guilty and recommended action against them.

The son of a former federal minister was arrested in December at the

Supreme Court on charges of detaining and abusing his maids, Yasmin and Saima, over a theft allegation.

The exploitation and abuse of (mostly) female domestic employees—children number among these to an alarming extent—is an issue that is rarely brought out into the open. Considered indispensable in middle and upper class households, these women are nonetheless often subjected to long working hours, low pay, heavy workloads, no rest, no holidays and, worst of all, physical abuse. Even the more considerate employers do not have contracts for their domestic staff, which means that they are unregistered and unrepresented.

Transgender rights (see also *Administration of Justice*)

The year 2018 saw progress for transgender rights as the state responded to campaigns launched by transgender rights activists to improve state-based facilities as well as enact legislation protecting and enhancing the rights of transgender persons as citizens. The most significant and far-reaching step has been the enacting of the Transgender Persons (Protection of Rights) Act, 2018. The Act acknowledges the right of transgender people ‘to be recognised as per his or her self-perceived gender identity’, which has been a great success for the transgender community who have, over the years, endured allegations of inauthenticity and fraud, as well as invasive tests and procedures to determine their gender.

The Act also forbids discrimination in employment, housing, education, health, and harassment; significantly, it specifies harassment ‘both within and outside the home’, thus enacting protection for transgender people from their own families. The explicit ensuring of the rights to assembly and to access public spaces, combined with anti-harassment, provides legal protections for transgender people in daily public life and space.

Furthermore, the Act ensures that transgender people have inheritance rights, the right to vote, to hold public office, and to own property, thus removing any legal barriers there may have been for transgender people to acquire wealth and participate in the democratic process of the country. The Act holds the Federal Ombudsman, the National Commission for the Status of Women (NCSW), and the National Commission for Human Rights (NCHR) accountable for attending to complaints filed in violation of the rights in the Act (in addition to all normal criminal and civil procedures available to citizens under the law).

The year saw the introduction of a raft of initiatives and recognition for the transgender community, including the appointment in March of a transgender person as news anchor on a private television channel, the opening of a school, The Gender Guardian, in Lahore for their education and vocational training, as well as an old-age home where free of cost

medical facilities with accommodation would be available. In a first, the Khyber-Pakhtunkhwa traffic police in March formally granted driving licences to 30 transgender people as well as giving them driving lessons. A similar initiative was also started by the Lahore Gender Guardian in June with a project to teach driving to transgender people in order for them to work with a ride-hailing service.

In Karachi, around 25 transgender persons were appointed by the Free and Fair Election Network (FAFEN) as election observers for the first time. This was an initiative to promote human rights and active electoral participation for some of the vulnerable groups of society, including people with disabilities, transgender persons, and women.

Violence against Women, Girls, and Transgender People (see *Law and Order* for statistics)

Accurate, verified, nationally collated, and compiled data could not be obtained from the federal government till this report went to print. Data obtained informally indicates that reporting mechanisms need to be a lot stronger if we are to get an accurate picture of gender-based violence. 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. However, the absence of any reliable statistics makes it hard to hold the state accountable for the reports it puts out.

The Women, Peace and Security Index 2017-18 said 27 percent of women in Pakistan experienced ‘intimate partner or domestic violence in their lifetime’, and only 51 percent believed they were safe in their communities.

Across categories, women continue to suffer brutal violence. The overwhelming majority of violent deaths of women were at the hands of men known to them, most often family members. ‘Honour’ was cited in murders of women committed by fathers, husbands, brothers, and in-laws, although further investigations revealed much less lofty motivations.

Fathers killed their daughters for wishing to exercise greater autonomy in spousal choice. Sixteen-year-old Sara was gunned down by her father and uncle in Gujranwala in November when she asked to marry someone of her choice. The case of Sana Cheema, an Italian national, made headlines across the world in April. Her family in Gujrat said she had died from an unspecified illness. Her body was exhumed after an Italian publication reported that she had been murdered for ‘honour’. An autopsy report revealed that she had been strangled to death and the police said her father and brother had confessed to her killing.



Authorities exhume body of Sana Cheema after allegations of an 'honour' killing

Husbands killed wives for suspected infidelity, claiming in their police statements that their suspicions were adequate grounds for murder. Women who exercised or attempted to exercise their own choice in partners were subjected to confinement, beatings, and life-ending violence by fathers and brothers. Rejected suitors exacted their revenge by violently attacking women, often with acid to disfigure the women they claimed to want to marry.

Asima received 90 percent burns in an acid attack by a spurned suitor in Sialkot. The 24-year-old later died in hospital. Three University of Gujrat (UoG) students, two of them sisters, suffered burns in an acid attack over the refusal of a marriage proposal. The main suspect, maternal uncle of the sisters, was an official of the Islamabad police and his two accomplices were reported to be Capital Development Authority (CDA) staffers. In September, a man threw acid on his wife, her mother, and their five children in a crowded bazaar in Lahore after she reportedly left him.

A former Sindh inspector general of police, addressing a seminar held in Karachi in November titled *End violence against women and girls*, said that the Punjab had the highest 'honour' related crime rate, while Sindh, Khyber Pakhtunkhwa (KP) and Balochistan were second, third and fourth, respectively. He added that 87 percent women and 13 percent of men in Pakistan were victims of this violence.

Gang rape remains a primary method of *panchayats* and village elders to enact 'justice' and resolve conflict in their communities. Gang rape

also plagues *khawaja sira* communities who are made vulnerable by their marginal position in society and their primary forms of labour – begging, blessing weddings and funerals, dancing at functions, and sex work. Technical experts agree that reported cases of rape and gang rape represent a small percentage of actual incidents. The continued absence of reporting mechanisms and environments sensitive to the issue discourages women and trans people from reporting.

In February 2018, the investigation wing of Lahore Police announced they would establish a new wing/cell to curb gender-based violence and to provide protection to victims of sexual violence, acknowledging that cases involving violence against women, especially sexual assault, were heinous offences and delicate in nature, and expertise was needed to deal with them expeditiously. It was further acknowledged that the police were a male dominated force, and a comprehensive plan was needed to build the capacity of the Lahore police by giving the officers special training.

This is a long overdue measure. Committed and dedicated implementation is key to its success and that is where all such initiatives fall short. Lack of sensitisation and awareness about violence against women and gender-based issues is an ongoing problem.

Transgender people particularly are subjected to harassment, humiliation, and violence by the police, including sexual violence. But cisgender women are not much better off when bringing reports of sexual offences to the police. Of those that did reach the police, FIRs were registered and arrests were made in a minority of cases. Very few led to convictions.

The most reports of assaults, rape, and murder of transgender people came out of Khyber Pakhtunkhwa. However, the nature of violations reported from the Punjab and Sindh appear to demonstrate that it is the rising vigilance of transgender activists in that province that has brought these violations to light, rather than any marked difference in treatment in different parts of the country. Anecdotal narratives from within the community support this opinion.

It is currently very difficult to assess the true state of women's rights in Balochistan. Between a media blackout in the form of PEMRA bans on access to Baloch news sources, and the poor state of the human rights recording infrastructure in Pakistan's least developed province, only rough assessments can be made on what is happening, based on news reports. In general, the state of human rights Balochistan is abysmal. Women are caught between traditional patriarchal structures, state violence, state neglect, and multiple political contentions as they try to survive in their everyday lives.

What scant data exists shows that, like the rest of the country, Balochistan is also plagued with brutal misogynistic violence, targeting women and girls alike. Rape, abduction, and murder are commonplace. What is different in Balochistan is that locals hold the state responsible for the majority of violence, particularly abduction. As disappearances are commonplace in Balochistan and state actors are always suspected, but never brought to light to confirm or deny, the abduction of women is rolled into the sum of abductions and disappearances. The motivations for violence against women in Balochistan are likely exacerbated by political concerns around nationalism, resources management, and other grievances that the Balochi people have with the state.

Women and the elections

A provision in the Elections Act 2017 required political parties to allocate at least five percent of tickets to women on general seats of the national and provincial assemblies. In these elections, there were more women candidates for general seats than in any past election.

Women political workers across the parties complained that their involvement in the elections stemmed primarily from a need to fulfil the set minimum criteria for representation. In addition to the number of women who were passed over by their parties, there were a few instances in the run-up to the elections where it was reported that tickets had actually been taken back from women candidates and given to men regarded as more likely to win the contest. A scrutiny of the list of candidates appeared to indicate that the majority of the chosen women candidates belonged to influential or prominent political families.

According to the ECP rules, the results of polls could be declared void if the share of women in the total votes cast in a constituency was found to be less than 10 percent.

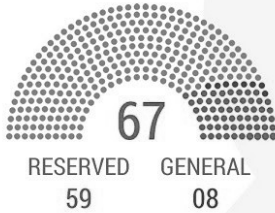
In the pre-election period, the gender electoral gap was estimated to have increased to 12m from 10.97m in 2013. Many women do not possess a CNIC without which it is impossible to register to vote. The ECP launched an emergency registration campaign in collaboration with NADRA and civil society, which may have only been partially successful due to widespread illiteracy and other impediments such as resistance from male relatives and local elders.

In the event, the polls in Shangla and North Waziristan were declared null and void as the women voters were less than 10 percent. In the Shangla re-poll, the votes for both the main candidates increased, indicating that the women voters had turned out in force, and the successful candidate in the first election won again by a much greater margin.

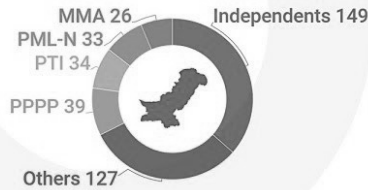
In Upper Dir, where a woman contested one of the general seats for the first time in its history, the women increased the overall voter turnout



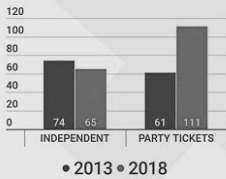
WOMEN IN THE NATIONAL ASSEMBLY



WOMEN WHO CONTESTED: PARTY DISTRIBUTION



WOMEN CONTESTANTS FOR NA TREND



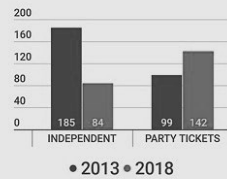
CONSTITUENCIES WITH HIGHER WOMEN TURNOUT THAN MEN

22

CONSTITUENCIES WITH <5% WOMEN TURNOUT

17 0
2013 2018

WOMEN CONTESTANTS FOR PA TREND



Source: Election Commission of Pakistan (ECP)

in the district from 25-30 percent to 45-50 percent. This time round, the political parties were active in encouraging women to cast their votes, providing training and guidance. Transportation to the polling stations was also laid on.

In contrast to previous years, there was a high turnout of women voters in almost all the seven constituencies in Lower Dir, with over 93,000 women in the district exercising their right to vote.

Significantly, the two conservative parties, Jamiat Ulema-i-Islam-Fazl and Jamaat-i-Islami, previously strongly opposed to women's participation in the electoral process in Khyber Pakhtunkhwa, especially in far-flung areas such as Dir, actively campaigned to encourage women to cast their vote.

This was the first year that saw transgender candidates after the law guaranteeing their rights was passed in May. Eleven transgender individuals in Pakistan ran for a provincial assembly seat, while two others bid for the national assembly. Authorities removed gender as a

criteria for candidates and voters, giving them the right to determine their own gender identity in all official documents.

In a society where their African ancestry is still discriminated against, Tanzeela Qambrani became the first Sheedi woman to be elected to the Sindh Assembly on the PPP's quota of reserved seats for women. Another PPP candidate, Krishna Kumari, became the first Hindu Dalit woman to be elected to the Senate. Ms Kumari is from Tharparkar, where the women set a record in the 2018 elections with a turnout of almost 73 percent.

Women and family planning

Much concern was expressed early in the year about the burgeoning population of the country, currently well over 200m at an annual growth rate of 2.4 percent. Taking suo motu notice, the Supreme Court in July constituted a committee to formulate a uniform policy on population control.



Lady health workers often provide the only access to contraceptives for women in rural areas

Being able to exercise a choice means a woman has more control over her health and can decide whether to join or stay in the paid labour force. This can 'rapidly improve the wellbeing of women and girls, transform families and accelerate global development', according to a report issued

in October by the United Nations Population Fund (UNFPA). According to UNFPA, one in five married women who want to avoid pregnancy are unable to access effective methods to do so, despite the fact that it could reduce poverty, save the lives of mothers and babies, and provide opportunity for economic growth. One newborn out of every 22 in Pakistan dies within the first month, according to a Unicef report released in February. Widespread poverty, and a lack of understanding about nutrition during pregnancy, leads to malnourished women giving birth to small and weak babies with a high risk of succumbing to otherwise minor illnesses. Another factor is the poor provision of available obstetric care.

A national dialogue was organised in December by the Population Council. According to the Country Director, 'Pakistan loses 12,000 mothers in pregnancy-related causes annually while millions of couples cope with unwanted births each year in the country.' The SC's Task Force recommendations on Population included ensuring universal access to family planning and reproductive health services, contraceptive commodity security, curriculum and training, and the role of religious scholars. The need for stronger legislation to accelerate the fertility transition in the country was stressed, as well as a radical approach to ensuring voluntary family planning services in all public outlets and a strong policy position in order to achieve the National Vision 2025 and the Sustainable Development Goals.

Recommendations

- 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.
- Increase workforce participation for women aged 20 and over through greater access to quality education, financial services, and health facilities, as well as incentive policies to encourage and accommodate women.
- Start 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, through the replication of successful programmes initiated by NGOs/CSOs and public/private/non-profit development banking.
- Endorse and implement the recommendations of the United Nations Women report *Rural Women in Pakistan Status Report 2018*, including legislation, policy, and research to address the rights and wellbeing of women agricultural workers.

- Establish separate wings/cells to curb gender-based violence and provide protection to victims of sexual violence. Provide special training to police to deal with such issues. Provide Women's Shelters and Crisis Centres across provinces.
- Develop policy and enact legislation to ensure universal access to family planning and reproductive health services. Increase awareness programmes on nutrition and care during pregnancy.

Children

No child below the age of 14 years shall be engaged in any factory or mine or any other hazardous employment.

Constitution of Pakistan

Article 11(3)

The state shall make provision for...ensuring that children...are not employed in vocations unsuited to their age...

Article 37(e)

...childhood is entitled to special care and assistance.

UN Convention on the Rights of the Child

Preamble

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Article 3(1)

States Parties recognise the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

Article 24

The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

Article 7

States Parties recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

Article 32

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse.

Article 34

The new government sworn in this year brought with it a new set of promises and resolutions to uphold child rights in Pakistan. The Ministry of Human Rights showed renewed resolve to improve the situation of child rights in the country through legislation, judicial reforms,

awareness raising, and other practical measures. Greater international cooperation was also sought by the government to tackle issues such as child sexual abuse and sale of children. In December 2018, the National Assembly also adopted a resolution to reinforce its commitment to protecting and promoting child rights, eradicating malnutrition and improving care during the first 1000 days of a newborn.

Overall, Pakistan failed to protect its children in 2018 with nearly all their fundamental rights and freedoms infringed or put at serious risk of violation. Lack of neonatal care, low birth registration levels, food insecurity, excessive violence and inadequate legal and social protection, hazardous labour, as well as child marriage were some of the recurring issues faced by children of the country. While the judiciary and law enforcement were seen to be more actively pursuing cases of crimes against children, the extent and severity of the violence against children did not see much improvement.

Health

The right to survive and grow healthily and the right to good quality healthcare is a fundamental human right but most often denied to children in Pakistan for several reasons including food insecurity, water contamination, poor sanitation, and inadequate health services. This year saw a deteriorating malnutrition crisis in Tharparkar district in Sindh, a nutrition emergency in Balochistan, soaring stunting rates in children, and rising infant and child mortality due to preventable diseases and the derelict state of health services.

Only four percent of children in Pakistan receive a 'minimally acceptable diet' according to a report titled *Asia and the Pacific Regional Overview of Food Security and Nutrition*, published by the United Nations in November 2018. Another similar study by National Complementary Feeding Assessment (NCFA), launched in September by the Ministry of National Health Services in collaboration with DFID and UNICEF, also found that only 15% of the children aged six to 23 months receive a minimum acceptable diet in Pakistan.

Malnutrition has remained a major threat to children's health in the country and Sindh and Balochistan were the worst affected provinces. In the Thar region in Sindh, 638 children died of malnutrition in the period 1 January to 31 December 2018, the highest death toll in the past four years. Since June 2013, according to the Sindh health department, 2,363 children have lost their lives to famine in Tharparkar. In response to the crisis, the Sindh Government announced its plans of launching a nutrition programme for 5,000 families in Tharparkar district and, as a quick relief measure, the Chief Minister also directed the setting up of medical camps in every *taluka*.



In the Thar region in Sindh, 638 children died of malnutrition in the period 1 January to 31 December 2018

Malnutrition was not only limited to Tharparkar; a large number of malnourished children were identified across Sindh during a province-wide nutrition and breastfeeding drive started by the Sindh Mother and Child Health and Nutrition Programme in October. Out of the 5,386,037 children screened as part of the drive, 240,845 (0.24 million) were found to be malnourished.

Chronic malnutrition also persisted in Balochistan due to a prolonged drought. According to the Balochistan Nutrition Cell, established by the provincial government in collaboration with the World Bank and UNICEF, almost 52 percent of children in the province are reportedly stunted due to the undernourishment, 40 percent were underweight, and 16 percent faced severe undernourishment. Moreover, 57 percent children under five years of age suffered from anaemia as per a survey conducted by the National Nutritional Cell. A joint screening, conducted by UNICEF and Balochistan government's health department from 3-5 December, found that 40 to 65 percent of children aged between six months and five years are suffering from acute malnutrition in the suburbs of Quetta.

A nutrition emergency was declared in Balochistan in November 2018 by the provincial health minister to overcome the malnutrition crisis. He announced expansion of the campaign to combat malnutrition, which was already underway in seven districts of Balochistan. In the following month, the Balochistan government also formed a task force

comprising of government representatives, civil society members, and donor agencies to tackle the problems of drought and malnutrition.

The 2018 Global Nutrition Report found Pakistan to be one of the three countries that bear half the burden of stunted children globally and alone is home to 10.7 million stunted children. In addition to poverty, intake of contaminated water is one of the main causes of malnutrition which results in stunting and diarrhoea in children.

A World Bank report titled '*When Water Becomes a Hazard: The State of Water Supply, Sanitation and Poverty in Pakistan and its Impact on Child Stunting*', released in November 2018, states that almost 38 percent of children in Pakistan suffer from stunted growth and a leading cause of this is scarcity of safe drinking water due to poor sanitisation and waste management systems. In another report released this year by Concern Worldwide and Welthungerhilfe, it was found that the highest child stunting and child wasting rates are found in South Asia. Pakistan was ranked 106 out of 119 countries on the list, with a second highest Global Hunger Index score of 32.6 based on four indicators of hunger: undernourishment, child wasting, child stunting, and child mortality.

Pakistan also fared poorly in terms of infant mortality. A UNICEF report on child mortality titled *Every Child Alive*, released in February 2018, stated that Pakistan bears the worst infant mortality rates globally with a 1/22 probability of babies dying at birth. Preventable diseases are one of the most common causes of child mortality in Pakistan. A study by Johns Hopkins University and Save the Children has estimated that 700,000 children will die of pneumonia in Pakistan by 2030, making it one of the four countries set to carry the highest burden of deaths by this disease. The study, which was released in November 2018, recommended interventions such as expanding existing vaccination coverage, provision of affordable antibiotics, and improved diet to control the spread of the disease.

This year also Pakistan continued to struggle with the polio virus and remains one of only three countries in the world where this disease is endemic. While there has been a drastic fall in the number of cases since 2016, Pakistan has still not become entirely polio-free. A total of 12 cases were reported in 2018, four more than last year, with four cases occurring in September alone.

Eight out of 12 cases were reported from Khyber Pakhtunkhwa (5 cases in Bajaur, 1 in Charsadda, 1 in the Khyber district and 1 in Lakki Marwat), 3 from Balochistan (Duki district) and 1 in Sindh (Gadap Town, Karachi). The last nationwide polio vaccination campaign was started on 10 December 2018 with the goal of administering the vaccine to 38.7 million eligible children.



Pakistan remains one of only three countries in the world where polio is endemic

Measles is another disease which has drastically spread in the past two years and continued to escalate in 2018—impacting thousands of children in the country. The previous year 6,494 laboratory confirmed measles cases were reported, more than double the number in 2016.

This year, Pakistan was found to be in the top ten countries in the world with the highest incidence of measles, according to the World Health Organisation's Global Measles November 2018 Update. According to WHO, 3,721 cases were reported in Pakistan from January to November 2018 which is a 19.26 percent incidence rate per million. To control the measles outbreak in the country, 37 million children were vaccinated across Pakistan under a nationwide vaccination campaign carried out in October 2018.

Legislative developments and child protection system

Over the past few years, significant legislative advancements have been made to strengthen the child protection framework in the country. However, the sluggish response of the State to create appropriate implementation mechanisms has prevented these legal protections from taking effect. Moreover, with only 33 percent births registered in the country, only a few children can fully benefit from the existing protection system.

A few developments on the legislative front were also witnessed in 2018. The Islamabad Capital Territory Child Protection Act 2018 was passed by the National Assembly in February 2018 and received the assent of the

President on 18 May 2018. This is the first law that aims to create a child protection system in the capital, protecting children from all forms of physical or mental violence, injury, neglect, maltreatment, exploitation, and abuse. Salient features of the law include establishment of a 'Child Protection Advisory Board' and 'Child Protection Institutions'. The Board is responsible for ensuring that all necessary measures are taken for the implementation of the Act while the Institution is responsible for processing all complaints, coordinating with relevant departments to provide relief and maintaining records. There was no progress on the formation of the Protection Institution or Advisory Board by the end of the year.

The Khyber Pakhtunkhwa assembly passed the Child Protection, Welfare (Amendment) Bill 2018 to modify the 2010 child protection law in the province. The amendment bill mainly aims to improve the language and coherence of the existing law by rewording and elaborating some of the existing clauses.

Despite the lapse of more than a year since the National Commission on the Rights of the Child (NCRC) Act 2017 was passed, the Commission has yet to be constituted. The Commission is mandated with the responsibility of promoting and protecting child rights in the country and must comprise of six members, one from each province, Islamabad Capital Territory, and the former Federally Administered Areas. The Ministry of Human Rights stated in April 2018 that the implementation of this law had been hindered by the lack of required nominations from the provinces despite repeated follow ups. The Ministry also stated that corresponding rules for the law had been drafted and would be sent to the Cabinet for approval once all provincial nominations for the Commission were received.

The National Child Protection Centre, formed in 2006-7 under the Federal Ministry of Human Rights, announced its work plan in October for the upcoming year. In 2019, it intends to focus work on four key areas of child protection including street children, child beggary, violence against children, coordination with stakeholders, and awareness on child protection. Specific programmes include the formation of Child Rights Committees in the slums of Islamabad, holding a mapping exercise to identify the child beggary hubs in the capital city, improving coordination with district administration, police, bar association, civil society and the media, and developing a Child Protection Information System.

In October, the Sindh High Court directed the Social Welfare Department and Sindh Child Protection Authority to establish reformatory institutions for abandoned and destitute children at division level and also ordered the DG Sindh Child Protection Authority (SCPA) to furnish

the records of interventions made on behalf of destitute children in the past two years and the extent to which the Authority was performing its functions as per section 10 of the SCPA Act 2011. The SHC also sought quarterly compliance reports in regard to this order and asked a member of the SHC inspection team to ensure compliance. These directions were given while hearing an application by a woman seeking custody of her minor girl.

Violence against children - child abuse and exploitation

Violence against children saw no respite in 2018, encompassing a broad spectrum of physically and sexually exploitative acts. Despite each province boasting of having dedicated child protection legislations, very few victims received protection, counselling, and legal services.

The year started with the brutal rape and murder in Kasur of a six-year-old girl named Zainab whose body was discovered in a rubbish dump. This case drew extensive media attention and resulted in massive riots due to the inaction of the police in finding the perpetrator. Immense public pressure resulted in the search and arrest within two weeks of the culprit Imran Ali, who was subsequently sentenced to death by the Anti-Terrorism Court. His conviction was upheld by both the Lahore High Court and Supreme Court and a plea of clemency was rejected by the President of Pakistan. Imran Ali was hanged in Kot Lakhpat jail on 17 October 2018.



Zainab's brutal rape and murder drew extensive media attention and resulted in massive riots due to the inaction of the police

This incident led to the formation of a task force by the Federal Ombudsman to conduct a situational analysis of child abuse in the country. The ensuing report released by the task force in October titled '*Mapping of Issues and Response to Sexual Violence against Children*' proposed short and long-term measures to counter the rising sexual violence against children in the country. The measures included setting up of one-stop facilitation centres that provide medical, psychiatric, psycho-social, and legal support to the victims and their families at district and tehsil level, starting from Kasur and developing a database of DNA of the criminals, suspects and potential perpetrators at district Kasur level.

According to the mid-year *Cruel Numbers Report* compiled and released by the NGO Sahil, there had been an increase in child sexual abuse in the first half of the year compared with the same period in 2017, with a drastic rise in the number of cases involving boys. (See *Law and Order*)

The Federal Ministry of Human Rights drafted an action plan in November 2018 to address the issue of child abuse in the country. In a document presented before the National Assembly's Special Committee on child abuse, it was stated that the plan would focus on prevention, protection, recovery, reintegration, and participation. It included an extensive range of practical measures such as formation of school protection committees through parent-teacher associations, running nationwide sensitisation and information campaigns, establishment of child-friendly courts, training of law enforcement officials, parliamentarians and court officials, strengthening the National Commission for Child Welfare and Development (NCCWD), and developing a referral system for child abuse victims.

Very little focus on investigation and recovery of missing children was seen despite thousands of children going missing every year in Pakistan. In July 2018, a constitutional petition was filed in the Supreme Court by Roshni Research and Development Organisation, an NGO working for child protection, urging the Court to order the federal and provincial governments to recognise cases of missing children as a cognisable offence. The Court was informed in the ensuing hearings that 30 children had disappeared from various parts of the country, particularly Karachi, within the first six months of 2018 and between 5,000 and 6,000 children disappear every year in Karachi alone. After hearing the arguments, the SC directed the federal secretary interior, and home departments as well as IGPs of the provinces to submit reports on missing children within three weeks.

Six years earlier, the same NGO had filed a similar petition in the Sindh High Court. In December 2018, the Court ordered that the FIA and police should take joint action for recovery of the children reported

missing in the province. In the last hearing of the case that took place in 2018, the SHC ordered the police to recover missing children and report to the court by 17 January 2019. Since the filing of this petition, several such orders and directives have been given to the provincial home secretaries and IGs to take steps for the recovery of missing children but the response has been very slow.

In collaboration with Roshni, Karachi police also set up Child Protection Response Centres (CPRC) at three police stations in the city in 2018 to facilitate parents of missing children. By December 2018, The CRPCs had received reports of 188 cases (newborn to 17 years), out of which 164 children were recovered and 20 FIRs were registered in some of the other cases. The Sindh government also launched a child helpline 1121, in collaboration with Pakistan Telecommunication Authority, to receive complaints of all child rights violations including rape, child marriages, kidnapping, and disappearances. The Social Welfare department was also issued a notification to set up District Child Protection Committees to ensure the helpline is functional. The helpline head office is in Karachi and sub-offices are to be established in every district headed by the deputy commissioners.

The Sindh cabinet placed a ban on child beggary in November. It directed the Social Welfare Department (SWD) to start a child beggary campaign and rescue all child beggars on the streets and give them refuge in children's homes run by the Department. The District Administration and the police were also instructed to facilitate the SWD in identifying child beggars and carrying out rescue operations.

Child trafficking has emerged as a major problem in South Asia from where most children are trafficked, according to the UN Global Report on Trafficking in Persons 2018. The report named Pakistan, India, and Bangladesh as three countries from where most victims in the region are trafficked. It also found that children now form 30 percent of the total trafficking victims in the world and the number of girls trafficked are considerably greater than boys.

Child domestic workers

Notwithstanding the laws passed to prohibit the employment of minors in households, they still number among the scores of unregistered domestic workers.

The case of the ill-treatment of the young maid Tayyaba captured the country's attention in December 2016. In April 2018, the Islamabad High Court sentenced an additional district and sessions judge and his wife to one year each in prison and ordered them to pay a fine of Rs50,000 each for keeping their then 10-year-old child maid Tayyaba in wrongful confinement, burning her hand over a missing broom, beating her with

a ladle, detaining her in a storeroom, and threatening her with ‘dire consequences’. A week later, a division bench of the IHC suspended the one-year jail sentences handed down to the judge and his wife.

The parents of Tayyaba told the IHC that they did not wish to pursue the case. In June, the IHC accepted an appeal filed by the state and increased the prison sentence from one year to three years with a fine of Rs500,000. The bench observed that the criminal justice system had failed to protect the most vulnerable members of society from neglect, inhuman treatment, and the worst form of abuse, and had only started functioning after publicity on social media and the subsequent suo motu notice taken by the Supreme Court.

A couple were arrested in Gujjarpura for allegedly torturing their 11-year-old maid, Sumera, clubbing and burning her with an iron rod.

Another 11-year-old girl, Kinza, was beaten with blunt instruments by her employers—a woman army officer and her doctor husband. The husband was arrested in November after his interim bail expired. The wife, named as the prime suspect, was already being investigated by army authorities.



Kinza was beaten with blunt instruments by her employers – a woman army officer and her doctor husband.

Seven-year-old Hadia was shot dead by her employer, and her six-year-old sister Safia injured, when they arrived late for work. The incident took place in Lakki Marwat, in the province of Khyber Pakhtunkhwa.

These are the tip of the proverbial iceberg—incidents that only come to the attention of the authorities and the media when neighbours report them or parents complain. Far too often, however, parents who have farmed out their children because of their own impoverished

circumstances are persuaded to stay silent with financial inducements.

Corporal punishment (see *Education*)

Juvenile justice (see also *Jails and Prisoners*)

The Juvenile Justice System Act 2018 was passed in May this year, replacing the Juvenile Justice System Ordinance promulgated in 2000. One of the main distinguishing features of the new law is the introduction of diversion as an option to dispose of juvenile cases. Diversion has been defined as an alternative process of determining the responsibility and treatment of a juvenile on the basis of his social, cultural, economic, psychological, and educational background without resorting to formal judicial proceedings. To carry out diversion, the law prescribes the creation of Juvenile Justice Committees (JJC) under Section 10 within three months of the enactment of the law. JJCs will also be responsible for overseeing the welfare and social re-integration of the juveniles in detention. No such committees, however, had been set up by the end of the year.

A study conducted by the Khyber Pakhtunkhwa chapter of the National Commission on Human Rights found that a number of children under 18 years of age were being excluded from the Juvenile Justice System in the province. The report was based on the findings of visits to courts, prisons, Departments of Prosecution and Probation/Parole, police academies, police stations, bar councils, committees working under the Police Order 2002, child and women shelter homes, and Dispute Resolution Councils. It recommended that necessary steps must be taken to bring the juvenile justice system in conformity with international and national standards and if a person is not 18 years of age at the time of the commission of the crime, he or she must be treated as a juvenile.

For expeditious resolution of juvenile cases, Supreme Court (SC) Justice Qazi Fez communicated a few observations to the Registrars of all the High Courts, the Prosecutor Generals of the provinces and of the Islamabad Capital Territory and to the Attorney General for Pakistan in September 2018. In his observations, he noted that hearing of appeals filed by juvenile convicts should be prioritised and that juvenile courts should adjourn juvenile cases only in exceptional situations. He also instructed the SC office to insert the word 'Juvenile' on the file covers of all criminal petitions and appeals of juvenile convicts and expedite their disposal.

Children living with their mothers in women prisons are the most neglected part of the incarcerated population, referred to as the 'hidden victims'. One positive measure announced by the Punjab government this year was that it intended to establish Montessori schools to provide quality informal education to children of women prisoners in all the

district jails of the province and which would cater to children aged from three to six years. The first such school was opened in District Jail Gujranwala in November 2018.

Children with disabilities (see *People Living with Disabilities*)

Child marriage

Pakistan ranks sixth in the world in terms of the highest absolute numbers of child marriage where 21 percent of girls are married by the age of 18 according to a report titled '*Ending impunity for child marriages in Pakistan: Normative and implementation gaps*'. This report was prepared by the global advocacy group, the Centre for Reproductive Rights (CRR), and released in Karachi in September. It also found that child marriage impacts girls more than boys because it makes them susceptible to domestic violence and reproductive health issues. The report recommended underage marriages should be declared null and void, penalties should be imposed on officials, including police and magistrates, who fail to take preventive or protective actions, and access provided to legal and other services to victims of child marriages.

A KP based study on child marriage conducted in 2018 by Blue Veins, an organisation in Peshawar working for the rights of women, girls and the transgender community, explored the community perception towards child marriage. The study covered different communities in seven KP



Poverty is the main driver of child marriages of girls as families consider them a burden and not as contributors to the household income.

districts, namely Peshawar, Mardan, Mansehra, Shangla, Bannu, Swat, and Dera Ismail Khan.

The main finding of the study was that poverty is the main driver of child marriages of girls as families consider them a burden and not as contributors to the household income. While most community members interviewed for the study were aware of the risks of this practice, poverty and deprivation forced them to marry off children at a young age.

The National Commission on Human Rights (NCHR) also expressed serious concerns over the rising number of forced child marriage in the minority communities living in Pakistan. In October this year, NCHR officials shared that a large number of forced marriage complaints were received by the Commission. The NCHR Chairman strongly urged for a strict legal framework and a proper age determination process that must be followed in such cases.

On a visit to Mithi in Tharparkar District, during the 16 Days of Activism against Gender Based Violence Campaign 2018, the Under-Secretary General and UN Women Executive Director called upon the residents to end child marriages through collective action and turn it into a zero child-marriage village. Earlier in the year, a judicial magistrate in Mithi sentenced four people to two years' imprisonment along with a fine for forcing a 14-year-old Hindu girl to marry a 55-year-old man.

The Child Marriage Restraint (Amendment) Bill 2018 was moved in the Senate in December 2018 by Senator Sherry Rehman and referred to the concerned committee of the House for further deliberations. The bill defines a minor as a person under the age of eighteen and prescribes a fine of Rs0.2 million as well as three years' rigorous imprisonment to a person marrying a minor. It also authorises the court to issue a stay order on receiving a complaint of child marriage. The State Minister for Parliamentary Affairs opposed the punishment of rigorous imprisonment and said that the Council of Islamic Ideology (CII) should be consulted on the bill.

A child marriage prevention bill was also introduced in the Balochistan assembly this year but before it could be passed the tenure of the assembly ended. A member of the Balochistan Awami Party urged the new government in October to introduce the bill in the provincial assembly for legislation as child marriage was a growing menace for children in the province.

Recommendations

- Drastically improve birth registration rates through implementation of more efficient and accessible systems. Every child's inclusion in the national database is critical to ensuring all state policies are reflective of the existing young demographic.

- Put in place effective and timely mechanisms to curb the increasing food insecurity and resultant malnutrition in children in the country, particularly in Sindh and Balochistan.
- Expand health facilities, vaccinations and health awareness programmes to eradicate polio and stem the spread of measles and other preventable diseases impacting thousands of children annually.
- Immediately constitute the National Commission on the Rights of the Child to have a central body overseeing the implementation of child rights in the country.
- Ensure the strict enforcement of laws to overcome the cultural acceptance that perpetuate practices such as child marriage and corporal punishment.
- Set the legally valid age for marriage at 18 years across Pakistan for both boys and girls. Apart from Sindh, applicable laws in all provinces set the age of girls lower than boys for marriage.
- Devise a holistic policy to curb child sexual abuse and child abductions with proper mechanisms in place for investigation and prosecution of such cases. It must also be recognised that boys are equally, if not more, at danger of sexual abuse and violence as girls.

Labour

Slavery is non-existent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form. All forms of forced labour and traffic in human beings are prohibited. No child below the age of 14 years shall be engaged in any factory or mine or any other hazardous employment.

Constitution of Pakistan

Article 11 (1-3)

Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.

Article 17 (1)

The state shall make provision for securing just and humane conditions of work ...

Article 37

The state shall secure the well-being of the people, irrespective of sex, caste, creed and race, by raising their standard of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriment of general interest and by ensuring equitable adjustment of rights between employers and employees, and landlords and tenants; provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure; provide for all persons, employed in the service of Pakistan or otherwise, social security by compulsory social insurance or other means; provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment; reduce disparity in the income and earnings of individuals ...

Article 38(a) to (e)

No one shall be held in slavery or servitude.

Universal Declaration of Human

Rights Article 4

Everyone, as a member of society, has a right to social security

Article 22

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. Everyone, without any discrimination, has the right to equal pay for equal work.

Everyone who works has the right to just and favourable remuneration ensuring

for himself and his family an existence worthy of human dignity and supplemented, if necessary, by other means of social protection. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 23 (1-4)

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holiday with pay.

Article 24

Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Article 25 (1)

State parties recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

UN Convention on the Rights of the Child

Article 32(1)

This was a general election year in which three governments ruled – the sitting government completed its 5-year term in May, a caretaker government took over in the election period, and a new government was installed by mid-August. In such a time of transition, labour remained the least of priorities for all the governments.

Overall, there were no significant changes to the lives of the labour force in 2018. They still worked in difficult situations, mostly lacking decent workplaces and social security, devoid of their basic rights, and existing on low wages in the face of increasing inflation and price hikes. The initial tough economic decisions taken by the new government since 15 August saw the devaluation of the Pakistan currency and increased prices in basic necessities such as gas, electricity, and petroleum products.

Another blow to the workers came with the launch of anti-encroachment drives in major urban centres on the orders of the Supreme Court. As a result, thousands of workers lost their jobs and many more were still unemployed after the demolition of shops. Karachi's workers were the main victims as retail shops located on encroached land and markets were razed by local government authorities. Shop owners claimed that their shops were legal and most of them had been paying rent to the Karachi Municipal Corporation for many years. Although the government promised to provide alternative shops, no relief was provided to the workers, mostly employed on a daily-wage basis.

Once again this year, the Federal Bureau of Statistics did not release the



Scores of workers lost their jobs as a result of anti-encroachment operations

annual Labour Force Survey, despite the fact it had already completed the census exercise in 2017. The last Labour Force Survey report was released in 2014-15.

According to the Trading Economics portal, Pakistan's labour force had reached 62.23 million in 2017, from 58.53 in 2016. The World Bank data, however, put Pakistan's total workforce at 69.957 million in 2017, previously 68.396 million in 2016.

There was no improvement in occupational safety and health at workplaces in Pakistan. Industrial accidents were reported in major industrial centres in Sindh and the Punjab, and death and injury resulted mostly from cylinder or boiler explosions. Several deaths were reported in the Balochistan mines due to gas explosions or cave-ins.

Political promises

The 2018 election manifestos of all major political parties clearly mentioned labour and labour welfare policies. During its past four tenures, the Pakistan People's Party (PPP) introduced labour laws and the 2018 PPP election manifesto clearly mentioned further labour support measures such as provision of living wages instead of the minimum wage, universalisation of provincial social security services, and pension benefits under the Employees Old-age Benefit Institution (EOBI) etc.

Similarly, the PTI election manifesto commits to providing 10 million new jobs, a demand-driven trades skills training to youth, and expanding

the social safety net and free health services to all citizens. As PTI has formed governments at the centre and in three provinces, the party has to work extensively to fulfil all its commitments made at the time of elections for its five-year term.

In Sindh the PPP has formed the provincial government and labour is now a provincial subject so it has to implement all its election commitments. During its last tenure, the PPP government of Sindh made some positive measures for labour including a record number of labour-related legislation. The first-ever provincial tripartite labour conference was held in December 2017 and as a result a Tripartite Labour Standing Committee with equal representation from workers and employers was held. This was considered another positive measure of the Sindh government during 2018 as it announced a pro-workers labour policy in early 2018. However, implementation of labour laws and lack of effective labour inspection still remain a big challenge for the Sindh provincial government.

The Punjab and KP governments also announced their respective provincial labour policies in 2018 after Sindh. Balochistan has so far not announced its labour policy, despite the fact that it had started work on developing one in 2016.

Minimum wages

After the 18th Amendment, the provincial governments were bound to announce minimum wages every year for unskilled workers under the Minimum Wages Law (each province has a separate law). Usually minimum wages are announced at the time of budget, but the former government did not announce it at federal or provincial level. After the elections, only the Sindh government announced the minimum wage for unskilled workers, increasing the amount from Rs15,000 to Rs16,200 per month. The other three provinces have kept the old rate of Rs15,000 for the second consecutive year. Implementation of the minimum wage is still scarcely observed.

Labour struggles

A report published in 2018 by the International Labour Organisation (ILO) Pakistan – ‘*A Profile of Trade Unionism and Industrial Relations in Pakistan*’ – estimated that around 7,096 trade unions were registered in Pakistan in December 2016. It also estimated that the total unionised workforce at the same time stood at 1,414,160, as well as 1,390 collective bargaining agents (CBAs) in the country.

While the ILO estimates that around 2.32% of the total workforce is organised in trade unions, independent economists believe this number is no more than 1%. Most of the trade unions in Pakistan exist only in formal sectors and, according to the estimates, only 15.55% of the

informal sector workforce is organised under trade unions.

Legal restrictions as well as anti-union practices by the private sector employers are the main reasons for the decline of trade unions in Pakistan. Currently most of the notable trade unions prevail in public sector organisations such as WAPDA, PIA, Pakistan Steel Mills, State Bank of Pakistan, National Bank of Pakistan, and the Pakistan Post Office.

Massive privatisation in the 1990s and throughout the 2000s of public sector industrial as well as commercial units, especially major commercial banks, and industries such as ghee and cement manufacturing units, has eliminated the trade unions in these sectors.

The privatisation of two major public utilities, the K-Electric (former Karachi Electric Supply Corporation) and Pakistan Telecom (PTCL), has further weakened trade unions as there were strong representations in these two public sectors. A large number of workers lost their jobs under the new mode of employment.

The contract employment situation was further exacerbated with the introduction of the third-party employment system, in which the workers are employed by a private contractor to work for a particular company on a daily wage or piece-rate basis. That means the workers are not employees of that company whose products they are producing and they are not provided any appointment letter or identity cards of that company, despite the fact in many cases they go to the premises to work. This third-party contract employment is now adopted by most of the industries and commercial establishments in Pakistan, which has virtually changed the employment scene.

In December 2017 the Supreme Court of Pakistan in a historic verdict declared the third-party contract system against the Constitution and fundamental rights and ordered all the employers to retrospectively regularise their workers employed on contract or third-party contract.

During 2018, no steps were taken to implement that order. The labour representatives filed a petition in the Supreme Court of Pakistan for implementation of the order, but the Supreme Court refused to entertain their petition, ordering them to file a petition in any high court under Article 199 (jurisdiction of the High Court).

A petition has been prepared and is to be filed in the Sindh High Court by the representatives of the major trade unions and labour support organisations such as the Pakistan Institute of Labour Education and Research (PILER).

The new government has reinitiated the privatisation process of state-owned commercial entities. Privatisation has always been opposed by

the labour and trade unions because it causes unemployment and loss of jobs of thousands of workers employed in those state-owned units. In the past millions of employees of the state-owned entities lost their jobs as well as other financial benefits as a result of privatisations.

On 16 November 2018 the federal cabinet decided to set up a holding entity called Sarmaya Pakistan Company (SPC) to be run on the model of Malaysian and Indonesian wealth funds. The government will hand over control of 195 ailing units to the autonomous SPC to end its own 'influence' on State Owned Entities (SOEs).

Seven companies, including banks and power plants, have been identified for initial privatisation. For 'strategic reasons' and the 'social value' they create, the three big organisations Pakistan International Airlines, Pakistan Steel and Pakistan Railways will not be privatised. They are to be restructured to become financially viable.

The list included the power generation units, Convention Centre Islamabad, and others. The SPE will also offer 93.38 percent shares in SME Bank, 44.8 percent in Pakistan Reinsurance Company Limited, and 100 percent of State Life Insurance Corporation for privatisation with management control.

Besides, in the medium-term, 82.6 percent shares of the First Woman Bank would also be given to a private strategic partner.

The government is facing strong resistance from the workers' unions in WAPDA as the workers have opposed privatisation of Gencos (electric generation power companies) and Discos (electric power distribution companies).

Government employees

Health workers in all four provinces, especially the lady health workers, continued their struggle for an increase in wages and regularisation of their jobs.

The Lady Health Workers (LHWs) have been demanding regularisation of their jobs and payment of dues from 2012. Violence continued against LHWs, especially during polio immunisation campaigns and most notably in KP and Sindh where parents resist the vaccination of their children. Across the country, there were numerous reports of polio workers being manhandled, attacked and, in some cases, killed.

On 26 May 2018 about 800 LHWs were booked for allegedly ransacking the deputy commissioner's office in Bahawalnagar and holding the staff hostage during a protest against non-payment of their salaries. The Health Workers Union (HWU) Punjab president criticised the administration for registering an FIR against the LHWs despite the resolution of the issue after talks.

The Port Qasim Authorities (PQA) Workers Union started their sit-in outside the Karachi Press Club in September 2018 and their protest had completed 98 days on 31 December 2018. Hundreds of the dock workers were protesting against the PQA and a Chinese cargo management company, who they say are exploiting them and have withheld their salaries. The Chinese company claimed that the workers had already been paid their six-month salaries. The workers demanded implementation of the Dock Workers Act 1974 and threatened to move their sit-in to Islamabad if their pleas were not heard by the federal government.



PTI parliamentarians joined Port Qasim workers in October on the 27th day of their sit-in

In October 2018 Pakistani postal workers observed a strike in Quetta to restore health and housing benefits. In a show of unity and power, all five Pakistani postal unions observed the strike in the Balochistan Province. Workers complained that they were not receiving their 'house requisition allowance', a payment from the government to subsidise lower incomes, as well as reimbursement of their medical bills.

PIA management in July enforced the Pakistan Essential Services (Maintenance) Act (ESA) on all classes of employment in the airline, abolishing various rights of the employees including going on strike, which was rejected by the workers. A similar restriction was imposed in 2016 when the workers, including pilots, were protesting for their rights.

The Act imposed a number of obligations on the employees of PIACL with regard to performance of their duties, breach of which is not only

a misconduct under company rules but also an offence under this Act. With effect from 9 July the federal government declared that the Pakistan Essential Services Act 1952 would apply for a period of six months to all classes of employment in the PIACL. Any person found guilty of an offence under this Act would be punishable with imprisonment for a term which could extend to one year and would also be liable to a fine.

Steel Mill employees

The present government removed Pakistan Steel Mills from the privatisation list. However, the Steel Mills is not functional and the fate of thousands of workers still hangs in the balance. The largest industrial unit of Pakistan, Steel Mills has been closed down since June 2015 and the government is unable to pay the salaries of the employees. The federal government has written a letter to the National Accountability Bureau (NAB) stating that the Steel Mill's closure was incurring a loss of Rs1.4 billion every month, and further resulting in the loss of valuable foreign exchange due to the import of steel. The National Assembly's panel had asked the government to send the reference to NAB in July 2017.

The much-delayed salaries and pensions have placed the existing workers in financial crises. Although the government is releasing their salaries after approval of the federal cabinet, their main demand of restarting the mill's production has still not materialised.

Private sector workers

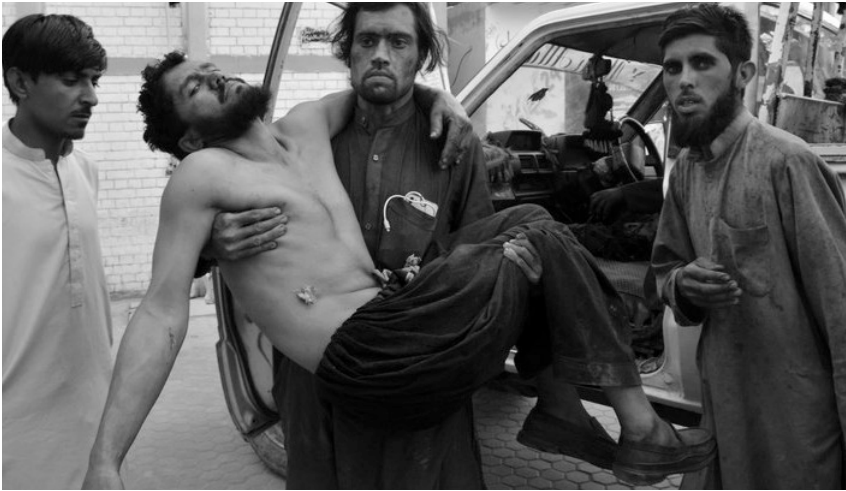
Private sector workers are the main victims of the current financial situation. Their workplace conditions are pathetic, where occupational health and safety standards are mostly ignored. The absence or ineffectiveness of the state's inspection system has resulted in numerous industrial accidents, many of which are unreported. Throughout the year, there were reports of deaths and injuries caused by roof collapses, cylinder blasts, and falls at factories.

The lack of occupational health and safety facilities at the Gadani shipbreaking yard continues to manifest itself. In October, seven labourers working inside a non-functional ship parked at the yard were burnt when the ship caught fire.

Ironically, the tragedy happened just one day after the Balochistan labour minister visited the yard and surveyed the working and living conditions of Gadani shipbreaking workers. Following the accident, the government of Balochistan banned any kind of shipbreaking activity and assembly of workers in the area.

Mine workers

The deadly incidents in mines in Balochistan and other provinces continued during 2018, in which scores of workers lost their lives.



In the past eight years, more than 318 labourers working in coal mines have lost their lives in Balochistan

According to labour leaders, mine workers are dying because the government and employers have failed to introduce workplace health and safety standards.

According to a report, in the past eight years more than 318 labourers working in coal mines have lost their lives in Balochistan mines. The labour organisations have demanded that the government should ratify ILO Convention 176, pertaining to safety and health in mines. Pakistan is not a signatory of this important Convention.

The regularity of reports of the deaths of miners is extremely disturbing. In April, six Kalat miners were reported to have died of suffocation. A miner was burnt to death while three others sustained injuries in an explosion in a coal mine in the Duki district. In May 2018, 23 miners were killed in two separate incidents in Balochistan. Sixteen miners also lost their lives in a privately-run coal mine in Marwar, after a methane gas explosion caused a roof to collapse. Seven miners were killed in an explosion in the Sor range coalfield, operated by the Pakistan Mineral Development Corporation. A total of 11 miners were injured in the incidents.

In May the provincial mining and mineral development department set up a body to investigate the coal mining tragedies and the National Human Rights Commission (NHRC) expressed its concern over the plight of the miners.

In another deadly incident on 13 August 2018 at least 18 mine workers lost their lives after a methane gas explosion in a coal mine near Quetta. The bodies also included two rescuers who entered after the blast. In

September, four more coal miners lost their lives after their mine was filled with poisonous gas in the Sinjdi area near Quetta. In the same month, nine miners were killed and three others injured when the roof of a coal mine collapsed in the Darra Adamkhel area near Kohat.

As the casualties continued to mount, the Supreme Court in September asked the Balochistan and Khyber Pakhtunkhwa governments to file replies on a petition moved to highlight deaths of mine workers.

There appears to be a pattern of explosions from methane gas accumulations as labourers enter the mines. This would indicate that at least a proportion of the fatalities could be avoided if a simple regime of testing for lethal gases was put in place.

Modern slavery

Pakistan ranked 8th on the *Global Slavery Index 2018*, with an estimated three million living in modern slavery. It was also one of four countries that scored above 90 percent in the Vulnerability Model, which measures systemic, individual, and environmental risk factors. It was particularly mentioned that in countries such as Pakistan, where conflict-affected areas could not be surveyed, these could be conservative estimates. Conflict is considered a significant risk factor for modern slavery, with the associated 'breakdown of the rule of law, the loss of social supports, and the disruption that occurs with conflict'.

Forms of modern slavery prevalent in Pakistan include forced and bonded labour, human trafficking (including labour trafficking), and domestic slavery.

Implementation of the existing laws is the main obstacle to the elimination of such modern slavery. The previous Punjab Assembly in its last session (16 May 2018) passed the Punjab Bonded Labour System (Abolition) (Amendment) Bill 2018, which is a provincial version of the 1992 federal law. The provincial assembly of Sindh had already passed the Sindh Bonded Labour System Abolition Act 2015. Both Sindh and Punjab provinces have a high incidence of bonded labour, especially in the agriculture and brick kiln sectors. Bonded labour or modern slavery also prevails in many other sectors such as carpet weaving etc.

The *Trafficking in Persons Report 2018* issued by the U.S. Department of State showed Punjab was the only province to report legal action taken against bonded labour other than Islamabad, which reported one investigation. The Punjab authorities reported investigating 264, prosecuting 257, and convicting 37 traffickers for bonded labour during the period, an increase from the previous period. The Punjab reported investigating 114, prosecuting 112, and convicting 17 people under PPC section 369A (trafficking in human beings). The report claimed official complicity in trafficking remained prevalent but the government failed

to hold these officials accountable.

The Supreme Court was reported in April to have taken up a petition to curb the exploitation of workers at the hands of brick kiln owners as well as measures to end the practice of '*banddis*' (slavery for life). The petition claimed that the kiln owner did not permit workers to seek the intervention of labour unions and other statutory bodies on their behalf and they were being deprived of their fundamental rights.

There are sporadic reports of action being taken. Lahore Police on 30 April 2018 arrested 29 owners and managers of brick kilns and registered cases against them across the Punjab province following the directions issued by the Inspector General Police Punjab.

Police teams visited 847 brick-kilns for inspection across the Punjab province and arrested 29 people on charges of bonded labour. Fourteen brick kiln owners and 15 managers were among those arrested.

In January, 13 detained workers, including five children, were released from a brick kiln in Depalpur, Okara district, on Lahore High Court orders.

In March, 19 bonded peasants were recovered from a farm in Mirpurkhas. A week later police freed 30 bonded labourers from a farm near Daulatpur, Sindh in a court-ordered raid.

Three owners of a brick kiln in Daska, Sialkot district were booked in May for allegedly selling 13 members of a labourer's family, including women and children, to other brick kilns after they demanded an increase in their wages.

There were many other reported cases of illegal confinement and forced or bonded labour, with labourers sometimes physically restricted in chains. In one such case, a couple and their seven children had been confined and forced into labour for over a year in Mian Channu, Punjab, until they were freed by police in May.

Child labour

The dire situation of child labour in the country showed no signs of improvement. It is estimated that over 12 million children are involved in child labour in the country, many of them due to poverty. According to the Pakistan Labour Force Survey 2014-15, of those children aged between 10 and 14 years active in child labour, 61 percent were boys and 88 percent came from rural areas. Estimates of the number of children can never be accurate because children working in unregistered small or family businesses or in domestic service are not covered by surveys.

In February, the previous Punjab administration announced a drive to eradicate child labour in brick kilns. Following this, 32 child labourers

were reportedly freed and owners arrested in Sialkot.

In April, activists called for detailed information on the Punjab government's Integrated Project for Elimination of Child and Bonded Labour 2014. The government had apparently allocated Rs5.1bn for this project and claimed to have removed 88,000 children from brick kilns and rescued around 41,000 from child labour in other sectors. However, activists and people working with brick kiln labourers said that the schools were empty and children were still working. In district Sheikhpura, 204 one-room schools set up informally under this project were reported to have been closed down.

The previous Khyber Pakhtunkhwa cabinet in its last meeting on 24 May 2018 approved what they said was the first every child labour policy of its kind, claiming it would discourage child labour and help in preparing a solid strategy for preventing the factors responsible for child labour.

The employment of children in homes continues to prevail unchecked and only surfaces in the media when extreme cases of neglect and abuse are reported. (See *Children*)

The regularity with which reports surface even after employers have been exposed and prosecuted demonstrates once again that legislation alone cannot eliminate child labour and it is the implementation of laws and initiatives that presents the main obstacle. The mindset and attitude towards child labour need to be changed. This can only be achieved through awareness campaigns that bring about reforms in a society



Over 12 million children are involved in child labour in the country

where parents and employers put their own needs before that of a child.

Home-based workers

According to HomeNet Pakistan, a membership-based network of home-based workers, there are 20 million home-based workers in the country, of which 12 million are women.

The conditions for home-based workers are unregulated and unprotected, involving repetitive and hazardous work, long shifts lasting from 14 to 16 hours, and low wages. They also have to rely on, and are subsequently exploited by, contractors or middlemen.

In May, the Sindh Assembly passed the Sindh Home-Based Workers Act 2018, the first-ever law in Pakistan to protect the rights of home-based workers, which would register and regularise home-based workers and ensure equal treatment to them and their dependents in cases of sickness, maternity leave, injury, or death. All home-based workers involved in the production and manufacturing of goods or provision of services at a home premises or any other place near a home would benefit from this law. The rules of business had yet to be framed. Other than mentioning home-based workers in their new labour policies, other provinces have yet to follow suit.

Home-based workers in Karachi held a protest in December calling for an end to workplace harassment and demanding wages equal to their male counterparts.

HomeNet Pakistan was said to have introduced a Financial Literacy Programme for women home-based workers to educate them in the existing situation of market-based gaps, and enhance their financial knowledge and literacy.

Domestic workers (see also *Children and Women*)

The number of domestic workers in Pakistan is roughly estimated to be over 8 million. Most of these are women and girls whose labour is undocumented, rendering the compiling of accurate statistics impossible. A high number of these workers are children. The treatment meted out by employers only comes to light when media reports highlight extreme abuse, and anecdotal accounts speak of long work hours and heavy workloads, low pay, no rest or holidays, allegations of theft, and physical and sexual abuse.

The Punjab Domestic Workers Bill 2018 was tabled in early December in the Punjab Assembly. A similar Bill was reportedly under preparation at the Ministry of Human Rights, to be tabled in parliament. The Punjab Bill finally recognises the economic and social value of domestic workers in the country, addressing the exclusion of domestic workers from labour and the need for social protection. However, there are some anomalies

in the Bill that raise concern, for example in setting the minimum age at 15 years, and making no mention of the hazards faced.



The number of domestic workers in Pakistan is roughly estimated to be over 8 million.

Farm workers

The end of the year 2018 brought positive news for the tenants of the Okara Military Farms who have been struggling for ownership rights of the land they have been tilling for decades. The National Commission for Human Rights (NCHR) intervened and the military accepted before the Commission that they did not have ownership of the agriculture land as in fact the main owner of the land was the Government of Punjab. According to the NCHR, although the tenants would not get ownership rights, they would continue to work as tenants or sharecroppers without further harassment.

According to the Awami Workers Party, at least 13 tenants have lost their lives during this farmers movement, and around 1,900 tenants have been jailed over the last few years, including over 200 peasant women. Three of the main leaders of the tenants' association, Anjuman Mozareen Punjab (AMP), are still in jail.

Despite the brutal repression of the AMP, only ten percent of the tenants have agreed to pay share cropping rent. Ninety percent are still resisting. Over 68,000 acres of land are being cultivated by tenants in different parts of the Punjab in public sector agriculture farms.

Overseas workers

According to the Economic Survey 2017-18 over 9 million Pakistanis are working across the globe, with a concentration in the Middle East of

54.80 percent, followed by Europe (26.81 percent) and America (11.90 percent). During 2016, a labour force of around 0.84 million proceeded to different countries, especially Saudi Arabia and the Middle East, which earned remittances for the county.

In November, the Ministry of Overseas Pakistanis and Human Resource Development launched an online complaint centre *Call Sarzameen* for Pakistanis living abroad, and an e-governance web portal.

Media workers (see also *Freedom of Expression*)

The year 2018 witnessed the worst-ever year for media workers as many newspapers and TV channels were closed down and the remaining media houses laid off thousands of workers. The media workers faced threats from both state and non-state actors.

The incidents of violence against media workers increased in 2018. According to a report *State of Pakistani Media in 2018* prepared by the Pakistan Press Foundation (PPF), at least six journalists lost their lives in Pakistan. Their research showed a minimum of 22 cases of physical assault in which five journalists were injured, while 25 others were beaten and manhandled to stop them from performing their professional duties.

According to PFUJ over 500 media workers of various media houses have lost their jobs in just eight months of 2018. Over the past year, a number of media organisations have had to downsize or close down due to declining advertising revenue or other financial constraints.

Media workers' bodies such as the Federal Union of Journalists have been protesting against non-payment of salaries and media workers' lay-offs. Workers of many media organisations had not received their salaries for months, which exacerbated their financial problems. In October, the PFUJ launched a countrywide protest against large scale job losses of media workers.

Then, on 15 December, the Jang Group, the country's leading media house, fired hundreds of staffers en masse, closing down a number of its outlets.

Recommendations

- Legislate and implement the relevant laws to comply with eight core labour standards of ILO Conventions ratified by Pakistan. Ratify Conventions C177 on home-based workers and 189 on domestic workers.
- Require all provincial governments to announce the minimum wage in their budgets and to work towards provision of an adequate living wage for workers.

- Provide access to all citizens to social security schemes as a fundamental right.
- Ensure provision of occupational safety and health facilities at every workplace including mining sites.
- Strengthen the system of labour inspection at the provincial level by increasing the number of trained inspectors. The capacity of labour inspectors should be enhanced by organising training for workers both local and abroad.
- Implement ILO Convention 144 and hold tripartite consultations every year in all provinces, as initiated in Sindh.

The Elderly

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

Pakistan Constitution

Article 25(1)

Nothing in this Article shall affect the validity of ... (e) ... any law providing for the acquisition of any class of property for the purpose of ... providing maintenance to those who, on account of unemployment, sickness, infirmity or old age, are unable to maintain themselves.

Pakistan Constitution

Article 24 (3)(e)(iii)

A UN Report, *World Population Ageing: 2017* says the number of elderly people in the world population over the age of sixty years is expected to exceed 1 billion in the next few years, doubling to 2.1 billion by 2050.

There are over 11 million senior citizens in Pakistan, approximately seven percent of the total population of the country, and the United Nations Population Fund has estimated that the figure will rise to over 43 million by 2050.

Ageing populations in different regions are directly linked to falling fertility rates and increasing longevity due to medical interventions. As countries develop and more workforce is needed to increase economic activity, they produce fewer children. This cycle of reduced fertility brings in its wake an increasing number of ageing people.

While most high-income countries have been able to make adjustments in their socio-economic policies to cater to the needs of the elderly, by providing pensions, insurance, social protection, medical care, and housing and transportation facilities, this is a major challenge for other countries already burdened by high levels of poverty and poor health infrastructure.

There is a wide range of economic and cultural responses to the elderly. While most elderly people live independently in high income countries, only 15 percent of them live on their own in low-income countries.

Co-residence with children is also linked to poverty. In Pakistan, more than 90 percent of the elderly aged 60 or above live with their children today. According to the UN report, the likelihood of older persons

living alone is growing, especially women who in any case are almost 60 percent of the ageing population of the world.

Policies for the elderly

In 1999, the government designed a Policy for the Elderly which encompassed medical and dental care, physiotherapy, training of doctors in primary geriatrics care, and setting up homes for destitute old persons. The policy remained unimplemented.

Under the Constitution, fundamental rights are guaranteed to all citizens, including the right to employment, freedom from torture, and access to public spaces. However, there is no specific mention of the elderly or persons with disabilities since it is assumed that these groups would be able to enjoy all their rights, freedoms, and privileges under the Constitution.

The Khyber-Pakhtunkhwa Senior Citizens Act was passed in 2014 whereby persons over the age of 60 years would be issued senior citizen cards and be eligible for free treatment and medicines, and free entry to libraries, parks, and other public places. A Council under the Department of Social Welfare was to be set up to implement the Act.

In January 2018, the Chief Minister deplored the fact that progress was not evident and directed the Social Welfare Department to provide a timeline for implementation of the benefits packages provided for under the Act. The following month, the department called for senior citizens to register and apply for their senior citizen cards to become eligible for basic facilities. According to a news report, the KP Social Welfare Department Planning Officer had said that initially the facilities had been provided in six districts, but were now being expanded to the entire province.

In September, people were still complaining that the Act had not been implemented and an NGO said that over 0.6 million individuals had applied for the card but it had not been issued to a single applicant. An estimated 2.8 million individuals over the age of 60 live in Khyber Pakhtunkhwa.

Similarly, the Balochistan Senior Citizens Act of 2017 also has a Council to be headed by an eminent senior citizen to be nominated by the Chief Minister and run by the Social Welfare Department. The Council's functions include formulation of a policy for the elderly, introduction of syllabi on geriatrics in medical universities, facilitation desks in banks, railway stations and hospitals, along with separate wards and concessions for medical treatment.

Both these Acts, however, do not provide redressal of grievances of senior citizens in cases of maltreatment by their caregivers.

The Sindh government passed the Senior Citizens Act in 2016 which offers many more benefits including free treatment at government hospitals up to the district level, 25% concession in private hospitals, clinics, and recreational facilities such as cinemas and restaurants, as well as 50% concession on road transport.

All these facilities are to be made available against Azaadi cards to be issued by the local government. The law also provides for reclamation of their property by senior citizens and punishment for those who abandon old family members and spouses, after a summary trial by a judicial magistrate. But both the Sindh and Balochistan Acts remain unimplemented.

The Punjab government is reported to have formulated a Bill which has yet to be passed by the Assembly.

Health

Disease and the burden of disability are very high among the elderly – reported at 28% in the 1998 Census. The most common causes of mortality are heart disease, stroke, chronic obstructive pulmonary disease, Alzheimer's, lower respiratory infections, diabetes, kidney diseases and lung, stomach and breast cancers.

An Aga Khan University study in 2006, *Health and Needs Assessment of Geriatric Patients*, found that fatigue, mobility impairment, dyspnoea (difficult or laboured breathing), urinary incontinence and visual impairment had the worst impact on the life of ageing individuals, while diabetes (28.1%), hypertension (42.5%), and arthritis (26.6%) were the most frequently reported chronic ailments.

In another study in Karachi, *Depression in the elderly in Karachi, Pakistan, BMC Psychiatry*, published in 2013, prevalence of depression was found to be 40.6 percent, with a higher preponderance in women (50%) as compared to men (32%). Slightly over one-fourth of men were employed as compared to one-twelfth of women. There were more women (68%) compared to men (44%) with no formal education.

Elderly people not living with a spouse and not considering their children as future security were more likely to be depressed. They also suffer social losses as their lives are narrowed down by loss of work-associated relationships, death of friends, relatives or spouse, and a restricted social life which is crucial for psychological and emotional wellbeing. The study stated: "In both high income and LAMI [Low and Medium Income] countries, depression in the elderly carries a huge burden, contributing to approximately one-sixth of all disability adjusted life years (DALYs)."

In September 2018, the Punjab health minister said that for the first

time in the country separate healthcare services for elderly people will be started in government hospitals. In a keynote speech at a seminar on Alzheimer's disease and related dementia, arranged by Alzheimer's Pakistan in collaboration with the King Edward Medical University (KEMU), the minister acknowledged that the number of patients with dementia was increasing at an alarming rate, and patients suffering from it required extra care from both family and society. According to the minister, a plan would soon be launched in the province in line with the global plan of the WHO, in which geriatric services such as hospital-based memory clinics, resource mobilisation for early diagnosis and treatment, and counselling services for caregivers would be provided. Public awareness sessions would also be arranged.

Housing

There are few residential facilities for the elderly in Pakistan with experts who can manage geriatric health effectively. In the Punjab, there are seven homes called Aafiat for the elderly in different districts, which are free for the indigent. There are none set up by the other provincial governments.

The Catholic Church in Karachi runs three old people's homes run primarily by the church staff and supported by volunteers. The Parsi General Hospital and its attached infirmary is another example of a subsidised retirement home. While these 'old homes' provide a haven to those most in need, they are too few and much more specialised geriatrics support is needed even in these facilities.



Elderly people at Aafiat Centre in Multan.

Living conditions

The availability of space, electricity and water inside the house is also very significant for the wellbeing of the elderly. Those living in congested and unhygienic environments have a high incidence of disease, malnutrition, and lack of exercise. The Benazir Income Support Programme (BISP) census in *Population of Pakistan: An Analysis of NSER 2010-11 BISP-UNICEF* indicates that in the 51.6 percent male and 48.4 percent female population covered by the BISP, 'Prevalence of disability is significantly higher among relatively vulnerable household members (divorced, widowed and separated) as compared to married and never married. The prevalence of disability is highest among the widowed (7.9 percent) followed by separated (5.7 percent), divorced (4.6 percent), never married (2.1 percent) and married (1.9 percent).'

Many problems such as falls and accidents which can drastically reduce the quality of life of the elderly can be solved by consideration and care, and a proper nutritional diet can improve cognitive health. Regular eye check-ups, hearing tests, and dental care can alleviate and prevent serious disabilities.

At the same time, it must be noted that elderly people in Pakistan lead a mainly sedentary lifestyle which results in loss of muscle mass, leading to falls and other accidents. The world over, it is highly recommended that the elderly should remain physically and socially active.

Support to families

Geriatrics as a subject is not given much attention in medical universities in Pakistan especially at the undergraduate levels, and for nurses, physical therapists and other health professionals.

One study released in 2010, '*Ageing in Pakistan – A new challenge*' by S R Sabzwari and G Azhar recommends engagement with the community to help families understand common illnesses and their timely diagnosis and management, as well as the reintegration of the elderly through volunteer programmes such as part-time teaching, charity work, and programmes in which elders may help other elders.

Another study published in 2012, '*Ageing and the Elderly in Pakistan*' by Sabeena Jalal and M Z Younis recommends home visits by trained community health workers, and provision of nutritionally balanced subsidised meals to the elderly by local governments and charitable organisations. Similarly, call and delivery services for medicines could be provided by pharmacies to enable the elderly to follow their medicinal regimen regularly.

The elderly living in extended families have a significantly better quality of life than those living independently. During the last 20 years, there

has been a substantial increase in private voluntary initiatives in the social welfare fields of Pakistan.

According to the 11th Five Year Plan (2013-18), 'A well-developed network of organisations, supported by the local community, will address broad spectrum of the social needs, including health, education, community development and shelter. The aggregate individual and corporate sector—giving more than Rs70 billion over the years—is substantially higher as compared to the government expenditure for the social protection programmes.'

Within these given resources, much more can be done with innovation and skilled manpower: for example, the primary health care system could be strengthened to cover curative, preventive and rehabilitative services for the disabled elderly with the help of Lady Health Workers and Nurses in district hospitals, while shelters and 'old age homes', at least at the district level, need to be set up with the help of philanthropic organisations.

HelpAge International is a non-governmental organisation (NGO) that advocates for better inclusion of older people in social protection policies and programmes in Pakistan, and encourages the country's financial sector to better support older women and men's livelihoods. It gives older people access to small amounts of money at low interest rates to help with developing small businesses from home, and also provide training and guidance. It also collaborates with civil society, media, academia and older people's organisations to campaign on the protection and promotion of older people's rights in Pakistan, with a particular focus in the rural areas where the poor, elderly, and persons with disabilities are most marginalised.

Assistive technology and accessibility

Pakistan spearheaded a global resolution for access to assistive technologies, recently passed by the World Health Assembly, under which persons with disabilities, the elderly, and the chronically ill can have dignified lives with the availability of mobility devices, prosthetics, and communication aids.

After a number of surveys and exercises, the World Health Organisation has finalised 50 assistive devices such as hearing aids, wheelchairs, spectacles, artificial limbs, memory aids, and pill organisers among others, and estimates that over a billion people need these. The World Health Assembly in May 2019 will decide whether to provide the devices for free or at affordable prices.

However, apart from international lobbying, the government should also ensure provision of assistive devices and rehabilitation services for the elderly and other persons with disabilities.

The National Institute of Rehabilitation Medicine in Islamabad, where many facilities for spinal cord injuries and rehabilitative support were set up after the 2005 earthquake with the help of donor agencies, needs to be reactivated and all vacancies of doctors, physiotherapists and support staff need to be filled.

Similarly, the quality of prosthetics and other assistive devices can be substantially improved by the government with the help of organisations such as International Committee of the Red Cross (ICRC), the Armed Forces Institute of Rehabilitation Medicine (Afirm), Institute of Physical Medicine & Rehabilitation at Dow University, and the JPMC and Mayo Hospitals which also have small prosthetics support units.

In the meantime, Pakistan's 2006 Accessibility Code, which outlines public infrastructure standards, should be enforced in earnest by all government departments as well as private sector establishments.

Enhanced accessibility, which is not costly and is in any case a requirement for all public and private sector establishments under the law, will create a consciousness among all to give due consideration to the elderly.

Another key aspect is physical accessibility to facilities. During this year's elections, for instance, there were numerous reports of polling stations where no provision had been made to facilitate the elderly and people with disabilities, including washrooms.



Elderly people faced problems at the polling stations during the general elections

Pensions

The Employees Old Age Benefits Act, 1976 and its subsequent amendments make it mandatory for all industrial and commercial concerns to register their employees and make regular payments of 6% of their wages to the Employees Old Age Benefits Institution (EOBI) towards their pension and insurance schemes. However, these benefits are limited to the formal sector, while the informal sector which accounts for more than 70% of the economy remains out of its ambit. Informal, daily wage, and contractual employees are not covered under any pension or insurance schemes. Of late, the EOBI's performance has come under much criticism as it has reportedly misused and embezzled billions of rupees of employees.

EOBI pensioners had been consistently lobbying for an increase in pension in budgets. In November 2018, the government announced a raise of 20 percent, from Rs 5,250 to Rs 6,500, apparently tied to the vision of transforming Pakistan into a welfare state.

Even in the formal sector, there have been reports of retirement benefits being delayed. In May it was reported that many pensioners at the Pakistan Council of Scientific and Industrial Research (PCSIR)—the country's premier research institution—were facing difficulties due to a delay of 11 months in payment of benefits.

Dignity and contribution

Pakistan has a large young population, while the current ageing population is expected to rise inexorably to over 43 million by 2050 according to the United Nations Population Fund (UNFPA). The combined problems of finding employment and useful occupations for different age groups of starkly separated generations—torn apart by the digital divide among many other politico-social and economic divisions—seem to be insurmountable, for which the state and society are not prepared.

In the last fifty years, there has also been the added problem of brain drain whereby qualified young people have been moving abroad, leaving behind their parents to fend for themselves. In rural areas from which labour has migrated to other countries, the elderly live on subsistence levels and few of them have any savings.

Many older persons are actively involved in community and civic life through volunteering, governance of public institutions and participating in community-based institutions. The elderly have institutional and historical memory, apart from experience and wisdom. They are the guardians of culture, repositories of social traditions, rare knowledge and skills that can not only complement but also add value to those of young people.



In rural areas from which labour has migrated to other countries, the elderly live on subsistence levels and few of them have any savings.

In a country like Pakistan where there is a dearth of qualified teachers, doctors and researchers, the re-employment of the elderly after their retirement would provide many benefits to the state as well as the elderly people themselves. Even in high income countries, these professionals continue to work for many years beyond the age of 65 years.

The elderly in Pakistan should be looked upon as an asset rather than as a burden.

Recommendations

- Develop and enforce a national policy to address the needs of the elderly, particularly accessibility, separate wards in hospitals, and senior citizen counters at all service facilities such as railway and bus stations, banks, cinemas, museums, and airport immigration counters.
- Make the existing Senior Citizen Acts meaningful instruments of protecting the dignity and rights of the elderly.
- Raise public awareness in the media with the help of PEMRA on the rights of the elderly, to mobilise support for the government's policies and initiatives.
- Make it mandatory for hospitals to have free eye camps and surgeries, dental care camps, physiotherapy, and laboratory tests for the elderly.

- Develop venues for exercise and leisure activities with the help of local communities and caregivers.

People Living with Disabilities

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

Pakistan Constitution

Article 25(1)

Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons; Non-discrimination; Full and effective participation and inclusion in society; Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity; Equality of opportunity; Accessibility; Equality between men and women; Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Convention on the rights of persons with disabilities

Article 3 – General Principles

States Parties shall ensure an inclusive education system at all levels... States Parties shall ensure that Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability.

Convention on the Rights of Persons with Disabilities

Article 24(1)(2)(a)

States Parties recognise that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability.

Convention on the Rights of Persons with Disabilities

Article 25

States Parties recognise that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

Convention on the Rights of the Child

Article 23(1)

Each Member shall, in accordance with national conditions, practice and possibilities, formulate, implement and periodically review a national policy on vocational rehabilitation and employment of disabled persons.

International Labour Organisation Convention 159

(Article 2)

Disability in Pakistan

The World Health Organisation (WHO) in its World Report on Disabilities 2011 estimated that more than a billion people live with some form of disability, or about 15% of the world's population (based on 2010 global population estimates). The National Population Census of Pakistan 1998 calculated the prevalence of disability as 2.38 percent of the total population, under seven categories namely Crippled, Insane, Mentally Handicapped, Multiple Disability, Blind, Deaf, Mute and Others. Of persons with disabilities (PWDs), 7.6 percent were classified as 'mentally retarded' which umbrella term does not differentiate between neuro-developmental disorders, specific learning disorders, intellectual disabilities and syndromes.

The census of 2017 appeared to indicate that the percentage had declined to 1.6 percent, i.e. 3.2 million persons with disabilities (PWDs), but these figures are disputed. The decision to count the disabled separately was taken on the first day of the census, on the apex court's orders, and the UNFPA monitoring mission noted that enumerators rarely asked the question. In the absence of a modern and efficient system for registration and assessment of PWDs, the provision of adequate funds for support, services, education, and employment cannot be properly calculated.

However, these figures continue to impact the lives of PWDs, as with poor budgetary allocation there are hardly any necessary services for treatment, intervention, and rehabilitation, such as medical care, special education materials and aids, training of teachers, ensuring prosthetics, physiotherapy, and psychotherapy.

The World Report on Disability 2011, in its World Health Survey from 2002 to 2004, estimates disability at 13.4 percent of the total population of Pakistan, while an Aga Khan University study, *Prevalence of early childhood disability in a rural district of Sind, Pakistan*, published in 2013, says that cross-sectional studies from low- and mid-income countries give an estimated prevalence of childhood disability up to 12.7 percent.

According to the Child Commission report submitted to the Lahore High Court in November 2018, there are at least 21 million people with neuro-developmental disorders in the country (guesstimates based on the Centre for Prevention of Disease (CDC) in the US), while the incidence of other disabilities such as visual and hearing impairments, cerebra he ballpark figure of the prevalence of disability in 15 percent of the population, as estimated by WHO, seems to be closer to the reality than government statistics.

In May 2018, it was reported that Pakistan had led the way at the World Health Assembly (WHA) in Geneva in the cause of access to assistive technologies for Persons with Disabilities (PWDs) and the ageing

population, as well as for people suffering from Non-Communicable Diseases (NCDs).

However laudable this may be, Pakistan has thus far failed to enact laws based on the UN Convention on the Rights of Persons with Disabilities which it ratified in 2011. The Accessibility Code of 2006, which outlines public infrastructure standards, remains inactive. And the 2002 national PWD policy, which among other things would have introduced inclusive education, has yet to manifest itself.



Protestors demanding increased rights for the disabled

Policies for PWDs

The Constitution guarantees the 'Right to Education' as a fundamental right. The Disabled Persons' (Employment and Rehabilitation) Ordinance 1981 formed the basis of facilities and legislation for Persons with Disabilities, such as Pakistan Bait-ul-Mal Act, 1992, the National Policy for Special Education, 1999, the National Policy for Persons with Disabilities, 2002, the Mental Health Ordinance, 2001, the National Plan of Action for Persons with Disabilities, 2006, and the Special Citizens Act, 2008. The National Council for the Rehabilitation of Disabled Persons and the National Trust for the Disabled were also set up by the federal government for rehabilitation of PWDs. Out of these, the most comprehensive document was the National Plan of Action 2006 but, unfortunately, it was never implemented.

The Pakistan Bait ul Mal (Amendment), 2018 included the provision for rehabilitation centres for children with disabilities, recognising that those living in remote and disadvantaged areas had little access to such services and support. In passing the Act, particular mention was made

of the need for physical, occupational, and speech therapy for children suffering from cerebral palsy.

After the 18th Amendment, Balochistan enacted the Persons with Disabilities Act in 2017 which provides basic facilities on the pattern of earlier legislation.

The Sindh Empowerment of Persons with Disabilities Act, 2018 is a much more comprehensive document emphasising a rights-based approach modelled on the core principles of the CRPD, calling for full social and economic inclusion of PWDs by not only eliminating physical, cultural, and systemic barriers, but also laying down several measures for affirmative action to ensure equality of opportunity, accessibility, and gender equality in all institutions and communities.

In October 2018, the Supreme Court directed the federal and provincial governments to provide details of funds reserved for PWDs in their budgets of the previous five years. It also instructed the governments to state whether more legislation was needed. The bench was hearing a petition filed by PWDs for the formulation of a policy for the appointment of PWDs in government jobs.

In their report to the Supreme Court in November 2018 the Punjab government said it had approved a management information system for online registration and assessment of persons with disabilities.

The KP government report stated that a draft Bill namely 'Khyber Pakhtunkhwa Rights, Rehabilitation & Empowerment of Persons with Disabilities' was under consideration and it would soon be presented to the provincial assembly for discussion and approval.

At the time, the bench remarked that the country was far behind the rest of the world in terms of legal framework regarding physically challenged persons and the existing laws in this regard were not being implemented.

Also in November, the Lahore High Court, in a circular titled 'Rehabilitation of persons with disabilities under the Disabled Persons (employment & rehabilitation) Ordinance 1981' directed all district and sessions judges in the Punjab to provide preferential treatment for early disposal of cases of PWDs. The Chief Justice also instructed that wheelchairs be made available at all district courts in the province for the facility of PWDs.

Children with disabilities

Children with disabilities remained the most neglected group amongst children in Pakistan. While speaking on International Day for Persons with Disabilities, celebrated annually on 3 December, the Federal Minister for Education stated that the new government was focused on

the rights of children with disabilities, especially their access to education, and all necessary steps would be taken to transform their lives. Later in December, a federal bill on the rights of persons of disabilities was introduced, titled ICT Rights of Persons with Disability Bill, 2018, and was referred to the relevant standing committee for further deliberation.

A few initiatives were seen at the provincial level in 2018 for the welfare of children with disabilities. The Sindh Empowerment of Persons with Disabilities Act 2018 binds the state to take special measures to protect the rights of children with disabilities by creating awareness and ensuring equity in education, adequate standard of living and social protection, respect for their evolving capacities, and their rights to home, family and identity. The Khyber Pakhtunkhwa government also announced a range of projects to improve education opportunities for special children in the province.

There are at least 1,700,000 children with autism spectrum disorders in Pakistan, out of which 340,000 are girls, according to the Autism Spectrum Disorders Welfare Trust (ASDWT). These figures, calculated on the basis of international indicators, were shared by ASDWT at a seminar held on World Autism Day 2018 in Lahore. It was also stated such children were more susceptible to violence, especially in rural areas where they are treated with superstition. The lack of care facilities further exacerbates the vulnerability of autistic children.



There are at least 1,700,000 children with autism spectrum disorders in Pakistan, out of which 340,000 are girls

Some children with special needs attend special schools but these are too few in number and cater to only one out of 100 children. However, there are some welcome initiatives. In November, the Sindh chief minister inaugurated the Centre for Autism Rehabilitation and Training Sindh in Karachi's Gulistan-e-Jauhar said to be the largest such centre in South Asia. The centre has a capacity of 300 children and 200 children had already been registered.

Education and employment

The conditions in which PWDs live in Pakistan are dismal, as there are very few opportunities for their schooling, training, and employment.

Mainstream schools in the public and private sectors do not admit children with disabilities in general. Most public higher education institutions accept students with visual and physical impairments but there is only a small percentage of PWDs who can reach this level. Opportunities for vocational and professional training are limited and available only to those who have cleared their Matriculation or higher examinations.



The government has allocated a two percent employment quota for persons with disabilities, but this is only a fraction of their requirement

Inclusive education is a difficult proposition in developing countries which have limited human and capital resources, as it involves reforming and restructuring of the school as a whole to cater to the diversity of children with different conditions and abilities. However, an inclusive

education system benefits children from all groups in society, not just children with disabilities, by inculcating tolerance, acceptance and appreciation of diversity.

It is also less costly to transform mainstream schools to inclusive ones through additions of enabling infrastructure and teachers' training, than to create more segregated special education centres that can cater to only a small percentage of children with disabilities.

Continuing their campaign for equal rights, the visually impaired repeatedly took to the roads in the Punjab. In May 2018, the Lahore High Court heard a petition filed on their behalf by the NGO Judicial Activism Panel. The LHC issued a notice to the Punjab government on the petition. Earlier the same month, the Pakistan Tehreek-i-Insaf party had submitted a resolution to the Punjab Assembly secretariat demanding acceptance of the genuine longstanding demands of visually impaired persons.

The government has allocated a two percent employment quota for persons with disabilities, but this is only a fraction of their requirement, and it is usual for many private companies to pay a small fine in lieu of not implementing the quota. The Sindh and Punjab governments increased their job quota for persons with disabilities to three percent.

Health and facilities

Pakistan has one of the highest rates of consanguineous marriages in the world that can result in many genetic and hereditary diseases. As yet, the government has not taken any steps to prevent disabilities through counselling of families, married couples, and young persons of marriageable age. At the same time, many disabilities in children go undetected due to poverty and lack of awareness until it is too late for intervention and correction.

Inadequate primary health care, poor sanitation and hygiene, malnutrition, lack of clean drinking water and ignorance of the value of vaccinations and polio prevention drops have exacerbated the incidence of disease and disability among the poor.

At the same time, there is an acute shortage of trained professionals – there are only 589 registered psychiatrists in the country as of 2018 – while many general physicians and paediatricians are not familiar with intellectual and neuro-developmental disorders such as autism, attention deficit hyperactivity disorder, learning disabilities, bi-polar and other conditions.

There is also a very high incidence of depression among those with physical disabilities as they are trapped in a vicious circle where even the government does not recognise their abilities. For example, persons

with hearing and speech impairments are not issued driving licences, even though this is a common practice in developed countries. Other mental issues such as post traumatic stress disorder affects 70 percent of mothers of children with disabilities, especially autism, across the world.

Inclusion and vulnerability

Stigma and superstition attached to disability in Pakistan prevents the visibility, inclusion, and participation of PWDs in society. Ignorance and the absence of social services, care, and respite facilities force many poor families to seek help from quacks and faith healers leading to worsening of the disability and fatal consequences in some cases.

In December, two brothers were taken into custody in Taxila for burying their mentally-challenged sister alive in a well in their house on the directives of the local spiritual healer—apparently to rid the family of evil forces. In April, the police in Bahawalpur registered a case against seven people who allegedly shaved the head of a deaf-mute woman out of vengeance over a family dispute.

Persons with disabilities are particularly vulnerable to physical abuse. In January, it was reported that a sessions court in Karachi had sentenced two men to 20 years in prison in a case pertaining to the rape of a mentally and physical disabled girl in 2016. In February, the father of a 15-year-old deaf and dumb Hindu girl lodged an application with the police over her alleged rape by a local boy in the area of Kunri, Umarmkot, in the Sindh province. In October, it was reported that a mentally challenged teenage girl from the Sikh community was allegedly raped by two men inside an ambulance in Nankana Sahib in the Punjab province.

PWDs identifying themselves as Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, and Asexual (LGBTQIA), or simply known as Transgender in Pakistan are the most marginalised and stigmatised of all groups. However, transgender persons with disabilities have no social space whatsoever in the country: they have almost zero access to education, health care and employment.

Disability is a multidimensional experience for the person involved, with organs, body parts, cognition and/or communication being affected in different ways. In Pakistan, only four disabilities are recognised—physical impairments, visual impairments, hearing impairments and mental retardation—and subsequently catered to by the government.

The International Classification of Functioning, Disability and Health (ICF) is used the world over for early detection of disabilities based on four separate premises. On the other hand, the Individuals with Disabilities Education Act (IDEA 2004) of the U.S. describes 13 main categories of disabilities and has been used in the Sindh Empowerment of Persons with Disabilities Act 2018 to define five groups of disabilities.

Recommendations

- Train and deploy primary health care personnel such as LHWs, TBAs, and staff at the tehsil level Hospitals to detect hearing, visual and cleft impairments and any congenital or genetic diseases, as well as intellectual and neuro-developmental disorders such as autism, ADHD and learning disabilities for referrals to appropriate health practitioners.
- Introduce school-based health screening to identify and monitor health problems in children with special needs. Revive the School Health & Nutrition Supervisors Programme in provinces that was discontinued some years ago.
- Enhance the BISP programme to collect data on disabilities and specifically support families where there is a child or children with disabilities. Provide incentives of conditional cash transfers covering cost of transport, medication and other expenses to enable attendance of families at screening camps.
- Implement fully the Convention on the Rights of Persons with Disabilities and Convention on the Rights of the Child.
- Train teachers at B.Ed, M.Ed and Masters in Special Education level in inclusive education modules whereby they would be able to not only modify the curricula according to the needs of PWDs, but also develop expertise
- Make neuro-developmental disabilities part of the medical universities' curricula, particularly for LHWs, nurses, paramedics and school health and nutrition supervisors at the tehsil level. Ensure that Medical Superintendents at the District and Tehsil Headquarter hospitals who issue Disability Certificates are thoroughly trained in recognising these disabilities.
- Conduct awareness campaigns in mosques, seminaries, churches and temples where people congregate as well as through the media to sensitise communities to understand disability issues and combat the associated stigma.
- Sensitise and train law enforcement agencies including the police, lawyers and jail and reformatory wardens so that they can recognise these disabilities in juvenile convicts, and process their cases within the framework of the CRPD.
- Create a database of schools, vocational training centres, professional services and information on prosthetics, assistive technology and other support services that are available at the local and national levels.
- Reactivate the National Institute of Rehabilitation Medicine in

Islamabad to improve the quality of prosthetics and other assistive devices in collaboration with the International Committee of the Red Cross (ICRC), the Armed Forces Institute of Rehabilitation Medicine (Afirm), Institute of Physical Medicine & Rehabilitation at Dow University, and the JPMC and Mayo Hospitals which also have small prosthetics support units.

- Make the process of obtaining registration and specialised CNICs more disability-friendly at all stages. Set up Mobile Assessment & Registration facilities to create awareness on the need for registration and increasing the number of registered persons in every district. Schools could also be authorised to issue a Provisional Disability Certificate valid for six (6) months to be confirmed by the regular issuing authority after due process.
- Make sports, regular exercise and leisure activities part of the education curricula, and utilise Special Olympics and Para Olympics Associations' Coaches and Physical Trainers for structured trainings in all educational institutions.
- Make all public spaces including parks, museums, art galleries, historical sites, public buildings, cinemas, and other places for leisure activities, as well as public transportation (roads, railways, sea and air) appropriately adapted to accommodate the needs of PWDs and fully accessible with facilities and services including ramps and toilets.
- Introduce legislation along the lines of the Sindh Empowerment of Persons with Disabilities Act, 2018. Amend other legislations, e.g. the Juvenile Justice System Acts, Section 89 of the Pakistan Penal Code and Jail Manuals so that special clauses are added to recognise, manage and cater to the needs of children and persons with disabilities and mental disorders, and especially persons with neuro-developmental disorders.

Refugees and IDPs

Everyone has the right to seek and to enjoy in other countries asylum from persecution.

Universal Declaration of Human Rights

Article 14(1)

No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

Article 3

Pakistan has continued to host millions of registered and non-registered Afghan refugees since 1979. The National Database and Registration Authority (NADRA) puts the number of Afghan nationals registered in Pakistan at over 2.8 million, of which 1.6 million hold a Proof of Registration Card (PoR) card. There are at least one million undocumented Afghan nationals residing in the country.

Around 1.5 million Afghans born in Pakistan, initially elated by the announcement of the Prime Minister that they would be granted citizenship, had their hopes dampened when it was later stated that this announcement was only meant to ‘initiate a debate’ on the subject.

In October 2018, the federal government of Pakistan announced the extension of the validity of Proof of Registration (PoR) Cards until 30 June 2019 as well as the Afghan Citizen Cards (ACC) up to 31 December 2018.

The perception that Afghan refugees were all involved in criminal and terrorist activities continued to persist, with reports of continued harassment of refugees by the police and local authorities.

The internally displaced persons (IDPs) from the erstwhile FATA, now the tribal districts of Khyber Pakhtunkhwa, continued to return to their native areas in 2018. While a large number of IDPs from the tribal districts have returned to their places of origin, a significant number still await 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 the tribal districts. 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 reiterated 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

The refugee population in the country consists almost entirely of Afghan nationals and Pakistan is still among the top refugee hosting countries in the world. Most of these refugees escaped the conflict and violence that has engulfed Afghanistan for decades, and resulted in various forms of grave human rights violations. The steady stream of refugees over the decades from Afghanistan first began after the 1979 Soviet invasion of that country and continued with the subsequent outbreak of civil war in Afghanistan in 1992, and the war on terror launched by the U.S. government in 2001.

There are many second and third generations of Afghan refugees born in Pakistan who have never been to Afghanistan. An increase in the intensity and number of terrorist attacks in Afghanistan in 2018 added to the uncertainties of the returning Afghan refugees with the Afghan government and the UN insisting that the conditions in war-torn Afghanistan are not favourable for the return of refugees.

Of the 1.4 million Afghan registered PoR card holders in Pakistan, 58 percent are in Khyber Pakhtunkhwa, 23 percent in Balochistan, 12 percent in Punjab, 5 percent in Sindh, 2 percent in Islamabad, and 0.3 percent in Azad Jammu and (Pakistan administered) Kashmir, according to the United Nations High Commissioner for Refugees (UNHCR).

UNHCR also says a total of 13,584 refugees were voluntarily repatriated from Pakistan to Afghanistan in 2018. This signified a 76 percent decline in the number of refugees opting to go back to Afghanistan as compared to 2017 when 57,411 registered refugees returned from Pakistan to Afghanistan with assistance from the UNHCR. According to them, 'this is mainly due to the changing regional political dynamics and the improved protection environment for Afghan refugees in Pakistan as well as the deteriorating security environment in Afghanistan, the drought, and poor socio-economic conditions.

Of the total number of registered families of refugees processed for voluntary repatriation, 62 percent repatriated from Khyber Pakhtunkhwa, 29 percent from Balochistan, 6 percent from the Punjab, and 2 percent from Sindh. It is estimated that 30,692 undocumented



The refugee population in the country consists almost entirely of Afghan nationals

Afghan nationals returned from Pakistan by the end of November 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. As of 1 December 2018, it was estimated that around 68 percent of the total registered Afghan refugees live in urban and rural areas of Pakistan, and 32 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, which led to an increase in repatriation, 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
October 2018	PoR card extended until 30 June 2019
Source: UNHCR	

In October 2018, the Federal Cabinet of Pakistan through a notification extended the stay of Afghan refugees until 30 June 2019. The refugee policy formulated by the federal cabinet in February 2017 had plans for the documentation of Afghan nationals with 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. It still awaits implementation, which civil society continued to demand.

According to the UNHCR, undocumented Afghans were registered for the Afghan Citizen Cards (ACCs) so they could get legal protection from arbitrary arrests, detention or deportation under Pakistan's Foreigners Act. Afghans with ACCs would be allowed to stay in Pakistan until they could be issued documents, such as passports, by the government of Afghanistan.

According to the International Organisation for Migration (IoM), around 878,604 applications for ACCs were received by 24 May 2018.

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. As a result, 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.

Newly-elected Prime Minister Imran Khan announced in September 2018 that children of Afghan and Bengali refugees born in Pakistan should be granted Pakistani citizenship. His statement came in the context of a speech regarding the security situation in Karachi, in which he implied that people without citizenship and hence with fewer rights were likely to indulge in crime (in a later debate in the Parliament he also said that refugees deserve humane treatment).



Imran Khan initially announced that children of Afghan and Bengali refugees would be given Pakistani nationality, but later clarified that he only meant to initiate debate on this issue

While his announcement was welcomed by many, it also met with strong opposition including a call to attention notice in Parliament, issued jointly by opposition party PPP and one of the government allies, the Balochistan National Party (BNP). Days later, it was clarified that the PTI government intention was 'just to initiate a debate' on the reform. It remains to be seen whether this issue will be debated and resolved.

Push and pull factors

There were multiple reasons for the steep decline in the numbers of Afghan refugees willing to return to their homeland in 2018 as compared to 2016 and 2017. The most significant 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.

The UNHCR recorded a total of 14,017 Afghans who were facilitated for voluntary repatriation to Afghanistan as of 1 December 2018, via two voluntary repatriation centres in Quetta, Balochistan and Nowshera, Khyber Pakhtunkhwa.

According to the UNHCR, the main push factors influencing the return of Afghan refugees to Afghanistan from Pakistan in 2018 were strict border entry requirements (42%), loss of livelihood (12%), denial of access to services (8%), and uncertainty related to the PoR cards extension (5%). The main pull factors towards Afghanistan were reunion with family/relatives in Afghanistan for 80 percent of the respondents, employment opportunities for 9 percent, no longer having the fear of persecution for 3 percent, returning home for 2 percent, and the UNHCR assistance package for another 2 percent. This was based on 2,912 head of household interviews by the UNHCR at the Voluntary Return Centres in Pakistan.

The UNHCR also interviewed 1,290 newly arrived refugees in Afghanistan from Pakistan. Of these, 37 percent said they left because of no employment opportunities in Pakistan, whereas 24 percent said it was due to strict border entry requirements. Ten percent of the newly returned refugees cited the high cost of living in Pakistan as the reason for leaving, whereas 6 percent said it was due to uncertainty related to the PoR cards extension. It is likely that for most refugees it was a mix of several factors that led to the decision to repatriate to Afghanistan.

Internal displacement

As in a few previous years, the displacement of the population due to conflict and military operations, especially in the erstwhile FATA, now the western districts of Khyber Pakhtunkhwa, continued to be an issue of concern in 2018. 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 a sizable number of IDPs who are yet to return.

According to the FATA Disaster Management Authority (FDMA), as of 19 December 2018, 322,915 verified IDPs, and around 217,143 unregistered/non-verified IDPs have returned to their places of origin in the erstwhile FATA. FDMA estimates that around 16,136 IDP families are yet to return. The majority of the IDPs who have returned this year were from North Waziristan tribal district, followed by the tribal districts of Khyber, South Waziristan, Orakzai, and Kurram. The remaining IDPs yet to return belong to the North Waziristan tribal district (15,017) and Khyber tribal district (1,119), according to FDMA data.

Independent analysts, HRCP monitors on the ground, and organisations working with the IDPs say 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 Rs25,000 for immediate needs, Rs10,000 for transport, and up to Rs400,000 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 Rs24.5 billion in the budget for 2018-19 for the development of FATA before it was merged into the Khyber Pakhtunkhwa province. However, at the end of 2018 it was reported that the federal government had decided to cut the annual development programme for erstwhile FATA districts by 20 percent to Rs20.4 billion. It was further reported that due to legal and administrative issues arising from the merger of FATA and Khyber Pakhtunkhwa, disbursement and allocation of funds had been affected. This has an impact on the returning internally displaced persons (IDPs), especially since the spending on health and education has also reduced as compared to previous years.

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.



Hundreds of families that have returned to Kurram Agency after the military operation still await compensation promised by the government

Reports from Kurram Agency also suggest that hundreds of families that have returned after the military operation still await compensation as promised by the government owing to delays in survey of damaged houses by the Reconstruction and Rehabilitation Unit (RRU). The previous government had launched the Citizen Loss Compensation Programme (CLCP) to compensate people of the erstwhile FATA, with Rs400,000 being offered for a fully damaged house and Rs160,000 for partially damaged houses in the tribal districts. It was reported that 3,625 families had received compensation for fully damaged houses, and 1,847 families for partially damaged shelters, but the remaining repatriated families still await compensation.

The FDMA announced in November 2018 that it would pay all the cash grants that were pending due to the 2016 policy of a specified time frame in which families had to claim the grant of Rs10,000 for transportation, and Rs35,000 for emergency spending soon after their return. Further, it was announced that over 200 blocked SIM cards of displaced families would be reactivated. This is noteworthy since it is through SIM cards that the grants are being disbursed to affected families.

Further, it was reported in December 2018 that the FDMA disbursed a three-month financial aid package of Rs520 million for the 15,200 families of IDPs from North Waziristan tribal district that were currently living in the Bakakhel IDP camp in Bannu to equip them to deal with the harsh winter conditions. This happened after months of protests by the IDPs in the camp against non-provision of promised financial aid.

The residents of the tribal districts 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 the requisite attention to their problems.

Security concerns

While the government has been declaring that militant networks have been cleared from most of the areas in all the tribal districts of Khyber Pakhtunkhwa (erstwhile FATA) after several military operations over the years, security concerns continued to prevail throughout the erstwhile FATA.

Incidents of attacks by militants were reported from almost all of the tribal districts throughout 2018, but showed a 17 percent decrease in terrorism incidents and a 20 percent decrease in counter terrorism incidents compared to 2017, according to the FATA research centre.

The North Waziristan tribal district, in particular, suffered the most from such attacks, numbering 58, followed by 21 in Bajaur, 18 in Khyber, 16 in South Waziristan, 7 in Mohmand, 5 in Kurram, and 3 in Orakzai, according to data compiled by the FATA Research Centre in the Khyber Pakhtunkhwa Tribal Districts Annual Security Report 2018.

Throughout the year, curfews were also imposed in all of the agencies at various times for different durations. The frequent 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 tribal districts.

After youth protests by the Pashtun Tahafuz Movement (PTM) against the high number of check points in Waziristan, the Pakistan Army announced in April 2018 that check points would be scaled down and the concerns of locals addressed.

Restrictions on movement had made it difficult for locals to rebuild their lives in their native areas where access to education, employment, and business opportunities remained very limited. Returning residents of Waziristan had been issued with special identification cards called 'Watan Cards' but, as announced by the district administration in December 2018, as of 1 January 2019 people entering North Waziristan only needed their CNICs to enter and did not require registration or



Returning Waziristan residents were issued with special identification cards called 'Watan Cards'

permission in advance.

The former Prime Minister inaugurated the newly reconstructed Miranshah market in April 2018, saying that the rehabilitation of temporarily displaced persons (TDPs) and the socio-economic uplift of (erstwhile) FATA was a priority for the government, but recent protests by tradesmen demanded fair distribution of shops in the 1,300-shop market.

A ground military operation was launched in May 2018 in the Mir Ali and Land Mohammadkhel areas of North Waziristan, including a curfew in the area.

In June 2018, it was reported that the military had launched an operation in the Ladha region of South Waziristan under the broader Operation Raddul Fasad based on intelligence reports that militants had entered the area along with returning IDPs, and six 'suspected terrorists' were killed.

A military operation in the North Waziristan tribal district was also reported in September 2018 along with a curfew.

At the same time, there were 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. Government officials denied any such activity, but locals and local media continued to report incidents involving the peace committee taking control of areas and terrorising locals.

On 3 June 2018, local Taliban militants were reported to have killed two activists of the Pashtun Tahafuz Movement (PTM) and injuring 25 others in the Wana area of South Waziristan district.

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 UNHCR, 3,937 Pakistani refugees had been newly registered in Khost and Paktika provinces in Afghanistan, and the total number of Pakistani refugees in Afghanistan was 75,121 as of 30 September 2018.

In September 2018, it was reported that several Pakistani families that had migrated to Afghanistan due to the military operations in North Waziristan were unable to return because of closure of movement across the Ghulam Khan and Angoor Adda border crossings from both sides of the border.

The FDMA had set 30 April 2018 as the deadline for repatriation of around 1,500 families from Afghanistan back to the North Waziristan Agency. The FDMA spokesperson was quoted as saying that his organisation could not do much to get the families to cross the border since they were on the other side.

In October 2018, displaced tribesmen from North Waziristan who had returned from Afghanistan did the traditional Waziri Atan dance outside the Governor's House in Peshawar in order to get the government's attention. They were protesting the government's inability to repatriate the rest of the families still in Afghanistan. They also wanted the government to unblock their funds, as the government was supposed

to transfer Rs12,000 to each family when it was displaced and after their area was denotified i.e. cleared for return. However, the issue arose when the families returned to find their houses damaged and, since they had no place to stay, they had to leave again. For such families, compensation would be provided once two tribal elders had verified their displacement, which then had to be countersigned by the deputy commissioner's office.



Displaced tribesmen from North Waziristan performed the traditional Waziri Atan dance outside the Governor's House in Peshawar to get the government's attention.

According to the FDMA, approximately 6,664 families of Pakistani refugees from Khost, Afghanistan were repatriated to tribal districts of Pakistan, and 2,773 families remain 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.

Another perspective

Sometimes even the direst of situations can have unexpected consequences. It was reported that the lifestyle of Tirah Valley residents had undergone a drastic change during their five years of displacement while militants were cleared from this area in the Khyber tribal district. Having been exposed to urban life and modern facilities, the residents now had solar panels and televisions installed in their homes and

womenfolk were allowed to watch and learn from the programmes. Both hygiene and eating habits had improved, and even the design of their houses had been changed to reduce the size of rooms and make them easier to keep warm without so much dependency on local forests for firewood.

Predicament of stranded Pakistanis

Around a quarter of a million Pakistanis remain stranded in Bangladesh since 1971, a community of Biharis who opposed separation from the western part of the country at the time. 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 retain 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 2018 in Pakistan to find a solution to the continuing predicament of these stranded Pakistanis.

On the other hand, Biharis in Pakistan, most of whom are in Karachi, have been facing issues related to their identity documents. According to a news report in December 2018, the National Database and Registration Authority (NADRA) has blocked or refused to renew Computerised National Identity Cards (CNICs) of Biharis in Karachi.

After the independence of Bangladesh, the Pakistani government repatriated around 170,000 Biharis back to Pakistan in three phases between 1972 and 1992 and, according to the report, only those who arrived in 1974 under the repatriation agreement had repatriation certificates, and others who came in the 1980s were not given such a document. Not having active CNICs, Biharis in Pakistan are denied job opportunities, are unable to purchase property, or buy and register cars, and cannot open bank accounts.

Recommendations

- Find durable solutions for the Afghan refugees with assistance from the UNCHR and, in collaboration with Afghanistan and the international community, ensure that all returns from Pakistan to Afghanistan are, without exception, voluntary and according to the international norms for repatriation.
- Sign the 1951 Refugee Convention and the 1967 protocol which outlines laws for dealing with refugees in the country.
- Incorporate UN Guiding Principles on Internal Displacement into domestic policy and law to avoid the reliance on ad hoc measures.

Aim to prevent internal displacement in the first place and, where unpreventable, make mitigation of its impact a priority.

- Involve and consult with IDPs, particularly the most vulnerable of the IDP population, before making any decisions on restoring the infrastructures in their native areas.
- Immediately address the issue of stranded Pakistanis in Bangladesh and take into account the wishes of the stateless Pakistanis. Repatriate as soon as possible those among them who wish to be citizens of Pakistan.
- Consider the issue of blocked CNICs of internally displaced persons (IDPs) from the tribal districts, as well as Biharis, on an urgent basis.

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

Pakistan's challenges to ensuring the right to education at all levels increased further in the year 2018. Efforts in the right direction fell short of what was needed, and raised serious concerns about the provision of education as a fundamental right and the ground to be made up to meet the Sustainable Development Goals of 2030.

At the level of school education, a report said that the number of out-of-school children had risen from 22.63 to 22.84 million. Another report spoke of a promising trend as the children between the ages of six and 16 enrolled in schools had risen from 81 percent in 2016 to 83 percent in 2018.

Public authorities have been able to make some gains in provision of physical infrastructure, but a lot still needs to be done to ensure equitable distribution of gains among provinces and within them. An overwhelming majority of schools in Balochistan and Azad Jammu and Kashmir still lack key facilities such as electricity, drinking water, and toilets.

Learning outcomes continue to be a cause for concern. Several reports published in the year show the mammoth nature of the challenge at

the primary and middle school levels where the foundation is laid for critical thinking and analytical reasoning skills.

The year also exposed a deeper crisis of commodification of education in the country. While elite schools remained the focus in the media as the issue of tuition fee hikes was taken up by the Supreme Court of Pakistan, the crisis of privatisation is worse at lower tiers where schools are operating without proper facilities and teaching resources.



Parents protesting against private school owners for charging exorbitant fees

The higher education sector presents a similar picture of neglect. The change of government led to the funding for the Higher Education Commission being slashed by around Rs5 billion, as Rs35.8 billion allocated for the HEC was revised to Rs30 billion in a mid-term budget released in October.

Protests and strikes were reported from across university campuses over tuition fee hikes, lack of issuance of degrees, or failure on the part of the administration to secure recognition with relevant professional bodies. Teaching staff also remained at loggerheads with the administrations over lack of service structure and a controversial education bill in Sindh.

A key issue affecting the right to higher education of women was highlighted in media reports on the lack of attention to what seems to be a high incidence of sexual harassment on campuses. A detailed report

in the news showed that the administration at a major public-sector university was not even aware of the law and was, therefore, enabling perpetuation of predatory practices targeting women students.

Literacy

The official data on literacy and numeracy skills has not been updated since 2016-17 when a two-percent drop was recorded in adult literacy from 60 to 58 percent. The UN Global Education Monitoring (GEM) Report also uses this figure. Literacy among the youth age group is higher at 70 percent.

Public spending on education

Though there has been a slight improvement in the share of the education sector in public expenditure, Pakistan continues to lag behind international standards as well as regional averages. According to the GEM Report for 2019, Pakistan has increased spending on education both as a percentage of its Gross Domestic Product (from 2.6% in 2017 to 2.8% in 2018) and of total public expenditure (from 13.2% in 2017 to 13.8% in 2018). However, to put these gains into perspective, it should be noted that the 2018 education spending figures for the South Asian region were 3.8% as a percentage of GDP and 14.5% as a percentage of total expenditure.

The levels recommended by the United Nations under its 2030 Education Framework are 4-6% (GDP share) and 15-20 (share of total expenditure).

Enrolment and retention – gender, regional, and income gaps

The lack of adequate budgetary allocation was reflected in education indicators, the most alarming of which remained the number of out-of-school children. According to the Pakistan Education Statistics 2016-17 released in July by the Academy of Educational Planning and Management (AEPAM)—a subsidiary of the federal education ministry—the number had increased from 22.63 million to 22.84 million.

Education statistics released in 2018 highlight several important areas where policy makers will need to work to ensure universal schooling for children aged 5-16 years.

Firstly, the overwhelming majority of out-of-school children, around 17 million, are in the age bracket for middle (grades 6-8), secondary (grades 9 and 10), and higher-secondary (10-11) levels.

Secondly, girls constitute the majority of the out-of-school children. The gender-wise breakdown of the 22.84 million figure showed that around 12 million of these are girls and around 10 million boys.

Thirdly, more than half of the out-of-school children (57 percent) come from the poorest households, according to Alif Ailaan, an education

advocacy campaign. The more recent Annual Status of Education Report (ASER) 2018 released by the NGO Idara-e-Taleem-o-Aagahi says that 54% of the poorest girls are out-of-school compared to 17% of the richest girls not going to school, and highlights a 21% enrolment gap between poorest girls and poorest boys.

An improvement in school enrolment rates was observed in the ASER report – 83 percent of children aged 6-16 years as compared to 81 percent in 2016. Gilgit-Baltistan and Islamabad-ICT had the highest numbers enrolled at 91% each, followed by Punjab (89%), Khyber Pakhtunkhwa (87%), Sindh (86%), with Balochistan and the newly merged tribal districts at 72%. AJK had 95% enrolment.

In the 3-5 age bracket, 37 percent of children aged 3-5 were enrolled in 2018, compared to 36 percent in 2016.

These small but promising gains still need to be met with a corresponding improvement in the quality of education offered. Being in school does not necessarily equate to learning in school.

Qualitative measures: student learning, teaching quality

Much is to be desired when it comes to qualitative indicators of education attainment in the country. Based on a nationally representative learning assessment, GEM 2019 showed that just about half of the pupils attain minimum proficiency in reading and mathematics by the end of the primary level.

However, it is encouraging that assessing learning outcomes at primary and middle levels of schooling is gradually becoming institutionalised in the country. The latest such assessment—the National Assessment Test—was carried out in public as well as private schools under the aegis of the National Education Assessment System (NEAS) across the country in the 2016-17 academic year. Fourth graders were tested for mathematics and Urdu reading and writing and eighth graders for science and English reading and writing skills.

According to Alif Ailaan's education report, fourth graders in the Punjab, Sindh, and Islamabad Capital Territory (ICT) scored higher than the national average in the 2016 assessment. In eighth grade, the Punjab is the only unit with scores higher than the national average in all three assessments. ICT, Azad Jammu and Kashmir, Balochistan and Gilgit-Baltistan have scores higher than the national average in one of the English assessments.

While Sindh seems unable to maintain its gains in the primary level all the way to middle schooling, a positive development noted by Alif Ailaan is the institutionalisation of learning assessments at the provincial level. The province started conducting a Sindh Assessment Test (SAT), with

external audits, for fifth and eighth graders in 2013 and has continued the practice every year up until 2018.

Of the other two provinces, Khyber Pakhtunkhwa (KP) has also started externally administered assessments, with the first such exercise held in 2018 showing that only half of the pre-primary level students could pass the test. In Balochistan, the Alif Ailaan report notes improvements insofar as legislation and setting up of institutions is concerned. However implementation, including that of learning assessments, remains poor.

The report notes that assessments conducted by the provincial education department encourages 'rote learning and test memory rather than conceptual clarity and understanding'.

Importantly, the National Assessment Test 2016 report noted that a countrywide initiative (excluding Punjab) under which supplementary readers were provided to students in the last three years seems to have made little impact on reading and writing skills.

The ASER report 2018 registered an improvement in learning levels. Fifty-two percent of fifth graders across provinces could read sentences in English, compared to 46% in 2016, with Sindh still at the bottom of the league at only 25%. Fifty-six percent could read a story in Urdu, Sindhi or Pashto compared to 52% in 2016, with AJK, ICT and the Punjab leading, while Sindh at (43%) had been overtaken by the newly merged tribal districts (46%) who had previously come last.

Teaching quality: The quality of teaching imparted to the students is crucial to the learning experience, and reports published in 2018 highlight that there have been some achievements in improving teaching quality and identifying areas where there is still great room for improvement.

A positive change noted in the Alif Ailaan reports is that all four provinces have instituted a merit-based recruitment policy for teachers. The National Testing Service (NTS) exams are used to assess and shortlist school teachers. However, the promotions policy is still tied only to the seniority of the teaching staff and does not incentivise performance.

Similarly, the NAT report identified a mismatch between teachers' academic and professional qualifications and grades assigned to them. For instance, it found that most of the teaching staff at the primary and middle level was over-qualified, having settled for school teaching because of lack of other opportunities. The report posited that these personnel were unlikely to take the profession very seriously unless their pay scales were improved and a service structure framed for them.

Measures to improve quality also need to factor in the strength of teaching staff at various levels of schools. In this regard, an alarming statistic surfaced in the Pakistan Education Statistics 2016-17 report

concerning teaching staff at primary schools. The report showed that about 57 percent of the primary schools had no more than two teachers. There was only one teacher for all classes in about 44 percent of these schools.

School infrastructure

Though much progress has been made in provision of physical infrastructure at schools across the country, according to the Alif Ailaan province report, a look at specific statistics reveals the need to continue on the trajectory to ensure a conducive environment for learning.



A large number of schools in rural areas still operate without a proper building

The Pakistan Education Statistics report released in 2018 states that 7.5 percent of schools across the country, most located in rural areas, still operate without a building. Additionally, about 9.5 percent of school buildings are temporary, made of *katcha* materials (mud, dry-grass, etc). The report shows that a little over 30 percent of the schools still lack electricity, drinking water, and toilet facilities, with the crisis most severe in Balochistan where almost three-fourths of the schools are without electricity, 40 percent without drinking water, and 64 percent without toilets.

The ASER report says 32 percent of government schools do not have useable water facilities, 42 percent have no toilet facilities, and 30 percent have no boundary walls. Eleven percent of private schools have no useable water, 13 percent no toilet facilities, and 20 percent are without

boundary walls.

Curriculum

The GEM Reports assess national curriculum of all member states in terms of inclusion of material on human rights, gender equality, sustainable development, and global citizenship. The 2019 report found no progressive change in the national curriculum of Pakistan over the previous year. The degree of inclusion of content promoting gender equality, sustainable development, and global citizenship remained low, and the degree of inclusion of content on human rights was found to be high, similar to the assessment the previous year.

No major initiative was witnessed on curriculum reforms. The only significant initiative of the outgoing government of the Pakistan Muslim League-Nawaz (PML-N), under which schools' curriculum was upgraded, remained limited to the federal capital.

In November, the Pakistan Tehreek-e-Insaf (PTI) government announced the setting up of a National Curriculum Council. The purpose of the Council will be to work towards the introduction of a standardised curriculum in schools across the country. No progress was made in the establishment of the Council by the end of the year. Similar announcements were made by earlier governments as well, but were not followed up with requisite actions.

School security

The GEM report included Pakistan among countries heavily affected by attacks on education facilities, or use of such facilities by military personnel.

The report also highlighted the plight of women teachers in the militancy-hit regions in the former Federally Administered Tribal Areas (FATA) and Balochistan. Based on a series of interviews with women teachers displaced from these areas, the report found that they were reluctant to return out of fear for their safety.

The year 2018 witnessed several incidents where schools were attacked by militants. The major such attack was reported from the Diamer district of Gilgit-Baltistan where militants torched 12 schools, mostly for girls. Other incidents reported during the year were from the Tirah area of the Khyber tribal district, Chitral district of Khyber Pakhtunkhwa, and Pishin district of Balochistan.

In a note issued in the wake of the G-B schools attack, the Human Rights Watch (HRW) highlighted that schools had been at the frontline of Pakistan's war against militancy at least since 2004 when nine schools were burned down in the Diamer district. The HRW stressed the need for the federal government to take responsibility for the security of

educational institutions, noting that the government could not simply pass it on to provinces and school administrations.

These concerns were borne out by the only security audit conducted for schools in 2018. The audit, restricted only to A+ category schools (with 500+ enrolment or foreign ownership) in the Punjab province, found serious loopholes in security measures.

Corporal punishment

In its country report on Pakistan, released in December 2018, the Global Initiative Against Corporal Punishment pointed out the need to amend a controversial Article (no. 89) of the Pakistan Penal Code which provides a defence of corporal punishment. Article 89 provides legal cover to harmful acts done to children by guardians or those with legal authority (teachers) which may be intended for the former's good.

The Sindh government had already enacted legislation with the Prohibition of Corporal Punishment Act 2016. On the orders of the Lahore High Court (LHC), a notification was issued in January 2018 banning corporal punishment in both government and private schools.

The Peshawar High Court also directed the KP government to take appropriate legislative measures to curb corporal punishment in the province. In response, the Khyber Pakhtunkhwa (KP) cabinet approved a draft Bill in April 2018 to make corporal punishment unlawful in both government-run and private schools. The Bill prescribed a prison term for up to six months or a fine of Rs 50,000, or both, for those violating the law. The Bill now needs to be taken up by the new assembly and passed as law.

Despite the notification and directions from the court, cases continued to be reported throughout the year from the Punjab, KP, and other provinces where children became victims of inexplicable violence meted out by teachers.

A seven-year old child lost his life after being severely beaten by a seminar teacher in the Shalimar area of Lahore in July 2018. In September, a school headmistress at Government Girls Middle School in Sahiwal tortured a young girl for using her toilet. The girl suffered severe injuries and required several stitches to her private organs. The police refused to register a case and asked the father of the victim not to take any action. The same month, a four-year-old was reportedly taken to hospital in Narowal after he was beaten by his teacher. Also in September, the principal of Ali Angel School, Talagang, Chakwal was caught on video brutally beating a child with a stick.

In the previous month a school teacher was also captured on video brutally beating students at a public elementary school in Chitral. Earlier

in May, a video of a teacher at Cadet College Mastung surfaced on social media in which he was captured ruthlessly beating students with a stick.

In a first, a prominent Lahore-based all boys private school catering to upper-income households featured in a social media campaign. The school principal was accused by multiple alumni of the school of promoting a culture of physical punishment in classrooms and on campus.

Regulation of private schools - symptom of a deeper crisis

Though the majority of children still attend public schools across the country, a sizeable number now go to private schools. The ASER report revealed a shift in enrolments to public schools—77% in government schools and 23% in private schools as compared to 74% and 26% in 2016.

Tuition fee hikes: It is clear that public schools (run by provincial education departments) are not meeting the education needs of the populace. However, tuition fee hikes at private establishments has become a key issue of public policy over the last few years. Countrywide protests pushed the provincial governments to promulgate ordinances to regulate private schools' fees. Eventually, the matter proceeded to court and in December, while hearing appeals against decisions of the high courts of Lahore, Sindh, and Peshawar, the Supreme Court of Pakistan issued an interim directive to private schools charging more than Rs5,000 a month for tuition to slash their fees by 20%.

Importantly, the question of law under debate in these court cases did not concern education as a fundamental right (Article 25-A of the Constitution), but the freedom (of private schools) to engage in business (Article 18 of the Constitution). The ruling concerns only a minority of schools catering to the education needs of upper and upper-middle income quantiles. From a rights perspective, the private schools fee regulation issue signifies that the state is not just institutionally incapable of providing education to all children in the 5-16 years bracket; it also does not yet have the political will to approach education as an issue of rights.

Schools location: Owing to a lack of zoning regulations, most of the private schools established in major cities during the booming of the sector in the two last decades ended up located in residential quarters and neighbourhoods. In the year 2018, the issue remained a bone of contention between school administrations and government authorities in Islamabad and Karachi. Following a directive of the Islamabad High Court, the Capital Development Authority sealed such schools in the month of July. Since the action was taken during the summer months and the seals were removed on the orders of the Supreme Court in August, it did not take a toll on educational activities at these schools.

Similarly, schools located in residential quarters in Karachi were notified to either relocate or pay a commercialisation fee. As the year ended, negotiations were still underway between the provincial authorities in Sindh and the CDA in Islamabad to find a way out.

School closures

Schools across the country remained shut and exams were postponed during countrywide riots incited by a far-right religious party in the month of November.

Additionally, strikes by teachers' associations and private schools administrations also affected educational activities in specific areas during the year. School closures were reported from Hyderabad and Mohmand as teachers went on strike over unpaid salaries and lack of service structures. In KP, private schools closed down for several days in protest against a proposed law to regulate the sector.

The case of Afghan refugees

With its focus on migration and displacement, the 2019 GEM Report includes an extensive note on the dismal state of education for children of Afghan refugees in Pakistan. As with national trends in education, female children and adults among Afghan refugees are worse off compared to their male kin in access to literacy and schooling. The literacy rate among women refugees is an abysmal eight percent, compared to 33 percent male refugees. Similarly, the access to primary-level schooling for girl children is far less than for boys with a net enrolment rate of 18 percent against that of 39 percent among boys.

The GEM Report also mentions that most schools catering to Afghan refugees continue to use the Afghan curriculum even though protracted displacement has led to a second generation of refugees growing up in Pakistan. This prevents these youngsters from integrating well into the economic and political structures of the country.

Higher Education - enrolment and spending

In the tertiary education sector, a relatively low and declining enrolment rate remains a persistent theme. At approximately 10 percent, Pakistan's gross enrolment rate compares poorly with most countries in the region. India to our east has a 27 percent higher education enrolment rate, quite close to the world average of 30 percent. Our western neighbour, Iran, has an exceptional rate of 68 percent.

The change of government in the year 2018 affected spending on this crucial sector. The outgoing PML-N government had allocated Rs35.8 billion for development expenditures of the federal Higher Education Commission (HEC). Although the allocation was almost the same as that of the previous year, it was still a step in the right direction given the

actual amount spent during 2017-18 was scaled down to Rs32.9 billion. In its mid-term budget announced in October, the new PTI government slashed funding for the HEC to Rs30 billion.

The missing links of student and teacher wellbeing

Student and teacher-led protests were reported from most prominent public-sector universities in the country, highlighting the dismal state of administrative affairs in the higher education sector.

The issues that triggered protests included tuition fee hikes (University of Peshawar); lack of issuance of degrees or failure on the part of the administration to secure recognition with relevant professional bodies (University of Sargodha Lahore sub-campus and Federal Urdu University pharmacy department); absence of the vice chancellor (University of Engineering and Technology at Taxila); and alleged misuse of the vice chancellor's office at Quaid-e-Azam University (QAU).

The removal of the vice chancellor of Lahore-based Information Technology University set up by the previous provincial administration left students and research in the lurch. By the end of the year, the university was unable to renew contracts of at least 90 researchers as a full-time VC had yet to be appointed.

Throughout the year, teachers at the largest public sector higher learning institute of Sindh, Karachi University, remained at loggerheads with the provincial government over delayed payment of salaries and lack of a service structure. Strikes and boycott of classes were held in May and August.

Another issue of significance that triggered protests at KU was a controversial amendment to the Universities Act of 1973. After a protracted protest, the government agreed to meet some demands of the teachers' associations such as keeping the final authority over admissions policy with the academic council. However, a faction of protesting teachers remained opposed to the Bill on the grounds that it had paved the way for government interference in academic affairs by tilting the balance of power in the university syndicate in favour of members nominated by the chief minister. This faction also opposed the removal of a clause related to student representation on the syndicate.

Academic staff at degree colleges across the Punjab also held protests over lack of a service structure.

Two issues that highlighted the lack of a caring and conducive learning environment in the outgoing year were, first, widespread sexual harassment on campuses and, second, multiple reports of student suicides. Harassment incidents were reported from leading public and private universities, as complainants emphasised the lack of institutional

mechanisms and the complicity of administrations that resulted in impunity for predators. Suicides were reported over unsatisfactory academic performance from universities in Faisalabad, Chitral, and Peshawar. The apparent suicide of a student at a private university in Lahore was attributed in a social media campaign to depression. The campaign also highlighted the lack of adequate counselling services available at the university campus.

Lack of student representation



Students from prominent universities of Lahore organised a march, demanding the restoration of student unions

Another year passed without any progress on the restoration of student unions across public sector university campuses. In democratic states the world over, student unions serve as platforms giving representation to students in campus governance. In previous years, the issue has been raised in Parliament, with resolutions passed by the Senate and Sindh Assembly in support of union restoration, and the HEC chair has also endorsed abolition of the ban. However, no concrete measures have yet been taken. A direct consequence of the ban has been the strengthening of students' wings of political parties and in 2018, armed clashes between students' groups affected education activities at Quaid-e-Azam University and Punjab University.

In the absence of any representation of students on administrative bodies, the latter act in an increasingly paternalistic manner at our campuses. This is evident in the tendency to act as moral police, particularly affecting female students' rights. In 2018, PU administration cut down by 50 percent a scholarship quota for students from Balochistan instituted in 2012 by the then PML-N government in public universities of the province. The unilateral decision of the PU administration brought

down the annual scholarships from 100 to 53, depriving many deserving students from remote areas of the western province access to higher education.

Recommendations

- Consider a national campaign to improve the literacy rate.
- Improve public spending on education with particular focus on Balochistan, former Federally Administered Tribal Areas, Azad Jammu and Kashmir, and rural Sindh and Punjab.
- Immediately constitute the National Curriculum Council announced by the government with a clearly defined timeline. The academia and the policy and research community must be represented on the Council.
- Improve the quality of government schools to counteract the trend towards the privatisation of education to ensure that the state fulfils its constitutional duty to provide good quality and affordable education to all children.
- Require elite private schools to reserve a reasonable percentage of seats in all classes for children from lower-income households to be filled through a meritocratic framework.
- Conduct a performance audit of the Higher Education Commission, review the commission's current structure, and ensure greater transparency in its proceedings.
- Restore student unions on campuses and make them viable institutions for shared governance with equal representation of women, as well as ethnic and religious minorities.
- Review tuition and other fees charged by public sector institutions to evaluate if all households regardless of their income status can afford higher education for their children.
- Restore the Punjab University scholarship quota for Baloch students. Additionally, universities across the country must initiate scholarships to ease access to higher education for children from lower-income households.
- Address the root causes of the teachers' protests and strikes which concern working conditions and service structures.
- Put in place mechanisms in campuses to take up sexual harassment complaints and to provide counselling services to students suffering from depression or unable to cope with academic responsibilities.
- Ban corporal punishment in all its forms across all provinces through legislative measures.

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)

Ideally, the state is responsible for providing quality and affordable healthcare to its people and is supposed to focus on the preventive aspect of the healthcare system to keep the disease burden low and thus reduce the expenditure on treatment of patients.

The Constitution of Pakistan also terms provision of medical relief to citizens a basic responsibility of the state. The reality is very different. A very small percentage of the population in Pakistan can access public health facilities while others have to depend on the private sector service providers. Treatment at private hospitals is costly and unaffordable for a huge segment of the population. As a result, many people see no alternative but to visit quacks and unqualified medical practitioners which all too often further complicates their health conditions.

The situation is even worse in rural areas where people live far from hospitals and basic healthcare units. Sadly, a large number of such health units are ill-equipped and sometimes even non-functional, so even those who have easier access to them are not served properly.

Pakistan is signatory to the UN's 2030 Sustainable Development Goals, and investment in healthcare facilities and infrastructure forms an essential component of the agenda. It is vital that any austerity

measures and budget cuts do not extend to the already neglected health sector.

Various reports and statistics reveal that the burden of communicable diseases such as tuberculosis, malaria, dengue fever, typhoid, viral hepatitis, cholera, measles and other infections could not be controlled in 2018 while a rising trend of non-communicable diseases—heart disease, stroke, diabetes, hypertension and various types of cancers—was also witnessed.

One major factor for this unsatisfactory situation is that the country's spending on the health sector is still less than one percent of its GDP whereas WHO recommends it should be around 6 percent.

Public health

The quality and coverage of public health is unsatisfactory in Pakistan. On average, the country spends well below half the health spending benchmark (of \$86 per person per year) for low-income countries, according to the World Health Organisation (WHO) estimates.

Due to low coverage, people's dependence on the private sector is high due to which Pakistan is ranked amongst the top countries having the highest percentage of out-of-pocket expenditures. Direct expenses by the individuals on health-related services constitute around 87 percent of private health expenditures.

This is despite the fact that investments in the health sector over the years is said to have shown some improvement in health facilities and healthcare providers. According to the figures mentioned in the Economic Survey of Pakistan 2017-2018, by the year 2017 the number of public sector hospitals had increased to 1,209, with 5,505 basic health units (BHUs), 688 rural health centres (RHCs), 5,654 dispensaries, 727 maternity and child health centres, 431 TB centres, and 126,019 hospital beds. These facilities, together with 208,007 doctors, 20,463 dentists and 103,777 nurses, represent the current ratio of one doctor for 957 persons, and 9,730 persons per dentist, and availability of one hospital bed for 1,500-1,600 people.

The increase in the number of cases of non-communicable diseases is further evidence of how the public health sector has underperformed. The three entirely preventable diseases—diabetes mellitus, cancer, and hypertension—have been the major killers in Pakistan, with rampant cases of infectious diseases such as dengue fever, Congo virus, HIV/AIDS, hepatitis, poliomyelitis and TB adding to the toll.

The multiple nutrition and health-related indicators are also not encouraging. For example, according to the United Nations Food and Agriculture Organisation (FAO) findings, 37.5 million people in



Pakistan's spending on the health sector is still less than one percent of its GDP

Pakistan are not receiving proper nourishment. A recent World Bank report said that 38 percent of children in the country are stunted (see *Children*).

Budget allocations to health

According to a UN report, *Social Outlook for Asia and the Pacific*, Pakistan is among the countries in the Asia-Pacific region that spend the least on social protection, healthcare, and education.

In a general election year, the budget allocations were never likely to be stable, or even fully utilised, given that federal and provincial budgets were only authorised for three months. The federal government announced a full-term budget in May, despite protests that it should only be for three months, and slashed its Public Sector Development Programme (PSDP). Under the PSDP, Rs37bn was allocated for basic health. The newly elected government lost very little time in announcing that tough economic measures were necessary and pledged to introduce major changes to the federal budget 2018-19 to make it 'realistic'.

In October, the Punjab government proposed an allocation of Rs137.91 billion for the health sector for the remaining period of the fiscal year 2018-19. Health insurance programmes would see an increase of 36 percent, and the launch of the Insaf Sehat Card was also announced. The previous provincial government had decided in May not to pass 'the burden of our development works onto the next government' and had not presented a new budget.

The Sindh government in May had reduced the development

component of the health budget by Rs3bn, and allocated a separate Rs5.1bn to deal with malnutrition and stunting. The finance minister said the next government could add new schemes. In October, however, the government announced it was slashing the funding of new development schemes because of financial restraints resulting from a shortfall in federal transfers.

The KP government had earlier declared that an outgoing administration had no mandate to present a budget for 2018-19. Their budget in October for the remainder of the fiscal year set aside Rs78bn for healthcare, including Rs12bn for developmental projects.

Having presented a budget with a deficit of approximately Rs62bn, the Balochistan government allocated just 8.7pc of its revenue to the health sector in May. In October, the finance minister announced a Rs75bn deficit in the current budget and looked to the federal government for assistance. He admitted that, after education, a major allocation had been taken up by the law and order situation, and that had meant spending on health had suffered.

National programmes

After the passage of the 18th amendment to the Constitution of Pakistan and devolution of health as a subject to the provinces, the role of the federal government has become limited. However, it does carry out national programmes and manages projects funded by international donors. The health sector is one area in which coordination between the federal government and the provincial governments is crucial, as the disparities in the funding and provision of vital health services across provinces reveal very different approaches to healthcare.

The Drug Regulatory Authority of Pakistan (DRAP) works under the federal government and regulates the pharmaceutical sector besides fixing medicine prices and granting licenses.

The National Nutrition Programme (NNP) 2017-18 is an important initiative keeping in view the results of a survey initiated by the Nutrition Wing at the federal level. The survey covered 120,000 households and gathered district specific data. It also includes Water, Sanitation and Hygiene (WASH) indicators, and adolescent and childhood obesity. The process is being monitored and supervised through national steering and technical committees for the National Nutrition Survey (NNS).

Furthermore, the deserving are being provided with health services through the Prime Minister's Health Programme. Under this programme 30 lakh families in 41 districts were reported to have

been provided free of cost services in public and private hospitals. This programme offers free of cost health insurance to 3.2 million families (in the Punjab, Balochistan and FATA in its two phases) living below the poverty line of US\$2 per day to access cashless health care services package of 0.3 million rupees per family per year. The beneficiaries can avail facilities in both the public and private sectors through a health card issued by the government.

The federal government has also allocated Rs7.835 billion for the Expanded Programme on Immunisation (EPI). The scope of this programme is being extended to all districts in the country. This programme would help in achieving targets of Sustainable Development Goals and Universal Health Coverage.



The disparities in the funding and provision of vital health services across provinces reveal very different approaches to healthcare.

A National Hepatitis Strategic Framework has been developed together with the provinces to deal with the increasing cases of hepatitis. Prices of hepatitis drugs have been brought to the lowest level and its production in the country is encouraged. Uninterrupted supply of vaccines has been ensured for the vaccination programme for mothers and children, and its storage and distribution systems are ISO certified.

Production of vaccines in the National Institute of Health is said to be to international standards. Keeping in view the necessity of authentic data in policymaking, an international standard dashboard has been

established at the federal level, and the government has decided to undertake an international standard survey after every 2-3 years.

Mental Health

At the end of the year, the Pakistan Association for Mental Health (PAMH) said the country was becoming increasingly 'depressed' and expressed deep concern over the rising incidence of mental disorders, especially in Karachi. According to officials, stress levels were worsening over time, and every fourth house had a mental health problem requiring specialised treatment. The PAMH said that 25 percent of the people with mental disorders suffered from depression, and the number of women with depression was twice that of men. The cited causes of stress included the law and order situation, political instability, and the erratic supplies of necessities such as electricity, water, and gas.

Suicide is the tragic recourse of many people suffering from mental disorders. The alarming suicide rates in the country—HRCP recorded 1,338 (786 men and 552 women) in 2018—gives some indication of how many people are affected who do not have access to psychiatric services of diagnosis, treatment and support. Distressing reports regularly appear in the newspapers. In Sheikhpura in May, Sarfaraz killed his three children before committing suicide after his wife left them. In July, an ASI in Lahore reportedly committed suicide after being refused leave. In September, 26-year-old model Anam Tanoli took her own life in Lahore after hitting out at online bullies. She had reportedly been battling with depression.

There were reports of several student suicides in Khyber Pakhtunkhwa over poor exam results. By mid-November, the number of suicides had reached 43 in Tharparkar alone, and rising suicide rates were reported in Chitral and Gilgit-Baltistan, particularly among students and married women. Although some of these could be attributed to other causes of death, it is clear that poverty, crime, injustice, intolerance, socio-economic, and family pressures are taking a drastic toll on the more vulnerable.

Pakistan signed up to the World Health Organisation's comprehensive mental health action plan (2013-2020), adopted by the 66th World Health Assembly. The principle of human rights is deeply embedded in the plan, but there is no evidence that Pakistan has developed a coordinated national strategy to achieve the objectives.

Sindh passed a Mental Health Act in 2013, but failed to form a Mental Health Authority until October 2017. In May 2018, the Sindh High Court heard a petition for the proper implementation of the 2013 Act as well as the Sindh Mental Health Rules 2014. The chairman of the

Authority told the court that he had time and again approached the authorities for funds but none had been forthcoming. The court directed the chief secretary to immediately look into the matter to ensure that the summary for the allocation of funds was approved within seven days. By the end of the year, no action was evident.

The Punjab passed its own Act in 2014 and authority was given in December 2016 to set up a Mental Health Authority. In October 2017, the Minister for Specialised Healthcare and Medical Education said the Authority would be activated. Again, no progress has been made.

The KP government finally passed its Mental Health Act in 2017, establishing a Mental Health Authority, which has apparently yet to be constituted.

Malnutrition (See also *Children*)



Food insecurity is said to be one of the greatest challenges faced by Pakistan

The Ministry of Planning Development and Reform with support from the World Food Programme (WFP) launched the Pakistan Multi-Sectoral Nutrition Strategy 2018-25 (PMNS) in May 2018 to address the nutrition crisis in the country.

Food insecurity is said to be one of the greatest challenges faced by Pakistan and the overall prevalence of undernourishment is estimated

to be about 18% of the entire population. Factors contributing to undernourishment are given as poverty, the low literacy rate, lack of decision-making power given to women, inadequate living conditions, and poor access to healthcare facilities. However, there are disparities across provinces and the reasons need to be identified and addressed. For example, undernourishment tends to be greater in regions more at risk from climate extremes which affect agricultural production, resulting in less food for people to eat.

A recent official report, *'The Economic Consequences of Under Nutrition in Pakistan: An Assessment of Losses'*, linked malnutrition with the economy. The report was prepared by the Pakistan Scaling Up Nutrition (SUN) Secretariat, in collaboration with the United Nations World Food Programme (WFP).

According to the report, the deaths of more than 177,000 children annually in Pakistan before their fifth birthday is due to them or their mothers being afflicted with malnutrition. This translates into the loss of future generations of the workforce and a cost to Pakistan of an estimated US\$2.24 billion per year – more than two-thirds of Pakistan's children suffering from anaemia, iodine deficiencies, or stunting will suffer deficits in mental and physical health, resulting in lower school performance and lower productivity as adults.

Dengue

The three provinces where the dengue virus is rampant and responsible for sporadic outbreaks are KP, the Punjab and Sindh. In 2018, a total 2,088 dengue positive cases were reported across the Sindh province while two people died. In Rawalpindi, as many as 421 dengue patients were admitted to hospitals during the year, including five in December.

The departments concerned focused throughout the year on drives to locate dengue larvae, observe cleanliness, carry out fumigation at different places, and ensure water was not stored in open containers or left to accumulate in open spaces.

The National Institute of Health (NIH), Ministry of Health Services, recently launched an Android-based app called Mosquitoes Alert in Pakistan to help people learn about the types of mosquitoes in their area and the types of diseases they cause. The institute has also established well-equipped Disease Surveillance and Response Units (DSRUs) in provinces for the prevention and control of dengue.

The NIH has also prepared a Dengue National Action Plan and shared it with the provinces for implementation. Provincial governments are implementing measures for vector surveillance and control which needs to be enhanced during the high transmission season.

Polio

This year 10 cases of wild poliovirus were reported in the country including three from Dukki district in Balochistan, one from Charsadda in Khyber Pakhtunkhwa and one from Gadap, Karachi, one from Khyber and two cases from Bajaur tribal districts in Khyber Pakhtunkhwa.

One poliovirus case each was discovered in Lakki Marwat district in KP and Bajaur Agency in the erstwhile FATA in December 2018. Positive results of environmental samples in Rawalpindi were, according to the Rawalpindi Division Commissioner, due to the continued movement of Afghan refugees in Rawalpindi and he urged officials to particularly focus on the vaccination of Pakhtun children. Twenty-one cases of poliovirus had been reported in Afghanistan.

An immunisation campaign against polio was launched on 10 December 2018. A total of 270,000 frontline workers went door to door across all provinces and towns to ensure more than 38.7 million children under the age of five received two drops of the vaccine. Government sources said the major challenges to the eradication of poliovirus from the country was the resistance from parents.

Swine flu

The first case of influenza H1N1, commonly known as swine flu, of the season that spans over the months of December and January was reported in the Benazir Bhutto Hospital (BBH) on 24 December 2018. The patient died before the report confirming the diagnosis arrived from the National Institute of Health (NIH).

The main problem is that people cannot differentiate between common flu and swine flu and only seek medical treatment when their condition has significantly deteriorated. Prevention by vaccination is the best, but it cannot be provided to everyone due to cost and dependence on imported vaccines.

Hepatitis

Pakistan has set a target of eliminating hepatitis B and C from the country by 2030 which seems an unrealistic target, given that there are millions of patients who are still undiagnosed and are spreading these infections to other people.

Reports released by national entities and the World Health Organisation (WHO), estimate that Pakistan, a country with a population of 200 million, has five million (2.5 percent) hepatitis B and 10 million (5 percent) hepatitis C patients. Pakistan needs 10,000 liver transplants every year. WHO points out that about 50,000 people in Pakistan die annually from hepatitis B and C related liver disease. The

Punjab has the most cases followed by Sindh, Khyber Pakhtunkhwa and Balochistan.

The Pakistan Health Research Council, under the Ministry of National Health Services, Regulation and Coordination, is coordinating the hepatitis response at federal and provincial level, through a 'Technical Advisory Group'. Additionally, the private sector is also playing a significant role in hepatitis treatment. Awareness about active screening and testing against hepatitis C is vital so that people can seek timely treatment.

Diabetes

One in every four persons aged 20 years and above is said to suffer from diabetes, which represents a massive increase from 8.7 percent in 1994-98 to 26.3 percent in 2016-17. This was revealed in the second National Diabetes Survey of Pakistan (NDSP) 2016-17, released in July 2018 by the Baqai Institute of Diabetology and Endocrinology (BIDE) in collaboration with the Health Ministry, Pakistan Health Research Council, and the WHO-funded Diabetic Association of Pakistan.

It was reported in September that Denmark would be helping the Punjab government to organise a diabetes awareness programme, having already successfully run a similar one in Khyber Pakhtunkhwa.

Thalassaemia

Thalassaemia, a genetic disorder, is on the increase in Pakistan where lack of knowledge and ignorance continues to complicate the problem. Thalassaemia affects the red blood cells and ultimately makes the patient blood-transfusion dependent for the rest of their life. Around 6,000 children are estimated to be born every year with the deadly disease of Thalassaemia major.

Thalassaemia is an inherited disease and can be passed on to a child from a parent who is a carrier. For this reason, there is an ever-increasing demand to make pre-marital screening for this disease compulsory.

Recently, the Punjab Health Department opened a discussion on a proposed Thalassaemia Bill, under which males would have to undergo testing for their Thalassaemia status before their marriage. If a male is diagnosed as Thalassaemia minor, the would-be spouse would also have to undergo screening.

Under the Bill, a couple with the Thalassaemia gene in one individual could marry but if both are carriers, then they would be advised to conduct a pre-natal test during the initial stage of pregnancy to avoid the birth of a Thalassaemia child.



Thalassaemia affects the red blood cells and ultimately makes the patient blood-transfusion dependent for the rest of their life

Amendments to the current Nikahnama have also been proposed in the draft Thalassaemia Bill 2018.

Malaria

According to estimates, nearly 50,000 deaths in Pakistan can be attributed to malaria and co-morbidities every year but its prevention, diagnosis and treatment along with recording of data are still not being given due attention both at the federal and provincial levels.

The World Health Organisation complained about challenges in the fight against malaria in Pakistan, especially in erstwhile FATA and Balochistan, where 80 percent of the nationwide mosquito-borne disease incidence is reported. Malaria is the second most prevalent and devastating disease of the country as approximately 60 percent of the population lives in areas where the disease is endemic—Balochistan, Khyber Pakhtunkhwa (including the tribal districts of FATA) and Sindh.

Pakistan has secured grants worth US\$39.2 million to implement malaria control intervention in 66 districts of Pakistan under a New Funding Request of the Global Fund.

District health department teams across the country have been carrying out activities in the field to fight malaria which are almost the same as needed to avoid dengue fever outbreaks, particularly regarding vector control and mosquitoes.

Tuberculosis

Tuberculosis (TB) continues to be the top infectious killer worldwide, claiming over 4,500 lives a day. Pakistan, with 267 cases per 100,000 population, is ranked 5th amongst eight countries on WHO's list of high TB burden countries accounting for two-thirds of the world's cases. Pakistan also has to position itself to tackle the emerging threat of Multi-Drug Resistant (MDR) TB and already has an estimated 27,000 cases of that strain.

The WHO Global Tuberculosis Report 2018 (2017 figures) show that 525,000 people were affected by TB—359,224 cases notified and 165,776 people not notified or not diagnosed. These comprised 291,000 males, 235,000 females, and 57,000 children. A total of 56,000 people died of the disease, including 2,200 infected with HIV. The majority of cases were attributed to undernourishment.

So far, the National TB Control Programme (NTP) claims to have achieved over 80 percent Directly Observed Treatment System (DOTS) coverage in the public sector and provided care to more than half a million TB patients. However, under DOTS, the patient is directly observed by a healthcare visitor in taking treatment and there is doubt over whether the management of public sector hospitals have properly implemented this.

According to WHO, the national TB budget for 2018 was US\$118 million (3% domestic, 54% international, 43% unfunded). The Global Fund for HIV, TB & Malaria provided 70 percent of medicines.

HIV/AIDS

A report submitted by the NHS ministry in the Supreme Court in October stated that 60,000 people in the Punjab had AIDS, 52,000 in Sindh, and 17,000 each in Khyber Pakhtunkhwa and Islamabad. The data was prepared for a suo motu case on the high rate of HIV/AIDS in Jalalpur Jattan which, according to the report, had 130 people with the disease.

The National AIDS Control Programme (NACP) said that nearly 150,000 people were living with HIV in Pakistan, out of which 25,000 people were registered with NACP while a large number of patients were receiving treatment from NACP centres.

However, officials said that the majority of cases go unreported due to social taboos about sex and the victims' fears of discrimination. Official estimates show that Pakistan has seen a 45 percent increase in new HIV infections since 2010. WHO said that Pakistan was registering approximately 20,000 new HIV infections annually, the highest rate of increase among all countries in the region, adding that mortality among

Pakistanis living with the virus, which causes the deadly AIDS disease, is also rising, in spite of the availability of lifesaving antiretroviral therapy.

According to a government report, certain parts of the Punjab, including Lahore, Dera Ghazi Khan, Multan, Rawalpindi, Gujrat, Faisalabad, and Sargodha are among the vulnerable areas. Towards the beginning of the year, an outbreak of HIV/AIDs in a small village in the Sargodha area caused alarm—35 cases were confirmed out of 2,717 tests carried out after elders brought the matter to the attention of the Punjab government.

In November the Sindh AIDS Control Programme (SACP) reported that 22 people had died from HIV/AIDs in the Sindh province during the year, of which 19 were male and the remaining three were female patients. The SACP recorded 2,462 new HIV/AIDs cases at six HIV/AIDs Treatment Centres from January to November and out of them, 2,112 were men, 220 women, 58 transgender persons, 42 boys, and 30 girls.

Also in November, the number of HIV/AIDs patients in Balochistan was reported to have crossed the 5,000 mark, with 231 deaths. The same report mentioned that around 71 prisoners incarcerated in different jails had been found to be infected with HIV/AIDs.

Approximately 50 NGOs, members of the Provincial HIV/AIDs Consortium, are believed to be involved in creating awareness of HIV/AIDs in the public but they are reaching less than 15 percent of the population at risk.

Cancer

A huge number of Pakistanis—1,48,041—are diagnosed with cancer annually, making the country 7th among those with the largest number of patients around the world. According to the Pakistan Health and Research Council, around 148,000 new cancer cases are diagnosed annually in Pakistan. There are insufficient facilities and medical staff to deal with the vast number of people requiring treatment.

There are reportedly 40,000 deaths annually from breast cancer, with one in nine women at risk. Approximately 83,000 new cases are reported every year.

The Chairman of the Pakistan Atomic Energy Commission (PAEC) said 900,000 cancer patients get treatment every year from the 18 hospitals established by PAEC, which received Rs30 billion from the government for upgradation of hospitals and maintenance of equipment.

The health department in Khyber Pakhtunkhwa in September stated that their public/private initiative for free cancer treatment had received

international recognition. The private company spent 90 percent and the government met 10 percent of the total expenditure incurred on the treatment of patients. The initiative had benefited 2,100 people with an 88 percent survival rate at Hayatabad Medical Complex, Peshawar, and had been replicated in Sindh and the Punjab.

Recommendations

- Increase the budgetary allocations for public health from the existing less than one per cent to recommended levels.
- Improve the quality of public health services and make their cost more affordable.
- Regulate the private health sector in the interests of the public.
- Focus on the preventive as much as the curative aspects of diseases.
- Incorporate health awareness programmes and campaigns into health policies.
- Develop screening programmes for different diseases to ensure early detection and treatment.
- Appoint qualified doctors and paramedics at healthcare facilities in rural areas, and offer incentives.
- Adopt a zero-tolerance policy towards quacks who put the lives of innocent people at risk.
- Ensure the availability and uninterrupted supply of medicines in the market, particularly the life-saving ones.

Housing, Land Grabbing and Public Amenities

The state shall secure the well-being of the people, irrespective of sex, caste, creed and race, by raising their standard of living.

Constitution of Pakistan Article 38(a)

Everyone has the right to a standard of living adequate for the health and wellbeing of himself and his family, including ... housing

**Universal Declaration of
Human Rights Article 25 (1)**

The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions...

**International Covenant on Economic, Social
and Cultural Rights Article 11 (1)**

Hundreds of illegal housing societies, scores of real estate businesses, as well as massive encroachments, occupations, land-grabbing, illegalities and irregularities of housing plans occurred in 2018. Informal settlements and grand housing plans in all the large and small towns of Pakistan continued unabated. The real estate mafia did a roaring business at the cost of agricultural lands, recreation facilities, parks, picturesque places, forests, and water bodies. The number of accidents involving both public infrastructure and residences did not decrease. Despite some efforts, graveyards and worship places still remain short of adequate regulation. Although some actions were taken to regulate housing and amenities – anti-encroachment drives and certain legal, administrative, political, and policy measures – much still remains to be done.

A countrywide move to abolish illegal occupation was commenced by the new government, but the corresponding rehabilitation plans for the poor and the small shopkeepers cum vendors, as well as debris removal activities, were slow and disorderly.

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 banning or staying certain trespasses of public lands, housing or residential plans. However, they barely went beyond basic measures. Notifications were issued and many of the housing schemes and societies were declared illegal but implementation remained slow,

ill-planned and very limited.

Despite the new government's campaign for the provision of low-cost housing for the poor, adequate housing arrangements still seem to be a far cry away. With rapid in-migration and urbanisation, the number of required housing units has reached several hundred thousand and rises with every year. Both the government and market have failed to provide suitable and regularised housing for the poor and low-income communities.

Land grabbing

Though some notable efforts were made to stop land grabbing and illegal encroachment, 2018 was not much different from previous years in respect of land grabbing, illegal occupation, encroachment and china cutting. The process continued in both large and small towns but with far more speed and intensity in the bigger cities of the country.

Bahria Town in Karachi now sprawls over more than 30,000 acres in district Malir. Hearing a review petition In June 2018, the Supreme Court of Pakistan asked the National Accountability Bureau (NAB) to suspend all ongoing charges and investigations against the management of Bahria Town, although NAB had already said in May the same year that it had irrefutable evidence of illegal land transfer of land to Bahria. According to the media, NAB was of the opinion that 'no land grab takes place without the collusion of the bureaucracy and the backing of powerful lobbies.'

A video of a brawl between supporters of two ruling party legislators in Karachi went viral on social media while they were flinging allegations against each other of grabbing government land and occupying people's property. The Sindh Anti-Corruption Establishment (ACE) opened an inquiry into mutual allegations of land grabbing and said legal action would be taken against the elements involved in the practice, no matter how influential the alleged culprits.

During a visit to the city, the former Governor Sindh directed authorities to take immediate steps to solve the fundamental problems of citizens. Reportedly, the Governor pledged to take firm notice of the occupation of the cottage industry's land by the land mafia in Baldia Town. Outraged by the inaction, he commanded local police to launch an operation against the people involved, including those occupying land of the cottage industry.

About 31,687 kanals of land belonging to the Board of Revenue, 636 kanals of the Lahore Development Authority (LDA), and 35 acres of land owned by the Forest Department had been encroached upon by land grabbers. Similarly, around 32 buildings and some plots of the

Metropolitan Corporation (MC) fell prey to land grabbers. So much so that the Walled City of Lahore Authority's land was occupied by the land mafia.

In Muzaffarabad, Azad Jammu and Kashmir, the land of historical Hindu temples was occupied by the local land grabbers in district Kotli. The Supreme Court of AJK directed the head of the Tourism and Archaeology Department and Deputy Commissioner, Kotli, to investigate and submit a detailed report within two weeks. The Chief Secretary was advised to issue necessary orders to the relevant authorities to comply with the judgments already handed down in this regard. Referring to the previous judgment, the bench clarified that the land in the vicinity of the temples was not an evacuee land to be allotted to any person, nor could it be used for any other purpose.

A number of complaints against illegal occupation and land grabbing were lodged with the Inspector General of Police (IGP), Islamabad. The IGP ordered a campaign to be launched against land grabbers across the city in November 2018 and said that all resources would be utilised and assistance of other departments, where necessary, would be sought to track down and arrest land grabbers.

The incumbent government launched a Punjab-wide drive in August 2018 against encroachments and land grabbing. In September, the newly-elected Prime Minister directed the provincial Chief Ministers and Cabinet Members to immediately launch an anti-encroachment drive and take action against land grabbers across their respective provinces. The PM also advised CMs of all the provinces to immediately disconnect gas, telephone and electricity connections of the illegal occupants. Some respite was given to widows, orphans and the destitute to help them collect their belongings. At the end of the year, a major anti-encroachment drive was still ongoing in all major cities of the country.

Trespassing of housing schemes and societies

Illegal housing schemes, residential societies and duplicitous real estate projects were rife across the country in 2018. China cutting, i.e. resizing and using land designated for civic amenities to the public for residential and commercial plots, also continued, mainly in metropolises of the country but also in urban towns of the large cities. Development authorities lack enforcement personnel as well as adequate mechanisms to effectively curb fake and fraudulent housing schemes. Usually, the relevant judicial magistrate is unavailable to deal with such cases and the police more than often fail to cooperate.

Three police officers in Multan were terminated from service, including the former Station House Officer, over their negligence in connection with the murder of a builder on 9 April allegedly by 'land grabbers'.

On 23 April, six police officials, including the terminated ones, were suspended after an inquiry was held against them on charges of negligence, misconduct and inefficiency. In the same connection, police also arrested the 'record keeper' of the land registration branch, Multan.

The Government of Sindh was instructed by the National Accountability Bureau to monitor cooperative societies to contain corruption and protect citizens from land grabbing and the land occupying mafia. Citizens were also provided with info-guidance on what to watch out for and avoid while buying land in any housing scheme or society. The purchase, transfer or conversion of land for new housing societies and schemes is usually not very transparent.

Upon hearing the case of the forensic audit of housing societies in October 2018, the Chief Justice said that the records of housing societies had been deliberately set ablaze. The Supreme Court restricted the Government of Punjab from granting approvals to new housing societies.

In September 2018, LDA issued a list of all illegal housing societies in Lahore that included Al-Rehmat Town, Theme Park View Housing Scheme, Kamboh Colony, Bin Alam City and several others. The LHC ordered the government to register illegal housing societies all over the Punjab and to complete the process within a month, as well as constitute a high-level committee to examine the whole situation and report back. Earlier, NAB's forensic audit team had sealed the offices of more than 17 illegal housing societies in Sargodha and ordered the relevant authorities to stop selling plots or houses. Also, the Director General NAB, Lahore, said that about 700 housing schemes in the city were illegal and held that the regulatory authorities were responsible for irregularities in these societies.

While distributing possession letters worth Rs4.5 billion among 200 affectees of Khayaban-i-Amin, he warned that the Bureau would take stern action against the 'housing regulator' for failing to discharge its duties by the book.

Since the completion of the deep-sea port in Gwadar, and with the ongoing CPEC project, several new housing schemes have been cropping up across the coastal town of Gwadar. NAB in Balochistan conducted an audit and also confiscated records of more than 70 (allegedly) fake housing schemes in Gwadar, an action disputed by the Developers and Builders Association (Balochistan) on the grounds that all the schemes possessing No Objection Certificates (NOCs) could not be operating fraudulently.

The negligence of the Capital Development Authority (CDA) is gradually giving Islamabad a slapdash appearance, particularly with the proliferation of both legal and illegal housing societies. Around 150



Records for more than 70 allegedly fake housing schemes in Gwadar were confiscated by NAB

housing societies are operating within the capital. Most of them lack civic facilities such as schools, playgrounds, parks, graveyards, and mosques. Land designated for amenities is being misused by their operators.

In October, the CDA directed all housing societies to seek approval of their building plans or action would be taken against them. The CDA also planned to start action against societies violating the approved layout or changing the public utility areas reserved for playgrounds, post offices, schools, parks or mosques and parking spaces into residential areas.

The Capital Development and Administrative Division (CADD), CDA and IESCO now fall under the Ministry of Interior (MoI). The MoI asked the CDA to disclose names of the officers concerned who facilitated illegal possession of the land in and around Islamabad. In a drive to retrieve the state land from unlawful expropriation by housing societies, the said authority retrieved around 250 acres (2000 kanals) land from the illegal possession of a private housing society.

As an outcome of stringent action, close to 54 of the 'approved housing societies' in and around Islamabad submitted their affidavits to the CDA to begin their residential and commercial construction. But the china cutting process has not spared Rawalpindi and Islamabad as certain areas in and near Rawal Dam, Sectors G-13 and E-11 are also falling victim to this practice.

Housing finance and public housing schemes

There is a deficit of roughly 7 to 10 million houses in the country. The Pakistan Mortgage Refinance Company (PMRC) has already commenced its operations with initial funds of Rs6 billion. The company offers housing loans and mortgages to borrowers and end-users at an

affordable rate and, according to the CEO National Bank of Pakistan (NBP), deals with the housing problems for the low-income populations of the society while helping to minimise the number of slums. Housing finance, increased by 16.2% during the FY 2017-18, surpassed Rs10 billion which indicates phenomenal growth, but the number of borrowers declined due to the rising finance costs.

Provision and facilitation of housing is one of the most complex social development ventures as the 'why' and 'how' of housing always needs careful assessment. The present government considers housing as its flagship programme to address the country's dwindling economy.

The State Bank of Pakistan has taken the Government and the PMRC on board while announcing its 'Policy for Promotion of Low-Cost Housing Finance' to provide cheap financing. In its recent mini-budget the Government allocated only Rs4.5 billion for construction of 8,276 low-cost-housing units against its ambitious plan of constructing 5 million new housing units. The project is likely to receive the support of a US\$145 million housing loan from the World Bank in March 2019.

Failure to provide low cost housing

Pakistan is the fastest urbanising country in South Asia. Its annual demand stands at 700,000 housing units but approximately 250,000 units are available. The annual urban demand is around 350,000 housing units per year, out of which 62% for lower-income-groups, 25% for lower-middle-income-groups, and 10% for higher and upper-middle income groups is required. Urban supply barely touches 150,000 units. By certain other estimates, demand for housing increases by 250,000 units every year while a backlog of almost nine million units already exists. No mega housing scheme has been launched for decades, while the demand has multiplied by densification of existing low and lower-middle income settlements. The rural-urban migration is increasing at a phenomenal pace. The villages are no longer capable of supporting their inhabitants, particularly in economic terms. As the shortage of houses grows, the massive number of poor families are at the mercy of the rental market and the informal sector.

Despite tall claims by successive governments, progress around low-cost housing schemes for the poor has either stalled or been extremely slow. It cannot keep up with the overwhelming crisis of overcrowding and the challenge of housing thousands of people in big and small cities, especially in Karachi. Unless a comprehensive housing plan is implemented, the situation can only worsen. Unplanned, informal and illegal settlements proliferate and the state and the market repeatedly fail to provide adequate housing to low-income families. After the mega publicity drive of the Naya Pakistan Housing Programme (NPHP), in



People waiting outside the DC Office in Faisalabad to register for the Naya Pakistan Housing Schemes. Similar scenes were witnessed across the country.

which the ruling party announced that it would build 5 million affordable houses throughout Pakistan in collaboration with the Association of Builders and Developers of Pakistan (ABAD), the Housing Task Force's Chairman revealed in November that the applicants would have to bear 20% of the total cost of their dream home as down payment.

Land record and revenue

The Punjab Land Record Authority (PLRA) had undertaken the centralisation of data to be made available to all tiers of governance up to 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 the 36 districts of Punjab to facilitate people in obtaining ownership documents of their properties at their doorstep. The Punjab government claimed to have established CLRCs in 28 out of 36 districts. However, the efficiency of the system has yet to be evaluated. In Taxila it was reported that the Land Records Management Information System (LRMIS) failed to deliver due to the unavailability of trained staff and a poor computer system.

It was reported in February that the local residents faced difficulties in getting their property-related issues such as sale, purchase and transfer of land redressed. Those seeking a *fard* (record of rights) of their land had to get to LRMIS centres early in the morning and faced long queues to obtain tokens and receive a single-page document. The staff at the centres issued 50 tokens a day. Reportedly, there were 15 data entry positions and 10 of them were vacant.

Land record computerisation was claimed to be in the interests of the public by minimising the role of *patwaris* (revenue officials). However, it was reported in August that *patwaris* with influential connections were still being given postings in 'lucrative' revenue circles.

Encroachment of parks and public amenities

Hearing a constitutional petition filed by the former Nazim of the Karachi Municipal Corporation, the Supreme Court directed relevant authorities to immediately remove all illegal constructions, including marriage halls, with the exception of swimming pools, a skating rink and squash or tennis courts along the Kashmir Road. The apex court also issued a notice to the Sindh Advocate General to assist in implementing its orders. The Court directed KDA to remove all encroachments and illegal constructions from public parks within two days.

Hearing another petition against non-compliance of court orders, the SC's two-member bench observed that amenity plots in the city had been allotted to private individuals and the allotments should be cancelled immediately.

Evictions and land disputes

A Judicial Commission ordered Mansehra's Administration to evict illegal occupants from land acquired for the New Balakot housing project. The orders were issued after a meeting organised by the Chief Justice's Principal Staff Officer of the Peshawar High Court.

As in previous years, demolition, evictions and displacement of makeshift residents in the urban and peri-urban suburbs continued during the year. In response to the Supreme Court's orders in July, authorities launched an operation to evict the illegal occupants from the premises of Pakistan Quarters and other residential areas for federal government employees in Karachi with heavy contingents of police. The consequences of the act of eviction, however legal, were horrendous. Scores of protesting men and women were beaten up and pushed back by police in riot gear wielding batons and using water cannons. Around 12 people, including some law enforcement personnel, were injured on the second day of clashes between the occupants and the police. Over a dozen of the protestors were arrested. The commotion prompted the apex court to extend its deadline, but only for two months.

A number of Christians staged a massive protest after a team from LDA and the city administration arrived with eviction orders in Samsani village of Johar Town in Lahore. The protestors chanted slogans against the government over its eviction plans, saying they had been living in the area for decades. They claimed that, contrary to its plans of constructing 5 million new homes, the government was using heavy machinery to increase the number of homeless people.

Led by the Shalimar Assistant Commissioner, the city administration's team started demolishing illegal marriage halls and other structures on the Canal Road of Lahore. The police were supposed to retrieve over 30 kanals of land there but, on the day of eviction, about 3,000 people gathered and blocked the road by burning tyres. Eventually, they foiled the government's bid to recover the state land, forcing police to retreat. The protestors pelted motorists with stones and reportedly misbehaved with passers-by.

Hundreds of people protested against the eviction orders for residents of 153 Manak Village. Burning tyres, the protestors chanted slogans against the district administration and the ruling party, again asserting that they had lived there for decades.



Police clash with residents during an anti-encroachment drive

There were numerous reports during the year of casualties arising from land disputes. In Orakzai and Buner districts, seven people, including a man and his son, were killed over land and family disputes. Several people were injured when rival groups clashed over a land dispute in the central tehsil of District Orakzai.

The Akazai and Gujjar Tribes set alight over two dozen of each other's houses over a land dispute in Torghar district. The district government called a *jirga* to defuse the tensions.

In Bajaur, a dispute over a piece of land between two groups claimed two lives. A man and his son were shot dead while one person was wounded in an exchange of fire between the rival groups in Kamal

Darra area of Barang Tehsil. An official of the local administration said that a committee comprising elders and personnel of Levies Force had been formed to investigate the issue and resolve the dispute.

Building collapses and fires

The collapse of shoddy, unregulated, unsafe and expired structures of residential buildings as well as public infrastructure was widely reported. Roof and wall collapses caused injury and death in many cases, exposing the sad state of construction in many homes and buildings.

In the Liaqatabad area of Karachi, a three-storey dilapidated residential building collapsed, killing at least six people and injuring nine, including four women who were trapped under the rubble. Near Khara Chowk in Raiwind, Lahore, a residential building collapsed, killing an eight-year-old child. Another child died and three other people were injured when a building in Pollarwan Pind in Paragon City collapsed.

Nine people were killed and 13 others suffered injuries in incidents of wall and roof collapse after a windstorm hit the Bajaur area. Most of the dead and the wounded belonged to the Mamond and Khar tehsils. Moreover, at least 14 people were killed and 22 others injured in various similar incidences as heavy downpour and windstorms lashed parts of Khyber Pakhtunkhwa and the (former) Federally Administered Tribal Region.

Two small girls were killed when the wall of a house fell on them in Nesata area in Peshawar.

In Quetta, two labourers, as well as a watchman, were killed when a wall they were constructing fell on them in the eastern bypass area.

Worship places and graveyards

An ever-growing population, dilapidated conditions, low maintenance, and little space in the existing graveyards is a matter of great concern for people in several big towns of Pakistan. Even graveyards and burial grounds are not safe from the excesses of encroachers, land mafias, and self-proclaimed builders and administrators.

Despite a serious shortage of graveyards in Karachi, burial in several of the 237 graveyards is officially prohibited by the Metropolitan Corporation (KMC). The KMC has already lost control of about 224 cemeteries out of 237. The people of Karachi agonise over how and where to bury their deceased relatives. Approval to establish six new graveyards alongside three major highways is still in process.

There are only two old and little-used temples in Islamabad—one in Saidpur village and the other close to Rawal Dam—to cater for approximately 100 families (800 Hindus) who live in Islamabad. The

Saidpur temple has been converted into a vacationer spot while the Rawal Dam temple is going through a lawsuit and the Hindus are not allowed to enter. In other words, no temple is left in the capital city where the Hindu community can worship and celebrate their Holi, Diwali, Dusehra, and other religious and cultural festivals. They are confined to their homes to perform their rituals and festivities.

There is no cremation facility in the federal capital, so they have to take the bodies either to Rawalpindi or to their hometowns to perform the burial ritual. There is one spacious and active temple in the twin cities. Some smaller but old temples do exist in residential areas of Rawalpindi cantonment but need to be made functional.

The Shehr-e-Khamoshan Graveyard Act was passed on 24 May 2017 and the Shehr-e-Khamoshan Authority was formed to establish organised and model graveyards in the Punjab province, providing funeral services to the communities of all religious denominations irrespective of any religious, socio-economic or caste distinctions. The Shehr-e-Khamoshan Model Graveyard has begun working in Lahore. The Shehr-e-Khamoshan graveyards in Multan, Sialkot, Sahiwal, Sargodha, and Faisalabad are, reportedly, yet to be completed. Ideally, the Authority is expected to construct graveyards and provide funeral services in all 36 districts of the Punjab.

The Edhi Foundation maintains the largest network for the burial of dead bodies or unclaimed coffins in the country. The Foundation has established its graveyards in various cities such as Karachi, Lahore, and Rawalpindi where it has an agreement for the burial of unidentified bodies that are recovered from drowning or as a result of homicides or road accidents. Shrouds and coffin boxes are arranged free of cost to those who cannot afford to pay for the burial rites of their relatives.

In April, a group of Christians staged a demonstration against the occupation of a cemetery belonging to the local Church. The protesters blocked the road in front of the Lahore Press Club for more than two hours. The Gora Qabristan Action Committee (GQAC) organised the rally to oppose the confiscation of the Christian cemetery in the centre of Lahore. For a long time, the committee has been demanding the removal of the family of a retired graveyard guardian who was using three residential buildings in the graveyard. The previous year, the Supreme Court had already conveyed its displeasure to its Human Rights Cell, asking it to submit a report within two weeks. According to the media report, at least three cemeteries were currently illegally occupied in the archdiocese of Lahore alone.

It was reported in May that members of the Sikh, Hindu and Christian communities in Swat told journalists that they faced difficulties because of the unavailability of designated spaces for worship, burial

or cremation. The meeting was organised by Journalists for Democracy and Human Rights (JDHR).

In August, the Hindu community of Hyderabad launched a sit-in outside the local press club against police and some influential figures who had reportedly encroached their cremation ground. They appealed to the authorities to help them retrieve the grabbed land and take action against all those involved.

Recommendations:

- Authorise a singular authority, e.g. district development authorities already present in each district, to approve, reject and regularise housing schemes. No housing societies should be allowed without fulfilling several legal, technical, environmental, administrative, and public requirements.
- 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, and conduct research on the form and scale of housing to meet demand.
- Devise housing plans in each province and facilitate those living in urban and peri-urban suburbs, those living around the railway tracks, under the bridges, and those nomadically moving or settling from place to place as a result of eviction from the public or private places.
- Preserve and protect the Walled City of Lahore, Multan and old historic buildings of all big and small towns. Give powers to respective authorities to prohibit and/or demolish illegal structures and encroachments, with sufficient resources 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 event of fires.
- Create cremation facilities for Hindus in Islamabad and Karachi and all other cities where there is a Hindu population. 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

When it comes to environmental health, Pakistan is considered one of the lowest performing countries in the world. According to Yale's 2018 Environmental Performance Index, the country was 177 on the environmental health sub-index of the 180 countries ranked. The study estimates that air and water pollution, lack of sanitation, and exposure to heavy metals are responsible for approximately 340,000 deaths annually in Pakistan.

The previous governments that left office in the summer of 2018 claimed a number of successes towards ecological sustainability. These include opening the Quaid-e-Azam Solar Park in Bahawalpur, bus infrastructure projects in some of the major cities, and a tree plantation initiative in Khyber Pakhtunkhwa. In 2018 the Council of Common Interests also signed the first ever National Water Policy, and the Pakistan Climate Change Council was formed.

However, the degree to which such steps have been successful in abating environmental degradation and addressing the accompanying

public health and livelihood impacts continues to be debated. Failures in these domains are typically explained by the lack of financial, human, and technical resources allocated for environmental management and enforcement of existing regulations.

The new ruling Pakistan Tehreek-e-Insaf party brands itself as holding a firm commitment to 'green growth', with an ambition to move on a rapid growth trajectory by advocating large-scale water infrastructure projects, tree plantation drives, and climate finance efforts. The Prime Minister officially launched the 'Clean Green Pakistan Movement' on 13 October 2018, which is to include solid waste management, sanitation, and provision of clean drinking water across the country.

While there are marked differences from the previous government's 'Green Pakistan Programme' in both approach and scale of projects being promoted, critics argue that the current government's proposals may prove to be a continuation of the failure of previous governments to address the underlying causes of environmental health challenges facing the country.

Climate change

Pakistan became the hottest place on earth in April when the temperature crossed 50 degrees Celsius in Nawabshah, the highest ever recorded anywhere for that month, prompting the Met Office director to acknowledge that 'climate change overall is affecting the temperature in the country'.

Although Pakistan is responsible for less than one percent of the total accumulated greenhouse gases in the atmosphere, the country reaffirmed its commitment to playing its part in addressing the global climate crisis by signing the Paris Agreement in 2016. The country's pledge to make voluntary mitigation and adaption efforts submitted per the Paris Agreement involves reducing up to 20% of its 2030 projected greenhouse gas emissions, which it expects to grow by 300% to accommodate the new fossil energy projects and growth in industrial development outlined in Pakistan's development 'Vision 2025'. While this emissions target is subject to the availability of international grants to meet the cumulative abatement costs, the Minister of Climate Change (MoCC) stated at the 2018 UN climate summit that it may be revised entirely before the UN climate meeting in December 2019, where he will serve as the Vice President and rapporteur.

Pakistan is among the top ten countries most affected by climate change, with wide-ranging impacts on the population and economy due to extreme weather events over the last two decades, according to the 2019 Global Climate Risk Index published by Germanwatch.

In 2018 the country experienced intensified drought in Balochistan,

accelerated glacial melt and subsequent floods and landslides in Khyber Pakhtunkhwa and Gilgit-Baltistan, freshwater shortage, coastal erosion, seawater intrusion, and extreme temperatures in Sindh (including the record high temperature for the month of April in Nawabshah), as well as uncertainty in agricultural productivity in the Punjab and Sindh due to erratic monsoons and temperature anomalies.

In addition, climate change is mutually-reinforcing the environmental challenges resulting from over-extraction and contamination of resources and destruction of important habitats. In September 2018 the Ministry of Climate Change announced the completion of drafting the Pakistan Wildlife Policy for conserving habitats and protecting wildlife.

While the adoption of the Pakistan Climate Change Act was a positive step, the Act's directive that it 'shall come into force at once' has not been heeded in nearly two years, as there has been significant delay in establishing the mandated new institutions. The Pakistan Climate Change Council was officially formed in the autumn of 2018, headed by the prime minister, with provincial chief ministers and ministers of relevant departments as members. The Council is expected to convene twice annually, and still has not met. The Pakistan Climate Change Authority, which the Act mandates to make appropriate climate mitigation and adaptation policies, design and maintain a national greenhouse gas inventory, and publish a yearly report, has yet to be notified. Similarly, the associated Pakistan Climate Change Fund is also yet to be operational.



In 2018 the country experienced intensified drought in Balochistan

According to the Action on Climate Today *Institutional Review* on the MoCC, published in December 2017, the MoCC cannot become fully functional without a functioning Authority. The review goes on to reference concerns regarding lack of clarity in functions of different parts of the climate division, and observes that MoCC's resources are largely being eaten up in foreign tours.

The Advisor to the Prime Minister on Climate Change has initiated meetings with the Asia Development Bank regarding financing for climate mitigation and adaption projects, and stated in September 2018 that Pakistan had spent Rs14 billion on climate change so far, and expected to spend US\$37 million from the Green Development Fund to monitor melting glaciers.

Deforestation

The MoCC is facilitating the 10 Billion Tsunami Tree Plantation Project in coordination with the Forest Department and EPD in the provinces, with an aim to plant 10 billion trees, mostly in cities, over five years. According to the Prime Minister, the initiative was designed to reduce soil erosion resulting from glacial melt and to address the smog/ climate issues, hailing KP's Billion Tree Programme as a successful model for the national programme to follow. However, researchers questioned whether these tree drives would sequester enough carbon to offset Pakistan's growing emissions, and also questioned the uneven impacts. For instance, the study by Usman Ashraf on KP's afforestation programme (*Political Ecology of Afforestation in Pakistan*) found that an unfair advantage was given to land-owning groups to access carbon credits, while Gujjar shepherds and other landless people who depended on the land for grazing were evicted and thus further marginalised.

The practice of illicit timber trade continues, despite forest policies. In April and again in August, social activists and elders from different parts of Swat alleged that the provincial government and the forest department had failed to monitor and control illegal cutting of forests in the district, mostly conducted at night-time.

Swat was once again in the news in September when locals complained that officials of the forest department were felling mature trees along the roadsides at the same time as the government launched the billion tree plantation drive across the country.

Trees are also under threat from urban planning. The Supreme Court in April summoned the secretary of the Balochistan communication and works department after rejecting the department's report justifying chopping of trees to extend a link road.

In September, the Supreme Court took up a petition moved by the ECO Watch Trust highlighting the alarming state of forests throughout

Pakistan and flagrant violation of the Forest Act in forming a private company to implement the policy through private-public partnership. The previous government had formed South Punjab Forest Company (SPFC) through a policy decision to attract private investment and the cultivation of trees on 134,995 acres of barren and saline land in the southern part of the province.

The court was not persuaded that the entire work should be executed through a private company, believing that too many concessions had been given to the company. It asked the newly appointed provincial cabinet of Punjab to reconsider the scheme, adding that it might be able to find better terms through renegotiations.

While tree plantation has become a popular way to counteract the adverse effects on the environment, consideration needs to be given to the selection and care of species that will survive the harsh conditions imposed by water scarcity.

Water

The Balochistan government announced a deal in May with a Russian company—Climate Global Control Trading—which would help the provincial government with cloud seeding and artificial rain in drought-hit areas of the region. A similar scheme had been considered by the Sindh government in 2015 but apparently came to nothing. While Balochistan and Sindh, and other parts of the country, were reported to be experiencing drought-like conditions, the Thar region has been particularly hard hit. Year after year, the situation in Thar has worsened, with dried up wells, contaminated groundwater, and loss of crops and livestock. Most tragically, over 500 children in the area have succumbed to diseases, infection, and malnutrition in 2018 alone. Yet a solution to this crisis seems no closer.

In November, the WAPDA chairman stated that Pakistan was being pushed to the stage of a water-scarce country and, far from increasing water storage capacity, more than one-fourth of the storage capacity of dams had been lost. These alarms have been sounded before and little, if any, progress has been made. In 2017, the Pakistan Council of Research in Water Resources (PCRWR) said Pakistan would turn from a 'water-stressed' country to a 'water-scarce' country by the year 2025 unless drastic steps were taken.

Pakistan's first ever National Water Policy was approved by the Council of Common Interests in May, with perhaps its most remarkable feature being the fact that it took so long to emerge. Water scarcity is one of the most significant issues to face the country and whether the policy has a coherent vision to drive initiatives forward, and achieve tangible results, remains to be seen.



Diminishing freshwater supplies and increasing demands of an exploding population are rapidly reducing per capital water availability

What is beyond question is the urgency of the issue. Diminishing freshwater supplies and increasing demands of an exploding population are rapidly reducing per capital water availability and a serious water crisis already exists.

At the same time that the National Water Policy was being finalised, the Water and Sanitation Agency (WASA) installed 65 new tubewells and replaced the machinery of 105 others to provide an uninterrupted water supply in the summer season.

According to WASA, some tubewells were being installed under the Prime Minister's Programme of Sustainable Development Goals. The installation of the new tubewells increased the total of WASA-operated tubewells to 576. This highlighted the necessity for a nationally-coordinated policy given that groundwater levels have dropped to an alarming extent.

Water pollution

Whilst acknowledging that Pakistan has made significant progress on reducing poverty, improving dietary diversity, and reducing open defecation, a World Bank report found that bacterial contamination of surface and groundwater is increasing because of the lack of treatment of human waste.

According to the report, *When Water Becomes a Hazard: A Diagnostic*

Report on the State of Water Supply, Sanitation and Poverty in Pakistan and its Impact on Child Stunting, there were 'huge disparities across the country in the quality of water and sanitation infrastructure. Rural areas across Pakistan have seen little or no investment in publicly provided piped drinking water, sewer connections or the treatment of human waste.' Nor are the most developed urban areas immune, with pathogens ultimately reaching urban households after untreated waste water is mixed with ground and surface water to irrigate crops.

The report recommended urgent investments in faecal waste management systems as well as in the provision of safe drinking water. These actions would take effect over a longer period of time, and the report advised interim efforts to encourage the local, point of use treatment of water as well as community and neighbourhood-based interventions to contain exposure to faecal waste and prevent the transmission of disease.

In October, a study conducted by the researchers of US-Pakistan Centre for Advanced Studies in Water (USPCASW) and the Pakistan Council of Scientific and Industrial Research (PCSIR) found alarming levels of antibiotic resistant bacteria (ARB) in water in Hyderabad.

Groundwater quality has been deteriorating due to excessive mining, which causes aquifer mixing of saline water and pollutants, including heavy metals such as arsenic, lead, and fluoride.

At a consultative session organised by the Planning Commission in June as part of its efforts to implement the National Water Policy, it was announced that Pakistan plans to adopt the United Nations Decade (2018-28) of Action: Water for Sustainable Development programme, envisaging integrated water resources management including seawater treatment for Karachi, Gwadar, Pasni, Jiwani, Ketu Bandar and other coastal areas.

The conference was told that water borne-diseases, such as typhoid and malaria, were common but hepatitis was also increasing with cases being reported from the districts of Gujranwala and Bahawalnagar. The rivers of Ravi, Sutlej, Malir and Lyari were now filled with sewage and Islamabad's freshwater streams were causing health hazards.

Marine pollution

Experts raised serious concern over the worsening conditions at Clifton beach. They urged the public to avoid entering its polluted water and letting children play on its contaminated soil until discharge of untreated sewage into the sea was stopped and sanitation at the beach improved.

The Cantonment Board Clifton (CBC) and Defence Housing Authority (DHA) came under fire from the Supreme Court-mandated commission on water and sanitation over the release of sewage water into the sea.

A Defence ministry official assured the commission that, in accordance with their directives, untreated sewage discharge into storm-water drains would be diverted to a treatment plant within four months.

The Sindh chief secretary subsequently informed the commission that a task force had been formed to minimise marine pollution.

While commenting in September on the government's efforts to improve waste management system and harbour conditions in Karachi, experts said a comprehensive strategy including incentives to industries opting for environment-friendly processes was required to tackle the growing marine pollution that had jeopardised the survival of many species and contaminated the food chain. They also emphasised the urgent need to strengthen the capacity of officials dealing with environment and implement relevant rules and regulations.

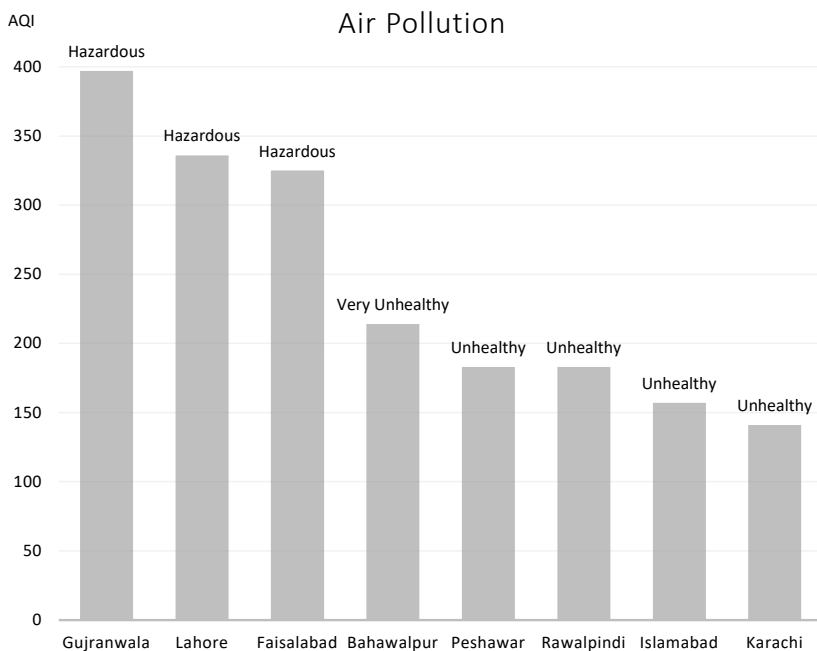
Air Pollution

The previous three winters have been marked by a thick, smelly haze around major urban centres across the Punjab, where 65 percent of industrial units are located, according to WWF-Pakistan's 2018 report, *Review of Existing Environmental Laws and Regulations in Pakistan*.

As winter average temperatures are rising due to climate change, the prevalence of fog (and its polluted variant, 'smog') are beginning to decrease. Although less visible smog does not mean the air pollution crisis has been addressed, the current Punjab Environment Secretary and Climate Minister have recently taken credit for the fewer days of winter smog, saying that their government has succeeded in implementing parts of the Punjab Clean Action Air Plan. The Punjab government says it banned burning crop stubble and solid waste, shut down brick kilns until they upgraded their technology to be more efficient and less polluting, and collected Rs50 lakh in fines to penalise owners of vehicles that were not in compliance with the fuel efficiency standards.

While some of the guidelines of the Action Plan have been adhered to in partial terms, many have been completely neglected, such as the 'mandatory inspection regime for all vehicles', which was to come into effect in January 2018 but has yet to be operationalised. Citizens have taken to social media and speaking to news outlets to highlight frequent observations of illegal practices continuing unabated, particularly in Cantonment areas that do not have to adhere to provincial environmental regulations.

The Punjab EPD's own air quality data indicates that most of the year many of Pakistan's major urban hubs are being choked by hazardous air quality. In 2018, Air Visual data ranked Lahore among the top 10 most polluted cities in the world throughout the year, and among the top three most polluted cities for nearly half of the year.



Source: Pakistan Air Quality Initiative Based on US-EPA Air Quality Index

An Air Pollution Standing Commission was created by the Supreme Court to facilitate monitoring of the implementation of the recommendations of the Smog Commission, including the requirements to monitor and make public the air quality data, and to declare a public health emergency should the AQI exceed 300 micrograms per cubic metre. Despite this, Pakistan’s public monitoring and regulatory institutions continue to insist that there is not enough data to substantiate a need to declare a public health emergency.

The Pakistan Air Quality Initiative’s public-sourced dataset indicates that, in many cities, for the majority of the year the air is unsafe for particularly vulnerable populations, including children, pregnant women, the elderly, and people with particular health problems.

Air pollution is estimated to be responsible for over 70 percent of the annual 340,000 pollution related deaths in Pakistan, according to Yale’s Environmental Performance Index. Such deaths are often due to stroke and cardiopulmonary diseases.

Pakistan Air Quality Data for December 2018 (see below) shows that ‘the year 2018 ended with extremely unhealthy and hazardous air pollution throughout the country’.

Commentators have pointed out that the skewed emphasis by regulatory agencies, in cutting emissions from the smallest rather than largest sources of pollution, highlighted the aversion of regulatory agencies to acknowledge important class dimensions and power structures entangled in pollution production. For instance, the Smog Policy actions have emphasised changes by farmers and brick kilns rather than on cement and other highly polluting industries, coal-fired power plants, and transport and freight emissions.

A World Bank agreement of \$200 million for Punjab Green Development was made in 2017, which would finance building regulatory capacity in the EPA and make investments in green technology in the polluting industries. The funds have yet to be disbursed. The government also plans to issue green bonds through the State Bank of Pakistan and the International Finance Corporation, a member of the World Bank.

Fossil fuels

Going against the global trend to replace fossil fuels with renewable energy such as solar and wind, Pakistan's is forging ahead with the building of coal-fired plants. Thar coal will fuel nine of the 17 proposed CPEC power plants. Citizens may well be divided over this issue. Much of the energy to be generated is intended to alleviate the power crisis in the country, which has disrupted the economy and frustrated industry and households alike.

Officials have given assurances that the project's operations will comply with national and international environmental laws, and will use the most efficient technology available to minimise pollution.

None of this allays the concerns of environmentalists. The coal being mined in Thar is lignite, known for its poor energy efficiency and high carbon dioxide emissions. Lignite-fired power plants are considered the largest single source of greenhouse gas emissions. The mining of coal, and the process of burning it for power, are water-intensive activities. Villagers of the area have already reported the diversion of underground rivers, and the dumping of waste, which has changed their pastures into a salt lake. Their predicament is unlikely to end, as the power project will consume a huge amount of groundwater, already scarce in the country.

Reinforcing concerns expressed by experts about the capacity of the Sindh Environmental Protection Agency (Sepa) to control violations, it was reported in May that the Port Qasim Authority (PQA) had allowed major coal handling operations within its jurisdiction with complete disregard for public health and environmental safety, and without waiting for a decision by Sepa on the project's Environmental Impact Assessment (EIA) report. It was apparently the third time that Sepa had expressed reservations over the project's 'deficiencies'.

Visitors to the area said that transportation, lifting and dumping of coal in the absence of any safety measures had badly affected the area, particularly the nearby offices. The whole area was blanketed with coal dust, causing breathing difficulties. The project was also said to pose a risk to the safe operation of many industrial units in the area including food processing, pharmaceutical and chemical units, water purification units, edible and crude oil facilities, refineries and automobile manufacturing units.

Renewable Energy Sources

As far back as 2006, the government had announced an increase in the share of wind energy in the national energy mix to five percent by 2030. Some concerns arose early in 2018 as to whether this was still achievable, given that the government was resorting to competitive bidding and curtailed concession periods. The Alternative Energy Board (AEDB), with the main objective of facilitating, promoting, and encouraging the development of renewable projects, had apparently been ordered to be merged into the Private Power and Infrastructure Board (PPIB), possibly indicating a change to the government's stance on renewable energy.

The continuing reliance on LNG and fossil fuels has been very much in evidence, with the use of Thar coal, estimated to last 200 years, being promoted by authorities as the way to drastically reduce oil import costs.

Wind Power

The Sindh Energy Minister said at the 17th World Wind Energy Conference, held in November, that the provincial government would set up its own grid company under a public-private partnership, which would evacuate clean electricity being generated in the country's only wind corridor in the Thatta-Jhimpir area of the province.

He added that the Sindh government had reserved 60,000 acres of land in the province to develop renewable energy projects, thereby demonstrating its commitment to generate electricity using alternative resources. Twenty-three wind energy projects had started functioning in Gharo-Jhimpir corridor of the province, while another 35 such projects were under different stages of completion.

Solar Power

It was reported in November that the Punjab government had decided to conduct a forensic audit of the Quaid-e-Azam Solar Power Project in Bahawalpur – the first ever utility scale solar power plant in the country. The Punjab minister for energy was to brief the provincial cabinet on financial irregularities in power projects launched under the previous government. Sources close to the

Punjab government were quoted as having said the Solar Power Project had incurred a massive loss on the national exchequer, with analysts raising objections over the cost of the project and the electricity being produced in the solar park.

This coincided with the Sindh government's announcement (at the 17th World Wind Energy Conference) that it would soon launch a US\$100 million solar power project in the province with the assistance of the World Bank to benefit residents of off-grid rural areas.

Overview

The environmental issues, policy, and practices appear to indicate continued lip-service highlighting government and private sector efforts in environmental stewardship with limited follow-through. There are severe issues of accountability, in part due to overlap in remit for environmental management, little awareness by government officials and regulators about actual environmental policies, and large geographic spaces of exception where federal and provincial regulations do not apply. In spite of the serious local and global ecological challenges, the strategy of environmental regulators seems to be focusing on giving a positive image by referring to the tree plantation projects and the dam fund, while shifting blame or pointing to expected future improvements where lack of implementation and accountability are evident.

Recommendations

- Expedite the implementation of the National Water Policy and introduce effective mechanisms to ensure compliance across the regions.
- 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.

Appendices



HRCP Activities

The Human Rights Commission of Pakistan (HRCP) carried out activities across Pakistan in 2018 to raise public awareness of fundamental freedoms, advocate the protection of human rights and lobby with policymakers for measures to check human rights abuses. Peaceful means of activism, including demonstrations, rallies, consultations, campaigns, training workshops, fact-finding missions, press statements and public meetings were used to support and protect people's rights, irrespective of their gender, religion, sect, race, domicile, age or social status. Those abandoned by the justice system were provided advice and referred onward for legal aid.

HRCP has continued to campaign for the implementation of the landmark Supreme Court judgement of 2014 - the Justice Tassaduq Jilani judgement - concerning the protection of religious minorities' rights. In collaboration with activists working on minorities' rights, HRCP filed a petition in the Supreme Court in January 2018 to push for the judgement to be implemented. Taking cognizance of the matter, the Supreme Court has set up a one-person commission that is empowered to issue directions for the implementation of the judgement.

Seminars, focus group discussions and training workshops were organised across the country on broad human rights themes. Consultations were held to engage with a range of communities on different human rights issues.

Apart from general human rights themes, this year's themes included the water rights of women water bearers in Sindh, 'honour' crimes in southern Punjab, the rights of ethnic minorities, and measures to mainstream the former Federally Administered Tribal Areas (FATA) with Khyber Pakhtunkhwa (KP). A series of digital security workshops was organised for human rights defenders (HRDs) to help them secure their presence online and in the field.

Campaigns and rallies were organised simultaneously at the HRCP secretariat and chapter and taskforce offices to highlight the state's pledges to international human rights conventions and covenants. HRCP also launched a '16 Days of Activism' campaign against gender-based violence throughout Pakistan.

HRCP conducted various fact-finding missions on gross human rights

violations, including the alleged torture of a young Christian boy (Sajid Masih) by the authorities in Lahore, and the desecration of a Jamaat-i-Ahmaddiya site of worship in Sialkot. HRCP's fact-finding team also visited Gilgit-Baltistan to assess the current human rights situation. In response to numerous complaints from journalists and media houses, HRCP carried out an independent fact-finding exercise to assess the extent and nature of curbs on freedom of expression across Pakistan. In addition, a number of HRCP fact-finding teams investigated the enforced disappearance of people in Karachi, particularly among the Shia community.

A breakdown of HRCP's main activities in 2018 is as follows:

Workshops/seminars/meetings/press briefings

- 3 January, Karachi: Meeting with the Joint Action Forum to plan a demonstration in support of missing persons in Sindh.
- 5 January, Hyderabad: Meeting with small sugarcane growers and farmers to show labour rights solidarity with them.
- 8 January, Hyderabad: Sindh Education Day celebrated at the Hyderabad Press Club.
- 10 January, Hyderabad: Meeting with the Progressive Writers Association on the role of writers and artists in creating awareness of human rights.
- 12 January, Karachi: Meeting with the Pearl Continental Workers Association on their labour rights.
- 15 January, Karachi: Meeting with NGOs to condemn academic Hasan Zafar Arif's alleged murder.
- 16 January, Karachi: Meeting with civil society organisations (CSOs) on enforced disappearances in Sindh.
- 19–21 January Karachi: 100-poster exhibition by K. B. Abro on freedom of movement (organised with T2F).
- 24 January, Karachi: Meeting with members of the Mehsud tribe on the alleged extrajudicial murder of Naqeebullah Mehsud.
- 26 January, Karachi: Joint workshop with the DSF on the student unions of 1971.
- 8 February, Hyderabad: Meeting on recently reported 'fake' police encounters.
- 12 February, Hyderabad and Karachi: Memorial meeting to pay tribute to the late Asma Jahangir.
- 13 February, Hyderabad: Memorial gathering, candlelight vigil and poetry reading in memory of Asma Jahangir.

- 14 February, Peshawar: Consultation on bonded labour in KP.
- 16 February, Karachi: Workshop on the Universal Declaration of Human Rights (UDHR) for a recently inducted batch of women police officers.
- 19 February, Hyderabad: Joint reference with the Hyderabad Union of Journalists in memory of Asma Jahangir.
- 26 February, Quetta: Reference for Asma Jahangir at the Quetta Press Club.
- 1 March, Hyderabad: Consultation on the abolition of bonded labour in Sindh.
- 5 March, Islamabad: Joint memorial reference with DAI for Asma Jahangir.
- 5 March, Peshawar: Joint memorial reference with DAI for Asma Jahangir.
- 8 March, Karachi: 'Aurat March' (in collaboration with other CSOs) and a women's cricket match.
- 11 March, Karachi: Talk to celebrate Asma Jahangir's life and achievements.
- 19 March, Islamabad: Meeting of civil society members with O. P. Shah, a Kolkata-based peace activist, writer and journalist.
- 21 March, Karachi: Session on understanding the UDHR, organised for university mass communication students.
- 26 March, Karachi: Meeting with Pearl Continental Hotel Workers Union.
- 6 April, Lahore: HRCP Council meeting.
- 7 April, Lahore: 32nd Annual General Meeting.
- 7-8 April, Lahore: Asma Jahangir Convention.
- 16 April, Lahore: Consultation on political parties' manifestos and the rights of religious minorities.
- 16 April, Islamabad: Launch of *State of Human Rights in 2017*.
- 20 April, Quetta: Training workshop for journalists on promoting human rights education and reporting human rights violations.
- 28 April, Karachi: Meeting with home-based workers.
- 28 April, Karachi: Meeting with CSOs on enforced disappearances.
- 30 April, Islamabad: Consultation to assess political parties' commitment to incorporating fundamental rights in their manifestos.

- 5 May, Karachi: Consultative meeting with the Bangladeshi community.
- 7 May, Hyderabad: Launch of *Our Asma Jahangir*, a compilation of Sindhi, English and Urdu essays, edited by Zulfiqar Halepoto.
- 8 May, Quetta: Consultation on women's rights and gender equality.
- 9 May, Quetta: Consultation on the representation of religious minorities and women in local government.
- 10 May, Quetta: Screening on the UDHR at Government Girls' Degree College, Quetta.
- 15 May, Islamabad: Consultation on the nature of violence against women and girls from refugee and IDP communities in (former) FATA, KP and Gilgit-Baltistan.
- 18 May, Hyderabad: Meeting to condemn the delay in investigating an alleged murder attempt on rights activist Punhal Sariyo.
- 23 May, Hyderabad: Meeting of the Human Rights Coordination Committee – comprising CSOs and concerned citizens – to discuss human rights violations and enforced disappearances.
- 26 May, Quetta. Consultation on minorities' rights with a view to curbing sectarian killings.
- 26 May, Quetta: Launch of *State of Human Rights in 2017* at the Quetta Press Club.
- 5 June, Hyderabad: Awareness-raising session on the use of degradable plastic products, to commemorate World Environment Day.
- 6 June, Karachi: Awareness session on the UDHR for students of the Social Work Department at Federal Urdu University.
- 8 June, Karachi: Lecture on child rights and street children.
- 8 June, Islamabad: Consultation to assess the recently passed bill merging FATA with KP from a human rights perspective.
- 12 June, Karachi: Joint meeting with NGO Interfaith Harmony to share concerns over the sudden increase in cases of violence against religious minorities.
- 13 June, Islamabad: Overview of the human rights situation in Gilgit-Baltistan presented to a delegation from the Australian High Commission.
- 14 June, Hyderabad: Talk on the recovery of missing persons (in conjunction with other CSOs).
- 21 June, Karachi: Screening on the UDHR and BBC documentary

Pakistan's Child Maids in Lyari.

- 22 June, Multan: Dialogue on sexual harassment at the workplace.
- 22 June, Multan: Screening on the UDHR and BBC documentary *Pakistan's Child Maids*.
- 23 June, Multan: Seminar on the role of women and minorities in local government.
- 26 June, Hyderabad: Meeting on custodial torture and 'fake' encounters to mark International Day in Support of Victims of Torture.
- 1 July, Karachi: Workshop on gender equality.
- 4 July, Islamabad: Meeting with the EU Election Observation Monitoring Mission to discuss the human rights situation and upcoming general elections.
- 6 July, Karachi: Screening of BBC documentary *Pakistan's Child Maids in Lyari*.
- 9 July, Islamabad: Training session for HRCP election observers from Islamabad and Rawalpindi.
- 10 July, Lahore: Punjab activists' convention for HRDs across the province.
- 11 July, Lahore: Training session for HRCP election observers from Punjab.
- 12 July, Peshawar: Training session for HRCP election observers from KP.
- 14 July, Quetta: Training session for HRCP election observers from Balochistan.
- 14 July, Hyderabad: Training session for HRCP election observers from southern Sindh.
- 16 July, Karachi: Training session for HRCP election observers from Karachi.
- 16 July, Islamabad: Meeting of HRCP senior office bearers with the secretary of the Election Commission of Pakistan to convey HRCP's concerns about the upcoming elections.
- 16 July, Islamabad: Press conference on allegations of pre-election manoeuvring.
- 17 July, Sukkur: Training session for HRCP election observers from northern Sindh.
- 22 July, Gilgit: Awareness session conducted in collaboration with Ghecho Risht (a youth organisation) on the social issues of Gilgit-

Baltistan's youth from a human rights perspective.

- 27 July, Lahore: Launch of fact-finding report *Curbs on Freedom of Expression in Pakistan* at the Lahore Press Club.
- 19 July, Karachi: Meeting with EU observers in connection with the upcoming elections.
- 20 July, Karachi: Meeting with CSOs to discuss pre-election activities and observations.
- 23 July, Karachi: Discussion on the constitutional framework of the upcoming elections (in collaboration with other civil society organisations) at T2F.
- 24 July, Islamabad: Joint press conference with Bytes for All and the Peace and Justice Network on reports that cellular and Internet services were to be disrupted on election day.
- 27 July, Karachi: Meeting with CSOs and journalists to discuss the shrinking space for freedom of expression in Pakistan.
- 1 August, Multan: Dialogue on human rights issues in southern Punjab and the role of human rights activists and civil society.
- 3 August, Hyderabad: Debate to discuss pre-election and post-election observations.
- 4 August, Karachi: Meeting with media persons to discuss press freedom and freedom of expression.
- 11 August, Karachi: Karachi-based HRCP Council members' meeting to discuss the current human rights situation.
- 12 August, Hyderabad: Joint meeting with the Minority Rights Forum on creating inter-faith harmony.
- 17 August, Karachi: Seminar on women's participation in mainstream politics.
- 29 August, Islamabad: Press conference and launch of *Curbs on Freedom of Expression in Pakistan* (fact-finding report).
- 30 August, Quetta: Press conference at the Quetta Press Club to mark International Day in Support of the Victims of Enforced Disappearances.
- 4 September, Gilgit: Consultative meeting with the Advocacy Forum on gender discrimination to plan joint awareness sessions for local communities.
- 10 September, Islamabad: Meeting at the US Embassy to discuss the current human rights situation in Pakistan.
- 22 September, Islamabad: Digital security training workshop for

HRDs from Islamabad and northern Punjab.

- 25 September, Islamabad: Inaugural meeting of the National Interfaith Working Group set up by HRCP.
- 9 October, Multan: Digital security training workshop for HRDs from southern Punjab.
- 10 October, Quetta: Consultation on World Day Against the Death Penalty.
- 10 October, Gilgit: Consultation on World Day Against the Death Penalty.
- 10 October, Lahore: Seminar on the plight of death-row prisoners.
- 17 October, Lahore: Overview of the current human rights situation presented at a meeting between HRCP chairperson, Dr Mehdi Hasan, and the Swiss ambassador.
- 17 October, Quetta: Digital security training workshop for HRDs from Balochistan.
- 18 October, Quetta: Consultation on labour rights in Balochistan.
- 22 October, Hyderabad: Consultation on forced conversions in Sindh.
- 23 October, Karachi: Consultation on the status of ethnic minorities in Sindh, including the Afghan, Burmese, Bengali and Kashmiri communities.
- 22–24 October, Islamabad: Meetings organised for an Equal Rights Trust representative from the UK to identify patterns of discrimination in Pakistan.
- 24 October, Karachi: Consultation on women's representation in local government.
- 5 November, Lahore: Digital security training workshop for HRDs from Lahore.
- 6 November, Lahore: Digital security training workshop for HRDs from central Punjab.
- 11 November, Multan: Consultation on patterns of 'honour' crimes in southern Punjab.
- 15 November, Islamabad: Consultation on the state of human rights in western KP with a view to mainstreaming women's rights.
- 15 November, Islamabad: Workshop on strengthening women's decision-making power in western KP.
- 17 November, Hyderabad: Consultation on the impact of water degradation on women water-bearers in Sindh.

- 19 November, Sukkur: Digital security training workshop for HRDs from interior Sindh.
- 20 November, Karachi: Interactive session with children, teachers and HRDs on child abuse in schools, to mark International Children's Day.
- 20 November, Lahore: Consultation on children's rights to observe International Children's Day.
- 20 November, Gilgit: Seminar on the awareness and prevention of child sexual abuse in schools.
- 20 November, Hyderabad: Seminar on the awareness and prevention of child sexual abuse in schools.
- 20 November, Peshawar: Seminar on the awareness and prevention of child sexual abuse in schools.
- 20 November, Islamabad: Seminar on the awareness and prevention of child sexual abuse in schools.
- 20 November, Quetta: Seminar on the awareness and prevention of child sexual abuse in schools.
- 20 November, Islamabad: Stall set up at Friedrich-Naumann-Stiftung für die Freiheit's 60th anniversary celebrations in Pakistan as a partner organisation to showcase its work.
- 20 November, Multan: Seminar on the awareness and prevention of child sexual abuse in schools.
- 22 November, Peshawar: Digital security training workshop for HRDs from KP.
- 26 November, Karachi: A meeting on the impact of large dams in Pakistan, with special reference to Sindh.
- 1 December, Karachi: Meeting with the Urban Resource Centre and PILER to discuss the anti-encroachment drive at Empress Market in Karachi.
- 1 December, Lahore: Seminar on gender-based violence as part of HRCP's '16 Days of Activism'.
- 3-4 December, Lahore: Workshop on peace education for democratic societies.
- 6 December, Peshawar: Workshop on ending gender-based violence.
- 7 December, Islamabad: Video screening and discussion on gender-based violence.
- 7 December, Quetta: Video screening and discussion on gender-based violence.

- 7 December, Multan: Video screening and discussion on gender-based violence.
- 7 December, Karachi: Discussion on gender-based violence.
- 8 December, Karachi: Joint press conference with various CSOs to discuss women's rights as part of HRCP's '16 Days of Activism'.
- 10 December, Lahore: Lecture by HRCP's honorary spokesperson, I. A. Rehman, on Pakistan's human rights record in the light of the 2017 Universal Periodic Review, to mark the 70th anniversary of the UDHR.
- 10 December, Hyderabad: Seminar to commemorate the 70th International Human Rights Day at the Hyderabad Press Club.
- 11 December, Quetta: Screening of I. A. Rehman's lecture on Pakistan's human rights record to mark the 70th anniversary of the UDHR.
- 11 December, Karachi: Meeting with small vendors affected by the Empress Market anti-encroachment drive.
- 12 December, Gilgit: Awareness session on ending gender-based violence.
- 12 December, Hyderabad: Digital security training workshop for HRDs from southern Sindh.
- 13 December, Hyderabad: Seminar on gender-based violence as part of HRCP's '16 Days of Activism'.
- 13 December, Islamabad: Digital security training workshop for HRDs from Karachi.
- 14 December, Peshawar: Screening of I. A. Rehman's lecture on Pakistan's human rights record to mark the 70th anniversary of the UDHR.
- 14 December, Multan: Screening of I. A. Rehman's lecture on Pakistan's human rights record to mark the 70th anniversary of the UDHR.
- 16 December, Lahore: Consultation on the rights of differently-abled persons.
- 19 December, Hyderabad: Consultation on the rights of differently-abled persons.
- 19 December, Peshawar: Consultation on the rights of differently-abled persons.
- 21 December, Islamabad: Screening of I. A. Rehman's lecture on Pakistan's human rights record to mark the 70th anniversary of the

UDHR.

- 21 December, Karachi: Screening of I. A. Rehman's lecture on Pakistan's human rights record to mark the 70th anniversary of the UDHR.
- 23 December, Gilgit: Screening of I. A. Rehman's lecture on Pakistan's human rights record to mark the 70th anniversary of the UDHR.
- 25 December, Gilgit: Consultation on the rights of differently-abled persons.
- 26 December, Multan: Consultation on the rights of differently-abled persons.
- 27 December, Quetta: Consultation on the rights of differently-abled persons.
- 28 December, Karachi: Presentation on sexual harassment organised for lady health workers.
- 28 December, Islamabad: Digital security training workshop for HRDs from Gilgit-Baltistan.
- 29 December, Islamabad: Digital security training workshop for HRCP staff from Lahore, Islamabad and Gilgit.
- 30 December, Hyderabad: Screening of I. A. Rehman's lecture on Pakistan's human rights record to mark the 70th anniversary of the UDHR.

All chapter offices held regular members' meetings every month to discuss human rights and current affairs.

Fact-finding missions

- 12 January, Hyderabad: A fact-finding team visited Mithi in the Tharparkar district to investigate the murder of two Hindu traders on 5 January 2018.
- 13 January, Karachi: A fact-finding team visited the Rizvi Society, where they met the families of missing persons from the Shia community.
- 1-3 February, Lahore: A fact-finding team visited the University of the Punjab and a local police station to investigate clashes between two student groups and the ensuing crackdown on Baloch and Pashtun students.
- 5 February, Karachi: A fact-finding team visited Shargoth in Safoorah to show solidarity with victims of enforced disappearances in Sindh.
- 28 February, Lahore: A fact-finding team visited Dhir village and the Shahdara Police Station to probe violent protests against the

Christian community following the charge of blasphemy levelled against a young Christian man.

- 24 March, Karachi: A fact-finding team visited Lyari to obtain information on the alleged extrajudicial killing of three people in a police encounter.
- 28 May, Khuzdar: A fact-finding team visited a farm at which the landlord was allegedly holding 38 bonded labourers.
- 31 May, Karachi: A fact-finding team visited the Youhanabad Christian Colony to investigate the reported abduction of 24 boys.
- 5 June, Sialkot: A fact-finding team visited Sialkot to investigate the desecration of an Ahmadiyya site of worship.
- 10–18 July, Islamabad, Lahore and Karachi: Fact-finding teams met senior journalists to independently assess the recent crackdown on freedom of expression among the print and electronic media.
- 6 August, Karachi: A fact-finding team probed the cases against two religious minority members.
- 5–9 August, Gilgit: A high-profile fact-finding team visited Gilgit-Baltistan to assess the current human rights situation there.
- 5 September, Hyderabad: A fact-finding team probed the case of a Christian sweeper who had died allegedly as a result of self-immolation.
- 11 September, Hyderabad: A fact-finding team visited Shaheed Benazirabad to obtain information on a sexual harassment case against a university faculty member.
- 28 September, Hyderabad: A fact-finding team investigated the murder of a seven-year-old in Latifabad.
- 19–24 November, Lahore and Islamabad: Joint fact-finding mission with the International Federation for Human Rights (FIDH) to investigate death-row conditions in Pakistan.
- 7 December, Karachi: A fact-finding team visited Empress Market to collect evidence of rights violations stemming from an anti-encroachment drive.

Demonstrations/rallies/visits

- 11 January, Islamabad: Protest at the National Press Club to demand an end to the practice of enforced disappearances.
- 11 January, Karachi: Demonstration against the rape and murder of six-year-old Zainab in Kasur.
- 12 January, Islamabad: Demonstration against the rape and murder

of six-year-old Zainab in Kasur.

- 12 January, Karachi: Demonstration at the Karachi Press Club in support of Baloch journalists' freedom of expression.
- 13 January, Karachi: Protest rally at Rizvia Imam Bargah in solidarity with missing persons from the Shia community.
- 13 January, Hyderabad: 'Justice for Zainab' rally from Sindh University to the Hyderabad Press Club.
- 16 January, Karachi: Demonstration to condemn the alleged murder of Dr Hasan Zafar Arif.
- 18 January, Karachi: Demonstration at the Karachi Press Club against the extrajudicial murder of Nageebullah Mehsud.
- 5 February, Karachi: Demonstration at Shargoth in support of three missing persons in Sindh.
- 10 February, Hyderabad: Joint camp at the Hyderabad Press Club in solidarity with the fisherfolk community against the occupation of wetlands in Sindh.
- 1 April, Karachi: Camp at the Karachi Press Club in solidarity with missing persons Khadim Arejo, Hidayat Lohar, Ayob and Aziz Tonio.
- 30 April, Hyderabad: Joint rally to mark International Labour Day.
- 30 April, Quetta: An HRC team visited the Hazara community's hunger strike camp at the Quetta Press Club against the killing of Hazaras in Quetta.
- 1 May, Hyderabad: Token hunger strike organised jointly with the Women Democratic Front at the Hyderabad Press Club to express solidarity with the Hazara community.
- 15 June, Karachi: One-day hunger strike at the Karachi Press Club in collaboration with the Sindh Missing Persons Committee.
- 26 June, Islamabad: Demonstration at the National Press Club to mark International Day in Support of Victims of Torture.
- 26 June, Peshawar: Demonstration at the Peshawar Press Club to mark International Day in Support of Victims of Torture.
- 11 July, Karachi: Protest at the Karachi Press Club against the assassination of Awami National Party leader Haroon Bilour.
- 18 July, Quetta: Demonstration at the Quetta Press Club after a suicide attack killed over 130 people at an election gathering in Mastung.
- 30 August, Karachi: One-day camp at the Karachi Press Club to

mark International Day in Support of the Victims of Enforced Disappearances.

- 30 August, Hyderabad: Demonstration to mark International Day in Support of the Victims of Enforced Disappearances.
- 30 August, Lahore: Seminar and demonstration in solidarity with victims of enforced disappearances.
- 30 August, Islamabad: Demonstration to mark International Day in Support of the Victims of Enforced Disappearances.
- 30 August, Multan: Demonstration to mark International Day in Support of the Victims of Enforced Disappearances
- 30 August, Peshawar: Demonstration to mark International Day in Support of the Victims of Enforced Disappearances
- 10 October, Peshawar: Demonstration at the Peshawar Press Club to mark World Day Against the Death Penalty.
- 10 October, Hyderabad: Demonstration at the Hyderabad Press Club to mark World Day Against the Death Penalty.
- 18 October, Quetta: An HRCP team visited Bolan Medical Hospital to meet an acid-attack victim.
- 25 October, Hyderabad: An HRCP team visited the court in Hala to meet a young girl who had been converted forcibly to Islam.
- 18 November, Multan: An HRCP team visited Jampur and Rajanpur to raise awareness of human rights.
- 3 December, Karachi: An HRCP team joined women vendors at the Karachi Press Club to protest against the anti-encroachment drive at Empress Market.
- 10 December, Karachi: International Human Rights Day observed jointly with Tehreek-i-Niswan at the Karachi Press Club.
- 27 December, Quetta: An HRCP team visited a doctors' strike camp to demand the safe recovery of Dr Khalil Ibrahim, who was kidnapped from Quetta.

Complaints Cell

HRCP's Complaints Cell received a total of 1,464 complaints between 1 January and 31 December 2018. The bulk of these related to violence against women, enforced disappearances, private or police excesses, departmental issues, the delivery of justice and minorities' rights.

Internship Programme

Seven interns from universities in Pakistan and abroad joined HRCP's internship programme in 2018:

- Ms Husbana Ghafoor (23 July to 21 September 2018) assisted with election monitoring and data analysis.
- Ms Hafiza Aqsa Khan (1 July to 31 August 2018) assisted with a range of administrative and programmatic work, including election monitoring and data collection.
- Ms Amina Younas (1 July to 31 August 2018) assisted with a range of administrative and programmatic work, including election monitoring and data collection.
- Ms Uliya Suleman (5 February to 5 March 2018) prepared an analysis of complaints received by the Complaints Cell in 2017.
- Sarah Ahsan Khan (15 July to 15 August 2018) carried out research on harassment in the workplace and contributed to research for HRCP's fact-finding report on freedom of expression.
- Shehreen Umair (15 July to 30 August 2018) contributed to research for HRCP's fact-finding report on freedom of expression and campaign for International Day in Support of the Victims of Enforced Disappearances. Zoya Mirza (2 July to 31 August 2018) prepared a report comparing the manifestos of political parties in Pakistan and assisted with election monitoring.
- Rashid Ghafoor (1 October to 31 December 2018) carried out research on the implementation of laws against 'honour' killings and rape in Punjab.

Publications

HRCP released the following publications in 2018:

- *State of Human Rights in 2017* (annual report)
- *Curbs on Freedom of Expression in Pakistan* (fact-finding report)
- *A Meaningful Democracy: Mainstreaming the Rights of Women and Religious Minorities* (project publication)
- Joint FIDH and HRCP briefing note on key human rights issues in 2018 (e-publication)
- *A Call to Preserve Kalash Rights and Culture* (consultation report)
- *Minorities Still Waiting for justice: Strategies for Better Implementation* (consultation report)

HRCP Stands

The legacy of Asma Jahangir

12 February 2018: The Human Rights Commission of Pakistan (HRCP) was devastated at the unexpected and sudden passing away of its co-founder Asma Jahangir: exemplary lawyer, human rights icon, pro-democracy champion, friend and mentor par excellence, and a brave comrade of the poor and the disadvantaged. It stated that Asma Jahangir's unique and outstanding contribution to the human rights discourse was acknowledged by friend and foe alike, nationally and globally and further said that it had not known a braver and more tireless human rights defender.

16 March 2018: Tribute was paid to HRCP co-founder Asma Jahangir in a joint statement with FIDH and 21 other civil society organisations. The statement said her passing represented a terrible loss, and all who fought for human rights would have needed her compassion, her inspiration, and her courage to be around for decades to come. She would remain a source of inspiration for all, including for the young generation of human rights defenders, and a source of energy to continue the collective endeavour to which she had so generously contributed.

19 March 2018: In an oral joint statement for the outcome of the Universal Periodic Review (UPR) of Pakistan at the 37th session of the UN Human Rights Council in Geneva, FIDH and HRCP regretted that the government of Pakistan had missed yet another opportunity to show its commitment to address key human rights issues. They said that, despite having accepted nearly 60% of the recommendations it received, the government apparently lacked the political will to address the most serious human rights violations, such as enforced disappearances, the persecution of religious minorities, the use of the death penalty, and extrajudicial killings. FIDH and HRCP urged the Pakistani government to immediately begin the implementation of the recommendations that it did not accept and that were consistent with its obligations under human rights treaties to which Pakistan was a state party.

5 April 2018: HRCP announced the Asma Jahangir Convention, held in conjunction with Shirkatgah, the Aurat Foundation, the South Asian Free Media Association (SAFMA), Simorgh and South Asia Partnership Pakistan (SAP-PK), was intended not only to honour the late Asma

Jahangir, but also to discuss how members of civil society could pick up the mantle. HRCP said that it was critical that old partnerships were reinforced and new ones built among the different groups and causes to which Ms Jahangir had devoted her life: from lawyers, women's rights activists and journalists to the peasants' movement, workers' rights and the rights of religious minorities – among countless others.

7 April 2018. HRCP expressed its grave concern at the vacuum created by the passing away of its co-founder, Asma Jahangir. In a statement HRCP said that, while Ms Jahangir's passing was a major setback to the human rights movement, it was critical that her work continued with renewed determination. Her matchless contribution to protecting human rights, women's equality and the rights of religious minorities, workers and peasants across Pakistan should not be in vain.

1 June 2018: A decision by the Lahore School of Economics to initiate a postgraduate course in human rights and development – inspired by the late Asma Jahangir, HRCP's co-founder – as part of its MPhil Development Studies programme, was welcomed by HRCP.

14 October 2018: HRCP issued a statement on the successful conclusion of the Asma Jahangir Conference 2018, with the central theme of 'Justice for Empowerment'. The conference, hosted by the Asma Jahangir Foundation and AGHS Legal Aid Cell, featured many distinguished guest speakers and covered a wide range of sessions focusing on the protection of fundamental rights, justice for all and impunity for none, freedom of expression, and challenges to implementing rights legislation. The organisers committed to holding an annual conference to continue the mission of Asma Jahangir, who fought for human rights principles, which she believed transcended all cultures, government agendas and nations.

19 December 2018: HRCP expressed extreme pride that its co-founder, Asma Jahangir, had been honoured posthumously with the UN Human Rights Prize. The prize is awarded every five years for outstanding achievements in the field of human rights.

The loss of fellow human rights defenders

20 January 2018: HRCP expressed shock and grief at the passing of Munnu Bhai and lauded his contribution to the democratic dispensation in Pakistan, particularly during the 1970s and 1980s when Pakistan was under military rule. HRCP had the privilege of having Munnu Bhai as a member of its governing body for three years and his counsel was always greatly valued by the organisation.

6 March 2018: HRCP mourned the death of Muhammad Jan, popularly known as Jam Saqi, and acknowledged his significant contribution to the struggle for the rights of the people. It stated that Jam Saqi had also

been a member of HRCP's Council for some years, undertaking several fact-finding missions for HRCP.

26 April 2018: HRCP mourned the loss of Madeeha Gauhar, actor, playwright, director and human rights defender, as an unflinching advocate of women's rights, of progressive, secular values, and of peace between Pakistan and India.

22 November 2018: HRCP mourned the loss of distinguished poet, thinker and activist Fehmida Riaz, who passed away in Lahore on 21 November. HRCP hailed Ms Riaz as a human rights defender whose writing constantly pushed the boundaries of traditional literature. Her commitment to women's rights was integral to her poetry. She gave women in Pakistan a voice and a literary space that few others have since matched.

Rule of law

9 February 2018: HRCP expressed its outrage that the case of Junaid Hafeez, who was arrested in March 2013 after a student group accused him of blasphemy, had been transferred to yet another new judge and his right to a fair trial had been further undermined. It is feared that if a fair trial is not ensured this time round, Mr Hafeez may end up spending another 5-10 years in prison. It pointed out that Mr Hafeez's right to a fair hearing within a reasonable time, an essential component of the right to a fair trial, was enshrined in article 10A of the Constitution of Pakistan and laid down in international human rights instruments. HRCP therefore condemned the transfer of Mr Hafeez's case, and reiterated 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.

12 March 2018: HRCP expressed grave concern over the actions of the administration of the Punjab University against a number of Pashtun and Baloch students. It stated that the impression that the university administration had been targeting Pashtun and Baloch students because of their ethnic identities was cause for grave concern, and urged the university's administration to take immediate measures to address these valid and serious concerns. HRCP also called on the university's administration to engage the protesting students and initiate a process of dialogue with them as soon as possible.

16 March 2018: The International Federation for Human Rights (FIDH) and its member organisation HRCP said in a joint statement that the Pakistani government had missed yet another opportunity to show its commitment to address key human rights issues during its third Universal Periodic Review (UPR), which was held on 13 November 2017 in Geneva, Switzerland. The Pakistani government accepted 168 of the

289 recommendations it received from UN member states during the third UPR. Another 117 recommendations were 'noted' and four were rejected. FIDH and HRCP urged the Pakistani government to immediately begin the process of implementation of the recommendations that it did not accept and which were consistent with its obligations under human rights treaties to which Pakistan was a state party. HRCP stated that the government's blanket refusal to commit to end the death penalty, including for juveniles and for offences that do not meet the threshold of the 'most serious crimes', was particularly disappointing because this practice was in clear violation of Pakistan's international human rights obligations.

16 April 2018: In the year that Pakistan was elected to the United Nations Human Rights Council, which is 'responsible for the promotion and protection of all human rights around the globe', HRCP observed that the country's disappointing third Universal Periodic Review was cause for serious concern. At the launch of its flagship annual report, *State of Human Rights in 2017*—dedicated to the late Asma Jahangir—HRCP stated that Pakistan's bid to stand tall among the international defenders of human rights may be well-intentioned, but simply enacting legislation would 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," it stated.

24 May 2018: HRCP strongly criticised the Government of Gilgit-Baltistan (GB) Order 2018, saying that it fell considerably short of the GB people's expectation of being treated as full citizens of Pakistan. In its statement, it said, "In claiming to grant the people of GB their fundamental freedoms, the GB Order has clipped their right to freedom of association and expression. It has denied any Gilgit-Baltistani the right to become a chief judge of the Supreme Appellate Court or to have any say in internal security. Above all, it has disregarded people's needs despite continual public pressure in GB to address their problems fairly and in accordance with local aspirations."

10 October 2018: HRCP participated in a joint statement issued by the Asian Forum for Human Rights and Development (FORUM-ASIA) and 28 civil society organisations in Asia, condemning the imposition of the death penalty by the Singaporean authorities on Abdul Wahid Bin Ismail, Mohsen Bin Na'im, and Zainudin bin Mohamed. All three were convicted of drug-related offences and were executed on 5 October 2018. The statement said that, as a network of human rights organisations, FORUM-ASIA saw the death penalty as a grave violation of the right to

life – the most fundamental and essential human right for other rights to be realised.

1 November 2018: HRCP greatly welcomed the Supreme Court's landmark judgment acquitting Asia Bibi, a Christian woman convicted of blasphemy in 2010 and sentenced to death. HRCP said that, from a human rights perspective, the Supreme Court's detailed judgment underlined several of the most problematic aspects of applying the blasphemy laws. The presumption of innocence was too easily buried by moral outrage, which invariably pitted the vulnerable and underprivileged against those in majority. Moreover, the evidence of extrajudicial confession could not be allowed to hold any legal worth. HRCP also strongly condemned the vicious reaction of all far-right religious-political groups who had taken to violent protests and openly threatened the lives of those associated with this case. It further said that, ultimately, the state must consider reforming the blasphemy laws in the interest of applying the law to all its citizens fairly, irrespective of their faith.

12 November 2018: In a joint statement, FIDH and its member organisation HRCP said the European Union (EU) must use the upcoming human rights dialogue with Pakistan to push the country's new government to enact concrete reforms for the protection of human rights. FIDH and HRCP made the call ahead of the EU-Pakistan Joint Commission's Sub-Group on Governance and Human Rights, which was scheduled to meet on 13 November 2018 in Islamabad. In conjunction with their call, the two organisations released a briefing paper that provided an update on key human rights issues in Pakistan since the last meeting of the Joint Commission, which took place in October 2017.

10 December 2018: Marking the 70th anniversary of the Universal Declaration of Human Rights (UDHR), HRCP organised a public lecture by its honorary spokesperson and veteran human rights defender, I A Rehman on 9 December 2018. The theme of this lecture was to assess Pakistan's performance during its third Universal Periodic Review (UPR) in 2017. In a statement, HRCP said that it was 'gravely concerned at the exponential rise in the number of recommendations Pakistan had received from its peers with respect to human rights concerns in the country and that Pakistan has chosen to 'note', rather than 'support' key human rights principles such as reporting the investigation and prosecution of security forces that commit human rights violations and abuses; amending discriminatory laws against marginalised groups, including women and girls and ethnic and religious minorities; protecting the rights of the child more effectively, particularly during counter-terrorism activities; desisting from issuing death sentences and executing juveniles, and taking effective measures to prevent the

abuse of blasphemy legislation and the use of violence against religious minorities.

HRCP strongly urged the state to commit to its willingness to continue cooperating with the United Nations human rights mechanism, and to apply both in principle and practice the UPR recommendations it had 'noted' as well as 'supported'.

22 December 2018: The Commission expressed grave concern at the way in which people's fundamental right to dignity was being eroded away, ostensibly in the name of accountability, following the death in judicial custody of Mian Javed Ahmed, a professor at the University of Sargodha., who was reportedly in handcuffs even after death. HRCP stated that the innocence or guilt of those taken into custody by state institutions such as the National Accountability Bureau (NAB) needed to be established under the law and with strict and transparent regard for due process.

HRCP also said that using the Exit Control List as an arbitrary tool to harass elected parliamentarians and those perceived as political dissenters would not make for a stronger society – or one more able to withstand honest criticism. HRCP urged the state to keep in view the principle that the right to dignity is an inalienable right, and that the tools and procedures available to maintain the rule of law be used justly and transparently.

Enforcement of law

12 January 2018: HRCP expressed its grave concern over the brutal rape and murder of a seven-year old girl in Kasur, the consequent slack in the police's investigation and ensuing violence against demonstrators seeking justice for the child. It called on the provincial governments to take steps to include these themes in school curricula to make pupils and their families aware of such sensitive issues and empower them to protect themselves. It pointed out that the helpline launched by the Child Protection Bureau Punjab a few years ago was not disseminated in an effective way. "Mass media should also realise that for such tragedies, besides responsible and vigorous reporting, adequate follow-up on reported cases is vital for accountability and as a long-term solution to such horrific incidents."

23 January 2018: HRCP expressed grief and anger at the unchecked shooting of a college principal by a student under the suspicion of blasphemy in the Shabqadar District of Charsadda. In its statement, HRCP said: "This killing is yet another shameful reminder of how easy it still is to manipulate the existing blasphemy laws to avenge personal grievances. Blasphemy remains a highly sensitive issue and allegations do not need to be proven before provoking murder. It is regrettable that

no lessons are being learnt from these incidents and no action is being taken at all by the authorities to prevent such episodes. This incident is further confirmation of the slide toward extreme intolerance in societies on the one hand and, on the other hand, the apathy and inability of the authorities to meet the challenges of extremism.”

20 April 2018: HRCP condemned the burglary-style raid on the house of the editor of its *State of Human Rights* report, launched on 16 April in Islamabad. In a statement issued here today, the Commission said: “HRCP suspects that the two suave raiders were no ordinary thieves and calls on the Government of Punjab to apprehend the culprits and establish their identity.

HRCP will hold the provincial authorities responsible for any attempt by state or non-state actors to harass any persons associated with the Commission.”

25 April 2018. HRCP strongly condemned the surge in deadly attacks in Quetta during the month of April, after six policemen were killed in a suicide attack on a police van, which occurred in tandem with another attack outside a Frontier Corps check-post that left eight personnel injured. In a statement HRCP said, “That the law enforcement agencies responsible for protecting citizens also continue to be targeted, underlines the deeper law and order problem that beleaguers the province.” It urged the government to bring the perpetrators of these crimes swiftly to justice and to clamp down visibly on elements bent on fomenting violence against minority communities.

11 May 2018: HRCP demanded that the government investigate the attacks on two girls’ schools in North Waziristan Agency. “The Commission is appalled to learn that residents are being threatened openly for sending their daughters to school. The state is constitutionally and morally obliged to ensure that every child in Pakistan can attend school: no individual or group has any right to prevent this.

4 June 2018: After reports that at least three people had been killed and 20 injured when armed assailants opened fire on a gathering of the Pashtun Tahafuz Movement (PTM) in Wana, South Waziristan, on 3 June, HRCP expressed grave concern: “We counsel the administration to restore peace and take steps to avoid any further confrontation between PTM supporters and the armed outfits reported to be operating as ‘Aman Committees’. The region has seen enough bloodletting: it is imperative that its people are now allowed to live in peace and stability.”

7 June 2018: Expressing its grave concern over the increasing frequency and sheer impunity with which anyone critical of the state is being targeted, reportedly by security agencies, HRCP said it was appalled at the abduction of Gul Bukhari, a journalist known for her views

on law enforcement organisations. HRCP further stated that enforced disappearances were rapidly becoming the norm – an easy and arbitrary means of intimidating those who do not toe the line – and strongly condemned any use of extra constitutional means to intimidate and harass citizens, or to put them in a position that might compromise their safety.

22 June 2018: The Commission expressed its alarm “at the growing frequency with which human rights defenders are being targeted. HRCP calls for a public and transparent investigation of the incident to make it clear that such callous attempts to intimidate human rights defenders or their families are unacceptable and unconstitutional. This ugly state of affairs simply cannot be allowed to continue.” The statement was issued after reports of continuing harassment and intimidation of blogger and human rights activist Ahmad Waqas Goraya.

26 June 2018: HRCP urged the state to take measures to implement the United Nations Convention against Torture (UNCAT) – to which Pakistan is a signatory – as well as ratify the Optional Protocol to UNCAT and establish a corresponding national preventative mechanism. It further emphasised the need to provide law enforcement agencies greater support in terms of training, resources and access to modern, scientific methods of investigation. It said, “The right to protection against cruel, inhuman or degrading treatment or punishment applies in *all* circumstances, with no exceptions whatsoever. This is fundamental to what it means to be a civilised state.”

11 July 2018: The suicide attack on an Awami National Party (ANP) corner meeting in Peshawar, which left at least 20 people dead, among them senior ANP leader Haroon Bilour, was strongly condemned by HRCP as a “horrific development in the run-up to the elections”. The Commission demanded that the state should unequivocally condemn the use of wanton violence by non-state actors to disrupt the election process and ensure that adequate protections is given to political candidates during their campaigns.”

14 July 2018: HRCP expressed serious concern over the emerging pattern of violence accompanying the run-up to the elections on 25 July, after a deadly attack on an election gathering in Mastung in which at least 128 people died and questioned the security measures in place. The Commission also pointed to the extent to which the attack in Mastung had been overshadowed by parallel political developments in Punjab. It said, “The right to assembly and security of person are universal and must be applied as such. We strongly urge the authorities to make every effort to ensure that the little time left for the polls remains peaceful and free of undue influence across the country.”

30 August 2018: In a statement issued to mark International Day of the Victims of Enforced Disappearances, HRCP demanded that the government take immediate steps to criminalise enforced disappearances under the Penal Code and replace the Commission of Inquiry on Enforced Disappearances with a judicial tribunal answerable to the Supreme Court. It further said that the findings of the 2010 Judicial Commission on Enforced Disappearances must be made public and implemented and that it was high time that Pakistan ratified the International Convention to Protect All Persons against Enforced or Involuntary Disappearance, and engage productively with the United Nations Working Group on Enforced or Involuntary Disappearances.

4 November 2018: Following three days of street violence perpetrated by far-right religious-political groups who opposed the Supreme Court's acquittal of Aasia Bibi, HRCP was appalled at the government's failure to preserve the writ of the state and the sanctity of the rule of law. It said, "What was hailed as a landmark judgment and a human rights victory unravelled into a situation in which there was no distinction between the peaceful right to dissent and the thuggery of mobs who claimed a 'moral right' to wreak public havoc, to attack citizens and law enforcement personnel, to wantonly destroy property and to incite hatred against religious minorities. HRCP expressed serious concern at how quickly the government capitulated to the demands of extremist-led mobs, despite its earlier vow to preserve the writ of the state and strongly urged the government to take an unequivocal and consistent stand against groups and individuals that had no qualms about employing violent, extra constitutional means to have their way.

1 December 2018: As part of its campaign marking 16 days of activism against gender-based violence, HRCP organised a theatrical performance and dance recital to underscore the prevalence of violence against women and girls in Pakistan. This was followed by an open forum to discuss patterns of gender-based violence (GBV) and the rising frequency of domestic violence and 'honour' crimes in the country. In a statement, HRCP said that patriarchy and the practices it gave rise to, in terms of seeing women's bodies and minds as property or as easy targets of violence, exploitation and abuse, had no place in any society that wished to call itself civilised. It urged the state to invest heavily in the infrastructure needed to give the most vulnerable and marginalised women access to these laws, and fulfil its obligations under all national and international human rights mechanisms that seek to eliminate GBV.

24 December 2018: HRCP expressed grave concern over continuing reports from the field that the number of unresolved cases could be far higher than the balance of 2,116 reported by the Commission of Inquiry on Enforced Disappearances and that, more importantly, the issue of

enforced disappearances is simply not receiving the public attention it must. Expressing solidarity with the protesting families of the forcibly disappeared, HRCP urged the government yet again to take concrete measures not only to trace and safely recover the forcibly disappeared, but also to ensure that the perpetrators are punished; and to criminalise enforced disappearance and ratify the relevant UN conventions in line with the country's international obligations and its moral responsibility to Pakistan's people.

Fundamental freedoms

6 February 2018: HRCP called upon the federal government to immediately address the valid and legitimate demands of the protesters of Waziristan in Islamabad which included the immediate arrest and prosecution of Rao Anwar, the police official accused of murdering Nageebullah Mehsud, investigations into extrajudicial killings in Karachi and elsewhere in the country, stopping of enforced disappearances and recovery of missing persons, an end to the collective responsibility punishments meted out to entire villages, sub-tribes and tribes after any illegal, militant or criminal activities in Waziristan and FATA and the clearing of landmines in Waziristan and FATA.

14 March 2018: HRCP said the Islamabad High Court's (IHC) ruling requiring a declaration of faith for government and semi-government job applicants was cause for serious concern and should be appealed by the federal government. It cautioned that the ruling could lead to an increase in instances of aggression and violence against the Ahmadiyya community in particular and that the consequences of this ruling could be deadly for members of this community, given their already precarious personal safety situation in the country.

30 March 2018: HRCP expressed support for the lady health workers (LHWs) strike and urged the Punjab government to implement the notification it issued in 2012, regularising the services of 50,000 LHWs in the province. It stated that LHWs were critical to Pakistan's public health delivery system—many of them working in remote and often difficult conditions to provide basic healthcare, family planning and vaccination services in underserved areas.

7 April 2018: In a statement HRCP reiterated the importance of ensuring an even playing field for all—without interference from any state agency—and demanded that free and fair elections be held as scheduled. It further stated that “There must be special efforts to ensure that both women and religious minorities are able to participate in, and contest, the elections freely and without fear, pressure or intimidation. In this context, mobile polling stations could be a way of ensuring that people who might otherwise be unable to vote, are able to exercise this

fundamental right.”

HRCF particularly highlighted the issues of enforced disappearances, extrajudicial killings, the growing exclusion of civil society from affairs of the state, the mainstreaming of extremist parties, violence against women and children, labour rights, rise in suicide incidents, mandatory declaration of faith, religious extremism, the increasing trend of judicial activism, and curbs on freedom of expression. The organisation welcomed the Pashtun Tahafuz Movement “in the spirit that all people have a right to express their grievances peacefully. The legitimate concerns underlying the movement reflect a breakdown in the relationship between the state and the people. We urge the government to listen to these concerns and to refrain from interfering in the Pashtuns’ right of association as well as that of others.”

19 April 2018. Amid growing speculation that the authorities were not happy with the idea of allowing a Khyber Pakhtunkhwa organisation to hold a public meeting in Lahore on 22 April 2018, HRCF urged the Punjab government to avoid taking any steps that might be seen as interfering with people’s fundamental right to assembly. In a letter to the Punjab chief secretary, HRCF said, “We believe that the people of Khyber Pakhtunkhwa have as much right to enter Lahore and hold a public meeting as the people of any other province.” It further stated that the Punjab government was duty-bound to ensure that any peaceful political activity taking place in the province was not hindered, and that people – all people of Pakistan – had the right to express their grievances peacefully.

3 May 2018: HRCF took a serious view of the sharp decline in press freedom in the country over the past several months, which coincided with the emergence of a strong grassroots movement in Khyber Pakhtunkhwa. In a statement issued to mark World Press Freedom Day, HRCF censured the recent escalation in press harassment and intimidation, and attempts to curb people’s freedom of expression and their access to information, adding that, “there has been little movement on the fate of people who have gone ‘missing’ after having written critically about pro-establishment narratives.”

12 May 2018: While condemning the authorities’ clampdown on activists associated with the Pashtun Tahafuz Movement (PTM) days before the latter was scheduled to hold a public rally in Karachi, HRCF expressed serious concern that the authorities had once again escalated their efforts to suppress the PTM. It strongly urged the government to refrain from interfering in people’s right to peaceful assembly.

25 May 2018: Following the demolition of an Ahmadiyya place of worship in Sialkot as well as a house of historical significance to the

community, HRCP called on the government to investigate the incident through an independent, high-level probe and to take appropriate action swiftly: “It is critical that the facts of the case be established transparently. The beleaguered Ahmadiyya community is already vulnerable to harassment and violence: the state must take special care to ensure that the community’s places of worship and sites of religious significance are protected as far as possible. All religious minorities are entitled to this protection under the Constitution and the reported mob vandalism in this case is insupportable.”

16 July 2018: The Commission expressed its grave concern over what it saw as blatant, aggressive and unabashed attempts to manipulate the outcome of the upcoming elections, citing examples of the powers a to security forces: the selective squeezing of political class; the harassment of candidates; the legitimisation of banned outfits; the emboldening of militant groups, and the curbs on the print and broadcast media. HRCP appealed to all citizens to approach the ECP with the necessary supporting evidence in cases where they felt that any election rules and laws had been violated.

23 July 2018: HRCP carried out an independent fact-finding exercise to assess the extent and nature of curbs on freedom of expression across Pakistan. Based on its findings, HRCP called on the federal and provincial governments of Pakistan, their administrative branches and all other state institutions and services to:

- Take due notice of the complaints it has presented
- Take appropriate steps to prohibit and prevent unauthorized, illegal and unlawful interference with freedom of expression in the country
- Protect the right of television channel and news publication owners to function with dignity and in peace.
- There should be no interference in the sale and distribution of any newspaper, nor should any TV channels be deliberately displaced.
- The system of issuing ‘press advice’ or press-advice-like ‘instructions’ on the part of state agencies must cease immediately.
- All complaints of this nature should be redressed promptly.
- Complete and effective information commissions are set up in each province to implement the state’s obligations under the Right of Access to Information Act 2017.

29 August 2018: HRCP strongly urged the government to acknowledge

and promptly address constraints to press freedom in a statement released at the launch of its report investigating recent curbs on newspaper distribution and journalists' freedom of expression.

8 September 2018: HRCP strongly urged the government to avoid any sort of precedent that allowed a person's faith to trump all other criteria for public service following the government's decision to withdraw its nomination of Dr Atif Mian for the Economic Advisory Council (EAC).

24 September 2018: HRCP termed the Lahore High Court's decision 'regrettable' after it issued a non-bailable arrest warrant for journalist Cyril Almeida, requiring him to appear at the next hearing of a case seeking action against former Prime Minister Nawaz Sharif on charges of treason. HRCP strongly urged the honourable court to give Mr Almeida the opportunity to appear at the scheduled hearing of his own volition and to have his name removed from the ECL immediately.

25 September 2018: After establishing a National Interfaith Working Group as part of an ongoing project on advocacy and legal aid for religious minorities, HRCP reiterated that freedom of religion and belief remained integral to the Commission's work and said the platform would facilitate interfaith dialogue and carry out collective advocacy, awareness and action to protect the fundamental rights of religious minorities.

28 September 2018: In a statement issued to mark International Right to Know Day, HRCP reiterated that people's right to information (RTI) was nothing short of a fundamental right. With press freedom increasingly under fire, HRCP called on the state to remove unwarranted restrictions on citizens' RTI and to fulfil its responsibilities under the Right of Access to Information Act 2017.

22 October 2018: In the wake of the details released concerning the brutal murder of journalist Jamal Khashoggi, allegedly at the Saudi consulate in Istanbul, HRCP said that it regretted the Pakistani government's failure to take an appropriate stand on the incident, given that the Pakistani media itself had become increasingly vulnerable to undeclared curbs on press freedom. HRCP felt that the failure to take a firmer stand underscored a worrying lack of concern not only for the constitutional principle of freedom of expression, but also for the security of journalists.

26 October 2018: HRCP expressed serious concern that human rights activist Gulalai Ismail was still on the Exit Control List (ECL) and her travel documents confiscated, after the court had granted bail to her. In a statement, HRCP reiterated that freedom of movement was an internationally accepted fundamental right and 'anti-state activities; had become an expedient label for human rights defenders, particularly those associated with the PTM. It said that the right to peaceful dissent –

especially when this meant articulating ‘uncomfortable’ truths about curtailed rights and freedoms—should not be branded routinely as ‘anti-state’.

HRCP called on the authorities to remove all restrictions on Ms Ismail’s freedom of movement and her other rights, and to avoid using the ECL as an arbitrary and often politically motivated tool to curb the work of human rights defenders in Pakistan.

Political participation

31 July 2018: HRCP expressed satisfaction that the 2018 general elections were held on time and remained, by and large, peaceful. However, it regretted that many lives were lost in violence preceding the elections and was concerned about the complaints made by several political parties as well as HRCP’s own observers regarding the management of post-poll formalities. It referred to numerous reports that vote counting was poorly handled – with polling agents prevented from observing the final count in many cases – and the unprecedented delay in results that cast a shadow over the electoral process. The Commission said these questions must be diligently addressed to avoid any doubts concerning the credibility of the elections. It strongly urged the new government to take serious note of the challenges that continue to beleaguer Pakistan’s democratic development and to address on a priority basis the Commission’s overarching concerns including: enforced disappearances, constraints to freedom of expression and association, tainted processes of accountability, lack of respect for the separation of powers, the erosion of independence among institutions, and the shrinking space open to civil society.

Rights of the Disadvantaged

7 May 2018: HRCP expressed grave concern at the deaths of 29 workers in Balochistan in separate incidents.

It said: ‘It is unacceptable that workers are not provided adequate security in regions known to be politically sensitive and thus vulnerable to such attacks. The responsibility for protecting workers in such a situation lies squarely with their employers, who must take all possible steps to ensure that their operations in any given area do not put workers at unnecessary risk. Where this risk exists, employers are bound to provide their workers with regular and adequate security.’ HRCP also urged the state and the employers concerned to ensure that the workers’ beneficiaries were compensated fairly.

18 May 2018: HRCP called on the federal and provincial governments to meet the legitimate demands of the visually impaired protestors who had been staging a sit-in at Kalma Chowk in Lahore for several days.

In its statement, HRCP said, “it is the duty of all governments who call themselves ‘civilised’ to protect the rights of vulnerable persons and ensure that, as far as possible, their access to employment, fair wages and decent working conditions remains unhampered by their impairment. The fact that the protestors at Kalma Chowk have already been there a week reflects poorly on the state’s attitude toward persons with special needs.”

Social and Economic Rights

6 June 2018: HRCP took serious exception to the controversial choice of a new vice-chancellor for Punjab University and called for a review of the decision. It added that it had strong reservations about the process of selection of vice-chancellors of public sector universities—particularly about the hold the provincial government and its bureaucracy had over this process. The Commission said: “It may also be time to appoint a high-powered, broad-based national commission to pull education out of the rut into which it has fallen.”

9 October 2018: HRCP expressed its grave concern at efforts to roll back the 18th constitutional amendment, adding that the 18th Amendment was integral to Pakistan’s identity as a federation and a democracy. HRCP remained apprehensive about the continuing judicialisation of politics in Pakistan; the unabated curbs on press freedom in Pakistan and continuing enforced disappearances. It also emphasised the state’s duty to protect people’s fundamental right to life must entailing addressing the malnutrition-related deaths of at least 50 children in Thar in September alone, the alarming frequency of mining accidents—primarily in Balochistan—and the rising number of suicides among women in Gilgit-Baltistan. It also said it was critical to acknowledge and enable other actors that are attempting to alleviate poverty and protect human rights, referring to the unwarranted expulsion of 18 international aid groups from the country and subsequent vilification campaign against them in the electronic media.