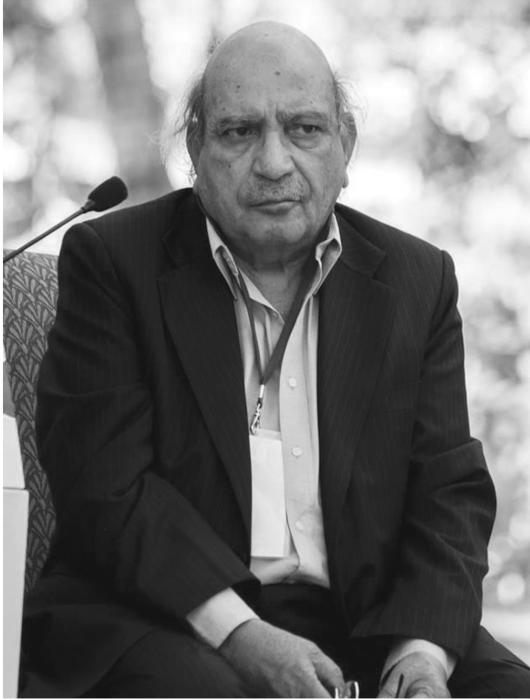


# STATE OF HUMAN RIGHTS IN 2020



# IN MEMORY OF



I. A. Rehman  
1930-2021



Kamran Arif  
1966-2021

# State of Human Rights in 2020

Human Rights Commission  
of Pakistan



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## **NOTE ON SOURCES**

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

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

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



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## ABBREVIATIONS

AJK	Azad Jammu and Kashmir	MTI	medical teaching institution
ANP	Awami National Party	NAB	National Accountability Bureau
ASER	Annual Status of Education Report	NADRA	National Database and Registration Authority
AWP	Awami Workers Party	NCOC	National Command and Operation Centre
BAP	Balochistan Awami Party	NGO	non-government organisation
BNF-H	Balawaristan National Front (Hameed)	PDM	Pakistan Democratic Movement
BNP-M	Balochistan National Party (Mengal)	PDMA	Provincial Disaster Management Authority
BUMHS	Bolan University of Medical and Health Sciences	PFUJ	Pakistan Federal Union of Journalists
CCPO	capital city police officer	PHC	Peshawar High Court
CDA	Capital Development Authority	PIDE	Pakistan Institute of Development Economics
CNIC	computerised national identity card	PkMAP	Pashtoonkhwa Milli Awami Party
COIED	Commission of Inquiry on Enforced Disappearances	PLWD	person living with a disability(ies)
CPEC	China-Pakistan Economic Corridor	PMDC	Pakistan Mineral Development Corporation
CSO	civil society organisation	PML-N	Pakistan Muslim League (Nawaz)
DEC	district election commissioner	PPE	personal protective equipment
ECP	Election Commission of Pakistan	PPP	Pakistan People's Party
EPA	environment protection agency	PSM	Pakistan Steel Mills
FATA	Federally Administered Tribal Areas	PSPA	Punjab Social Protection Authority
FC	Frontier Corps	PTI	Pakistan Tehreek-e-Insaf
FIR	first investigation report	PTM	Pashtun Tahafuz Movement
FWO	Frontier Works Organisation	RTI	right to information
GB	Gilgit-Baltistan	SHC	Sindh High Court
GBLA	Gilgit-Baltistan Legislative Assembly	SOP	standard operating procedure
GBV	gender-based violence	TTP	Tehreek-e-Taliban Pakistan
GSP	Generalised Scheme of Preferences	UNHCR	United Nations High Commissioner for Refugees
ICT	Islamabad Capital Territory	UNICEF	United Nations Children's Fund
ICJ	International Commission of Jurists		
IGP	inspector general of police		
IHC	Islamabad High Court		
ILO	International Labour Organization		
IMF	International Monetary Fund		
ISPR	Inter-Services Public Relations		
JKLF	Jammu and Kashmir Liberation Front		
JSQM-A	Jey Sindh Qaumi Mahaz (Arisar)		
JUI-F	Jamiat Ulema-e-Islam (Fazal)		
KIU	Karakorum International University		
KMC	Karachi Metropolitan Corporation		
KP	Khyber Pakhtunkhwa		
LHC	Lahore High Court		
LOC	Line of Control		



## GLOSSARY

<i>Imam</i>	prayer leader.
<i>Jirga</i>	a gathering of elders, especially in tribal societies, which settles disputes, decides criminal cases, etc.
<i>Kachhi abadi</i>	a settlement or shanty town where poor people live in makeshift shacks.
<i>Kanal</i>	traditional unit of land area.
<i>Karo kari</i>	' <i>karo</i> ' and ' <i>kari</i> ' 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.
<i>Nullah</i>	watercourse.
<i>Peshgi</i>	advance payment against labour.
<i>Sehri</i>	the meal consumed early in the morning by Muslims before fasting.
<i>Tehsil</i>	an administration division.
<i>Urs</i>	death anniversary of a Sufi saint, usually held at the saint's dargah.
<i>Zina</i>	adultery; fornication. Rape is <i>zina-bil-jabr</i> .



# INTRODUCTION

To say that the year 2020 was an exceptionally tough year for the world would be an understatement. The Covid-19 pandemic hit every corner of the globe and Pakistan was no exception. If anything, it brought into stark relief the country's social inequalities, systemic inefficiencies and appalling human rights regime.

In what has already been an incredibly difficult year, we lost a number of stalwart colleagues, including Air Marshal (Retd) Zafar Chaudhry at the tail-end of 2019 and Dr Mubashir Hasan, Saleem Asmi, Justice (Retd) Fakhruddin G. Ebrahim, Moazzam Ali, and Mian Shujaullah in 2020. When, in April 2021, Kamran Arif, vice-chair of HRCP Khyber Pakhtunkhwa, and I. A. Rehman, former secretary-general and honorary spokesperson, passed away, the loss seemed immeasurable. It is to I. A. Rehman and Kamran Arif that we dedicate this edition of *State of Human Rights*, and pledge to carry forward their legacy.

For the Human Rights Commission of Pakistan (HRCP), the challenges wrought by the Covid-19 crisis were manifold. Issues of immediate concern included rising poverty and layoffs, a dilapidated healthcare system, the surge in domestic violence, marginalised groups' right to education, conditions in prisons and the vulnerabilities of prisoners, and curbs on fundamental rights and freedoms, particularly freedom of expression and assembly. Additionally, there was no let-up in ongoing state violations of human rights, with enforced disappearances and police excesses continuing through the year.

As an organisation that seeks meaning in always being present in the field, the beginning of the pandemic and consequent lockdowns were frustrating indeed. Nonetheless, we adapted swiftly, moving to digital platforms where possible—holding almost 100 mobilisation meetings to rally human rights defenders—and ensuring that our staff and volunteers remained protected at work. We carried out a detailed survey-based study on the government's response to Covid-19, making sound recommendations that had wider implications for politics, the economy and healthcare in particular. We produced exhaustive reports on conditions in prisons and violence against women during the pandemic. We also instituted a more efficient and permanent complaints redressal system at all chapter offices across Pakistan, with dedicated people managing nine complaints desks. Responding to the situation on the ground, we carried out a series of fact-finding missions, including on the demolition of Hindu homes in South Punjab, the devastating rains in Karachi, and the state of human rights in Chitral. We also conducted 15 training workshops introducing human rights concepts to citizens across all four provinces.

As with preceding reports, *State of Human Rights in 2020* delves into a wide spectrum of human rights violations. Unsurprisingly, the theme for this year's report was the impact of the Covid-19 pandemic but explored through a human rights lens. Following the pattern of last year, this year's report includes separate chapters on the federating units, Islamabad Capital Territory, and the administrative units of Azad Jammu and Kashmir and Gilgit-Baltistan.

To HRCP's consternation, the government has not lived up to its responsibility for protecting human rights, not least in continuing to neglect national human rights institutions such as the National Commission for Human Rights and National Commission on the Status of Women, both of which remain without chairpersons. While the Ministry of Human Rights eventually notified the establishment of the National Commission on the Rights of the Child in March, the latter remained grossly underfunded. Meanwhile, the National Commission for Minorities notified by and set up under the Ministry of Religious Affairs in May is a poor substitute for the autonomous council envisaged by the 2014 Jilani judgment and remains unacceptable to civil society. At the same time, the passage of the Zainab Alert, Response and Recovery Act and a detailed report issued by the human rights ministry on the plight of women prisoners gives some hope that the state will recognise and fulfil its responsibility to Pakistan's most vulnerable.

In the end, I would like to acknowledge the effort put into compiling this report by contributors including, but not limited to, Bilal Abbas, Dr Mahvish Ahmad, Aziz Ali Dad, Israruddin Israr, Dr Naazir Mahmood, Jalaluddin Mughal, Shujauddin Qureshi, and Adnan Rehmat. Maheen Pracha played an important role in helping edit and assemble this document and collecting statistical data with support from Marriam Rauf, Adeel Ahmed, Maheen Rasheed, and Fatima Faisal Khan. Besides her writing and editorial contribution, Farah Zia supervised the entire process, with input from members of HRCP's Policy and Planning Committee, particularly I. A. Rehman, Zohra Yusuf and Harris Khaliq.

HRCP vows to continue its struggle for the realisation of human rights for all Pakistani citizens and residents without any distinction or discrimination on grounds of gender, race, religion, sect or belief, ethnicity, area of origin, disability, sexual orientation, or socioeconomic status. We hope for a safer, more equitable, and just world in the years to come.

**Hina Jilani**

Chairperson



### The year that changed everything

As far as historical significance goes, the year 2020 is likely to remain unparalleled owing to the impact of Covid-19—the disease caused by the novel coronavirus—which swept the globe, infecting and killing millions, and changing how the world works, perhaps forever. The exponential spread of the virus touched nearly every aspect of life, including a broad spectrum of human rights, with violations exacerbated by structural discrimination and existing socioeconomic disparities.

Having initially been touted as the ‘great equaliser’, the novel coronavirus emerged as anything but. The virus appears to feed on inequality. Millions of people across the world fell into extreme poverty—after substantial upward mobility in the last couple of decades— as a result of the pandemic, including in Pakistan, as varying levels of lockdown from early 2020 onwards brought the global economy to a grinding halt and resulted in unprecedented business closures and layoffs.

Pakistan’s economy was already in dire straits before the pandemic hit. The country had entered into an extended fund facility arrangement with the International Monetary Fund (IMF) in July 2019 and had been implementing contractionary stabilisation policies to reduce the current account and fiscal deficits. The effects of the coronavirus on this already-contracting economy have been devastating. And while the IMF loan was put on hold, it is now being revived and paints a grim picture of things to come.

Even though the government raised the mantra of saving livelihoods relatively early on, at a micro-level more people became unemployed owing to redundancies in the wake of the pandemic. The labour workforce was badly affected as a consequence.

When Pakistan detected its first Covid-19 case on 26 February 2020, it became immediately clear that the virus was going to bring a new dimension to the way human rights were exercised. The events that unfolded thereafter proved this true. In hindsight, it is clear that fear of the unknown, along with inherent biases and shortcomings, drove most of the policies and reactions vis-à-vis Covid-19—policies and reactions that still leave much to be desired.

Since Pakistan’s first group of cases comprised mostly Shia pilgrims returning from Iran via Balochistan, the issue was unnecessarily tarred with a sectarian brush, thereby subjecting a vulnerable minority sect to further hate speech and discrimination, especially the already-

beleaguered Shia Hazara community in Quetta. Reports that returning pilgrims were being packed into inhumane quarantine conditions fuelled fear among the wider public of getting caught with Covid-19 and aided resistance to testing and shielding of positive cases. This was augmented during the initial 'contact-tracing' exercises by provincial governments, whereby infected persons were picked up by police and whisked away to isolation centres, sometimes in the dead of night, which too were often dilapidated, making the spread of the virus even more probable and putting lives at further risk.

As hospitals became inundated with infected patients and the healthcare system began to be overwhelmed, medical professionals went up in arms for being forced to work in hazardous conditions without adequate safety gear and other special measures. They accused the government of failing to provide sufficient personal protective kits and of reprisal in the form of official reprimands and police brutality when they went public or protested.

Instead of reaching out to frontline medical workers, the government initially questioned their professional commitment and even accused them of working for the opposition. While their grievances gained prominence and were addressed to an extent, other frontline workers such as sanitation staff had no one to speak for them and continued to risk their lives to make ends meet amid a pandemic.

One would have hoped that a catastrophe such as this would have made the government more receptive to doctors' demands and compelled an overhaul of the entire sector, but this has not been the case – as evident from sustained demonstrations by lady health workers throughout 2020, which largely went ignored by those in power.

While the pandemic resulted in increasing health budgets, which would otherwise have likely faced cuts, the coronavirus laid bare Pakistan's fragile healthcare system. It was revealed to the surprise of many, for instance, that the semi-autonomous region of Gilgit-Baltistan had only three ventilators for a population of close to 2 million. Those in settled areas had similar experiences as intensive care unit beds were in short supply, as were oxygen cylinders. Moreover, the shortage of and hindrances in free Covid-19 testing left many undiagnosed and only a select few were able to afford the costly test through private medical labs.

One of the most severe repercussions of the lockdown was that it restricted people's right to healthcare – even though health professionals termed it a crucial move – since hospitals shut down their out-patient departments to prevent virus spread as well as focus solely on dealing with Covid-19 cases.

A rough survey by the Human Rights Commission of Pakistan (HRCP) revealed what is perhaps just the tip of the iceberg of the devastating effect this measure had on ailing citizens, many of whom lost their lives at home as doctors' visits were impossible.

The top leadership's mixed messages about the nature and dangers of the virus, along with remedial measures, compounded the problem and sowed confusion among the public when what was needed was calm and clarity. Inconsistencies in policy between the federal and provincial governments created further fissures and continue to this day, revealing a worrying lack of seriousness amid a raging pandemic.

Society's deep-rooted misogyny reared its ugly head when Maulana Tariq Jameel, an influential cleric who enjoys unprecedented access to the corridors of power, while sharing a platform with the Prime Minister on live television—the purpose of which was to raise funds to combat Covid-19—claimed that women's 'lack of modesty' was the cause of the pandemic. Such attempts to pander to the religious right were witnessed later as well when the government refused to close down mosques, especially during Ramzan when special prayers can be potential super-spreader events, even though the same was underway in more conservative countries such as Saudi Arabia.

As a nationwide lockdown was reluctantly imposed in late March, bringing life to a standstill especially in the cities and major towns, its pinch was felt most severely by low-income groups. For those with means, life during the lockdowns could not have been better—healthcare services at the doorstep, offices and schooling via high-speed internet connections, and shopping and entertainment at the press of a button. But the invisible majority, which already lacks adequate social security such as paid leave and medical benefits, could not have been in a more precarious position.

Interestingly, the Prime Minister himself later blamed a small elite for forcing the national lockdown and insisted that his decision to opt for 'smart lockdowns' was for the relief of daily-wage labourers. While it can be argued that lockdowns were necessary to protect public health as advocated by health professionals at the time, even at the cost of livelihoods, it has now been established that certain actions must accompany such closures if they are to be deemed a success, such as mass testing via contact tracing and isolation, along with adequate measures to provide relief to those hit hardest.

In spite of some success in the latter under the Benazir Income Support Programme and Ehsaas Programme, comprehensive social safety nets remained conspicuously absent as certain quarters mulled another nationwide lockdown during the second wave of infections.

The government also failed to cater adequately to the needs of labourers in foreign countries, whose contribution to the national cause in the form of remittances is otherwise lauded repeatedly.

Many were left abandoned in woeful conditions in their host countries, as the government failed to bring them back in time and with dignity, or at the very least attempt to ameliorate the conditions in which they were locked down.

Even the government's revival plan ignored those most affected by the pandemic and instead focused on the elite. According to reports in the press, of nearly PKR 3 trillion in relief packages, including fiscal breaks, a mere PKR 200 billion was spent in direct cash transfers to the poorest during the lockdown to shield them from hunger.

The remaining amount catered to supporting private businesses but without creating enough jobs, ensuring fair wages and generating revenue. Even though the provinces put in place laws providing cheap loans as well as tax and rent relief and barring private sector employers from laying off workers, their implementation remained weak, leaving the vast majority at the mercy of private organisations with little or no oversight of rights violations.

The lack of clear, wholesome policymaking at the top trickled down to the districts, where law enforcement agencies would round up violators of lockdown orders and detain them en masse, thereby putting them at further risk of contracting the virus.

Furthermore, despite lockdowns at courts and prisons, the police continued to make arrests on even minor charges, thereby increasing both the probability of suspects contracting the virus during incarceration as well as carrying the infectious disease into overcrowded lockups and/or infecting law enforcers. The use of regressive policing measures, such as stun batons, was in stark violation of national and international human rights obligations.

The pandemic-induced lockdowns and economic downturn exposed another grim reality: the incidence of violence against women. HRCP witnessed an uptick in complaints related to domestic and online violence between March and November 2020.

While espousing safety during the pandemic, the mantra of governments across the world, including in Pakistan, was 'stay home, stay safe'. But as a speaker at an HRCP seminar pointed out in December, for women in abusive relationships, staying 'home' can be tantamount to a death sentence.

Indeed, the risk of experiencing household violence increases in times of crisis, when vulnerable persons and survivors are more restricted in terms of their ability to seek safety or other forms of support. Furthermore, lockdowns force women to remain confined in proximity to their abusers with no way of seeking refuge or escape.

Other than being more prone to abuse during the pandemic in general and lockdowns in particular, women also suffered from lack of access to basic health services as routine visits by community health workers were disrupted or curtailed.

Perhaps one of the most significant impacts of the pandemic—with long-standing reverberations—was on education. The closure of educational institutions and failure to effectively transform modes of teaching from physical to digital at any level, is likely to push down the already low literacy and enrolment rates, especially for girls and women whose public participation is already discouraged. The ramifications of students losing an accumulated entire school year—and with no end in sight vis-à-vis the present third wave of infections—are grave. While the closure of educational institutions and going online is a global reality, Pakistan's response to the move has been excruciatingly slow.

The reality is that, even after a year, students from low-income backgrounds and those not residing in major cities and towns still cannot partake in online classes due to lack of affordability and access to the internet. This digital divide could have been bridged with immediate measures such as increasing telecom spectrums and providing incentives to internet service providers, but that did not happen, and an entire generation remains in the dark. Instead of remedial measures, governments resorted to arresting university students who protested against online classes because they lacked the means to attend them, either due to lack of devices or unavailability of data coverage. Moreover, in clear violation of laws and court orders, many private educational institutions not only refused to decrease tuition fees but also continued to charge for services that were not being used, such as libraries and labs.

The pandemic succeeded in exposing the inhumane conditions to which prisoners are subjected, providing a window of opportunity for reforms. Just before the virus hit, a court-appointed human rights ministry commission report noted the high number of ailing inmates across the country's jails—about 5,000—and reiterated that the majority of inmates were under-trial suspects and did not deserve to be behind bars for long periods in the first place.

Realising that prisons were vulnerable to becoming disease outbreak centres in light of overcrowding and poor living conditions, two high courts ordered the temporary and conditional release of prisoners.

However, before their orders could have any meaningful impact, the Supreme Court of Pakistan intervened on the grounds that such decisions could not be taken in ‘haste and fear.’ Even though the apex court laid out conditions for the release of prisoners, the directives were not implemented by the federal and provincial governments. As a result, the status quo held vis-à-vis jail populations and conditions. Both convicts and under-trial prisoners were left to the mercy of their jail administrations since health policies and remedial measures vary from place to place, as HRCP has consistently pointed out. Thankfully, no major outbreak was reported in the country’s prisons, but the fact that inmates were left vulnerable and cut off from family members and lawyers is a gross violation of their rights.

The lack of computerised national identity cards resulted in denial of aid and cash grants by the government, especially for vulnerable groups such as transgender persons, persons living with disabilities and the elderly – a problem that persists to date. During the initial relief distribution phase in the lockdown, there were scattered reports of marginalised communities, such as religious minorities and transgender persons, being discriminated against, although fortunately this was not the norm. That said, it is hoped that the rights of the most disadvantaged and dispossessed sections of the population will now be at the centre of all efforts related to pandemic prevention, preparation, containment, and treatment.

As for the lack of democratic participation in decision-making, a fact-finding study by HRCP released in August found that the pandemic would have been better handled if empowered elected local governments had been at the forefront of relief efforts, rather than unelected bodies such as the National Command and Operation Centre.

The pandemic and responses to contain it revealed how critical it is for the government to improve the country’s crumbling healthcare system and create opportunities for a wide section of society to earn decent livelihoods. The creation of overarching social safety nets that reach the maximum number of people has to be prioritised as never before, as does the long-term goal of building a welfare economy that protects the people and not the business elite alone.

As in preceding years, the country witnessed substantial human rights violations in 2020, from forced conversions of religious minorities and crimes against women to enforced disappearances and curbs on freedom of expression. As the experience of 2020 shows, these injustices, if left simmering, only intensify during severe crises such as a pandemic. While this makes mitigation efforts all the more difficult, it does not mean that it makes them impossible.



## KEY ISSUES

### Covid-19 crisis

- On the last day of the year, the virus death toll had risen to 10,105 and confirmed cases to 479,715, with fears increasing over the emergence of a new, more contagious variant.
- Hundreds of thousands of factory workers and private employees were laid off during the pandemic lockdown, with daily wage earners the hardest hit.
- Overcrowding and lack of hygiene in most jails increased prisoners' risk of exposure to infection, with the Ministry of Human Rights admitting that standard operating procedures in the jails it had visited were being implemented 'loosely.'
- The pandemic was a huge blow to educational institutions, with students compelled to attend online classes to the detriment of thousands in Balochistan, the tribal districts of Khyber Pakhtunkhwa, and Gilgit-Baltistan, who had little or no access to reliable internet connections.
- The high-level National Coordination Committee and National Command and Operation Centre—set up at the outset of the Covid-19 crisis—was established without parliamentary approval.
- The Sindh Covid-19 Emergency Relief Ordinance 2020 was an important response to the Covid-19 crisis in terms of providing relief to workers, tenants and parents of school-going children.
- Freedom of movement was necessarily curtailed to a significant degree in all provinces and federal territories to reduce the risk of contagion, although such restrictions were reportedly applied arbitrarily in some instances.
- Action to curtail assembly during the pandemic was erratic, with political gatherings facing more restrictions than large religious congregations.

### Laws and law-making

- A total of 85 acts were passed by Parliament and the provincial assemblies: 20 federal acts and 65 provincial acts. The Khyber Pakhtunkhwa Assembly passed 38 acts—more than any other provincial assembly this year.

- The federal government continued to issue presidential ordinances – eight in 2020 – thereby circumventing correct constitutional and parliamentary procedures.
- A key achievement of the National Assembly was the approval of the Zainab Alert, Response and Recovery Act on 10 March. The act is expected to help curb crimes against children through a prompt response mechanism.

## **Administration of justice**

- By year-end, there were over 2.1 million cases pending in the judiciary, as against almost 1.8 million in 2019.
- The National Accountability Bureau continued its operations as an instrument that violates fundamental human rights, including the right to fair trial and due process, the right to dignity, freedom of movement and privacy, and the freedom to trade and do business.
- News reports confirmed that 196 men convicted by military courts for alleged terrorism were ordered freed by the Peshawar High Court in a verdict that included a scathing indictment of the miscarriage of justice.
- A presidential reference filed against Justice Qazi Faez Isa of the Supreme Court of Pakistan – on charges of holding assets beyond justifiable means – was seen as a means of intimidating dissenting judges.

## **The death penalty**

- According to data collected from press reports, the death penalty was awarded to at least 177 persons in 2020 – a substantial fall from at least 578 persons in 2019. No executions were reported to have been carried out.

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

- While Pakistan completed its review of the fifth periodic report CEDAW, the shadow report submitted by civil society at the 75th session of CEDAW in February made a number of critical recommendations, including the need for a functional, effective national machinery to protect women’s rights.

- As in 2019, 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 – remained pending.

## **National human rights institutions**

- The National Commission for Human Rights has been dysfunctional since May 2019, pending the appointment of a new chairperson.
- The post of chairperson of the National Commission on the Status of Women has lain vacant since November 2019.
- The Ministry of Human Rights finally notified the National Commission on the Rights of the Child after over a year since the law was enacted.
- Although the AJK Legislative Assembly constituted a commission to document the human rights situation in the region, it was still not functional as of the end of the year.

## **Law and order**

- Militant attacks increased in Sindh, Punjab, and the former tribal districts of Khyber Pakhtunkhwa, while Balochistan and Khyber Pakhtunkhwa witnessed a decline, according to the Pakistan Institute for Conflict and Security Studies.
- The year saw a significant reduction in suicide attacks but an increase in targeted killings, with 49 such attacks compared with 24 in 2019, based on press reports.
- Police personnel – especially in Punjab – were accused of a variety of transgressions, including deaths in custody.
- In October, the inspector general of police in Sindh was abducted by security agencies and forced to issue arrest orders for an opposition party politician, reflecting unjustified pressure on the police even at the highest levels.
- The extrajudicial killing of Hayat Baloch, an unarmed student, by a Frontier Corps soldier in Turbat, Balochistan, sparked bitter condemnation.

## Jails and prisoners

- Prisons in Pakistan remain sorely overcrowded, with 79,603 inmates in 116 jails against a sanctioned capacity of 64,099 – an occupancy rate of 124 percent, according to the federal ombudsman.
- Decisions by the high courts to release certain categories of prisoners on bail to reduce the risk of contagion at the outset of the Covid-19 pandemic were, unfortunately, cancelled by the Supreme Court.
- Revisions to the Punjab Prison Act and Rules were still pending approval by the government at the end of the year.

## Enforced disappearances

- The long-awaited bill aimed at criminalising enforced disappearance as a separate, autonomous offense, has still not been passed despite commitments to this effect by the incumbent government since 2018.
- Since the inception of the Commission of Inquiry on Enforced Disappearances (COIED), KP has topped the list in terms of numbers of missing persons. At end-December 2020, the total number of cases registered in the province stood at 2,942.
- The official figures released by the COIED remain an inaccurate reflection of the situation on the ground, with anecdotal reports indicating that people were picked up and released throughout the year and that many families were reluctant to pursue such cases for fear of reprisal.
- Despite a scathing review from the International Commission of Jurists, which maintained that the COIED had failed entirely to address entrenched impunity, the government extended the latter's mandate by another three years.
- On 16 June 2020, more than six months after his disappearance and following an international campaign, the Ministry of Defence confirmed that rights activist Idris Khattak was in their custody and had been charged with treason.
- Senior journalist Matiullah Jan was abducted in Islamabad, allegedly by security agencies, and detained illegally for at least 12 hours, in an attempt to curb political dissent and create an environment of constant fear.

## Democratic development

- Local government elections were delayed long past the deadline in all four provinces, thereby violating the Elections Act 2017 and negating the spirit of the 18<sup>th</sup> constitutional amendment.
- According to the Election Commission of Pakistan, the gender gap in voters has been reduced, with women comprising the majority of new voters added to the rolls.
- When Sindh witnessed a near-breakdown of civic amenities during the monsoon rains, the province's fractured local governance was cited as a key factor.
- The mainstreaming of the newly merged districts (former Federally Administered Tribal Areas) into Khyber Pakhtunkhwa province remained a largely unkept promise.
- After initially being postponed from August due to the Covid-19 pandemic, the Gilgit-Baltistan Legislative Assembly elections were held in November, with the Pakistan Tehreek-e-Insaf forming the new government.

## Freedom of movement

- In October, Mohsin Dawar, a member of the National Assembly and a leader of the Pashtun Tahafuz Movement (PTM), was barred from entering Quetta city allegedly because of 'security risks.'
- Reports that the federal government planned to fence the port town of Gwadar for security reasons compounded fears among residents that their freedom of movement would be curtailed.

## Freedom of assembly

- The Karachi Police registered a first investigation report against several PTM leaders in December – including on charges of 'inducing persons to commit offences against the state' – a day after the PTM held a public meeting in the city. Subsequently, Ali Wazir, a member of the National Assembly, was arrested and remains incarcerated as of the end of the year.
- Students in Balochistan and the tribal districts of Khyber Pakhtunkhwa held vigorous protests demanding better internet connectivity to attend online classes, although scores of demonstrators were arrested under Section 144 of the Pakistan Penal Code, imposed to contain the spread of Covid-19.

## Freedom of association

- Although Sindh took a promising lead in approving a bill to restore student unions in 2019, there was no further progress on this in 2020 and none of the other provinces followed suit.
- A strict registration policy continued to govern the operation of non-government organisations across the country, with many fearing that the aim of the various provincial charities acts was to curtail freedom of association far beyond what was permissible under either the Constitution or Pakistan's international legal obligations.

## Freedom of expression

- At least ten journalists were murdered and several others threatened, kidnapped, tortured, and arrested while discharging their professional responsibilities, according to the Council of Pakistan Newspaper Editors.
- The arrest of the head of the Jang group of publications, Mir Shakil-ur-Rahman—on the grounds of a 34-year-old property allotment case—was widely seen as an attempt to pressurise media groups into towing the line.
- In a concerted campaign to gag independent voices, Bilal Farooqi, a journalist with the *Express Tribune*, was arrested on charges of sedition and detained for several hours before being released on bail.
- The murder of journalist Anwar Khetran in Balochistan was linked to his reportage, which had allegedly irked influential tribal lords in the region.
- The passage of the Punjab Tahaffuz-i-Bunyad-i-Islam Bill 2020 was widely condemned as yet another move to quell independent expression and dissent. The bill was eventually reined in under pressure from civil society.
- Curbs on the media continued through the year, with many journalists complaining that they were compelled to self-censor for fear of being persecuted by either non-state or state actors.

## Digital rights

- Internet connectivity remained poor or non-existent in a number of districts in Balochistan and the former tribal districts of Khyber Pakhtunkhwa on grounds of 'national security.'

- In Gilgit-Baltistan and Azad Jammu and Kashmir, the continued management of internet services by ‘special communications organisations’ affected connectivity to the detriment of students in both regions.
- The notification of the Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules in November under the Prevention of Electronic Crimes Act 2016 gave the government legal cover to issue blanket bans on digital content.
- In October, the popular digital app TikTok was temporarily banned on the grounds that it encouraged ‘obscenity’ and ‘immorality.’

## **Freedom of religion or belief**

- Accusations of blasphemy, forced conversions and marginalisation of religious minorities and sects continued through the year.
- HRCP documented at least 31 forced conversions in 2020, six of which involved minors.
- Police data shows that at least 586 persons were booked on charges of blasphemy in 2020, with the overwhelming majority from Punjab.
- Data from the Ahmadiyya community indicates that at least 24 cases were registered against members on religious grounds, including a jeweller who was booked in Toba Tek Singh for having sacrificed a cow and distributed the meat among Sunni Muslims.
- At least three members of the Ahmadiyya community were killed in separate targeted attacks, including an elderly person accused of blasphemy, who was shot dead inside a courtroom.
- The right to worship freely continued to be constricted: when the government announced that a Hindu temple was to be built in Islamabad, extremist groups and mainstream political parties allied with the government protested and vowed to prevent the construction.
- To the consternation of civil society, the National Commission for Minorities constituted under the Ministry of Religious Affairs and Interfaith Harmony was neither autonomous nor a statutory body as envisioned by the Supreme Court’s 2014 judgment.

## **Women**

- Pakistan was ranked at 151 out of 153 by the World Economic Forum on the global gender gap index.

- HRCP registered a rise in complaints of domestic and online violence, indicating the increased vulnerability of women during the pandemic.
- Based on reports in the press, HRCP recorded 430 cases of honour killing in 2020, involving 148 male and 363 female victims.
- The gang-rape of a woman on the Lahore-Sialkot motorway in September, in the presence of her children, elicited shock and outrage, compounded when the capital city police officer in Lahore callously suggested that she should have ‘chosen her route more carefully.’
- An important victory was won by women’s rights activists who challenged the archaic and demeaning ‘two-finger test’ for virginity in the Lahore High Court.
- In a particularly shocking incident in Turbat, three men gunned down a woman in her home and wounded her four-year-old daughter during an armed robbery. Claims that the men had been sent by the alleged local leader of a ‘death squad’ ignited waves of anger across Balochistan.

## Children

- At least 2,960 cases of child abuse were documented across the country, according to one estimate, although the number is likely higher.
- The ages of children abused were particularly disturbing – infants as young as a year old were not spared – and the crimes particularly heinous, ranging from abduction and rape to gang-rape and murder.
- A family in Rawalpindi who beat their eight-year-old maid Zohra Shah to death after she released some caged parrots, sparked an outcry in June.
- In an especially gruesome case in Balochistan, the body of an eight-year-old boy was found hanging from a tree in Killa Abdullah. The post-mortem report confirmed that he had been sexually assaulted by two people.

## Labour

- Pursuing its privatisation programme, the management of Pakistan Steel Mills removed over 4,500 workers in a move that was strongly condemned by labour rights activists.

- The Punjab government exempted factories from inspections, in contravention of internationally ratified conventions and local labour laws.
- According to one estimate, 2,437 people working as bonded labourers were released under orders from the Sindh High Court in 2020.
- According to estimates from the Pakistan Central Mines Labour Federation, 116 miners died in accidents onsite during the year, despite which Pakistan has still not ratified ILO Convention 176, which specifies a maximum depth that is deemed safe for miners.
- There were renewed calls for the provincial governments to hold tripartite labour conferences under ILO Convention 144.

## Education

- In general, online classes—made necessary by the Covid-19 pandemic—benefited only those fortunate enough to have digital access, with others left to fend for themselves.
- Education observers expressed concerns that the disruption to learning caused by lockdowns would increase the proportion of children out of school.
- University students across the country protested against hikes in tuition fees and demanded fee waivers, with the police using force to dispel many such demonstrations.

## Health

- The Covid-19 pandemic exposed the shortcomings of the health sector, both in preparedness and facilities. Mixed messages by the government and lax implementation of standard operating procedures (SOPs) failed to persuade the public of the severity of the pandemic.
- The closure of out-patient departments at major government hospitals during the Covid-19 lockdown contributed to the health crisis.
- The decisions taken in the pandemic crisis were largely economy-driven, aided by an overwhelming majority believing they were protected by their faith and stubbornly eschewing even the basic protection of a mask.

- During the temporary lull in infections after the first wave, observance of SOPs became increasingly relaxed and the anticipated second wave of the virus took its inevitable toll.
- When the pandemic diverted focus from other health issues, the polio vaccine and dengue control drives were virtually suspended till the end of the year, raising concerns about a resurgence.

## **Environment**

- After a brief respite from air pollution during the pandemic lockdown, by the end of the year Faisalabad and Lahore had overtaken Delhi as the world's most polluted cities, with air quality reaching hazardous levels.
- The Sindh government declared 20 districts 'calamity-hit' areas after heavy monsoon rainfall across the province caused at least 30 deaths.
- An official inquiry investigating encroachment and illegal forest clearing in Khyber Pakhtunkhwa revealed that huge swathes of endangered forests had been illegally turned into commercial and residential schemes by land developers and builders in Haripur.

# PUNJAB





## KEY TRENDS

- No inroads were made in tackling the backlog of court cases – 188,176 in the Lahore High Court and 1,372,908 in the District Judiciary Punjab by end-December 2020.
- The National Accountability Bureau came under increasing criticism for its methods amid claims that arrests were politically motivated.
- Law and order in Punjab was negatively impacted by frequent internal transfers and infighting in the police force, as well as reports of police involvement in crimes.
- Overcrowding and lack of hygiene in Punjab jails increased prisoners' risk of exposure to Covid-19 infection.
- HRCP documented the imposition of the death penalty in 91 cases, involving 148 victims. No executions were, however, carried out.
- Since its inception in 2011, the Commission of Inquiry on Enforced Disappearances has received 1,432 cases from the province, of which 86 persons have been traced to internment centres and 148 to prisons; 66 bodies were found. In all, the commission had traced 987 persons from Punjab as of end-2020.
- Accusations of blasphemy, forced conversions and marginalisation of non-Muslim communities continued during the year.
- The passage of the Punjab Tahaffuz-i-Bunyard-i-Islam Bill 2020 received wide condemnation as yet another move to quell independent expression and dissent, which could be used to target religious minorities and sects.
- Action to curtail assembly during the pandemic was erratic, with political gatherings facing more restrictions – bookings and arrests of party leaders and workers, blocking of roads, and harassment of vendors – than large religious congregations.
- Local government elections were delayed to long past the deadline.
- HRCP registered an increase in complaints of domestic and online violence between March and November 2020, indicating the increased vulnerability of women during the pandemic.
- Reports of appalling cases of child abuse continued unabated

and registered an increase over the previous year, with Punjab accounting for just over 57 percent of all reported cases. The failure to criminalise child domestic labour has allowed the practice to continue unchecked.

- Hundreds of thousands of factory workers and private employees were laid off during the pandemic lockdown, with daily wage earners the hardest hit. While citizens struggled to make ends meet, the government struggled to control the prices of essential food items.
- Police used water cannon and baton charges against farmers demanding fixed support prices of wheat and sugarcane as well as a flat rate per unit for tube-wells.
- The Punjab government has yet to follow the example of the three other provinces in introducing legislation for the elderly; the Punjab Senior Citizens Welfare and Rehabilitation Bill awaits approval.
- The closure of schools and disruption to learning in 2020 will have far-reaching consequences. Online classes only benefited those fortunate enough to have digital access, with others left to fend for themselves.
- The Covid-19 pandemic exposed the shortcomings of the health sector, both in preparedness and facilities. Mixed messages and laxity in implementation of standard operating procedures (SOPs) failed to persuade the public of the severity of the pandemic.
- The government exempted factories from inspections, in contravention of internationally ratified conventions and local labour laws.
- Housing projects for low-income citizens are off to a slow start and cater only for those able to afford bank loans.
- After a brief respite from air pollution during the pandemic lockdown, by the end of the year Faisalabad and Lahore had overtaken Delhi as the world's most polluted cities, with air quality reaching hazardous levels.



## Laws and law-making

Only 13 acts were passed during the year, the most significant being the Punjab Infectious Diseases (Prevention and Control) Act 2020, notified in August in response to the Covid-19 pandemic.

In June, an amendment to the Punjab Curriculum and Textbook Board Act 2015 was passed that allowed the extraconstitutional Muttahida Ulema Board to approve Islam-related content in all textbooks. It led to the banning of about 100 textbooks taught at private schools.

Another important but controversial law was the Punjab Tahaffuz-i-Bunyad-i-Islam Bill 2020, passed in July, that gave the Punjab government's director general of public relations sweeping powers to inspect printing presses, bookstores and publishing houses, vetting and confiscating all publications deemed to contain objectionable content.



*An amendment to the Punjab Curriculum and Textbook Board Act 2015 led to the banning of about 100 textbooks taught at private schools.*

In late November, the Acid and Burns Crime Bill 2020 was submitted to the Punjab Assembly and in December the Prevention of Hoarding Ordinance 2020 was promulgated to tackle artificial shortages and soaring prices of essential items, decried by activists as violations of basic human rights.

# Administration of justice

## Judiciary and pending cases

While the pandemic may have presented an additional reason for the high pendency of cases, the trend was in fact consistent with previous years. According to the Law and Justice Commission, the Lahore High Court (LHC) started the year with a balance of 181,999 cases; by 31 December 2020, the number of pending cases stood at 188,176. A total of 124,354 new cases were instituted during the year and 118,177 cases were disposed of. Pending cases in the District Judiciary Punjab had reached the level of 1,372,908 for the same period—an increase of 258,635 over the number of outstanding cases at the beginning of 2020.

That increase may have been influenced by the lockdowns or restrictions imposed during the pandemic but, in the absence of any significant reforms in case management and processes, it is highly unlikely that clearance of the bulk of pending cases would have been significantly different. Yet again, the issue of trial pendency in the superior and district courts was taken up for consideration by the National Judicial (Policymaking) Committee in December, with no immediate prospect of judicial reforms in sight.

## Accountability

The accountability drive under the National Accountability Bureau (NAB) continued during the year despite the officials coming under fire themselves for incompetence, threats, harassment, and ulterior motives. Saleem Mandviwala, the Senate deputy chair whose assets were frozen in a fake accounts case, accused NAB of violating human rights by using coercion in the absence of solid evidence. Shortly after, the NAB chairman suspended proceedings against him. The director general of the NAB Rawalpindi office investigating 172 high-profile people in the case—including Bilawal Bhutto-Zardari and Asif Zardari—allegedly claimed the backing of the armed forces in his endeavours.

Human Rights Watch declared the arrest of Jang-Geo editor-in-chief Mir Shakil-ur-Rehman by NAB in March to be politically motivated and unrelated to an old property transaction case. The Supreme Court in November finally overturned an LHC order dismissing his post-arrest bail.



# ENFORCEMENT OF LAW

## Law and order

The police were allocated PKR 119 billion for the fiscal year 2020/21. Whether this budget was put to any meaningful use, with the police command in a constant state of flux, remains in doubt. The practice of replacing the inspector general of police (IGP) at regular intervals continued during the year, raising questions of how effective a succession of IGPs can be in bringing about reforms, let alone maintaining law and order. The appointment of Umar Shaikh as capital city police officer (CCPO) in September was beset with controversy from the start, with reports of his abrupt removal of senior staff and widespread public criticism and calls for his sacking over his insensitive and inappropriate remarks following a brutal gang-rape. He also incurred the wrath of the LHC chief justice over his intemperate remarks about the courts being responsible for undermining the work of the police by releasing suspects on bail.

Table 1 below gives the total number of crimes against persons for 2020. Of the 503,168 total crimes registered across Punjab over 11 months of the year, 67,352 accused persons were convicted and 43,551 acquitted.

Table 1: Crimes against persons in 2020

Nature of crime	Total cases in 2020
Rape	3,773
Gang-rape	219
Rape with murder	-
Rape of minors	163
Murder and attempted murder	9,634
Kidnappings/abductions	13,397
Honour killings	237
Domestic violence	576
Acid crimes	59
Hate material	11
Blasphemy	487
Police encounters	293

Source: Punjab Police, in response to HRCP's request for information. The data on murder and attempted murder, and kidnappings/abductions is from the Punjab Police website and is for January to November 2020. All other data is for January to December 2020.

Citizens continued to complain of police not registering first information reports, of their relatives being killed in police 'encounters' or in police custody, the favouring of influential people, and involvement in expropriating land. In one such case, the LHC questioned the IGP over the failure to control law and order in the province. Reports of police officials being hauled up for misdoings surfaced periodically for a variety of transgressions, including deaths in custody.

In one such case, the LHC questioned the IGP over the failure to control law and order in the province. Reports of police officials being hauled up for misdoings surfaced periodically and, by the end of the year, a total of 65,467 cases had been registered against police personnel for a variety of transgressions. These included 152 officers receiving penalties for deaths in custody.

## **Jails and prisoners**

### **Covid-19**

Human rights organisations and human rights defenders raised an early alarm over the fact that the issue of overpopulation in Punjab's jails – 48,283 in 43 jails against a capacity of 36,806 according to a Federal Ombudsman report – remained unresolved with the advent of the pandemic, and their joint statement in March called for urgent action.

Crowded far beyond capacity, with substandard levels of hygiene and lack of facilities, the jails were an open invitation to a virus that could only be controlled by social distancing, mask protection and handwashing. The first case of Covid-19 surfaced in Lahore's Camp Jail and others followed. Testing, quarantine, relocation, and release of certain categories of under-trial prisoners were some of the measures taken by the authorities.

### **Rules for prisons**

Revisions to the Punjab Prison Act and Rules, reportedly drafted in conformity with the Universal Declaration of Human Rights, were still pending approval by the government at the end of the year.

Besides the hope that the rules would lead to a more favourable review of the country's status vis-à-vis the United Nations International Covenant on Civil and Political Rights, it was also anticipated that they could assist in maintaining its status under the Generalised Scheme of Preferences (GSP+). The rules were also said to include, for the first time, special considerations for ordinary female prisoners, pregnant women, mothers, juveniles, mentally ill inmates, foreign prisoners, and transgender individuals.



*Justice Project Pakistan estimates that there are 90 children living in jails in Punjab*

### **Female prisoners**

While preparing a report titled *Plight of Women in Pakistan's Prisons*, submitted to the Prime Minister in August, the Ministry of Human Rights had reviewed the Punjab Prison Rules and made gender-specific recommendations for inclusion. The report mentioned that, during field visits to three prisons in Punjab, Covid-19 SOPs were only 'loosely implemented.'

According to the report, Punjab has the largest female prison population at 727 and 62.2 percent were under trial. A specific recommendation was made for the sentence of Kanizan Bibi—a mentally ill prisoner who has spent 30 years on death row—to be commuted to a life sentence and for her to be moved to the Punjab Institute of Mental Health.

Justice Project Pakistan estimates that there are 90 children living in jails in Punjab and, reliant as they and their mothers are on educational and health supplies from families and charities, the curtailment of visits significantly worsened their condition.



# FUNDAMENTAL FREEDOMS

## Freedom of movement

For once, restrictions of movement in the province had a valid reason. The first province-wide lockdown to prevent the spread of Covid-19 was imposed from 24 March, followed by a partial lockdown extended to 31 May. In June, the Punjab government recommended that lockdown measures should be implemented again, but this was rejected by the federal government in favour of 'smart' targeted lockdowns. Any preventive steps met with considerable resistance from a public reluctant to accept the realities of a very real threat.

With very mixed messages being disseminated, people continued to throng the streets and marketplaces whenever restrictions were eased. In so-called 'smart' two-week lockdowns of streets, which continued to be announced at regular intervals until the end of the year, barriers manned by police were put in place, but no information appeared to be provided to neighbouring streets and police were noticeably missing after two days, calling into question the commitment to these measures. At one stage, in October, it was reported that as many as 856 'micro smart lockdowns' had been imposed by the Punjab government in the 36 districts of the province.



*By October, as many as 856 'micro smart lockdowns' had been imposed by the Punjab government in the 36 districts of the province.*

## Freedom of thought, conscience and religion

The Ministry of Human Rights launched a three-month peace initiative, ostensibly prompted by accusations against Tableeghi Jamaat pilgrims as well as Shia pilgrims of spreading the virus on their return from

Iran. Yet this initiative may not have extended to other communities. An Ahmadi jeweller and his sons were booked in Toba Tek Singh for sacrificing a cow and distributing meat among Sunnis, thus offending the 'beliefs of Muslims.' Blasphemy allegations surfaced with regularity and a security guard shot dead a bank manager he accused of blasphemy. In September, a Christian man was sentenced to death by a sessions court in Lahore after being accused in 2013 of sending blasphemous text messages.

An HRCP fact-finding mission found the local authorities of Yazman in the Bahawalpur district responsible for demolishing the homes of a Hindu community in Chak 52/DB. Despite a restraining order obtained by the community prohibiting any such action, 25 houses were levelled and another ten partly demolished in May, leaving their occupants homeless. Strong evidence pointed towards the instigator using political connections to threaten and intimidate the Hindu community into selling land legally allotted by the Board of Revenue in 2018 to construct their homes. Branded 'Hindu occupationists', the members of the community were targeted for their faith simply to pander to the interests of the local land mafia. A consultation organised by the Centre for Social Justice in November highlighted the need for institutional interventions to counter forced conversions. The organisation quoted a figure of 162 'questionable conversions' as reported in the media during 2013–20, with Punjab accounting for 52 percent of the incidents. The majority of cases related to the Hindu and Christian communities.

## Freedom of expression

At least three journalists were killed in Punjab during the year, including Abid Hussain, a reporter for the publication *Jurm-o-Saza*, who was shot dead in September as he rode home with his brother on a motorcycle. His family claimed that the murder was in retaliation for his reporting. The spectre of curtailment of intellectual freedom was raised once again with the passage of the Punjab Tahaffuz-i-Bunyad-i-Islam Bill 2020 in July. Purporting to protect religion, the bill gives the Punjab government director general of public relations sweeping powers to inspect printing presses, bookstores and publishing houses, and to vet and confiscate all publications deemed to contain objectionable content. Needless to say, the bill attracted widespread condemnation as yet another move to quell independent expression and dissent. Earlier, in June, the Punjab Assembly passed the Punjab Textbook and Curriculum Amendment Bill and banned about 100 textbooks.

On a positive note, the Punjab government claimed that measures taken to prevent hate speech on social media had helped ensure a peaceful Muharram. Over 4,000 websites were blocked and action taken against their operators for inciting sectarianism.

## **Freedom of assembly**

The announcement of rallies by the opposition alliance's Pakistan Democratic Movement (PDM) was pounced on by the government as a violation of SOPs to control Covid-19. While the timing of the movement may well have been unfortunate in the circumstances, the authorities' reaction was rather more proactive than action taken to restrict other such public assemblies. PDM rallies in Gujranwala, Multan and Lahore went ahead despite the widespread booking and arrest of party workers, blocking of roads and efforts to deter vendors from providing services at the venues. Over 150 PDM leaders and political workers were booked for holding a rally in Rawalpindi, citing violation of Covid-19 regulations. Immediately after the PDM rally in Lahore in December, the police came down hard on traders who had provided services for the rally.

## **Freedom of association**

Civil society and nongovernment organisations received some respite through a joint petition filed in the LHC by over a dozen civil society organisations, including HRCP. The Punjab government was restrained from enforcing a deadline for their re-registration under the Punjab Charities Act 2018.

Being associated with an outspoken entity or expressing views contrary to the state narrative remained a particular risk. The nationwide Student Solidarity March organised by the Student Action Committee had to be abandoned in 2020 to comply with Covid-19 restrictions. A protest was held in its stead at Lahore's Charing Cross on 20 November 2020, demanding free education and the restoration of student unions. An order for the arrest of a speaker at the rally, activist and academic Ammar Ali Jan, was issued the day before by the Lahore deputy commissioner, acting on 'credible information' that Mr Jan would incite a law and order situation and be a 'potential danger to public peace.' The LHC was approached for pre-arrest bail and stopped the Punjab government from arresting him on the grounds that it would violate the Supreme Court's ruling that arrests could not be made simply on the basis of a case being registered.



## Political participation

Patriarchal impediments appear to be too deeply entrenched to be shifted by the introduction of legislation or an Election Commission of Pakistan (ECP) ruling making it mandatory for women to have cast 10 percent of votes in each constituency. At least one woman election commissioner in each province has also been made mandatory. Some advances have been made and the ECP announced that the gender gap had been reduced and that women made up the majority of the new 3.28 million voters added to the rolls.

Regardless, the move to improve women's political participation made sluggish progress and the gender gap was still over 12 million. Fourteen of the 16 districts with the widest gender gap were in Punjab, with Lahore and Faisalabad alone accounting for 1 million of the differential. The chief election commissioner in June 2020 was reported to have called for urgent measures to rectify the imbalance but until a more focused approach is adopted, from local administration to federal and provincial level, this particular male-female divide is unlikely to diminish significantly.

## Local government

According to a report launched in July 2020 by the organisation Women in Struggle for Empowerment, the local government system has seen a reduction in women's representation from 33 percent in 2001 to less than 10 percent currently. Similar discrepancies apply to religious minorities and peasant/labour, the latter being provided no concessions in neighbourhood councils.

It remained a moot point, however, as the delay in official notification of the 2017 census results—finally approved by the federal government in December—impeded the holding of local government elections, the deadline having long passed. At the very least, the devolution of responsibilities to local level might well have assisted efforts to combat and control the spread of Covid-19, but the Punjab government postponed the demarcation notification on the pretext of not having finalised names for the councils.

## Shrinking democratic space and the role of assemblies

Two weeks after the Punjab assembly unanimously passed the Punjab Tahaffuz-e-Bunyaad-e-Islam Bill 2020, legislators from both the

government and opposition were reported in July to be regretting their support. They claimed they had voted for the bill without having read it and belatedly questioned the vetting process. This followed widespread outrage, with HRCP cautioning the provincial assembly against fuelling bigotry by seeking to promulgate law that controls the publication of books and could be used in particular to target religious minorities and sects. The 'critical review' of textbooks produced by private schools and the banning of over 100 books by the Punjab Curriculum and Textbook Board was viewed in the same light by HRCP as initiating tighter restrictions not only on freedom of expression, but also freedom of thought, conscience and religion.

Political parties raised the issue of shrinking space for dissent, freedom of the press, and civil liberties in a joint declaration in September. Procedures for appointment of judges, suppression of media freedom, missing persons and, crucially, the perceived involvement of the security establishment in governance were all highlighted in the statement. The need for laws to counteract the trend towards authoritarian rule was recognised, but vows to develop a joint strategy to achieve this end are unlikely to result in anything but confrontation unless the respective assemblies debate these issues.

The opposition parties chose not to pursue their resistance to the shrinking democratic space in the assemblies and formed a political alliance to agitate in the streets. The PDM rallies kicked off in Punjab, the power base of the main opposition party – the Pakistan Muslim League (Nawaz), which harbours a growing resentment over the ostensible accountability-driven hounding of its party leaders. The threat of wholesale resignations from the assembly by the 11-party opposition alliance still loomed at the end of the year as a final resort.



*The PDM rallies kicked off in Punjab, the power base of the main opposition party*

## Women

### Gender-based violence

The enactment of law alone does not protect women from violence. The Punjab Protection of Women Against Violence Act of 2016 may have provided a tool for justice, but its effective implementation still has many obstacles to overcome. Not least among these is the seemingly indelible patriarchal mindset and the reluctance of women to reveal their ordeals in such a hostile environment. When they do come forward, the trauma they have suffered is only exacerbated.

In December, HRCP revealed the key conclusions of a report during a webinar titled 'Covid-19: Gender-based violence data and why it matters.' Complaints of domestic and online violence intensified between March and November 2020, pointing towards the particular vulnerability of women in an environment of isolation, closure of shelter homes, reduced access for victims of gender-based violence (GBV) to healthcare, and less than evident responses from the federal and provincial governments.

Based on reports in the press, HRCP recorded 189 honour killings in 2020 for Punjab, involving 226 victims – 37 male and 189 female victims. Of 1,133 cases of sexual violence recorded for Punjab, 753 cases involved female victims and 380 involved male victims. At least 32 cases of stove burning and immolation were also recorded for the province. Please note that the figures in Table 1, which give data on honour killings and sexual violence from the Punjab Police, are higher because not all cases of GBV are necessarily reported in the press.

The gang-rape of a woman on the Lahore-Sialkot motorway in September, in the presence of her children, elicited shock and outrage, public protests and immediate condemnation from the Prime Minister, the chief minister Usman Buzdar and the minister for human rights Shireen Mazari. Police teams were said to be working day and night gathering evidence to apprehend the rapists. The CCPO came under fire for his ill-advised comments that the woman was travelling alone late at night and had failed to take due precautions before setting off on her journey, alluding to the fact that her car had run out of petrol on the less-populated motorway she had chosen to take. Yet his stance is only a reflection of the misogynistic views held by a vast majority of his male counterparts.

Perhaps it was the CCPO's remarks that justifiably inflamed the sentiments over this crime, and the media kept this story in the public

domain in the months that followed. However, the same voices were not raised nor similar action taken for the woman who was gang-raped by robbers in the presence of her husband and children in Sargodha the same month, nor for the bride gang-raped in December in Sheikhpura in front of her in-laws, or the 18-year-old woman gang-raped by robbers and left unconscious in a field in Saggian in the Gujarpura area in July, or indeed for other reports of rape that surfaced with such regularity in the press.

### **A victory for dignity**

An important victory was won by women's rights activists, academics, journalists, and lawyers who challenged the archaic and demeaning 'two-finger test' for virginity in the LHC in November. The court initially reserved judgement on the two public interest petitions while expressing displeasure over the Punjab government's failure to eliminate the test. Later that month, however, the provincial government notified the abolition of the test.

### **Aurat March**

An attempt to block the Aurat March 2020 was thwarted when the LHC ruled that it could not be stopped under the Constitution, though participants should 'refrain from hate speech and immorality'—a response to the backlash from conservative elements against the banners and placards the previous year. The continuing controversy over the event signals the failure of a large section of society to recognise the validity of the Aurat March manifesto, which seeks to promote a range of issues from the independence of women and transgender persons to climate justice and the right to affordable housing for all.

### **Women at work**

Most women work in the informal sector under exploitative terms and conditions—if such conventions can be used to describe their abysmal circumstances. They were among the first to be laid off, confined to their homes and unable to seek alternative work, when lockdowns affected businesses and reduced demand. Most would not have been registered under the Ehsaas programme and were therefore bereft of support, reportedly because they did not have computerised national identity cards or had not met the criteria or, in the case of some, had been removed from the Benazir Income Support Programme when the lists were revised.

### **Transgender persons**

The transgender community continues to suffer at the hands of intolerant and brutish people. In May, the murder of a transgender person near Dina city in the Jhelum district briefly made it to the news, but unless the

community itself attempts to raise awareness of the violence they suffer, action is limited to the registration of a case and the perpetrators are not apprehended. Based on press reports, HRCP recorded at least seven cases of rape and four cases of murder involving transgender victims in Punjab for the year.

Hopeful signs of transgender people being integrated into the mainstream public domain are rare but there are some enlightening exceptions. Pakistan's first transgender police officer was appointed in Rawalpindi. Reem Sharif, herself subject to discrimination and harassment in the past, was uniquely qualified as a 'trans victim support officer' to resolve disputes and provide advice to the community.

The Punjab Social Protection Authority's (PSPA) new Masawaat programme is described as an initiative to mainstream transgender people through the provision of education, health and housing support in ensuring a minimum standard of living, and access to income-generating activities.

However, the PSPA also mentions that 'administrative efficiency grounds' will govern the selection of interventions from its Transgender Persons Welfare Policy and it is unclear when and how this programme will be administered.

## **Children**

### **Violence against children**

Children are the most vulnerable and abused section of society and no amount of legislation has succeeded in stemming the tide of cruelty against them. Kasur – infamous in recent years for its succession of crimes against children – is a case in point.

In late December, the rape of six girls aged five to 15 within the space of a month reached the news only after villagers came out in protest over what they termed was police failure to register the cases and track down the rapist or rapists. During the protest, the police claimed to have arrested a suspect.

*Cruel Numbers*, the yearly report issued by Sahil, had no comfort to offer in 2020. Of the 2,960 cases of violence against children recorded for the year, Punjab accounted for 1,707, the largest number. Of the ten districts labelled 'most vulnerable' by Sahil, seven are in Punjab, with Rawalpindi and Kasur accounting for 295 and 192 cases, respectively. The ages of the children were particularly disturbing – infants as young as a year old were not spared – and the crimes particularly heinous, ranging from abduction and rape to gang-rape and murder.

Punjab accounted for 65 percent of all reported cases of child sexual abuse (1,190 of 1,823). For 2019, Sahil reported 926 cases of child sexual abuse in Punjab, which indicates that the total number of cases registered an increase in 2020.

This is a stark reminder that, year after year, the same calls go out for enactment of legislation, strict implementation, rehabilitation and support systems for victims, and awareness campaigns, but to no avail whatsoever. There can be no doubt that many more cases go unreported and the true extent of these vile practices can never be known.

One case is seized on and engenders much public outcry and official denunciation, only to be consigned to the list of casualties of the year in question. Until the focus settles on the horrific number of sexual abuse cases and the appalling nature of the abuse—take, for example, the teenager in Lahore who committed necrophilia after strangling his seven-year-old cousin—there can be little optimism and the country needs to look inwards to find and eradicate the root of such inhuman and abhorrent behaviour.

### **Child labour**

Yet another example of how legislation can be flouted is the prevalence of child labour—in workshops, in brick kilns, in agriculture, in homes. The measures taken to curtail and punish this unlawful practice as reported through the media only scratch the surface.

Poverty drives families to farm out their children; it prevents parents from sending their children to school; it stops parents from recognising that relinquishing their children to strangers exposes them to unimaginable risks.

For the people who employ children in their households—educated people who know they are contravening the law—there is no excuse. The lure of cheap labour is stronger than any sense of moral rectitude. That many also consider it their right to violently mistreat the minors entrusted to their care is a shocking fact.

The family in Rawalpindi who beat their eight-year-old maid Zohra Shah to death after she released some caged parrots, sparked an outcry on social media in June. The government declared child domestic labour a hazardous line of work the same month and decided to criminalise it, approving the Ministry of Human Rights' proposal to amend the Employment of Children Act 1991 by including child domestic labour as a 'hazardous occupation.'

The act then became mired in bureaucratic delays, with the Ministry of



*Child domestic labour has been declared a hazardous line of work and is criminalised.*

Interior criticised by a parliamentary committee in July for not notifying the criminalisation of child domestic labour. The notification was finally issued in August but, like the Zainab Alert, Response and Recovery Act 2019, is only initially applicable to the Islamabad Capital Territory.

Punjab is the only province prohibiting child domestic labour through its Punjab Domestic Workers Act 2019. However, campaigners called for the law to be reviewed as it only prohibits the employment of children under 15 and police cannot arrest violators of the law. The punishment and fine are also not considered an adequate deterrent.

## **Labour**

### **Workers' rights**

A labour rights convention held by HRCP in January presaged events during the year in which a series of protests by workers highlighted labour-related issues that continued unresolved.

At the convention, the consensus was that workers needed to be empowered by strengthening labour unions, abolishing the exploitative practice of peshgi (advance payment), resurrecting district vigilance committees, and raising the minimum wage to reflect the real cost of living.

In May, workers, political activists and students joined a protest rally in Lahore sponsored by the Workers Solidarity Committee, an alliance of

several trade unions. Demanding action over non-payment of salaries, continuing layoffs, and cuts in pay and pensions, the protestors blamed the anti-labour policies of the government. Similar rallies were held in over 30 cities across the country.

Earlier, in April, the LHC had asked for a detailed response from the Punjab government on a petition challenging the dismissal of hundreds of thousands of factory workers and private employees during the lockdown to stop the spread of Covid-19.

A general meeting of trade unionists, workers' representatives and labour activists held in Lahore in August expressed similar sentiments, calling on federal and provincial governments to adopt an economic self-reliance policy to empower the working class. There were also renewed calls for the governments to hold tripartite labour conferences under the International Labour Organization's Convention No. 144.

### **The tillers' protest**

Farmers demanding fixed support prices of wheat and sugarcane as well as a flat rate per unit for tube-wells received a rough reception in the provincial capital in November. The police used water cannon and then baton-charged before arresting 200 of the protestors. They were later released and the protest was abandoned after assurances that the secretaries of the agriculture and food departments would meet the farmers' representatives for discussions.

Law enforcement officers were widely condemned for using disproportionate force to dispel the protestors from The Mall, with allegations of chemicals being mixed with the water used against the farmers. The death of a farmer after the protest may well have been from cardiac arrest as stated by the police, but his condition would only have been exacerbated by the latter's excessive action.

### **Brick kiln workers**

The closure of brick kilns in November to alleviate the smog situation brought brick worker unions out in protest. They claimed this measure was depriving them of their livelihood; the government, for its part, insisted that the main workers who moulded the bricks should still be receiving their wages. However, the issue of wages remains unresolved, as the workers claimed their employers were not applying the rates set by the Punjab government, apparently despite monitoring by labour inspectors.

### **Job losses in the pandemic**

Under a series of bulletins on Covid-19 produced by the Pakistan

Institute of Development Economics (PIDE), a provincial analysis of expected layoffs of the vulnerably employed projected that 10 million to 12 million workers in Punjab, the majority daily-wage earners, could face losing their jobs – a far higher number than in the other provinces.

Though agriculture sector employment was dominant, the hospitality sector was also hard hit. These workers have no social protection to fall back on and are generally unregistered.

The PIDE reports were extensive and informative, but there was no evidence that they were used as valuable background research for a more organised intervention. During the first prolonged lockdown in April, businesses were offered some respite, such as cheap loans and tax relief as incentives to retain employees and cover their wages.

At the same time, laid-off labourers were reported to have been recruited for a tree-planting drive. The government then responded to the faltering economy by opting for only ‘smart lockdowns’ in so-called hotspot areas to allow businesses to reopen.

### **The elderly**

The Punjab government has yet to follow the example of the three other provinces in introducing legislation for the elderly; the Punjab Senior Citizens Welfare and Rehabilitation Bill awaits approval.

Those among the elderly population not fortunate enough to have a caring family or the means to employ a caregiver are marginalised by society, coping on their own with all the physical and mental attrition of advancing years. The lack of social security and subsidies for everything from medicines to food has meant their needs are often neglected, leaving them vulnerable to disease, depression and dementia.

Unsurprisingly, the elderly were declared the most vulnerable section of the population in the ongoing pandemic, not simply because of their age but because existing illnesses or ailments would have weakened their immune system.

In lieu of legislation, the chief minister inaugurated the Bahimat Buzurg Programme in November under which it was claimed that an initial amount of PKR 2 billion had been set aside in a special fund to assist deserving senior citizens aged 65 years and above.

Senior citizens living below a specified poverty line would be given a monthly stipend of PKR 2,000, though this apparently applies to elderly women and to only one person in the family. How effectively this programme will operate remains to be seen.

## **People living with disabilities**

The deletion of Section 459 of the Companies Act 2017 by presidential ordinance in May was condemned by HRCP. The abolition of the 2 percent public and private company employment quota for persons living with disabilities (PLWDs) was viewed as particularly ironic in light of the federal government's claim to protect people's right to work during the pandemic.

The PSPA announced its Hamqadam programme, which it claimed would benefit around 200,000 low-income PLWDs. Income-generating opportunities would be facilitated through a 'revolving fund' to provide microcredit and asset transfer.



# SOCIAL AND ECONOMIC RIGHTS

## Education

The education sector was one of those most impacted by the pandemic. Fifteen percent of the 22 million children in Punjab between the ages of five and 15 years are estimated to be out of school, according to the Humqadam School Construction and Rehabilitation Programme website.

Barely able to find ways to get them into classrooms, let alone tackle the dropout rate, the province faced a new challenge in 2020. The closure of schools disrupted learning at every level, forcing all children to stay at home apart from a few abortive attempts to reopen.

A study conducted in September by the Punjab Examination Commission of Grade 6 students in 48 schools and 960 students in six districts – after schools reopened – found that the learning capabilities of schoolchildren had diminished radically in the four main subjects of mathematics, science, English, and Urdu during the pandemic. The study used the findings of a school-based assessment of Grade 5 students completed in March.

While the Punjab government launched its TV channel Taleem Ghar and an app to help students study at home, the vast number of students in public schools lacking electronic devices or internet access can only have felt more isolated. Some private educational institutions transitioned relatively smoothly to digital learning, but even in this sector many are low-fee schools with little funding for technology. Vast numbers of students have lost an academic year and reductions in the syllabus or alternatives to exams will do little to help them make up for lost learning.

Whether this has presented the right environment to bring in the much-vaunted Single National Curriculum is debatable, particularly given the concerns of education experts that should be addressed before implementation and the many urgent improvements that need to be made to the infrastructure and quality of teaching and learning.

## Health

The year started with a dire warning of AIDS cases in Punjab, possibly reaching epidemic proportions, following the government's failure to procure 100,000 HIV rapid testing kits. Registered cases in the province had risen to 18,556 – 50 percent of the total cases nationwide.

Only 9,400 patients were said to be receiving treatment under the AIDS control programme. However, this news soon faded with the news of a far greater threat.

It is hard to think of any area that has not been impacted in one way or the other by the Covid-19 pandemic, but health workers have carried the main burden. At the start, a medical emergency was declared in March and a complete lockdown followed soon after, but the province was caught off-guard, lacking personal protective equipment (PPE), masks and, crucially, training for such a major crisis.

In its fact-finding report *Citizens – Covid 19 – Government: Pakistan’s Response*, HRCP recorded that the Punjab government raised the health budget by PKR 12 billion. Eighty percent was for hospital services and a further PKR 68.3 billion was designated in the budget as Covid-related expenditure, but this included tax relief measures and expenditure on the existing healthcare workforce.

Special Covid-19 measures outside the health sector included the PKR 10 billion Chief Minister’s Insaf Imdad Programme 2020 for targeted monetary relief to the unemployed and funds for disaster relief and other mitigation measures. Dispensing these funds created its own problems, with claimants queuing in and outside crowded buildings without following SOPs.

When young doctors went on strike in March, the police attempted to quell the action by force, but the Grand Health Alliance had highlighted a crucial concern that was to be proved entirely valid: the lack of screening facilities and PPE for medical personnel other than those working in isolation wards. They also complained of the condition of wards used to treat their infected colleagues, drawing attention in the process to the state of general patient wards.

In large part, the provisions and restrictions specified in the Punjab Infectious Diseases (Prevention and Control) Act 2020, particularly those relating to events and gatherings, were not much in evidence outside of the total lockdown. The decisions taken in the pandemic crisis were largely economy-driven, aided by an overwhelming majority believing they were protected by their faith and stubbornly eschewing even the basic protection of a mask.

Some gatherings were curtailed while others—particularly large religious congregations—were permitted, increasing exposure to infection. Awareness campaigns for the public have been ineffective, and enforcement of SOPs mismanaged and erratic. Images abounded of people thronging markets with scant regard for SOPs.



*Images abound of people thronging markets with scant regard for SOPs.*

The Faisalabad administration and police—themselves in violation of human rights instruments—chose to resort to stun batons against violators of the SOPs, and cases were reported of police forcing people to assume humiliating positions as punishment. The later ‘smart lockdowns’, preferred to the imposition of wider measures, were only loosely managed.

During the temporary lull in infections after the first wave, observance of SOPs became increasingly relaxed and the anticipated second wave of the virus took its inevitable toll. On the last day of the year, the virus death toll in Punjab had risen to 3,982 and confirmed cases to 137,295, with fears increasing over the emergence of a new, more contagious variant. These statistics constitute hospital figures and there is reason to believe that many cases of infection and death may not have been reported, especially in rural areas. With the province’s medical resources stretched to the limit, 2,778 doctors, nurses and paramedics in the government sector were among those testing positive for Covid-19 infection. When the pandemic diverted focus from other health issues, the polio vaccine and dengue control drives were virtually suspended till the end of the year, raising concerns about a resurgence.

## **Housing, public amenities and utilities**

### **A roof over their heads**

Housing for the underprivileged and impoverished population is a stated objective of the government. Overcoming the issues of overcrowding, poor sanitation and lack of access to utilities for these groups was always

going to be a long-term and daunting challenge. Lack of planning may account for the slow progress in the housing projects on affordable instalment plans announced at intervals by the government.

Rather belatedly, the Punjab government revealed its proposal to set up an 'affordable housing project' with support from the World Bank to develop a comprehensive provincial housing policy and strategy, taking into account supply and demand factors and market opportunities.

The project would only be evaluated after the current pandemic subsided. This announcement was in the context of a World Bank report that said approximately 51 percent of urban housing units are overcrowded, 75 percent do not have access to piped water, and 60 percent do not have access to piped sewerage.

The Punjab Spatial Strategy 2017–47 for urban developments, produced by the Urban Unit of the Punjab government, addresses among other things affordable housing for all and provision of urban services to all. Based on the current trend, the report projects that the housing shortage could increase to 11.3 million units by 2047 – affecting 30 percent of the population. Such surveys and projects are, however, focused on those who can afford to borrow from banks.

Accommodation for the poor eking out a living in makeshift kachhi abadis is another matter altogether. Already living in abysmal conditions, they often face the prospect of abrupt evictions to make way for new construction or infrastructure projects. Others fortunate to own a small property or piece of land are forced to sell to the government at below market prices, such as for the Lahore metro project.

The chief minister in August announced a scheme to provide shelter homes for the poor and homeless in Lahore, to be extended to other main cities over time. However, only in-principle approval was given to the establishment of a Punjab Shelter Homes Authority to manage this scheme and it is unclear when this particular project will get off the ground. The lack of regulation in housing construction also means that people forced to build their own homes use substandard materials and methods, resulting in all too frequent reports of collapsing roofs and walls and deaths of the occupants.

Enforcement of associated fire regulations is similarly lacking. Although the official fact-finding inquiry into the massive fire at the Hafeez Centre commercial hub in Lahore in October is still awaited, initial reports pointed to violation of safety codes being the cause of the rapid spread of the fire.

## **Factory inspections**

In an inexplicable concession to the industries and trade sector, the Punjab government introduced an 'inspector-less regime' for factories. The elimination of factory inspections is in violation of internationally ratified conventions and will potentially jeopardise the country's retention of its GSP+ status.

## **Utility woes**

The customary unscheduled load-shedding and power failures in the province added to the general misery of the public at a time when most people were confined to their homes. Warning of an impending gas crisis was delivered by the Prime Minister in September but the called-for consensus between the federal and provincial governments never materialised. By December, the gas shortage had reached crisis level, with people resorting to wood and liquefied petroleum gas for heating and cooking.

## **Environment**

### **Air pollution**

During the lockdown, the air cleared and allergies and pollution-related respiratory ailments subsided. This unexpected side-effect of the pandemic lent some credence to the claims of brick kiln owners that they were being singled out as the main source of pollution.

The return to 'normality' in the subsequent months signalled the return of the smog that customarily envelops the main cities of Punjab. By November, Faisalabad and Lahore had overtaken Delhi as the world's most polluted cities, with air quality reaching hazardous levels.

The kilns were closed down from November until the end of the year, though some were said to be operating still. The Punjab government gave brick kiln owners an ultimatum to convert to zigzag technology by the end of 2020. The cleaner emissions would negate the need to close the kilns down, but the high cost of conversion may have deterred owners, who claimed that the 'subsidy support' and flexible loans promised by the environment protection agency had not materialised.

Nevertheless, 80 of the 162 brick kilns still operating under the old system were reported to have been either converted or built afresh. Lahore, Bahawalnagar and Bahawalpur were among the 28 districts in Punjab still contributing to smog through crop burning. The Provincial Disaster Management Authority directed the respective district commissions to take a zero-tolerance stance over this practice but it remains unclear what support or incentives were being provided to farmers to change to more environment-friendly methods.

## **Disaster management**

Despite weather forecasts, most administrations across Punjab appeared to be caught unawares by the devastating rains that hit the region in August, flooding villages, damaging houses and crops, and forcing the evacuation of hundreds of people.

## **Banning of plastic**

The government appears to have adopted a scattergun approach in the ban on plastic bags in the province. Enforcement appears more effective in malls, hotels and markets in main cities – areas that are more easily monitored. Outside those areas, however, the message may not have filtered through. As in the observance of Covid-19 SOPs and closure of shops, the follow-through necessary in the wake of the introduction of restrictions is lacking, perhaps because of the lack of human resources or incentives to look the other way.



*Enforcement on ban of plastics appears more effective in malls, hotels and markets in main cities.*

# SINDH





## KEY TRENDS

- During the Covid-19 pandemic, the provincial government passed the Sindh Covid-19 Emergency Relief Ordinance 2020, which became an act on 7 July 2020.
- Private sector employers were barred from laying off their employees during the lockdown. The act also provided relief to parents in terms of payment of school fees and allowed tenants to delay housing rent payments.
- The Sindh Assembly amended at least five laws to meet the requirements of the Financial Action Task Force.
- The inspector general of police was allegedly kidnapped on the night between 18 and 19 October and taken to a sector commander's office where he was forced to issue arrest orders for politician Captain (Retd) Safdar Awan, who was staying in a hotel in Karachi with his spouse Maryam Nawaz Sharif.
- Data from the Sindh Prisons Department indicates that 121 prisoners were awarded death sentences in the province in 2020. No executions were, however, carried out. As of end-2020, 513 prisoners in Sindh were under sentence of death.
- According to the Sindh Human Rights Defenders Network, a total of 127 persons went missing in the province during the year, of which 112 resurfaced while 15 were still missing.
- At least six cases of forced conversion of Hindu girls were reported in the province.
- In violation of the right to freedom of association, the federal government decided to formally ban three Sindhi nationalist political entities in May, including Jeay Sindh Qaumi Mahaz (Arisar) and two other political groups operating in Sindh, labelled 'militant' by the authorities.
- The four-year term of local governments in Sindh expired on 30 August, but the provincial government has not yet announced a new date for holding the next local elections.
- Killing in the name of honour continued in Sindh during 2020. A woman was allegedly stoned by her relatives in Jamshoro on 27 June, apparently in an honour killing attempt. The post-mortem report confirmed she had been tortured.

- Based on reports in the press, HRCP recorded 197 honour killings in 2020 for Sindh, involving 215 victims—79 male and 136 female victims.
- According to the Sindh education minister Saeed Ghani, around 3.5 million children in the province are out of school.
- Pursuing its privatisation programme, the management of Pakistan Steel Mills removed over 4,500 workers and seeks to retrench about the same number of workers.

## Covid-19 in Sindh

On 26 February, the first two patients in Pakistan tested positive for Covid-19. The Prime Minister's special assistant on health Dr Zafar Mirza tweeted that the first patient was a student at the University of Karachi and the second was from the federal territories. Both patients had returned from Iran and, fortunately, recovered after remaining in the mandatory 14-day quarantine.



*According to official data, the total number of Covid-19 deaths recorded in Sindh as on 31 December was 3,560.*

By 9 March, a total of 16 cases of Covid-19 had been reported in Pakistan, with Sindh accounting for 13 cases. Five of the new patients had travelled to Syria and others had returned from London. Sindh presented the highest number of patients and deaths until 31 December. According to official data, the total number of Covid-19 deaths recorded in Sindh as on 31 December was 3,560. The provincial government was commended for its proactive and practical approach to controlling the spread of the virus in the initial phase of the pandemic. The government closed down schools and took other measures such as imposing a temporary ban on wedding venues, lawns, banquets, and tea stalls after 11.15 PM – much before the other provinces and even ahead of the national lockdown.

Despite the province's lead role in taking measures to contain the pandemic, many prominent persons in Sindh tested positive, including the governor, Imran Ismail, the chief minister, Murad Ali Shah, Pakistan People's Party (PPP) chairperson Bilawal Bhutto-Zardari, and ministers

Saeed Ghani, Imtiaz Ahmad Shaikh and Syeda Shehla Raza. Some succumbed to complications arising from the disease, including the minister for human settlement, Ghulam Murtaza Baloch, PPP leader Rashid Rabbani and Sindh Assembly member Jam Madad Ali.

Sindh also took the lead in providing relief to people. The Sindh Covid-19 Emergency Relief Ordinance 2020 provided relief in terms of payment of school fees, thereby assisting parents of private school-going children; it also barred employers from terminating the services of their employees during the pandemic and provided a mechanism for payment of reduced salaries to employees of establishments that had been shut down as part of the anti-Covid-19 restrictions in the province. Initially, the ordinance was not signed by Governor Imran Ismail on the grounds that it carried a provision for the deferment of gas and power bills, which came under the purview of the federal government. However, it was later signed when the provincial government omitted these points. The Sindh Assembly passed the ordinance into law on 7 July 2020. The law also contained a provision for the deferred payment of water and sewerage bills for services maintained by the provincial government.

The ordinance also carried a provision for deferring or suspending 50 percent of the rent payment by a tenant, related to any residential premises, office or shop, although this was not applicable in cases where the landlord was a widow or differently abled person.



### Laws and law-making

The Sindh Assembly held a limited number of sessions, especially during the lockdowns when there was none. The government passed several important laws pertaining to Covid-19, including the first of its kind, the Sindh Covid-19 Emergency Relief Act 2020 (see *Covid-19 in Sindh*). Although it also prohibited employers from laying off employees during lockdown, implementation of the law remained poor, with labour organisations complaining of widespread retrenchments, especially in the private sector.

As with other provincial assemblies and the National Assembly, the Sindh Assembly also passed or amended at least five laws to meet the requirements of the Financial Action Task Force, which had put Pakistan on the grey list.

These laws include the Sindh Seized and Freezed Facilities (Hospitals, Dispensaries) Bill 2020, the Sindh Seized and Freezed Institutions (Madrasahs, Schools) Bill 2020, the Sindh Trust Bill 2020, the Sindh Co-Operative Societies Bill 2020, and the Sindh Waqf Properties Bill 2020.

On 8 January, the Sindh Assembly passed the Establishment of the Office of the Ombudsman for the Province of Sindh (Amendment) Bill 2020, which empowered the chief minister to appoint the ombudsman.

### Administration of justice

About 1,899 cases were pending trial in special courts as of 30 November and over 240 cases were instituted as of December. The courts disposed of 125 cases, convicted 24 persons and acquitted 98 others. Official sources said that the conviction rate stood at 19 percent and the acquittal rate at 78 percent.

According to the Law and Justice Commission, the Sindh High Court (SHC) started the year with a balance of 83,944 cases; by 31 December 2020, the number of pending cases stood at 81,684.

A total of 28,340 new cases were instituted during the year and 27,155 cases were disposed of. Pending cases in the District Judiciary Sindh had reached the level of 115,815 for the same period – an increase of 21,855 over the number of outstanding cases at the beginning of 2020.

In an attempt to counter security challenges, the home department revalidated or computerised 387,031 arms licences. The government de-

registered 20,051 non-government organisations (NGOs) in 2000 and only 5,148 NGOs are now active in the province. It also conducted audits of 660 NGOs in 2020, of which 25 were recommended for a tier-II audit by the Counter-Terrorism Department.

Data provided by the Sindh Prisons Department indicates that 121 prisoners were awarded death sentences in the province in 2020. No executions were, however, carried out. As of end-2020, 513 prisoners in Sindh were under sentence of death.



# ENFORCEMENT OF LAW

## Law and order

During an opposition rally held in October by the Pakistan Democratic Movement (PDM) in Karachi, the Sindh inspector general of police (IGP) was manhandled and kidnapped by law enforcement agencies and forced to register a case against PML-N politician Captain (Retd) Safdar Awan for violating the sanctity of the Mazar-e-Quaid, damaging government property and raising slogans.

Later, a press release issued by Inter-Services Public Relations (ISPR), the army's media wing, said that the chief of army staff had asked the Karachi corps commander to 'immediately inquire into the circumstances to determine the facts and report back as soon as possible.' A joint statement issued by civil society organisations, including HRCP, expressed serious concern over 'undue pressure' imposed on the IGP.



*A case was registered against Captain (Retd) Safdar Awan for violating the sanctity of the Mazar-e-Quaid, damaging government property and raising slogans.*

In response to the incident, the IGP and other police officers submitted leave applications en masse. These were withdrawn after assurances from the military authorities that the matter would be resolved.

The case was concluded in November when the ISPR claimed that certain officers from the Pakistan Rangers and Inter-Services Intelligence (ISI) sector headquarters in Karachi had acted 'rather overzealously' because they felt the police were too slow to act on public complaints of the desecration of Mazar-e-Quaid.

The chief minister Syed Murad Ali Shah wrote to the Prime Minister on 1 February 2020 requesting that IGP Kaleem Imam be removed and recommending five alternative names for the position. Mushtaq Mahar was eventually appointed the new IGP.

Earlier, prolonged wrangling between the federal and provincial governments over the appointment of a new police chief in Sindh had created uncertainty in the police department and raised concerns as to how this would affect their ability to maintain law and order effectively.

Table 1 below gives the total number of crimes against persons for 2020 as against 2019. In addition, press reports compiled by HRCP indicate that at least 29 police encounters occurred during the year, involving 50 victims.

**Table 1: Crimes against persons in 2019 and 2020**

Nature of crime	Total cases in 2019 versus 2020		
	2019	2020	Difference
Murder	1,312	1,350	38
Culpable homicide (not amounting to murder)	100	101	1
Attempt to murder	1,624	1,820	196
Honour crimes	113	126	13
Grievous hurt	822	865	43
Simple hurt	1,479	1,818	339
Rioting	2,471	2,790	319
Assault on police	1,637	1,915	278
Assault on others	285	277	-8
Rape/ <i>zina</i>	305	344	39
Gang-rape	67	54	-13
Kidnapping/abduction	3,060	3,226	166
Kidnapping for ransom	51	82	31
Child lifting	174	291	117
Suicide	0	2	2
Suicide attempt	51	29	-22
Blasphemy (offences relating to religion)	62	50	-12

Source: Sindh Police website.

## Jails and prisoners

A total of 12,790 prisoners were tested for Covid-19 of which 1,638 tested positive. Reportedly, only one prisoner died in any jail in Sindh. About 54 jail inmates were released from jail either on bail or after completion of their sentence. Meanwhile, 1,281 prison staff members were also tested for the virus, of which 112 tested positive while 109 recovered. Only three prison officers remained under treatment as of the end of the year. Although the SHC, and later the Sindh Cabinet, had decided to release 519 under-trial inmates to reduce the risk of contagion, the Supreme Court halted the decision in March, saying that decisions ‘taken in haste and fear’ would not work.

According to the inspector general of prisons in Sindh, separate barracks and cells were reserved for Covid-19 patients. Moreover, on the advice of visiting specialists, the Sindh government appointed medical officers specifically for the treatment of Covid-19 patients among prisoners.

As of November, the total prison population across 24 prisons in Sindh stood at 17,322 prisoners against an authorised capacity of 13,538, indicating an over-occupancy rate of almost 28 percent (see also Table 2). A report by the federal ombudsman said that three new jails were being constructed in Sindh, with one each in Shaheed Benazirabad, Thatta and Malir, while the provincial government increased its prisons budget by PKR 294 million.

**Table 2: Distribution of prisoners in jails in Sindh in 2020**

Under-trial prisoners			Convicted prisoners		
Male	Female	Juvenile	Male	Female	Juvenile
12,356	155	175	4,106	59	5

Condemned prisoners		
Male	Female	Juvenile
508	5	0

*Source:* Sindh Prisons Department, in response to HRCP’s request for information.

## Enforced disappearances

In Sindh, the enforced disappearance of political workers intensified during the year, even as some resurfaced or returned quietly home and others were traced to jails, having been detained on different criminal

charges. According to the Sindh Human Rights Defenders Network, 127 persons went missing in the province in 2020; out of these, 112 resurfaced and 15 were still missing by the end of the year.

Rights organisations continued to protest against enforced disappearances. A protest camp was set up outside the Karachi Press Club at which family members demanded that the authorities release their loved ones or try them in courts, ensuring due process, if there were criminal charges against them. The Joint Action Committee for Shia Missing Persons also continued to hold sit-ins, demanding that missing relatives be recovered safely and produced in court, following due process, if they were deemed guilty of a crime. Following a protest in August, during which protestors alleged they had been baton-charged by the police, federal minister Ali Zaidi assured them their grievances would be addressed.

Sarang Joyo, a 34-year-old activist involved with the Sindh Sujagi Forum, was allegedly 'disappeared' by law enforcement agencies on 11 August. He was known for being actively involved with protest camps for missing persons in Karachi. His father, writer Taj Joyo, turned down a presidential Pride of Performance award in protest against the abduction of his son. The family filed a petition in the SHC for Sarang's recovery, supported by civil society groups and political parties that staged demonstrations against his enforced disappearance and demanded his release on social media platforms. Subsequently, the Senate Functional Committee on Human Rights invited Taj Joyo to present his case before them. Sarang was released on 17 August.

Another prominent case of enforced disappearance was that of Aqib Chandio, a 20-year-old political worker who has gone missing twice. The group Voice of Missing Persons of Sindh continued to hold protests outside the Karachi Press Club, demanding his immediate release. Chandio was first picked up by plainclothes security personnel on 30 May 2018 and released after a year. He was taken into custody again on 7 July 2020 from his home in Malir.

In June, the bullet-riddled bodies of two 'missing' political workers from the Muttahida Qaumi Movement (London) and Jeay Sindh Qaumi Mahaz (Arisar) (JSQM-A) were found on the outskirts of Karachi. The latter termed it an 'extrajudicial killing.' Both men went missing in 2019.

Since its inception in 2011, the Commission of Inquiry on Enforced Disappearances has received 1,643 cases from the province, of which 37 persons have been traced to internment centres and 248 to prisons; 55 bodies were found. In all, the commission had traced 1,029 persons from Sindh as of end-2020.



# FUNDAMENTAL FREEDOMS

## Freedom of movement

During the pandemic, freedom of movement was generally restricted by the authorities to prevent infection. Local and inter-city transport remained suspended during the first lockdown in April, making it difficult for people to visit their hometowns for religious festivals such as Eid.

Every year, thousands of workers from southern Punjab seek seasonal work in Sindh, harvesting and packing mangoes. Due to the lockdown in April and May, most were unable to travel to Sindh; many orchard owners demanded that the provincial government ease the restrictions on movement to allow seasonal workers in from Punjab.

Due to the ban on transport, many passengers resorted to illegal means to travel. The Sindh Police foiled at least two such bids, intercepting one truck at a check post in Karachi en route to Quetta and recovering 22 passengers, and intercepting another truck at the Gadap check-post that was transporting 25 passengers to Hyderabad. Sindh's transport minister claimed that 15 transporters had been booked for lockdown violations and that route permits for 50 vehicles had been cancelled.

## Freedom of thought, conscience and religion

Discrimination against religious minorities, especially the Hindu community, continued unabated in Sindh, with many cases of forced conversion, attacks on temples, and other instances of faith-based discrimination coming to light.

In January, unidentified individuals vandalised idols and desecrated holy books in Maata Rani Bhitiyani, a Hindu temple in Chhachhro, Tharparkar. The police registered a first information report (FIR) under Sections 295, 436, 427 and 34 of the Pakistan Penal Code. When arrested, the culprits confessed to the crime, saying they had intended to steal money from the temple. They were released when the complainant withdrew the case.

In another incident, the Shri Ramdev Hindu temple was vandalised in the Kario Ghanwar area of Badin district on 10 October. The police registered a case and arrested a local resident, Muhammad Ismail Sheedi, for damaging statues at the temple.

On 16 August, a Hindu temple to Hanuman in Lyari, Karachi, was destroyed. Dr Ramesh Kumar Vankwani, patron of the Pakistan Hindu

Council, said the temple was almost 200 years old and served as a worship place for several families in the neighbourhood. The administration claimed the land had been rented out to a Hindu family, adding that the owners had sold the land and that the site was not a 'proper' temple.

## Forced conversions

At least six cases of forced conversion of Hindu girls were reported in the press, including Mehak and Lata Kumari (kidnapped in Jacobabad), Sormi and Shanti (kidnapped in Tharparkar), Simran (missing from Pano Aqil), and Parsha Kumari (kidnapped in Khairpur). Cases of abduction were filed in the courts and the girls were claimed to have solemnised their marriage in accordance with shariah law.

The alleged abduction, forced conversion and marriage of a minor Christian girl, Arzoo Masih, in Karachi in October indicates that the problem is not restricted to the rural Hindu community. Arzoo's father lodged an FIR on 13 October, fearing his daughter had been kidnapped by unknown persons. After widespread protests by the Christian community and civil society, the Sindh government's spokesperson Murtaza Wahab announced that Arzoo had been recovered and sent to a shelter home; her purported husband was also arrested on 2 November. A medical board instituted by the SHC established that Arzoo was between 14 and 15 years old. Later, the SHC granted bail to her alleged abductor and husband but ordered that she be kept at the government shelter home till she was 18.



*The alleged abduction, forced conversion and marriage of a minor Christian girl, Arzoo Masih, in Karachi in October indicates that the problem is not restricted to the rural Hindu community.*

In Jacobabad, Mehak Kumari, a ninth-grade Hindu student, left home for school on 15 January and did not return home. She was reported to have converted to Islam and married Ali Raza Solangi, a domestic servant hired by her parents. The couple claimed they had married of their own free will after Mehak converted at a shrine in Amrot Sharif. Her parents claimed that she was 15 years old and could not marry under the Sindh Child Marriage Restraint Act 2013. On 18 February, an additional sessions judge declared that Mehak was underage, which nullified her marriage. The SHC issued an order on 9 July allowing Mehak to live with her mother, following a statement in which she had expressed her wish to return to her family.

## Freedom of expression

Media workers' conditions did not improve in 2020: many lost their jobs and suffered hardship due to salary cuts. Numerous journalists, media workers, rights activists, and other members of civil society marched to the Governor House in December and held a demonstration against the alleged retrenchment of workers, forced resignations, non-implementation of the eighth wage board award, and salary cuts at the *Dawn* newspaper, according to a statement issued by the Pakistan Herald Workers' Union.

In several instances, journalists were abducted or detained by law enforcement agencies and later released. In October, a senior reporter for Geo News, Ali Imran Syed, went missing from outside his home in Karachi. He was reportedly 'disappeared' a day after he had broadcast CCTV footage on Geo News on the arrest of opposition politician Captain Safdar Awan in Karachi. His family registered a case with the police and claimed he had been kidnapped by unidentified persons for unknown reasons. Mr Syed returned safely the following day.

Earlier, in September, senior journalist Bilal Farooqi, an editor at the *Express Tribune* in Karachi, was arrested on charges of sedition and detained for several hours before being released on bail. According to the Karachi police, an FIR was registered against Farooqi by a complainant who said he had discovered 'highly objectionable material' on Farooqi's Twitter and Facebook accounts—posts allegedly against the Pakistan army. The Karachi Union of Journalists said that Farooqi's arrest was part of a concerted campaign to gag independent voices.

The National Accountability Bureau arrested the head of the Jang group of publications, Mir Shakil-ur-Rahman, on 12 March, on the grounds of a 34-year-old property allotment case. He remained in custody till 9 November, when the Supreme Court of Pakistan granted him bail. Earlier, journalists' bodies had termed his arrest an attempt to pressurise media groups into towing the line.

In February, the body of reporter Aziz Memon, who was associated with the Sindhi newspaper *Kawish*, was found floating in an irrigation channel in Mehrabpur town, Naushahro Feroze.

Police initially registered the case as an accidental death or suicide, but Memon's family alleged that he had been murdered, citing threats he had received from unknown persons prior to his death. The journalist community across Pakistan demanded a fair investigation, while civil society organised protests in different parts of the province in support.

Journalists in Islamabad asked the chief justice to look into the matter. Federal minister Fawad Chaudhry noted that the slain journalist had made allegations against the ruling party in Sindh prior to his death and suggested that the Federal Investigation Agency probe the murder.

In the face of mounting pressure, police authorities constituted a joint investigation team, which held that Memon had been murdered as a result of personal enmity. Media bodies rejected the claim, pointing to threats that Memon had received from an influential political figure in Naushahro Feroze.

## **Freedom of assembly**

Curbs on citizens' right to freedom of peaceful assembly continued in various parts of the province. In one prominent instance, families of missing persons planned a long march from Karachi to Rawalpindi/Islamabad.

Organised by the Sindh Sabha caravan, the rally started from the Karachi Press Club in late November, passing through Sindh as more and more people joined in to express solidarity with the families. However, on 30 December, dozens of police mobile vans in Ghotki stopped the rally from crossing into Punjab. The marchers staged a sit-in, blocking the National Highway. The police baton-charged and detained many participants, including women, although the latter were later released.

In another incident in November, the Sukkur police baton-charged youth protesting against Pakistan Railways and detained seven of them. The protestors claimed they had not received their joining orders despite having cleared the tests.

## **Freedom of association**

Like the other provinces, the Sindh government has also passed a provincial law governing the registration of NGOs, social welfare organisations and trusts in the province.

Under the Sindh Charities Act 2019, all civil society organisations were required to have themselves registered under the new law even if they were already registered under other laws, such as the Voluntary Social Welfare Agencies (Registration and Control) Ordinance 1961, the Societies Registration Act 1860 or the Companies Act 2017. The provincial government extended the date for registration until 10 February 2021.

Various NGOs challenged the new law in the SHC, fearing the provincial government would monitor their funding through this law. The petitioners submitted that the impugned act could be used to gain access to their financial resources and exploited as a means of putting pressure on civil society.

The petitioners alleged that the government's aim was to impose curbs on freedom of association far beyond what was permissible under either the Constitution or Pakistan's international legal obligations. Declaring that the new law was ultra vires of the Constitution, the petitioners also warned that it would hamper the social welfare system to the detriment of ordinary citizens in need. They added that the law involved needlessly cumbersome requirements and had failed to provide any relief in terms of NGO registration.

The SHC issued an interim stay order, asking both the federal and provincial governments to refrain from taking action against the petitioners. Other civil society organisations, however, were still required to have themselves registered under the Sindh Charities Act.



## Political participation

The PDM, an 11-party opposition alliance, held several political rallies in Sindh, including at Bagh-e-Jinnah in Karachi on 18 October and in Garhi Khuda Bux in Larkana on 27 December. Although the October rally itself took place without incident, Captain Safdar Awan, an opposition politician, was arrested the following day (see *Law and order*).

On 7 May, the federal government decided to formally ban three Sindhi nationalist parties, including the JSQM-A and two other political groups operating in the province, labelling them 'militant' groups. These included the Sindhu Desh Revolutionary Army and Sindhudesh Liberation Army, which security agencies accused of being actively involved in terrorist activities in Sindh and Balochistan. Intelligence agencies claimed that both militant groups were being provided political support by the JSQM-A and posed a threat to China-Pakistan Economic Corridor projects.

The Karachi police registered an FIR against Pashtun Tahafuz Movement (PTM) leaders on 7 December under Sections 120-B (criminal conspiracy), 153-A (promoting enmity between different groups), 505-B (statements inducing persons to commit offences against the state), 506 (criminal intimidation), and 188 (disobeying the orders of a public servant) of the Pakistan Penal Code, a day after the PTM held a public meeting in the city.

A number of PTM leaders, including Manzoor Pashteen, Mohsin Dawar, Ali Wazir, Sanna Ejaz, Abdullah Nangyal, Said Alam, and Hidayatullah Pashteen were nominated in the FIR. Subsequently, Ali Wazir, a member of the National Assembly, was arrested in Peshawar on 17 December on the request of the Sindh Police. PPP chairperson Bilawal Bhutto-Zardari condemned the arrest and termed it 'against democratic traditions', adding that 'fascist governments' were wont to implicate elected representatives in false cases to crush the public's voice.

Although it is not uncommon for the authorities to temporarily detain political workers associated with nationalist parties on 14 August and release them once the Independence Day celebrations are over, 2020 witnessed a new trend, with many political workers announcing that they were choosing to distance themselves from nationalist political parties such as Jeay Sindh Qaumi Mahaz (Bashir), Jeay Sindh Tehreek, Jeay Sindh Students Federation, Jeay Sindh Mahaz, and Jeay Sindh Muttahida Mahaz.

Addressing press conferences in various district headquarters of Sindh, many such workers said they intended to join mainstream parties because there was little scope otherwise to work for the betterment of the country. They said there was no scope for nationalist politics and groups in Sindh, adding that their respective leaderships had failed to protect people during the Covid-19 pandemic.

## Local government

Although the four-year term of local governments in Sindh expired on 30 August, the provincial government did not announce a new date for holding the next local body polls. Earlier, it was the Supreme Court of Pakistan that had compelled the Sindh government to hold local government elections in 2016.

The ruling PPP government told the Election Commission of Pakistan (ECP) on 7 September that local government elections in the province could not take place until a final notification of the 2017 census was issued, which would lead to the formation of new constituencies or changes in the existing ones. PPP provincial president Nisar Ahmed Khuhro told the ECP that carrying out the delimitation of constituencies before the final 2017 census report was published would be illegal.

When Sindh witnessed a near-breakdown of civic amenities during the 2020 monsoon rains, with widespread urban damage caused by choked drainage systems, the province's fractured local governance was a key factor involved. Local governments failed to provide any relief to people, many of whom suffered heavy financial and material losses. In Karachi, a number of residential areas, including the posh Defence Housing Authority, suffered heavy floods.



*Sindh witnessed a near-breakdown of civic amenities during the 2020 monsoon rains.*

Eventually, the federal government had to intervene and announced it would organise the clearing of the city's main stormwater drains. An HRCP fact-finding mission recommended that a city like Karachi needed an 'empowered local government', adding that local government in general warranted an entire constitutional chapter over and above Article 140A.

## **Shrinking civic space and the role of assemblies**

As a result of the Covid-19 pandemic, the provincial government closed down shrines in the province and the annual *urs* of prominent Sufi saints Lal Shahbaz Qalandar, Shah Abdul Latif Bhitai and Sachal Sarmast could not be held. Several cultural events that were held prior to the lockdown included the eleventh Karachi Literature Festival and the second Adab Festival in February.

The Sindh Literature Festival could not be held in Karachi due to the pandemic. Two other prominent festivals in Sindh, the Ayaz Melo and Lahooti Melo, were postponed but held in Hyderabad in late 2020, when lockdown conditions were eased. In general, the pandemic affected citizens' ability to exercise their right to cultural and civic spaces.

The Sindh Assembly became the first assembly in the country to summon a virtual session in June. The budget was also presented at an online session. This was facilitated through an amendment to Rule 267 of the Rules of Procedures 2013.

## Women

Violence against women remained ubiquitous in rural Sindh in particular, where most such cases tend to go unreported. Those that are reported may garner attention from social and traditional media platforms, making it more likely that the authorities will take action.

A woman named Gulshan Shar was killed in the name of 'honour' in Khipro in Sanghar district on 8 October. Her husband accused her of having had an extramarital affair and bringing 'dishonour' to his name. On being ousted from her home, she sought protection at the Kahi police station with her father. Subsequently, a local court sent her to a shelter home. Soon after leaving the shelter home, her brother gunned her down and fled, labelling her *kari* (dishonoured). The police registered an FIR against the brother and six accomplices. The incident led to an outcry on social media, which condemned the murder, with #JusticeforGulshanShar trending for several days on Twitter.

On 10 April, the Sindhi media reported two incidents of *karo kari* (a local term for honour killing). In one incident in Shikarpur, Shah Bahadur Taighani and his accomplices killed his wife and a relative with whom he assumed she was having an affair. The accused opened fire on both of them and then fled the scene. The Shikarpur police registered a case against the accused and arrested him. In the second incident, Idrees Mahar shot dead his 20-year-old wife Wajidan Mahar in Sukkur, near Panno Aqil. The police arrested the accused.

In June, the mutilated body of a woman named Wazeeran was found dumped on the road in Jamshoro district. A video of her father wailing that she had been stoned to death went viral across social media. The post-mortem revealed she was two months pregnant and had been badly tortured. The police registered a case and arrested her husband and brother. An HRCF fact-finding team visited the village of Chachhar in July and demanded that a fresh FIR be registered on behalf of the state. Several village residents were inclined to dismiss the murder as an 'accident' or 'suicide' despite the post-mortem report indicating that the young woman had clearly suffered extensive trauma.

In another case, a woman from Karachi was lured to Kashmore by a man who offered her a job there. Two days after she arrived, she approached the Kashmore police, alleging that the man in question had raped her and then handed her over to another man living near the Sindh-Balochistan border, who had also raped her. She said that the suspect had held her five-year-old daughter hostage, saying she would be freed only when

her mother brought him another woman from Karachi. An assistant sub-inspector Mohammad Bux Buriro involved his family in setting a trap for the suspect: he was persuaded to meet them in a park in Kashmore and arrested on arrival. The women's daughter was also recovered.

Based on reports in the press, HRCP recorded 197 honour killings in 2020 for Sindh, involving 215 victims – 79 male and 136 female victims (note that the corresponding figures in Table 1 are lower, possibly indicating reluctance to report such crimes). Of 371 cases of sexual violence recorded for Sindh, 212 cases involved female victims and 159 involved male victims. At least five cases of stove-burning and immolation were also recorded for the province, as well as 138 cases of domestic violence against women.

## Transgender persons

During the lockdown, the transgender community in Sindh was especially affected by economic hardship due to the closure of markets and transport, although some NGOs were able to arrange relief packages for the community.

In December, the body of a transgender person was found at their house in Malir. Rescuers transported the body to Jinnah Postgraduate Medical Centre, where the person was identified as Amir alias Maria. The police said he lived alone and had been killed with a sharp-edged tool, although they could not ascertain why.

## Children

*Cruel Numbers*, the yearly report issued by Sahil, indicates that, of the 2,960 cases of violence against children recorded for the year, Sindh accounted for 861 cases. Of the ten districts labelled 'most vulnerable' by Sahil, two are in Sindh, with Khairpur and Ghotki accounting for 117 and 85 cases, respectively.

According to Sindh education minister Saeed Ghani, around 3.5 million children were out of school in the province in 2020. In response to questions at the Sindh Assembly, he said that around 8.5 million children were being educated at government-run and private schools, seminaries and other educational institutions, although the results of the 2017 population census showed that at least 12 million children should be in school in the province. He noted that there were around 49,000 government-run schools in the province. About 37,000 teachers' posts were vacant, but these vacancies would be filled. Mr Ghani also said that, in 2017/18, some 1,262 teachers – 92 teachers for colleges and 1,170 for schools – had been recruited for government-run educational institutions.

## Labour

The government pushed its privatisation programme further and took steps towards selling national assets, causing concern among labour rights groups. In June, the federal government decided to terminate all 9,350 Pakistan Steel Mills (PSM) employees, saying that the steel mills had not functioned since 2015 and sustained heavy financial losses due to salary payments.

In November, the authorities laid off 4,544 employees by sending them retrenchment letters. The PSM management filed an application in a labour court in Karachi to allow it to lay off the remaining staff. Earlier in June, the Economic Coordination Committee had approved monetary benefits for PSM employees to the tune of PKR 19.7 billion, indicating that, on average, every sacked employee would receive PKR 2.3 million each.

However, workers' bodies and human rights organisations widely condemned the move, as did the Sindh government. A large number of PSM workers held protests and closed down the main railway track in December. After being persuaded by the provincial ministers, the workers called off their sit-in.



*A large number of PSM workers held protests and closed down the main railway track in December.*

Later, the Sindh government formed a ministerial committee comprising provincial ministers Syed Nasir Hussain Shah and Saeed Ghani, and special assistant to the chief minister Waqar Mehdi, to investigate the issue. They assured the workers that the issue would be taken up in the

Sindh Assembly and Senate, where the PPP had a majority. A resolution seeking control of PSM would also be presented in the Sindh Assembly. The government also announced its intention to privatise ten power distribution companies and four thermal power companies, including Guddu Power Plant, under the Water and Power Development Authority. Protests by workers and trade unions ensued in different cities across Sindh in October.

## **Bonded labour**

According to data compiled by the Hari Welfare Organisation, 2,437 people working as bonded labourers were released under orders from the SHC in various districts during January to October 2020.

## **Covid-19 and workers**

The working class—and daily-wage labourers in particular—was hit hardest by lockdowns imposed in the province in the wake of the Covid-19 pandemic. A large number of workers lost their jobs and incomes due to the closing down of industries and businesses.

On 23 March, the Sindh government issued a notification under Section 3 of the Sindh Epidemic Diseases Act (2014) and other relevant labour laws, prohibiting layoffs. It also said that, during the lockdown, all categories of workers were to be paid their full salaries or wages and that the period of closure should be considered paid leave by employers. While workers' bodies welcomed the decision, employers' organisations opposed it.

In addition to the Prime Minister's Ehsaas Programme for daily-wage workers, the provincial government announced in March that it would establish a coronavirus relief fund with seed money of PKR 3 billion, which rose to PKR 3.6 billion following donations from the private sector. A committee with representatives from the private sector and civil society was constituted to supervise this spending. The committee included the chief executive officer of Indus Hospital, two well-known philanthropists and social welfare activists, and the finance and health secretaries.

In an important development, the Sindh Employees Social Security Institution and National Database and Registration Authority (NADRA) signed an agreement on 3 September to provide over 625,000 registered workers in Sindh with the Benazir Bhutto Mazdoor Card. Under the agreement, all registered labourers—including those who did not work at a factory or mill but were self-employed and fell into the category of 'labourer'—could now avail health, education and other facilities. The cards were to be issued to workers from January 2021.

## **The elderly**

Although the Sindh government tabled the Sindh Senior Citizens Welfare Act in 2014, passing it in April 2016, the act is still non-functional. The elderly remain one of the most vulnerable groups in the province.

The bill had promised to safeguard their fundamental rights, in which regard a senior citizens' council was to have been established. The social welfare minister was to have chaired this council, while the speaker of the Sindh Assembly would nominate two members and secretaries of various departments as members.

Two senior citizens from among civil society and a government official were also to be included. However, no steps have been taken yet in this regard. Other benefits pledged included the provision of 'Azadi cards' to facilitate discounts on products and services such as transport and medicine. There were also to be separate queues for senior citizens at offices such as NADRA and at hospitals.

## **People living with disabilities**

In November, the SHC ordered the provincial government to ensure the implementation of the 5 percent job quota for persons living with disabilities (PLWDs). The court rejected the Sindh government's report, which stated it had awarded government jobs to 75 PLWDs.

Meanwhile, the Sindh government provided jobs to 25 visually impaired persons in different departments under the 5 percent job quota. Sindh chief secretary Syed Mumtaz Ali Shah handed over job offer letters to visually impaired persons at a ceremony at the Sindh secretariat on 5 November.

## **Refugees and internally displaced persons**

In July, the Sindh government asked Islamabad to finalise arrangements for the repatriation of Afghan refugees living in the province, claiming it could no longer host Afghan immigrants who were a 'source of violence and crime' especially in Karachi.

About 2.5 million irregular immigrants live in Karachi, including Afghans, Burmese, Biharis, Bengalis, and persons of African descent. In a statement, the provincial minister for agriculture, Ismail Rahu, said that if the federal government wanted irregular immigrants to stay in Pakistan, they should be settled in Islamabad and Khyber Pakhtunkhwa.

The federal government decided to extend the stay of registered

Afghan refugees in Pakistan till June 2020, marking 40 years of Afghan displacement and Pakistan's considerable humanitarian assistance. The date was later extended for another year.

Over the years, the federal government has registered only 150,000 immigrants in the country, admitting several years ago that over 2.5 million immigrants live in Pakistan.

According to UNHCR, some 25,900 registered Afghan refugees opted to return from Khyber Pakhtunkhwa in 2020, 11,300 from Punjab, 4,000 from Sindh and 2,800 from Azad Jammu and Kashmir.



# SOCIAL AND ECONOMIC RIGHTS

## Education

Education was a casualty of the Covid-19 pandemic in 2020. Sindh took a lead in closing down educational institutions as soon as the first patients tested positive. In February, the Sindh government announced the closure of schools for two days initially, when two coronavirus cases were reported in the country, one of them in Karachi.

Later, the government extended the closure for another two weeks. On 13 March, after a meeting of the National Security Committee presided over by Prime Minister Imran Khan, the federal government decided to close all educational institutions in the country until 5 April.

The provincial government provided relief to parents whose children attended private schools in March and asked the management of these school to charge only 80 percent of the total tuition fee for three months of the lockdown. Although many private schools followed the government policy, the media reported that some schools did not reduce their fees. Later, the Sindh government made the policy mandatory through the Sindh Covid-19 Relief Ordinance.

The management of some private schools went to the SHC to challenge the fee reduction. Although the court initially granted a stay to these schools for a brief period, it ordered them to comply after the passage of the ordinance.

## Health

The closure of out-patient departments at major government hospitals during the Covid-19 lockdown contributed to the health crisis in Sindh. Many emergency wards remained non-functional for lack of doctors and paramedical staff. Although the government had set up special isolation wards for the treatment of Covid-19 patients at government hospitals, other patients suffered.

Special quarantine and isolation centres were set up in Karachi, Hyderabad and Sukkur. When the first batch of Covid-19 patients returned from Iran, a total of 1,065 patients were kept in a special quarantine centre set up in the newly constructed Labour Colony in Sukkur. Another major field isolation centre was set up at the Expo Centre in Karachi. The 1,200-bed facility was inaugurated on 2 April but later closed in September when cases fell. The centre was revived after the second wave of infections.

The Sindh government stated that, during the first wave of the pandemic, it had established intensive care units with 453 beds and high-dependency units with 1,553 beds for critically ill Covid-19 patients across the province, with most in Karachi.

In May 2019, the federal government had taken control of three major hospitals in Karachi – the Jinnah Postgraduate Medical Centre, National Institute of Cardio-Vascular Diseases and National Institute of Child Health. This remained a source of tension between the federal and provincial governments in 2020, with the Sindh government having earlier appealed that ownership of the hospitals should lie with the province in accordance with the 18<sup>th</sup> constitutional amendment.

## Housing and public amenities

In December, Chief Justice Gulzar Ahmed censured the Sindh chief minister Murad Ali Shah for not acting on court orders to remove encroachments from the land meant for the Karachi Circular Railway and for improving the overall condition of the metropolis, saying there were ‘no roads, no water, no parks’ and that the city had been ‘turned into a village.’ Justice Gulzar made these remarks at the hearing of a case regarding the removal of illegal encroachments in the metropolis at the apex court’s Karachi registry. During the hearing, the chief justice asked Shah for a progress report on the removal of encroachments.

Earlier in May 2019, the Supreme Court had ordered the removal of all encroachments around the track of the Circular Railway station as well as all other types of encroachment in the city. Under court’s orders, the Karachi city government and provincial government launched an anti-encroachment drive – attracting widespread criticism from human rights activists and urban planners who felt the move was essentially anti-poor.

The Karachi Metropolitan Corporation (KMC)’s anti-encroachment department carried out an operation at Empress Market, Preedy Street and Daudpota Road to remove illegal pushcarts, stalls and cabins and seize vendors’ material.

Architect and planner Arif Hasan has estimated that Karachi’s informal street economy employs 72 percent of the city’s workforce, indicating the devastating impact the encroachment drive had on low-income workers during the year.

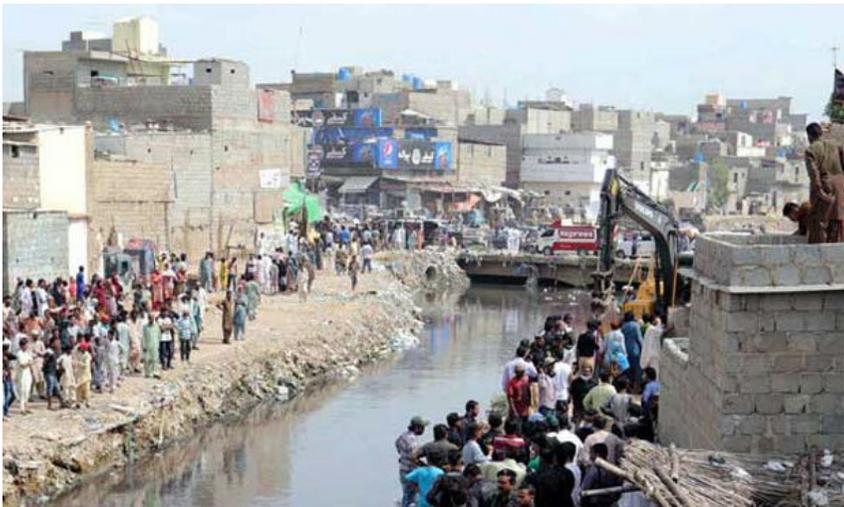
Following unprecedented monsoon rains in July and August, the Sindh government – in collaboration with the federal government – launched a drive to clear the major storm drains in the city. The authorities said that land encroachment around these *nullahs* (water channels) and

the construction of houses along the drains was responsible for the blockage and urban flooding. In September, the Sindh government launched a major anti-encroachment drive along drainage *nullahs* in Karachi, demolishing illegal construction including shops and shades constructed near nullahs in Central District and ordering owners of commercial buildings and shops to vacate the area.

In the Gujjar *nullah* area, residents, fearing homelessness, took to the streets a day after authorities launched an anti-encroachment drive in September. Many claimed they had been given only a few hours' notice to vacate their homes, adding they had been living here for years and had purchased plots of land legally – often expending their entire life savings to do so. Residents demanded alternative resettlement, saying that the compensation they had been offered was inadequate.

After massive and violent protests by residents of Manzoor Colony and Mehmoodabad in November, the campaign to remove encroachments along the Mehmoodabad Nullah was postponed indefinitely. Protesters took over the Manzoor Colony fire station as well as several KMC vehicles, all of which were later surrendered to the police after negotiations.

The KMC was supposed to demolish 850 illegal houses in a major anti-encroachment operation to clear the area on the other side of the Mehmoodabad stormwater drain. A heavy contingent of police and other law enforcement officials was called in because violence was expected.



*In the Gujjar nullah area, residents, fearing homelessness, took to the streets a day after authorities launched an anti-encroachment drive in September.*

## Environment

On 1 August, the Sindh government, Pakistan Army Corps 5 and National Disaster Management Authority jointly decided to assign the work of removing sludge from three stormwater drains to the Frontier Works Organisation. At least 19 people lost their lives in various rain-related incidents in Karachi in a single day on 26 August and the death toll during the three-day monsoon spell in the city was 30.

The Sindh government declared 20 districts 'calamity-hit' areas after the heavy rainfall across the province. Districts in lower Sindh – including Badin, Mirpurkhas, Umerkot, Sanghar, and Sujawal – were the worst hit. The Pakistan Meteorological Department recorded 348 millimetres of rainfall in August in Mirpurkhas, which in the previous year had received 150 mm of rain. After over five months, the Sindh government on 9 December approved a relief aid package for people affected by the rains in the province.

At least 14 people lost their lives and over 300 fell unconscious when a toxic gas leak in Kemari affected surrounding areas in Karachi in February. At a press conference, local government minister Syed Nasir Hussain Shah and Karachi commissioner Iftikhar Shallwani said they had not been able to trace the source of the leak or ascertain the nature of the gas. Meanwhile, residents of Kemari, Jackson and Railway Colony staged a protest, accusing the authorities of having failed to ascertain the cause of the leak. A laboratory report released by the International Centre for Chemical and Biological Sciences indicated that soybean dust (aeroallergens) had been found in the samples collected, although the Karachi Port Trust authorities denied this.

In a similar incident, a mysterious gas leak in Kemari in December led to 22 residents being hospitalised, four of whom subsequently died. The incident was highlighted when Dr Ziauddin Hospital released a statement expressing alarm at the situation, which had thus far failed to attract the attention of the authorities.

# KHYBER PAKHTUNKHWA





## KEY TRENDS

- Over 30 laws were passed by the Khyber Pakhtunkhwa Assembly, of which at least 17 were directly related to human rights.
- The backlog of court cases carried over into 2020, with 41,042 cases pending in the Peshawar High Court and 230,869 in the District Judiciary Khyber Pakhtunkhwa by end-December.
- Nearly 200 men convicted by military courts for alleged terrorism were ordered freed by the Peshawar High Court in a verdict that included a scathing indictment of the miscarriage of justice.
- Of more than 11,000 inmates in 38 prisons across the province, nearly 8,000 were under-trial prisoners.
- HRCP documented the imposition of the death penalty in only one case. No executions were carried out.
- Since its inception in 2011, the Commission of Inquiry on Enforced Disappearances has received 2,942 cases from the province, of which 713 persons have been traced to internment centres and 93 to prisons; 59 bodies were found. In all, the commission had traced 1,335 persons from Khyber Pakhtunkhwa as of end-2020.
- Dozens of casualties related to terrorism and other kinds of violence were reported during the year, including violence against members of minority faiths and transgender persons, harassment of women, and rape of children. Almost no one was brought to justice, reflecting a high tolerance for criminal impunity.
- The mainstreaming of the former Federally Administered Tribal Areas into Khyber Pakhtunkhwa remained a largely unkept promise as implementation of the Tribal Decade Strategy (2020–30) was inadequate: only PKR 37 billion of the promised PKR 74 billion in development funds was released.
- Overdue local government elections were not held. The government failed to utilise PKR 43 billion of the PKR 46 billion allocated to local governments in the province for 2019/20, adversely affecting local development.

## **Covid-19 in KP**

The year 2020 in Khyber Pakhtunkhwa (KP) was defined principally by the grim impact of the Covid-19 pandemic on the health of citizens and its devastating impact on the economy.

The pandemic swamped the provincial health system, with high casualty rates. Less than half a million of KP's 35 million residents could be tested; 58,702 tested positive for Covid-19, of which 1,649 died.

Covid-related restrictions affected freedom of movement and association to a significant degree.



## Laws and law-making

The KP government passed over 30 acts in the provincial assembly, of which at least 17 were directly related to human rights (see Appendix 1), including the rights of religious minorities, women and children, and aimed at addressing people's needs with respect to good governance, safety, justice, health, education, shelter, property, and potable water, among others.

Notable among these were the KP Rehabilitation of Minorities (Victims of Terrorism) Endowment Fund Act 2020, the Prisons (Amendment) Act 2020, the KP Protection Against Harassment of Women at Workplace (Amendment) Act 2020, and the KP Civil Administration (Public Service Delivery and Good Governance) Act 2020.

Other key commitments and pronouncements from the provincial government and judiciary related to legal frameworks for human rights.

In September, the government promulgated an ordinance removing several flaws from the KP Control of Narcotics Substances (Amendment) Ordinance 2020, notified in January, the enforcement of which had led to a deluge of narcotics-related petitions in the Peshawar High Court (PHC), seeking bail for suspects in the absence of special drugs courts. The amendment allowed any judge to be designated a special court, thereby facilitating quicker hearing and production of suspects.

In March, the KP government informed the PHC it would amend the KP Regional and District Health Authorities Act 2019 to make it acceptable to all stakeholders, including the Grand Health Alliance, which groups together over 1,600 health establishments in the province. The aim was to abolish the district health system and replace it with a new system under which local committees would run the affairs of medical establishments instead of the Directorate of Health Services.

In April, the KP government promulgated an ordinance to ensure the smooth supply of daily food commodities and check hoarding across the province. A list of 30 food items was issued, the hoarding of which would result in arrest without warrant and jail terms of up to three years.

In October, the Mingora bench of the PHC ruled that, in light of different judgments passed by the superior courts, the provisions of the Anti-Terrorism Act 1997 were not applicable to the offence of rape unless it was committed with the motive to intimidate the government, the public or a segment of society.

# Administration of justice

## Judiciary and pending cases

According to the Law and Justice Commission, the PHC started the year with a balance of 36,711 cases; by 31 December 2020, the number of pending cases stood at 41,042.

A total of 25,659 new cases were instituted during the year and 21,267 cases were disposed of. Pending cases in the District Judiciary KP had reached the level of 230,869 for the same period—an increase of 33,354 over the number of outstanding cases at the beginning of 2020.

## Cases of significance

Several key cases relating to terrorism, militancy and military courts shone a light on the criminal justice system in KP in 2020.

In June, a judicial commission completed its probe into the 2014 Army Public School massacre and submitted its report to the Supreme Court of Pakistan. It recorded the statements of 140 people, including injured students, parents of students who had been killed, and police and army officials; it also examined the investigations conducted by security agencies. About 150 persons, mostly students, were killed in the school attack in Peshawar.

In another significant development in June, the PHC set aside the convictions of 196 suspected militants by military courts and ordered



*In June, a judicial commission completed its probe into the 2014 Army Public School massacre and submitted its report to the Supreme Court of Pakistan.*

the authorities to set them free. The bench adjourned hearings of 78 additional petitions in which the Ministry of Defence was directed to produce records of satisfactory trials.

A 426-page detailed judgement was issued in July, which asserted that the military courts had violated the Pakistan Army Act and Rules by not providing the accused with counsels of their choice. The judgment ruled that convictions in these cases were made despite no evidence of the accused's involvement in terrorism.

Exercising its power of judicial review in light of the judgments of the apex court, the bench accepted all petitions and set aside the impugned convictions and sentences 'based on malice in law and facts'. Resultantly, the federal and provincial governments were directed to free all convicts and internees concerned.

In August, the PHC was petitioned by a citizen to direct the KP and federal governments to form special courts to deal with offences against religion and legislate to introduce special procedures to handle such crimes covered by the Pakistan Penal Code, Chapter XV. The petition stated that, because religious offenses were sensitive, both the accused and justice system duty-bearers needed protection and speedy disposal of cases, which the existing system failed to ensure.

In September, an anti-terrorism court in Peshawar issued arrest warrants for a suspect for killing an under-trial prisoner accused of blasphemy inside a courtroom after the police hesitated to arrest the former.



## ENFORCEMENT OF LAW

### Law and order

Despite the raging pandemic, there were dozens of casualties related to terrorism and other kinds of violence in KP during 2020. Impunity in these cases is reflected in the inability of law enforcement agencies to identify or apprehend the attackers in almost all cases. The newly merged tribal districts remained particularly prone to violence.

Two polio workers—both women—and one policeman were killed in two separate targeted attacks by unidentified persons. The women were gunned down in Swabi while the policeman was killed in an improvised explosive device attack while providing cover to a vaccination team. This brought to a total of 27 the number of people killed in polio-related attacks in KP since 2012.

At least 14 suspected terrorists were killed by security forces in multiple operations in the province during the year, including seven in April in North Waziristan and Mohmand, three Tehreek-e-Taliban Pakistan militants in South Waziristan, and four in North Waziristan in November.

Dozens of civilians were killed or injured in various militant attacks in the province. These included nine residents killed after a hand grenade was tossed at them in Peshawar. Seven members of a family were killed in a rocket attack on their house in Bajaur. Four people were killed in an ambush in South Waziristan, and a pedestrian and an unidentified man were killed in Mirali in North Waziristan. Eight students were killed and over 100 others wounded when a bomb went off inside a mosque-seminary in Peshawar. Two followers of the Shia faith were shot dead inside a medical store in Kohat. Dozens of citizens were also injured in other targeted attacks in various parts of KP, mostly in the tribal districts. At least eight police officials were also killed in separate targeted attacks in Peshawar, Charsadda, Dir, and North Waziristan. None of the attackers was identified or apprehended.

At least three members of the Ahmadiyya community were killed in separate targeted attacks in Peshawar. These included an elderly person accused of blasphemy, Tahir Ahmad, who was shot dead inside a courtroom. The murderer was later arrested on court orders and a case registered against him. A zoology professor, Naeemuddin Khattak, was shot dead inside his car near the busy Dabgari area. Another person, Mahboob Khan, was gunned down at a bus stop in Badaber. Their killers remained unidentified. A charged mob armed with batons and stones surrounded the house of an Ahmadi family on the outskirts of Peshawar. The family was later moved to a safe place by the police.

In June, three policemen were arrested and booked for assault and other charges after a video showing them abusing and stripping a man naked at a police station in Peshawar went viral on social media.

In a more positive development in November, KP police claimed a ‘significant decrease’ in crimes in 2020 compared to 2019, saying that incidents of extortion had dropped by 26 percent, kidnapping for ransom by 100 percent, and targeted killing by 26 percent. The police said that, under the National Action Plan, 10,884 search-and-strike operations were conducted against criminals in KP, leading to the arrest of 48,255 outlaws and the recovery of 18,212 arms and 410,248 rounds. Earlier, in September, the Provincial Justice Committee had announced that all records of criminal cases in KP would be digitised.

Table 1 below gives the total number of crimes against persons for 2020.

**Table 1: Crimes against persons in 2020**

Nature of crime	Total cases in 2020
Rape	278
Rape with murder	7
Rape of minors	264
Honour crimes	81
Domestic violence	304
Blasphemy	40
Police encounters	134

*Source:* KP Police, in response to HRCP’s request for information.

## Jails and prisoners

Jails remained overcrowded in 2020, with inmates especially vulnerable to Covid-19 infection. In March, two PHC judges inspected jails in Mardan, Swabi and Nowshera to examine the enhanced vulnerability of prisoners related to the outbreak of Covid-19. They expressed serious concern about overcrowding in all jails in the province, then holding over 11,000 inmates, including 10,480 men and 181 women.

At least 7,938 inmates were under-trial prisoners. The judges directed measures to reduce the vulnerability of inmates and release detainees on probation. Eighteen prisoners facing minor charges were freed, while 20 cases involving under-trial prisoners were fast-tracked for release. As of the end of the year, the federal ombudsman reported that 38 prisons in KP held 11,891 inmates against a sanctioned strength of 11,170.

The KP government also notified measures requiring all new prisoners to be kept in mandatory 14-day quarantine in jails away from old inmates as a preventive measure against Covid-19. Isolation wards and quarantine centres were to be established in all provincial prisons, a ban on visitors was instituted and physical distancing was optimised to the extent possible. Masks and sanitisers were also to be provided to all facilities.

In October, six policemen were suspended for alleged negligence that had led to an under-trial woman being gunned down in the Haripur district court premises by her husband. Earlier, in February, a prisoner in Mardan jail reportedly committed suicide.

## **Enforced disappearances**

In May, the Awami National Party (ANP) submitted a call attention notice to the KP Assembly Secretariat against the kidnapping and disappearance of Hazrat Ali—a resident of Buner district—from Islamabad, where he ran a marble business.



# FUNDAMENTAL FREEDOMS

## Freedom of movement

Freedom of movement remained relatively restricted in KP in 2020, with several instances where the authorities and administrations of publicly funded establishments restricted the movement of residents and individuals to public places. In January, the management of the Shangla district headquarter hospital banned the entry of representatives of pharmaceutical companies in the morning, saying it prevented the outpatient department from functioning smoothly. In June, the residents of Kurd Sharif—a locality in Karak—protested against a week-long siege by the Punjab Police, which had closed the area’s only land route to Punjab to force locals to hand over an alleged criminal. Residents said they were facing shortages of food and other essential items as a result. In June, transporters in Khyber protested against a new check-post and alleged that its personnel were extorting Afghanistan-bound vehicles in Bara for money.



*Transporters in Khyber protested against a new check-post alleging that its personnel were extorting Afghanistan-bound vehicles in Bara for money.*

Unsurprisingly, the year was marked by Covid-related restrictions. In March, the KP government banned inter-district public transport and shut down shopping malls, markets and restaurants across the province for a week. In June, the entry of visitors seeing off or receiving family members or friends at Bacha Khan International Airport in Peshawar was banned. In July, the government had all hotels and guesthouses vacated in the province’s hill resorts to prevent tourism, although it

made an exception for the Prime Minister who visited the area on private holiday. In August, thousands of tourists were prevented by the district administration from entering Swat during the Eid-ul-Azha holidays, causing long traffic jams. The tourism industry protested against what they termed 'undue' restrictions, saying that the sector had lost over 56,000 jobs.

In January, the chief minister inaugurated a project to widen the 43-kilometre Bara-Mastak road in Khyber. To be completed in 2022, the road will reportedly halve the travel time to two hours.

In September, the government permitted Pakistan-Afghan cross-border pedestrian movement to resume in Torkham for four days a week, allowing citizens of both countries to travel across with legal documents.

## **Freedom of assembly**

Official restrictions on freedom of association in KP were aimed mostly at curbing the spread of Covid-19, creating difficulties for businesses, political parties and citizens' groups.

In April, in several districts of KP, traders' associations protested against 'undue restrictions' by the government on their activities and forced closure of markets. They were supported by the Sarhad Chamber of Commerce and Industry, which rejected the government's extended Covid-19 controls and vowed to resist.

Operators of public transport in Peshawar also threatened to use their vehicles to block the city's roads if the government did not announce a relief package for them, resulting from a prolonged 20-day ban on public transport.

In June, opposition parties in Lower Dir staged a protest, berating the government for its failure to bring home overseas Pakistanis hailing from KP, who had been stranded due to Covid-19 lockdowns globally. They said there were several cases of expatriates who had succumbed to Covid-19 being buried in the Gulf countries rather than being sent home to their families, while the Pakistani consulates had failed to help hundreds of thousands of others in the region.

Various civil and political actors protested against rights violations and lack of support from the authorities. In February, Maulana Fazlur Rehman, leader of the Jamiat Ulema-e-Islam (JUI-F), announced his party's new phase of anti-government protests would be held in KP, Punjab and Islamabad against poor governance, price hikes and lack of political rights.

In August, a group of citizens filed a petition in the PHC against persistent and unscheduled power outages across KP. Displaced tribesmen from Shawal in North Waziristan blocked the Bannu-Miranshah Road, demanding they be allowed to return to their villages to harvest the pine nut crop; they claimed they had not been allowed back since the launch of military operation Zarb-e-Azb in 2014.

In August, the Shangla Coal Mine Workers Association protested against the frequent deaths of miners in mining accidents due to failure to implement occupational health and safety laws.

## **Freedom of association**

In January, the government de-registered 65 percent of the non-government organisations (NGOs) operating in the province and froze their bank accounts over alleged lack of transparency.

Of the 5,931 NGOs in KP, 3,851 were de-registered, including 3,030 by the Social Welfare Department and 821 by the Industries Department. Officials claimed the action was in compliance with official scrutiny of NGOs to meet the requirements of the Financial Action Taskforce.



## Political participation

The political participation of the newly merged tribal districts into mainstream KP remained a largely unkept promise in terms of translation into actions during 2020. In January, members of the KP Assembly from the former Federally Administered Tribal Areas (FATA) protested against the provincial government's 'poor response to its commitments.' This was the first such protest by lawmakers from the region since they joined the house in July 2019.

The tribal region's assembly members later presented a charter of demands before the media. They demanded a constitutional amendment to increase the number of seats for the merged tribal districts in the KP Assembly, a review of amendments to the law on mines and minerals, transitional special concessions and indemnity package for ten years, a 3 percent share in the National Finance Commission award, and permission for cross-border movement for people living on both sides of the Durand Line.

In March, elders and parliamentarians from the tribal districts aired similar grievances at a *jirga* with the government in Peshawar and demanded the reconstruction of damaged houses instead of allocating billions of rupees to civil contractors.

In February, all standing committees of the KP Assembly were dissolved to induct lawmakers from the merged tribal districts. The number of lawmakers in the assembly had increased from 124 to 145 after the merger of the tribal agencies and six frontier regions of former FATA in 2019. The number of members in each standing committee was increased from nine to 13.

In January, Manzoor Pashteen, leader of the Pashtun Tahafuz Movement (PTM), was arrested and sent to Peshawar Central Jail on a 14-day judicial remand after being charged on multiple counts, including sedition. The Pakistan People's Party, Pashtunkhwa Milli Awami Party and Amnesty International condemned the arrest and called for his immediate release.

In June, ruling party parliamentarian and defence minister Pervez Khattak invited leaders of the PTM for talks to discuss their contentions and assured them that improving lives and livelihoods in the merged tribal districts—a key demand of the PTM—was a priority for the government. In July, the KP government withdrew the terrorism cases against Pashteen, members of the National Assembly Ali Wazir and Mohsin Dawar, and other party workers pertaining to an alleged clash

at the Kharqamar military check-post. A first investigation report was registered by the Counter-Terrorism Department against PTM leaders and workers for allegedly attacking the military check-post in May 2019, in which 13 persons were killed and multiple others injured.



*The KP government withdrew the terrorism cases registered against Manzoor Pashteen, Ali Wazir and Mohsin Dawar.*

In August, the government constituted special committees in all districts of the province, headed by district commissioners, to monitor the human rights situation under the KP Promotion, Protection and Enforcement of Human Rights Act 2014.

## **Local government**

Despite amendments to the local government law in 2020, the government failed to take steps to hold the overdue local body elections in KP in 2020. The previous local bodies in KP completed their four-year tenure in August 2019; local elections were thus due before the end of 2019 according to the KP Local Government Act 2019 and the Elections Act 2017. However, even by the end of 2020, local polls had not been held in the province.

In May, the provincial governor said that the Covid-19 pandemic made it difficult to hold polls and issued the KP Epidemic Control and Emergency Relief Ordinance 2020, which, among other things, amended the KP Local Government Act, extending the period for holding local elections from within 120 days of tenure completion to within two years.

In an official letter to the KP Local Government Department, the Election Commission of Pakistan (ECP) objected to the ordinance, declaring it a violation of the Constitution. The government said it could not frame new electoral constituency delimitation rules or facilitate the ECP in conducting a delimitation exercise without official notification of the results of the 2017 national census, the authenticity of which remained politically controversial.

In November, the Supreme Court warned the KP government that contempt of court proceedings would be initiated if it failed to hold local polls at the earliest in accordance with the Constitution. Earlier, in January, the government was reportedly considering conducting any future local polls in two phases—for village and neighbourhood councils in the first phase and for *tehsil* councils in the second—given the additional management burden of the merged tribal areas. No official details were forthcoming, however.

In July, the KP cabinet approved changes to the KP Local Government Act 2019, empowering *tehsil* councils in the province to approve and exercise regulatory control over private housing schemes within their jurisdictions. The amendment was rushed through approval in the KP Assembly without a debate on the floor of the house; the opposition alleged that the amendment was designed to favour only a few major developers as it required them to furnish a bank guarantee of PKR 500 million before selling plots or houses, thereby crowding out smaller developers.

The KP government failed to utilise PKR 43 billion of the PKR 46 billion allocated by the Provincial Finance Commission for local governments in the province for the fiscal year 2019/20, according to official documents. Only PKR 3 billion was used. This non-utilisation of funds was in violation of the KP Local Government Act 2013.

Officials admitted that, with funds not having been released, new development schemes could not be launched in any of the three tiers of the local government system, including the district, *tehsil* and village, and neighbourhood councils. During the four fiscal years from 2016/17 to 2019/20, a total of PKR 144 billion was allocated to the KP local governments, but only around PKR 77 billion—less than half—was released, adversely affecting local development.

In July, the KP government said that Rescue 1122 services were being extended to all *tehsils* of the merged tribal districts, for which about 1,200 of the 1,800 sanctioned posts had been filled. Rescue stations would be established in 15 *tehsils* at a cost of PKR 2.4 billion.

## Women

Instances of harassment of women at the workplace, often at educational establishments, continued to be reported in KP in 2020. In March, four employees of Gomal University in Dera Ismail Khan were dismissed from service after charges of sexually harassing several female students were proven against them. In October, a Swat University female lecturer pressed sexual harassment charges against the registrar, deputy registrar and provost, alleging that she had been transferred to the men's campus as punishment for failing to provide sexual favours after she had sought promotion. In November, several female students of Islamia College University in Peshawar held a protest, demanding action against teachers they had accused of sexually harassing them. Earlier in January, the KP Assembly passed the KP Protection against Harassment of Women at Workplace (Amendment) Bill 2020, allowing for the appointment of an ombudsperson from among civil society organisations to hear cases of rights violations against women.

In August, a man was arrested in Kohistan for shooting dead his wife after she reportedly failed to serve him a hot meal during *sehri*. In November, a female teacher at a private school was kidnapped at gunpoint by several men in Dera Ismail Khan on her way to school. In a positive development, in November, the KP anti-harassment ombudsperson Rakshanda Naz issued notices to all district commissioners in the province asking them to file a response to complaints concerning the practice of denying women a share in their family property. The directive came in response to a complaint from a lawyer in Peshawar under Section 4 of the KP Enforcement of Ownership Rights Act 2019, against the public at large for depriving women of their ownership right to moveable and immovable inherited properties.

Based on reports in the press, HRCP recorded 26 honour killings in 2020 for KP, involving 42 victims – 21 male and 21 female victims. Please note that the figures in Table 1, which give data on honour killings from the KP Police, are higher because not all cases of gender-based violence are necessarily reported in the press.

In January, the KP Information Technology Board, with assistance from the Japanese government and UN Women in Pakistan, launched an upgraded version of the 'Safe Women' mobile phone application developed for female commuters of the Pink Sakura Buses. Following the procurement of 14 women-only buses in Mardan and Abbottabad, the app has been upgraded to allow commuters to connect with their family and friends in real time while travelling.

In January, an all-women movement, the Waak (transl. 'control') Tehreek—a movement to raise awareness of women's political, economic, social and legal rights—celebrated its first anniversary by arranging a public cultural event in Peshawar that focused on the issues facing Pakhtun women. On International Women's Day on 8 March, women's rights activists held a torch-bearing rally in Peshawar to demand equal rights, including the right to education, inheritance and work, and an equal share in political, social and economic life. In July, the ECP announced that all four provinces, including KP, would now have at least one female district election commissioner (DEC). It also appointed women DECs with immediate effect, including Safya Akbar as DEC Charsadda.

In October, district-level voter data released by the ECP revealed that 16 districts in Pakistan—including one in KP—had a gender gap of over 200,000. In Peshawar district, the gender gap had widened from 245,000 fewer registered female voters than men in 2018 to 261,000 in 2020. The number of male voters in Peshawar district in 2020 was 1.05 million, while that of female voters was 0.761 million. Other KP-related data revealed that, in Mardan, the gender gap was 0.199 million in 2018 and remained the same in 2020. The 15 districts in Pakistan where the proportion of female voters is 46 percent include Abbottabad in KP. North Waziristan has only 38 percent female voters compared to 62 percent male voters, while in South Waziristan and Mohmand only 39 percent of all registered voters are women.

## Transgender persons

In January, Prime Minister Imran Khan in Peshawar announced that health coverage under the Sehat Sahulat Programme would be extended to members of the transgender community. He regretted the discrimination they had faced and reassured the community that the KP government was committed to protecting all transgender persons.

In June, two transgender persons, Bilal and Tahir, were injured while resisting the abduction of a friend, Ahmad, in Chamkani. In September, Shakil alias Gul Panra, a transgender person, was killed and another, Chahat, sustained serious injuries from gunshots fired by unidentified men in Peshawar's Tehkal neighbourhood. In the same month, Saad Khan, a transgender person, was gunned down in Swabi by his 13-year-old brother for dancing at parties.

## Children

Crimes against children, including rape and murder, were rampant in KP in 2020. Their vulnerability was compounded by health concerns related to sorely inadequate polio vaccination.



*Crimes against children, including rape and murder, were rampant in KP in 2020.*

At least nine cases of child rape were reported in the press in KP during the year. These included seven girls aged between two-and-a-half and 14 years old in separate incidents in Hangu, Buner, Peshawar, Nowshera, Mansehra and Abbottabad districts.

Of these, four were murdered after being sexually assaulted. In one case, a 14-year-old girl who had been prostituted since the age of five had also been subjected to incest by her father and brother. Two boys aged 10–14 were also raped, included one who was gang-raped by three men. In five cases, the alleged rapists were apprehended.

*Cruel Numbers*, the yearly report issued by Sahil, indicates that, of 2,960 cases of violence against children recorded for the year, KP accounted for 215. Of 1,823 cases of child sexual abuse within this total, KP accounted for 122, with the highest numbers in Haripur, Peshawar and Nowshera.

In end-November, KP launched the year's last anti-polio vaccination programme aimed at vaccinating 6.4 million children under five. A report by the World Health Organization said that KP had recorded five circulating vaccine-derived poliovirus type 2 (cVDPV2) cases in 2019 (in three districts) and 42 in 2020 (in 11 districts). KP also accounted for 42 of 81 cases recorded in Pakistan between January and November 2020. However, wild polio cases in KP fell in 2020, compared to 66 in 2019.

Refusals against polio vaccination continued to haunt the province. A report issued after a three-day vaccination drive in August said that, of a total of 2.5 million target children in 22 districts of KP, 201,268 had

missed their vaccination, including 71,170 cases of refusal. Peshawar was at the top of the list of refusals, with 41,541 cases. Vaccination was halted along the border regions of the province between March and August due to the coronavirus outbreak. In May, it transpired that, as most staff members of the emergency operation centre for polio eradication had stayed away from their workplace due to fears of Covid-19, this had affected polio immunisation schedules.

In July, a special committee on child abuse submitted a report to the KP Assembly proposing to increase the duration of sentences for several offences against children—including pornography, sexual abuse and trafficking—and to reactivate the non-functional child protection units in the districts. The committee was constituted earlier in 2020 after the sexual abuse and murder of a minor girl in Nowshera, which had caused a public outcry. The committee also recommended that the Child Protection and Welfare Commission maintain a public register of sexual offenders. In August, the first child protection court in the merged tribal districts was established, bringing the total to four such courts in Pakistan—in Peshawar, Mardan and Abbottabad. The new courtroom and its adjoining premises were painted brightly and stocked with toys for children.

In October, the PHC directed the authorities to give custody of ten Afghan children smuggled into Pakistan to the Afghan consulate in Peshawar and to ensure they were reunited with their parents. The children were brought illegally to KP and forcibly enrolled in a seminary in Nowshera.

Several cases of violence against children emerged during the year. In April, a man in Peshawar shot and killed his seven-year-old niece for 'being noisy', while the head of a seminary in Maini village in Topi savagely beat up a 12-year-old student when he failed to learn his lesson. In July, a 12-year-old bride died in unexplained circumstances within a week of marriage in Lower Dir.

In November, the burnt body of a seven-year-old girl was found in a graveyard in Peshawar, a day after she went missing. This was the second such case in the area within a week, after a four-year-old boy with a ruptured abdomen was recovered. In June, seven children were killed and 13 others wounded when the roof of their seminary collapsed in North Waziristan. In July, the PHC rejected the bail application of a juvenile offender charged with sexually assaulting a boy of eight, ruling that 'juvility by itself does not confer a license upon a person to commit such heinous offence.' The court disregarded an appeal that the accused be treated under the Juvenile Justice System Act 2018 and a compromise be reached between the families of the victim and the accused. In June, the 16-year-old perpetrator had lured the victim to a deserted area in Mardan and sodomised him.

## Labour

Several concerns related to labour rights—including employment, salaries, pensions, retirement, workplace safety, and the impact of Covid-19—remained in the spotlight in KP in 2020.

In February, nine labourers were killed and seven injured in a marble mine slide in Buner. KP mines supply around 70 percent of the marble consumed in Pakistan each year, bringing billions of rupees to the province, but little is spent on miners' safety. In September, a rockslide at a marble quarry in Ziarat in Mohmand district killed 24 miners and injured many others after the mine collapsed. The Provincial Disaster Management Authority conducted relief operations.

In March, the government asked all employees above 50 years of age, women who were pregnant, and those facing any medical complications to stay home on 15-day paid leave to shield them from exposure to Covid-19. In April, the KP chief minister announced that the government had allocated PKR 13 billion to provide livelihood relief to daily wage labourers and the poor to blunt the impact of the pandemic, translating into an assistance package for 43 percent of the province's population.

In February, the PHC declared that it was 'unconstitutional' for the KP government to have increased the retirement age of its employees from 60 to 63 years through the KP Civil Servants (Amendment) Act 2019. In March, police in Upper Dir district arrested scores of newly appointed Grade 4 employees of the district headquarter hospital for protesting against the non-payment of salaries. In June, news reports said that the KP government had been paying less-than-minimum wage salaries to teachers at 2,000 girls' community schools.

In 2019 the government had notified the minimum wage at PKR 17,500 for unskilled labour but was still paying 3,000 teachers at elementary and secondary education foundation schools PKR 15,000 or less. In July, the KP Assembly was told that 1,200 ad hoc doctors—appointed to government hospitals in March for six months as part of a special Covid-19 emergency response—had not been paid. In August, the government told the KP Assembly that a PKR 10,000 monthly honorarium would be paid to 22,234 *imams* (congregational prayer leaders), costing PKR 2.6 billion annually.

## The elderly

In March, the adviser to the chief minister on information, Ajmal Wazir, said it was critical to protect the elderly population, which was more vulnerable to contracting coronavirus. He announced that the government was giving all government employees aged 50 or above 15

days' paid leave and a two-month remission in sentences to all prisoners. Additionally, all government offices and non-essential services were to be closed for the short term and training workshops, conferences and public events at all government institutions postponed.

## **People living with disabilities**

In October, the KP government admitted that an identified 145,405 persons living with disabilities (PLWDs) in the province had not received the promised official stipend of PKR 3,000 per month for the financial years 2016-19. Social welfare minister Hisham Inamullah told the KP Assembly that his ministry had not received these funds from the finance department in time and received only PKR 2.97 million in June 2019, making it impossible to disburse the funds, which therefore had to be surrendered. He also admitted that his department lacked the capacity to conduct door-to-door registration of PLWDs in the province, especially in the merged tribal districts, data for which was not included in the total.

## **Refugees and internally displaced persons**

The voluntary repatriation of registered Afghan refugees from Pakistan, sponsored by the United Nations High Commissioner for Refugees (UNHCR), witnessed a sharp decline in 2020 with around only 1,000 individuals returning by November. Officials attributed this to the Covid-19 pandemic and deteriorating security situation in Afghanistan. By end-2020, Pakistan was hosting over 1.4 million registered refugees, the bulk of them in KP, in addition to about 600,000 Afghan card holders not granted refugee status.

In September, Mamozai tribesmen in Orakzai protested against the delay in payment of compensation to help them reconstruct over 1,500 houses destroyed between 2008 and 2015 during battles between the security forces and Taliban. Around 500 families have been paid PKR 20.6 million in compensation thus far. The Provincial Disaster Management Authority (PDMA) released PKR 180 million for 15,000 families in North Waziristan affected during the military operation Zarb-e-Azb, during which over 1 million people were compelled to shift to settled areas of the province. By 2020, more than 90 percent of these families had reportedly been repatriated. The remaining are camped in Bannu.

In August, the PHC ordered the interior ministry to grant Pakistani citizenship to a Pakistani man's Afghan wife and process her case within three months after the petition was filed.



# SOCIAL AND ECONOMIC RIGHTS

## Education

The pandemic had a severe impact on the education sector in KP in 2020, forcing educational institutions to shut down for long stretches, with students still compelled to pay tuition fees. In several instances, students were baton-charged for protesting against the increase in fees, with access to education still far from guaranteed.

In April, the government ordered all educational institutions in KP to close after the pandemic outbreak in late spring. Schools, colleges and universities reopened in phases in September, but some closed once again after the emergence of Covid-19 cases among teachers and students—mostly reported in Peshawar, Malakand, Dir, and Tank districts. All institutions were shut down for several weeks towards the end of the year during the second wave of infections. A system of screening for the virus in schools was initiated, in which over 20,000 samples were collected, most of which were negative, allowing schools to reopen and screening to stop.

In October the World Health Organization urged the KP government to resume screening. After schools reopened, 35,000 test swabs were taken from students, nearly 90 percent of which were negative. An elaborate system of standard operating procedures was employed. During closure, attempts were made to impart education online, but with mixed results due to internet access and affordability problems. Private educational institutions continued to charge full tuition fees despite long closures. In November, several parents filed a petition against this, in response to which the PHC directed the KP Private Schools Regulatory Authority to intervene.

Overall, the KP government failed to effectively implement the KP Free and Compulsory Primary and Secondary Education Act 2017. A news report in March indicated that, despite a lapse of three years, the Elementary and Secondary Education Department had failed to frame mechanisms for implementing the law on free and compulsory education for all children aged five to 16 years. In 2020, KP had an estimated 2.1 million out-of-school children, excluding data for the tribal districts.

In February, the police baton-charged students at Gomal University in Dera Ismail Khan protesting against a hike in tuition fees, arresting nine students and registering cases against them. In November, the police used violent means to disrupt a protest in Bajaur by students protesting against the hike in fees and demanding a fee waiver.

## Health

The Covid-19 pandemic swamped KP in 2020, with high casualty rates stretching health systems to breaking point both in terms of resources and infrastructure. A total of 58,701 persons tested positive for coronavirus infections in KP during the year, of which 1,649 died while 53,708 recovered, according to the National Command and Operation Centre.

About 30 healthcare workers died, while over 3,000 tested positive. In February, the government declared a state of health emergency, which kept being extended until September. It also invoked the Public Health (Surveillance and Response) Act 2017 for swifter procurement of health resources and services.

In April, KP became the first province to record 100 Covid-related deaths and had the highest national case fatality rate of 5.5 percent at that point. In November, during the second wave, the positivity rate in Peshawar was the highest in Pakistan at 19 percent, while KP also recorded the highest positivity rate of any province at 9.2 percent.

Over half the deaths in KP occurred in hospital intensive care units and by May over 80 percent of deaths were reported in Peshawar. By end-2020, Peshawar (with about 20,000 positive cases) and Mansehra (with around 2,000 positive cases) were the hardest hit districts in the second wave of infections. In November, a 41-year-old healthcare worker in Mardan was reinfected after recovering from Covid-19 in June – the first such case in Pakistan.

In March, the government appointed 1,300 new doctors on a contractual basis across KP to help treat patients, as hospital wards filled up. An emergency was declared at all government-run health facilities, which established isolation and quarantine wards for Covid-19 patients and shut down all non-essential health services. Over 5,400 hospital beds were allocated to critical patients, most of which remained occupied during 2020.

There were concerns about lack of proper waste disposal at Covid-treatment facilities, especially of personal protective equipment. Only three incinerators were functional in KP – all at Peshawar hospitals. Mostly, only critical Covid-19 patients were admitted to hospital as facilities were swamped. All non-critical Covid-19 cases in Peshawar were referred to the Police Services Hospital for isolation. The PDMA established a makeshift 400-bed quarantine and isolation facility in Khyber for patients from the tribal districts.



*The PDMA established a makeshift 400-bed quarantine and isolation facility in Khyber for patients from the tribal districts.*

Testing capacity remained a challenge. Even by October, KP had tested fewer than 420,000 of its 35 million residents, with 14 PCR test machines at 12 designated laboratories. The consistent shortage of testing kits (costing around PKR 2,500 each) meant that the daily testing capacity of 7,000 hovered around 4,000. In July, the PHC took notice of the exorbitant fees being charged by health centres for Covid-19 tests and directed the KP Healthcare Commission to fix the rates.

The KP government remained complacent about getting a grip on Covid-related health safety for students and staff at educational institutions, all of which remained closed during the summer but reopened in September. To determine risk prevalence, the government launched a screening campaign in October across 14 high-risk districts and tested about 35,000 students and staff. Around 400 tested positive, which was determined sufficiently low-risk for educational institutions to continue operating.

KP contributed in large part to the number of polio cases detected in Pakistan in 2020. According to the Pakistan Polio Eradication Programme, 22 of 84 wild polio virus cases were detected in the province, while 42 of 83 circulating vaccine-derived poliovirus type 2 cases in 2020 were from KP. Nearly 2 million children under the age of five were inoculated against polio during 2020 in multiple campaigns, although the vaccination drive was suspended in some parts for six months due to the Covid-19 crisis. Many residents in Bajaur, Lakki Marwat and Kohat districts initially resisted the campaign in March.

In August, the Prime Minister announced that health insurance under the Sehat Sahulat Programme was being expanded across KP. Under the programme, every family in KP was to receive coverage of PKR 1 million per year for free treatment at both public and private hospitals. In November, the chief minister directed that liver transplant be included as one of the services covered by the programme. In January, the Prime Minister announced that the transgender community would be included within the purview of the programme.

In November, a large group of lady health workers staged a protest in Chitral against denial of proper service structure and other privileges, including a raise in their PKR 15,000 monthly salary, an end to arbitrary sackings and retrenchments, and pension on retirement.

In July, the KP Assembly passed the KP Medical Teaching Institutions Reforms (Amendment) Bill 2020, empowering the chief minister to appoint and remove members of boards of governors of provincial medical teaching institutions (MTIs) and allowing for an appellate tribunal to decide legal matters concerning MTIs. In August, the government announced it would enact a law to ensure the safety of health workers and patients to stem increasing incidents of violence in hospitals. In August, the government warned of action against private practice by assistant professors at MTIs in violation of the MTIs Reforms Act 2015. Although doctors were being paid PKR 250,000 per month to not engage in private practice, over 600 doctors hired by ten MTIs were discovered to be violating their agreements.

## **Housing and public amenities**

Over 90 persons were killed and dozens injured in KP in 2020 due to the collapse of their houses, mainly caused by rain and flash floods during the monsoon rains. These included two men in Chamkani, a husband and wife in Kohat, and seven children in Khar in Bajaur in January. In March, the PDMA reported that 14 people had been killed and 30 injured in weeklong rains that had triggered the collapse of their roofs, including four in Swabi, nine in Batkhela, and three in Upper Dir. In April, eight persons were killed similarly in Peshawar, Lower Dir and Mohmand.

In March, two men and a woman were killed after an avalanche hit their vehicles in Abbottabad. In May, two women and a girl were killed in Mamond in Bajaur and a woman and her son in Buner were killed when mudslides hit their homes. In June, seven children were killed in a class when the roof of their seminary in Miranshah in North Waziristan caved in. In August and September, flash floods killed 48 people, injured 67 and damaged 191 houses across KP, according to the PDMA. The dead included eight in Upper Kohistan, six in Swat and two in Shangla.

## Environment

In March, the PDMA reported 14 people dead and 30 injured within a week in rain-triggered roof collapses across KP. Flash floods during the August monsoon rains killed 48 people and injured 67, while damaging 191 houses across the province. In November, the Meteorological Department reported that heavy snowfall in the northern regions of KP had crippled life. The Karakoram Highway remained closed for much of the year due to landslides caused by rain or snow, with considerable time needed to clear the road, thereby disrupting communications and logistics. Life was also disrupted severely in the *galiyat* region of KP due to rain, landslides and snow.

In February, the government said that over 100,000 kg of plastic bags were disposed of across KP – half of them in Peshawar – and 84 shops and plastic factories sealed in the city to curb plastic pollution. A ‘Peshawar Revival Plan’ was also announced to promote ‘clean and green’ activities for the city. In September, the PHC directed the government to clean canals across KP to prevent them from becoming polluted and issue monthly compliance reports.

The government informed the court that a PKR 540 million plan was in place to improve canal sanitation conditions across all five major canals in Peshawar and that 800 *kanals* of land had been secured for solid waste disposal in the city. In October, the Supreme Court expressed annoyance at the extent of environmental degradation in the province and directed the provincial environment protection agency (EPA) to produce a report on its performance. The EPA said that 384 violators of environmental laws had been booked and PKR 11.1 million recovered in fines in the last two years.

In May, rain and hailstorm caused extensive damage to the standing wheat crop, vegetables and orchards in Bajaur. In February, the southern districts – including Lakki Marwat, Dera Ismail Khan and Tank – came under locust attack, prompting the government to declare an emergency and launch an operation to save the wheat, gram and other crops from pests.

In September, an official inquiry investigating encroachment and illegal forest clearing revealed that huge swathes of endangered forests had been illegally turned into commercial and residential schemes by land developers and builders in Haripur district, with developers illegally occupying 15.7 hectares of forested area and conifer trees being cut down. In November, the PHC directed the National Accountability Bureau to produce records of its inquiries into the alleged corruption and irregularities in programmes including the Billion Tree Afforestation Programme.

## **Insight: State of human rights in Chitral**

In October 2020, HRCP conducted a fact-finding mission in the districts of Upper Chitral and Lower Chitral, including the Kalash areas, to assess the state of human rights in the region. A detailed report is available on the HRCP website. Some key human rights concerns that came to light included the following:

### *Suicide rate*

According to the World Health Statistics for 2016, the rate of deaths by suicide per 100,000 was 2.9 in Pakistan, having decreased from 3.4 in 2000, with the incidence being higher among females than males. However, in Chitral, up to 50 suicides are reported per annum – approximately 9 deaths per 100,000 or three times the national average. This trend appears to be more common among the youth and slightly higher among women than men. Speaking to HRCP, respondents said that the high suicide rate was due primarily to poverty, owing to lack of economic opportunities; undue pressure on young persons, compelling exceptional performance; patriarchal values; forced and/or incompatible marriages; issues of ‘honour’ when young women were discovered to have a love interest their families had not approved of; and domestic violence.

### *Access to healthcare*

Health facilities in Chitral are in a dire state. For its half million population, there is not a single neurologist or cardiologist. Even basic health services, such as maternity care, are also scarce.

### *Livelihood*

Lack of economic opportunities was a common refrain. Even representatives of the Kalash community said they needed economic security for survival more than protection from sectarian violence. A robust mechanism for border trade with Afghanistan and Tajikistan – both in proximity to Chitral – could be key to local economic development.

### *Kalash community*

More than other forms of faith-based violence, the Kalash say they are subject to underage conversions, whereby minor girls are enticed into converting to Islam by persons who demonise Kalasha values and promise social and financial mobility. This phenomenon is recognised locally as ‘unwilling conversions’ and ‘cajoled marriages.’

# BALUCHISTAN





## KEY TRENDS

- The Balochistan government was held accountable for the initial spread of Covid-19 in the country when it failed to quarantine potentially infected pilgrims entering from Taftan in Iran.
- In a particularly shocking incident in Turbat, three men gunned down a woman, Malik Naz, in her home and wounded her four-year-old daughter Bramsh during an armed robbery. Claims that the men had been sent by the alleged local leader of a 'death squad' ignited waves of anger across the province.
- The killing of an unarmed student, Hayat Baloch, triggered protests demanding justice and an end to extrajudicial killings. The Frontier Corps soldier who had shot Baloch was arrested and charged with murder, but the incident was termed the 'negligence' of an individual, not the institution.
- Mohsin Dawar, a member of the National Assembly and leader of the Pashtun Tahafuz Movement, was barred from entering Quetta to attend a political opposition rally in October.
- Balochistan remained without a functional local government; the ruling Balochistan Awami Party appeared to have no plans to conduct local government polls in the near future.
- Baloch dissidents in exile remained vulnerable after the unexplained deaths of Karima Baloch in Canada and Sajid Hussain in Sweden.
- The murder of at least two journalists—Shaheena Shaheen and Anwar Jan Khetran—revealed that the profession remained under threat in Balochistan.
- Balochistan still lacks a functional right-to-information regime. Although the government approved a draft bill in this context, the bill was not made public.
- Internet connectivity remained poor or non-existent in seven districts on grounds of 'national security.' The government cited threats of insurgency and sectarian violence as a reason to curb digital rights in Balochistan.
- Quetta was the centre of a range of protests in the province. Following sustained protests by students and employees of the BUMHS, the relevant legislation was amended to restore the status of Bolan Medical College to that of a university.

- The high proportion of out-of-school children in the province—including 78 percent of girls according to UNICEF—remained a major problem that was exacerbated by the closure of schools due to the Covid-19 crisis.
- Limited progress was made on China-Pakistan Economic Corridor projects in Gwadar. Citizens continued to view these projects with scepticism, questioning whether they were likely to generate local employment or alleviate poverty.
- Unemployment problems continued to dog thousands of unemployed graduates.
- Law enforcement agencies such as the Frontier Corps and Coast Guards, which operate highway check-posts, continued to harass citizens and curtail their freedom of movement. Quetta-Karachi passenger buses are forced to wait hours at the notorious Uthal check-post.



### Laws and law-making

One of the most significant acts passed in 2020 was the Balochistan Housing and Town Planning Authority Act, which makes it obligatory for the provincial government to establish a planning authority to provide shelter to the homeless and establish a comprehensive system of town planning.

This act is important in the context of the growing number of civic issues arising from urban overcrowding in cities such as Quetta. However, no headway was made after the passage of this law by the provincial government.

In February, students and employees of the Bolan University of Medical and Health Sciences (BUMHS) were arrested while protesting outside the Balochistan Assembly against the BUMHS Act. They demanded that Bolan Medical College be restored to its former status as a university and brought under the control of the provincial health department.

The BUMHS Act of 2017 had brought the institution under federal control through the governor's secretariat. The protests continued for six months, culminating in a hunger strike camp at GPO Chowk in September. On 8 September, five protestors fainted due to the hunger strike. In October, the provincial government succumbed to the pressure of protestors and passed the BUMHS (Amendment) Act 2020.

Civil society organisations continued to campaign for provincial legislation on the right to information (RTI). After delaying this legislation for almost five years, the provincial cabinet approved a draft RTI act, although the contents of the bill were not made public. As of end-2020, the bill had not been tabled in the Balochistan Assembly.

### Administration of justice

#### Judiciary and pending cases

According to the Law and Justice Commission, the Balochistan High Court started the year with a balance of 4,848 cases; by 31 December 2020, the number of pending cases stood at 4,194. A total of 4,670 new cases were instituted during the year and 5,217 cases were disposed of.

Pending cases in the District Judiciary Balochistan had reached the level of 16,034 for the same period – an increase of 2,256 over the number of outstanding cases at the beginning of 2020.



## ENFORCEMENT OF LAW

### Law and order

In a particularly shocking incident in May in Dannuk, Turbat, three men gunned down a woman, Malik Naz, in her home and wounded her four-year-old daughter Bramsh during an armed robbery.

The crime triggered a series of protests in Turbat, Washuk, Buleda, Gwadar, and Quetta, among other places. Protestors demanded that the government arrest the culprits. Claims that the men had been sent to Naz's home by the alleged local leader of a 'death squad' ignited waves of anger across the province, although the incident received little national coverage in the mainstream media.



Three men gunned down a woman, Malik Naz, in her home and wounded her four-year-old daughter Bramsh during an armed robbery which triggered a series of protests.

Anwar Khetran, a citizen journalist, was killed in Barkhan district on 23 July. Khetran had allegedly irked the region's influential tribal lords by continuously highlighting the problems of the district. A case was registered against the provincial minister for food and population welfare, Sardar Abdul Rehman Khan Khetran, and his two guards. By the end of the year, Sardar Khetran had not been arrested and no significant development was reported in the prosecution of the case.

Two gruesome cases of violence against children were reported in October. On 20 October, the body of an eight-year-old boy was found



hanging from a tree in Killa Abdullah district. The post-mortem report confirmed that the child had been sexually assaulted by two people. The chief justice of the Balochistan High Court, Justice Jamal Khan Mandokhail, took notice of the rape and murder. A week later, another eight-year-old boy was sexually assaulted and brutally tortured to death in the Kalat district. In both cases, the culprits remained at large.

Table 1 below gives the total number of crimes against persons for 2020.

**Table 1: Crimes against persons in 2020**

Nature of crime	Number of victims in 2020
Rape	39
Rape with murder	3
Rape of minors	51
Honour crimes	47
Domestic violence	126
Blasphemy	1
Target killings	18

*Source:* Balochistan Police, in response to HRCP’s request for information.

On 13 August, Hayat Baloch, a student at the University of Karachi, was gunned down by Frontier Corps (FC) personnel in the Absar area of Turbat. The same day, a bomb attack had targeted an FC vehicle; in retaliation, an FC soldier seized Baloch from the date orchard where he was working with his father, blindfolded him, and shot him on the road, according to a statement by his father. The killing of Hayat Baloch triggered a series of protests all over the province, demanding justice and an end to extrajudicial killings. The FC soldier, Shadiullah, who had shot Baloch was later arrested by the police and charged with murder. Later, the inspector general of the FC Balochistan (South), Maj. Gen. Sarfaraz Ali, termed the murder the ‘negligence’ of an individual, not the institution.

According to the Pakistan Institute for Peace Studies, as many as 42 attacks were carried out by insurgent groups, whereas ten attacks – including two suicide attacks – were carried out by militant organisations such as the Tehreek-e-Taliban Pakistan (TTP), Hizbul Ahrar and Islamic State affiliates. The intensity of attacks by both militant and insurgent groups was reported to be lower than in the previous year.

## Levies reforms

In a welcome development, the government of Balochistan allocated funds to set up a new levies training centre in Kuchlak to improve the performance of this community force, which polices large swathes of land in the province.

In addition, for the first time in history, 24 women levies constables passed out on 28 November. Their passing-out parade was held in Khuzdar, where the provincial government vowed to increase the recruitment of women in the levies force.

## Jails and prisoners

The Covid-19 pandemic had a significant effect on the prison system of Balochistan. To prevent the spread of infection, the provincial government released 78 prisoners who had two months' incarceration or less remaining. In spite of this, in December, 36 staff members and prisoners at the district jail in Turbat contracted the disease. Reports about the spread of infection was not made public with regard to the other ten jails in the province.

Balochistan is the only province where jails are not overcrowded. As of 2020, its 11 jails held 2,107 inmates against a sanctioned strength of 2,585, according to a report by the federal ombudsperson. Despite this, jail conditions were less than satisfactory.

In 2020, 37 inmates tested positive for HIV/AIDS. Government officials claimed that the spread of HIV/AIDS was due mainly to shared syringes used to inject drugs. About 105 prisoners were reported to be suffering serious mental health problems.

Balochistan has a relatively small population of female prisoners. According to government reports, there were only 20 female prisoners, who were kept in separate barracks at the same jails as male inmates.

## Enforced disappearances

Enforced disappearances remained a critical human rights concern in Balochistan during 2020. The rights organisation Voice for Baloch Missing Persons continued to hold protest camps outside the press clubs of Quetta and Karachi. Reports indicate that people were picked up and released throughout the year.

Sardar Akhtar Mengal, chairperson of the Balochistan National Party (BNP), actively raised the issue of enforced disappearances on the floor of the National Assembly as well as at political rallies held by the

Pakistan Democratic Movement (PDM). In an interview with Reuters, he claimed that more than 450 forcibly disappeared people had been released, while 1,800 others were picked up during this period.

The most high-profile case of enforced disappearance in Balochistan in 2020 was the abduction of Liaquat Sani Bangulzai, chairperson of the Brahvi department at Balochistan University. He was abducted by unidentified persons near Mastung while travelling to Khuzdar to invigilate exams. Bangulzai was released after a couple of days, when protests against his abduction intensified.

On 17 December, a BNP-M leader, Jan Muhammad Gurgeneri, went missing from Khuzdar. The BNP-M termed it a case of enforced disappearance and announced a major wheel-jam strike along all highways of the province. After this announcement, Gurgeneri was released on 22 December in Khuzdar. His body reportedly bore marks of torture inflicted during captivity.

Since its inception in 2011, the Commission of Inquiry on Enforced Disappearances (COIED) has received 537 cases from the province, of which only seven persons have been traced to prisons and 30 dead bodies found. In all, the commission had traced 222 persons from Balochistan as of end-2020.

Human rights activists and campaigners tend to doubt the government figures on enforced disappearances, alleging that many families often do not approach the COIED for fear of reprisal. The number of cases of enforced disappearance is, therefore, likely to be much higher than reported.

In a number of cases in 2020, families that reported the enforced disappearance of a relative to HRCP also alleged that security agencies had asked them to refrain from raising their voice, implying that the relative in question would not otherwise return safely.



# FUNDAMENTAL FREEDOMS

## Freedom of movement

Official restrictions continued to hamper the movement of human rights workers in Balochistan. Entering the province remained subject to various restrictions, including strict surveillance by security forces or the need to acquire a no-objection certificate for travel to certain areas for foreign nationals. Even for ordinary Pakistanis from other provinces, entering area such as Dera Bugti or Awaran remained a fraught undertaking.

Check-posts set up by law enforcement agencies on the highways of Balochistan continued to pose problems for passengers and traders alike. At the FC check-post at Lakpass and the Coast Guard check-post at Uthal, passenger buses often wait for hours to be checked.

On 25 October, Mohsin Dawar, a member of the National Assembly and a leader of the Pashtun Tahafuz Movement (PTM), was barred from entering Quetta city. He was stopped at the Quetta airport on arrival. PTM activists staged a protest outside the airport, alleging that Dawar was taken away in a car by the administration. Later, Dawar claimed that he was denied entry to the city because he spoke up for human rights and wished to unite the Pashtun and Baloch communities.

In December, reports that the federal government planned to fence the port town of Gwadar for security reasons sparked a controversy, compounding fears among residents that their freedom of movement would be curtailed.

The provincial government said it planned to fence off 24 square kilometres of the city to protect Chinese-funded projects under the multi-billion-dollar China-Pakistan Economic Corridor (CPEC) initiative. However, many Baloch observers alleged that the fencing would force locals to relocate from the strategically important city.

Counter-insurgency measures imposed by security forces also curtailed freedom of movement in the province (see *Law and order*).

## Freedom of thought, conscience and religion

The incidence of sectarian violence eased somewhat in 2020. However, fear of persecution by militants remained a consistent feature as the Shia Hazara community suffered four sectarian attacks.

At least eight sectarian attacks were carried out by militant groups across Balochistan, of which the Sunni community suffered four attacks.

The Hazara community remained under constant threat of sectarian violence—a threat that has increased since the emergence of Islamic State affiliates, which are intolerant of the Shia community.

On a positive note, the Pakistan Tehreek-e-Insaf (PTI)-led government in February handed over a Hindu temple in Zhob district to the Hindu community as a goodwill gesture. In terms of legislation, however, there was little progress by the government. Although Balochistan has its own commission for minorities' rights, formed in 2019, it is not fully functional.

## **Freedom of expression and digital rights**

Balochistan continued with a first-generation RTI law in the shape of the Balochistan Freedom Information Ordinance 2005. In October, the Balochistan government informed a consultative meeting that the government had approved a draft RTI law, but the draft was not made public. First-generation laws are not as flexible as second-generation laws, such as the legislation Khyber Pakhtunkhwa adopted in 2016. The lack of an effective RTI regime in Balochistan stifled access to information both for the media as well as civil society.

The volatile security landscape of the province meant that curbs on the media remained very much intact through the year. Many journalists reportedly continued to exercise self-censorship—especially when reporting on 'contentious' issues such as enforced disappearances or political dissent—for fear of being persecuted by either non-state or state actors. In September, the Pakistan Federal Union of Journalists (PFUJ) expressed its concern over persistent curbs on the media across the country, declaring that 'a systematic war' had been launched by the government and 'anti-media forces' to curb freedom of expression.

According to the Pakistan Telecommunication Authority, only about 37 percent of people in Pakistan have access to broadband internet. In Balochistan, the figures are likely far lower. Although the country's cyberspace expanded during the pandemic, the unavailability of internet connections remained a pressing issue. 'National security' was cited as a prime concern that led to shutting down internet connectivity in most of the province for much of the year. From 30 May to 2 June, internet connectivity in Quetta was suspended due to increasing tension between the Hazara and Pashtun communities. Intermittent or permanent internet shutdowns continued to affect digital rights in the province.

## **Freedom of assembly**

The right to peaceful protest was violated continuously during the year, in several instances because the government had imposed Section

144, ostensibly to avoid public gatherings during the pandemic. On 13 February, hundreds of students and employees of the BUMHS were arrested when they decided to stage a sit-in in front of the Balochistan Assembly to protest against BUMHS legislation (see *Laws and law-making*). On 6 April, members of the Young Doctors Association were baton-charged by the police: they were marching from the Civil Hospital Quetta to the Chief Minister's Secretariat to protest against the unavailability of personal protective equipment in the midst of the Covid-19 pandemic.

In March, the Balochistan government imposed a complete ban on the opening of schools amid a spike in Covid-19 cases in the province. The pandemic unleashed a wave of human rights violations, including curbs on the right to protest. On 23 June, almost 300 college and university students staged a protest in front of the Quetta Press Club, demanding better internet connectivity and arguing that universities should not charge tuition fees when campuses were closed in view of the Covid-19 pandemic. The police arrested 80 protesting students under Section 144, which had been imposed to contain the spread of Covid-19 in the province. Subsequently, a social media campaign, with the hashtag #ReleaseAllStudents, started trending. Amnesty International urged the government to release all arrested students in Quetta, terming the arrests a serious violation of their right to freedom expression and peaceful assembly.

## **Freedom of association**

In 2019, the Labour Welfare Department cancelled the registration of 62 trade unions and private organisations on the directions of the Balochistan High Court. With no reversal in curbs on freedom of association, trade unions continued to suffer in 2020. Student unions – banned across the country – are another case in point. Although Senator Sana Baloch brought the attention of the government towards lifting the ban on student unions in 2019, there was no progress towards this in 2020.

In addition to the strict registration policy governing the operation of non-government organisations (NGOs) in Pakistan, the registration of NGOs in Balochistan is especially cumbersome as they must comply with the Balochistan Charities (Registration, Regulation and Facilitation) Act 2019.

In general, social movements, and political and student organisations critical of the state and security apparatus continued to be dealt with a heavy hand.



## Political participation

The Balochistan Awami Party (BAP), the single largest party in the provincial assembly with 24 seats, has ruled the province since August 2018. The treasury benches along with their allies hold 40 seats, while the opposition has 24 seats. The JUI-F is the second largest party, with ten seats. Although the BAP government stayed clear of political upheavals in 2020, certain major events attracted significant criticism, including its handling of the Covid-19 crisis and mishandling of protesting doctors and students in February and April.



*The BAP government attracted significant criticism for its mishandling of protesting doctors.*

In June, the BAP-led government faced opposition to the budget, which the government claimed was 'pro-people.' Members of the BNP-M and Pashtoonkhwa Milli Awami Party (PkMAP) criticised the budget for 2020/21, claiming that constituencies belonging to opposition members had been ignored. The opposition also denounced the government's ineptness in responding to the murder of a woman in Turbat, in which her four-year-old daughter Bramsh was injured (see *Law and order*).

In a positive development, in July the Prime Minister formed a three-member committee to identify key areas of the province that needed development. The chief minister of Balochistan was made head of the committee.

The most important decision made at a meeting chaired by the Prime Minister was the formation of the Balochistan Mineral Company to boost exploration of mineral resources in the province.

The Prime Minister reiterated on 12 September, during a short visit to Quetta, that the government had a development plan for southern Balochistan. The plan was hinted to be worth PKR 600 billion. During a visit to Turbat, the Prime Minister said that nine districts were to avail the development package. However, nationalists criticised the development plan, believing it was an attempt to divide the province. In another challenge to the government, one of the largest opposition parties, the BNP-M, announced it would join the 11-party PDM alliance. On 24 October, the government urged, but failed to persuade, the PDM leadership not to hold rally in Quetta, given security concerns.

Balochistan's share of seats in the National Assembly is 6 percent, with only 20 seats. This has often been termed inadequate by the provincial leadership. In addition, the blocking of computerised national identity cards (CNICs) in Balochistan has barred many citizens from casting their votes – NADRA had blocked around 150,000 CNICs across the country, of which 23,552 were blocked in Balochistan. The issue of restoring these CNICs remained in cold storage during 2020.

The JUI-F is the largest opposition party in the provincial assembly, with power bases concentrated in northern Balochistan. Districts that are bastions of support for the party include Mastung, Kalat, Khuzdar, Washuk and the entire Pashtun belt. Opposition by the religious parties tends to revolve around the politics at the centre. At the beginning of 2020, opposition by the religious parties was lukewarm, but it intensified in October when the PDM began to hold rallies against the federal government. However, the provincial government stayed aloof.

## **Local government**

The tenure of local governments in the province ended in 2019. The Election Commission of Pakistan announced that elections for local bodies would be held soon after the term had ended. It hinted that the elections would be held based on the old delimitation of constituencies, which drew criticism from the opposition parties, leading to a further delay. Moreover, acting on a petitioner's request, the Balochistan High Court halted the local government elections without giving a definite date as to when elections would be held. In 2020, the government's response to holding local government elections appeared lukewarm and no further development were observed.



# RIGHTS OF THE DISADVANTAGED

## Women

In terms of women's representation, protection and legislative benefits, Balochistan lags far behind the rest of the country. The Balochistan Assembly has 11 reserved seats for women, of which one currently lies vacant. There was no legislative development in this regard in 2020. Unlike the other three provinces, Balochistan still lacks a commission on the status of women.

Of nine acts passed by the provincial assembly in 2020, none related to women's rights. However, in a positive development, the government approved a women's empowerment and gender equality policy in October.

As in other areas, violence against women remained a feature of the province. In September, journalist and anchor Shaheena Shaheen was shot dead in her home in Turbat. The International Federation of Journalists and PFUJ condemned the murder and demanded that the authorities dispense justice to the family.

A particularly prominent case was the death of rights activist Karima Baloch in Toronto, Canada, on 23 December. Baloch was a former chairperson of the Baloch Students Organisation-Azad—a proscribed student organisation—and had been living in Canada as a political refugee since 2016. Although the Toronto police ruled out foul play, many Baloch rights activists blamed the Pakistani state for her death, alleging that she had been assassinated on the orders of the military establishment.

Although data from the Aurat Foundation suggests an overall decline in violence against women in Balochistan, with 44 such acts recorded until October versus 118 in 2019, it is likely that the statistics do not reflect the situation accurately and that gender-based violence is far more common than otherwise reported—as is the case almost everywhere else in the country.

## Transgender persons

While no incidents of violence against the transgender community were reported during the year, it is also true that such violence is rarely highlighted in Balochistan. While the province appears to have the lowest transgender population (109 as of 2017), their standard of living remains low and they are not protected by any legislative cover.

## Children

The statistics paint a grim picture of children's health in the province. The neonatal mortality rate in Pakistan is 42 per 1,000 live births. In Balochistan, reportedly only 38 percent of births are assisted by skilled attendants. Balochistan also remained a hotspot for the re-emergence of the polio virus among children. At least two cases of polio emerged, one in Quetta and another in Pishin district.

The Covid-19 outbreak was reported to have severely hampered polio vaccination drives not only in Balochistan but also across the country. On a positive note, UNICEF and the government of Balochistan, in a joint venture, initiated the Newborn Survival Strategy and Costed Action Plan 2020–24 to improve the healthcare system for newborns and identify areas that need more attention.

Despite the passage of the Balochistan Child Protection Act in 2016 and the establishment of the province's first child protection unit in February 2020, children remained especially vulnerable through the year. Nearly six out of every 10 girls in the province are married before the age of 20, according to the NGO Rahnema.

Although a bill was introduced in the Balochistan Assembly 2018 to outlaw early marriages, an act from 1929 continues to govern child marriages in the province that does not allow the registration of a case nor does it empower the police to take notice. As of end-2020, the 2018 bill had not been taken up.

*Cruel Numbers*, the yearly report issued by Sahil, indicates that, of 2,960 cases of violence against children recorded for the year, Balochistan accounted for 53. Of 1,823 cases of child sexual abuse within this total, the province accounted for 17, with the highest number in Quetta.

## Labour

2020 brought little relief to workers across the province. The ripple effect of the Covid-19 crisis extended to every sector. During the lockdown, an estimated 360,000 workers lost their jobs in Balochistan. The unemployment rate rose to 18 percent, where previously it was 4.2 percent in 2017/18. For a province already facing numerous economic hurdles, the figures are alarming. Private sector employees were especially affected, although there is no substantiated data on joblessness among these workers.

The provincial government was also unable to resolve the issues raised by protesting teachers who had appeared for tests for teachers' posts in

the province. In October, the Career Testing Services Pakistan teachers staged a protest in front of the provincial assembly, alleging they had qualified for jobs on the basis of their tests but received no joining orders. In December, Global Partnership Education teachers staged a protest in front of the Quetta Press Club, demanding the government make them permanent employees.

At a session of the Balochistan cabinet in September chaired by the chief minister Jam Kamal Alyani, members approved a ban on bonded labour and the recovery and rehabilitation of bonded labourers.

Under an amendment to the Balochistan Bonded Labour System Bill 2020, people found involved in hiring bonded labour would be liable to one year's imprisonment and a fine of PKR 100,000. Vigilance committees would also be established at the district level to monitor the situation of bonded labour. The cabinet also approved the Balochistan Employment of Children Probation and Regulation Bill 2020.



*Under an amendment to the Balochistan Bonded Labour System Bill 2020, people found involved in hiring bonded labour would be liable to one year's imprisonment and a fine of PKR 100,000.*

## Miners

The coalmining sector remained a perilous one for workers. In October, the press reported that almost 134 coalminers had lost their lives across the country in nine months. Many had died because of lack of oxygen or the sudden collapse of mine roofs or walls while working deep in the

mine. According to estimates from the Pakistan Central Mines Labour Federation, 100-200 miners die on average in a year, with 116 such incidents recorded in Balochistan in 2020, although most incidents go unreported.

As of December, at least five mining accidents in the province had been reported in the national press. Two accidents took place in the same day in the Duki and Kachi districts. Six trapped coalminers in Duki were rescued after a nine-hour-long rescue operation.

Three coalminers fell unconscious on inhaling toxic gas in Kachi district. Earlier, in February, four workers – including three brothers – died in Duki when a mine abruptly collapsed. Three miners died in March and May in two areas, Harnai and Degari. Data collected by HRCF in Table 2 below shows that the coalmining sector alone accounted for 58 deaths in 2020.

Table 2: Deaths and injuries in coalmines in Balochistan in 2020

Date and place of incident	Killed	Injured
01/01/2020 Khosat	2	-
01/01/2020 Dukki	1	-
07/01/2020 Dukki	1	1
13/01/2020 Dukki	1	-
15/01/2020 Dukki	1	2
28/01/2020 Dukki	1	-
03/02/2020 Mach	2	-
12/02/2020 Dukki	-	2
13/02/2020 Dukki	4	-
23/02/2020 Dukki	1	-
24/02/2020 Dukki	1	-
16/03/2020 Mach	2	-
20/03/2020 Mach	7	-
09/04/2020 Dukki	1	1
13/04/2020 Dukki	1	-
28/04/2020 Chamalang	1	-
04/05/2020 Harnai	3	-
10/06/2020 Dukki	-	2

19/06/2020 Dukki	1	-
05/07/2020 Harnai	1	-
07/07/2020 Harnai	1	-
09/07/2020 Harnai	1	-
14/07/2020 Harnai	2	-
29/07/2020 Mach	1	1
22/08/2020 Harnai	1	-
23/08/2020 Mach	1	2
25/08/2020 Dukki	-	3
11/09/2020 Dukki	1	-
19/09/2020 Harnai	2	-
27/09/2020 Dukki	1	-
30/09/2020 Dukki	1	-
09/10/2020 Dukki	1	-
11/10/2020 Harnai	1	-
12/10/2020 Harnai	1	-
08/11/2020 Quetta	2	-
22/11/2020 Dukki	1	-
04/12/2020 Mach	2	-
07/12/2020 Dukki	1	1
09/12/2020 Dukki	1	-
10/12/2020 Chamalang	1	-
15/12/2020 Dukki	1	-
21/12/2020 Harnai	2	-

Pakistan has still not ratified International Labour Organization (ILO) Convention 176, which specifies a maximum depth that is safe for miners. In January, the global union federation IndustriALL urged the Government of Pakistan to ratify the convention to ensure safer working conditions for miners.

At the moment, the Pakistan Mineral Development Corporation (PMDC), which operates under the Ministry of Petroleum and Natural Resources, leases out most of its mines. There is some indication from labour leaders that it should stop doing so, since the PMDC itself is far better at providing basic services such as ambulances and access to hospitals.

## Plight of fisherfolk

While fishing is a major source of livelihood for almost 70 percent of people living in the coastal areas of Balochistan, the climate crisis and massive infrastructural development in the shape of CPEC projects have jeopardised the community's means of living. In January, high tides and winds badly affected the vessels and other fishing equipment of fisherfolk in Gwadar. However, the government later compensated them for the losses they had incurred.



*In January, high tides and winds badly affected the vessels and other fishing equipment of fisherfolk in Gwadar.*

Since 2019, fisherfolk in Gwadar have continued to demand that all development programmes must include incentives for the community too. Their demands included the construction of three underpass access points, a wide breakwater in which to safely berth their boats, an auction hall for selling fish, a protection wall to block soil erosion, scholarships for their children, job opportunities at the port, and a resolution to be passed at the Balochistan Assembly to protect their rights.

## The elderly

Although the Balochistan government passed the Senior Citizens Act in 2017 with the aim of protecting the rights of the elderly, the promised senior citizens' welfare council has not yet seen the light of day. Problems in accessing their pensions continued for senior citizens in the province, involving cumbersome documentation and the need to pay bribes in some cases.

## **Persons living with disabilities**

There are an estimated 140,000 persons living with disabilities (PLWDs) in Balochistan, although only a very small proportion are registered with the Balochistan Welfare Department. Although the Balochistan Persons with Disabilities Act 2017 protects their rights, including easier access to public places, conditions for PLWDs remain difficult.

In 2019, on the eve of International Day of Persons with Disabilities, the chief minister Jam Kamal said that the 2017 act would be implemented on a priority basis, adding that the government had allocated PKR 500 million for special education for PLWDs in the Public Sector Development Programme for 2019/20. Unfortunately, no further development with respect to protecting their rights was observed in 2020.

## **Refugees**

There are 324,238 registered Afghan refugees living in Balochistan. Nationalist parties such as the BNP-M took up the issue after the 2018 elections, demanding that refugees be repatriated and claiming the centre was using the 'refugee card' as a tactic to outnumber the Baloch population in the province.



# SOCIAL AND ECONOMIC RIGHTS

## Education

Observers have suggested that the Covid-19 pandemic is likely to have an adverse impact on the literacy rate in Balochistan. While the overall literacy rate is 43 percent, female literacy is significantly lower. Inadequate budget allocations, lack of infrastructure, and most importantly scattered populations and teacher absenteeism continued to plague the sector in 2020. The previous allocation of funds for education in 2018/19 declined by 14 percent under the Public Sector Development Programme – a bad omen for the education sector in Balochistan. However, in a strict move to overcome these challenges, the Balochistan education department cracked down on teacher absenteeism, suspending 2,000 teachers.

One of the biggest challenges to educational development in 2020 remained that of out-of-school children, with UNICEF estimating that 60–70 percent of children of school-going age are out of school in Balochistan. The majority are girls (78 percent), whereas 67 percent of boys are estimated to be out of school in the province.

While the pandemic should have mobilised the government not only to implement a consolidated plan to shield the education sector but also to move beyond this and bring about an effective long-lasting policy to improve declining education indicators, no substantial progress was made. In December, the chief minister Jam Kamal approved a five-year education plan, but it lacked a mechanism for execution.

The bulk of resources is pumped into constructing school buildings. Pressing as the issue is, the allocation of funds for this purpose can involve serious corruption and even the construction of unnecessary buildings that are later abandoned. According to Alif Ailaan 1,1627 primary schools are registered in Balochistan, of which 1,271 are middle schools and 947 are high schools.

In the fiscal year 2019/20, the federal government decided to cut the budget for higher education by 45 percent. The move had a serious impact on students at public sector universities across the country, including Balochistan. It also impinged on the Prime Minister's fee reimbursement programme, which allowed underprivileged students to study at university free of cost. In September, the cancellation of the reserved seats quota for Baloch students at public universities in Punjab met with dismay, triggering protests by Baloch student committees.

As in other parts of the country, the Covid-19 pandemic was a huge blow to educational institutions in 2020. Following institutions' closure,

students from remote areas returned to their respective hometowns. In June, the Higher Education Commission ordered educational institutions across the country to initiate online classes. This put students in rural Balochistan in a difficult situation because few had access to reliable 3G or 4G internet connections. On 18 June, students in the port city of Gwadar held a protest to underscore their discontent with the online classes policy.

## Health

Public health remained a grave concern in 2020, given the rapid increase in Covid-19 cases in the province, and was affected further when out-patient departments remained closed for months amid the pandemic. Gynaecological patients were reportedly the worst hit, while the pandemic is also thought to have hampered the province's polio vaccination drive (see *Children*).

The pandemic forced the government to increase the health budget for the fiscal year 2020/21. The budget was increased by 31 percent (PKR 31.405 billion) compared to the previous year's budget of PKR 23.981 billion. This was a good step, although paramedical staff remained concerned about the lack of personal protective equipment during the year.

One successful project was the establishment of medical emergency response centres under the People's Primary Healthcare Initiative Balochistan. Set up at a cost of PKR 3.92 billion in February 2019, the project has established 14 emergency centres on two highways in the province to provide lifesaving first aid to victims of highway accidents. The project was reported to have helped reduce the fatality rate on the highways manifold, although it remained marred by red tape and delays in the release of funds.

In December, the head of Balochistan's AIDS control programme, Dr Afzal Zarkoon, revealed that 1,523 HIV patients had been identified in Balochistan. The figures were low compared to other provinces, but this still represented a surprising increase in cases.

## Housing and public amenities

During his visit to Turbat in November, the Prime Minister inaugurated various development welfare schemes in Balochistan, among them the Naya Pakistan Housing Scheme. He announced that ordinary citizens would benefit from the housing scheme and obtain loans at a 5 percent interest rate. The chief minister Jam Kamal Alyani also offered a journalists' housing scheme to the Balochistan Union of Journalists.

## Land grabbing

A 70-year-old lawyer, Mohammad Yaqoob, went on strike in September, claiming that his property had been grabbed by the land mafia. He appealed to the chief justice and chief of army staff for help. According to Yaqoob, around 100,000 square feet of his land in Nawa Killi had been occupied illegally by 'influential' people. Although the problem has worsened, it receives little attention in the media.

## Environment

During heavy rainfall in August, at least 13 people lost their lives in flash floods. The national highways remained blocked for days. The capital city of Quetta was also cut off from the rest of the province.

Access to drinkable water has always been a pressing issue, given the arid environment of the province. According to a study that drew on data from ten stations of the Pakistan Metrological Department for 37 years (1980–2017), Barkhan district was most affected by drought. The study revealed that precipitation had fallen drastically in the province and that a large proportion of the population would not have access to drinking water by 2025. Quetta in particular continued to suffer intense water scarcity.

After being elected chief minister, Jam Kamal took notice of the ever-present issue of water scarcity in Quetta and imposed a water emergency. The problem, however, persists. In December 2018, the Supreme Court of Pakistan had formed a two-member commission to compile a report on the completion of water schemes in Bolan district. The commission submitted its report in March 2020.

# ISLAMABAD CAPITAL TERRITORY





## KEY TRENDS

- The government continued to issue one presidential ordinance after another, avoiding the correct constitutional procedure of presenting a draft bill in Parliament and holding detailed discussions and readings of the draft.
- With the sudden outbreak of the pandemic, a high-level National Coordination Committee was set up on 13 March 2020 at a meeting of the National Security Committee. Soon after, the National Command and Operation Centre was established as the former's implementation arm. Both were set up without parliamentary and even Cabinet approval.
- The federal government's response to the Covid-19 pandemic was lax and no strict lockdown was imposed as suggested by the medical community. Hospitals remained unprepared; those infected by the virus were turned away by government hospitals for want of ventilators and private hospitals charged exorbitant fees to treat infected people. There was no transparency in the distribution of medical equipment donated by friendly countries and by the World Health Organization.
- The government failed to enforce standard operating procedures at mosques, with most religious bodies and mosque management committees refusing to comply.
- The right to freedom of assembly was threatened time and again. The Aurat Azadi March, which had obtained permission to hold a rally on 8 March from all authorities concerned, became a target of violence.
- Freedom of expression remained under threat as political activists found themselves under continued pressure. As the government tried to impose new curbs on the electronic, print and social media, journalists and media professionals highlighted the issue by staging demonstrations and protests.
- As owner of the largest media group in Pakistan, Mir Shakil-ur-Rahman, was put behind bars in a 35-year-old case initiated by the National Accountability Bureau, the journalist community in Islamabad staged regular protests for over eight months.
- Senior journalist Matiullah Jan, known for criticising powerful institutions, was abducted in broad daylight in July but returned after 12 hours following a hue and cry in the national and international media.

- Worryingly, the country's national human rights institutions remained dysfunctional. The National Commission for Human Rights and National Commission on the Status of Women still lack chairpersons.
- Civil society activists and organisations were particularly concerned about the increasing number of crimes against children and women.
- The National Accountability Bureau used highhanded tactics to initiate cases against the opposition, while the ruling party was dealt with a mild hand. Despite the clamour by citizens and political parties to initiate inquiries into the national sugar scam and delayed bus rapid transit system, the agency looked the other way—a trend that continued throughout the year.
- Crimes and discrimination against religious minorities continued unabated. When the government announced that a Hindu temple was to be built in Islamabad, extremist groups protested and vowed to prevent the construction. The reconstituted National Commission for Minorities also remained practically dysfunctional throughout the year.
- A presidential reference filed against Justice Qazi Faez Isa of the Supreme Court of Pakistan—on charges of holding assets beyond justifiable means—was seen as a means of intimidating dissenting judges.



### Laws and law-making

A key achievement of the National Assembly was the approval of the Zainab Alert, Response and Recovery Act on 10 March. The act was expected to help curb crimes against children and established a prompt response mechanism. Additionally, at a joint session in September, the National Assembly passed a new disability law that was pending for at least two years. This raised hopes for millions of people living with disabilities (PLWDs) in Pakistan. The bill aims to end discrimination against PLWDs in Islamabad Capital Territory (ICT).

In January, the Enforcement of Women's Property Rights Act 2020 was also passed, aimed at empowering women in terms of the right to property ownership. Although Article 23 of the Constitution holds that every citizen has the right to acquire, hold and dispose of property, women in Pakistan often find it difficult to exercise this right.

Another significant law passed in 2020 was the Letters of Administration and Succession Certificates Act. Following the passage of this act, the National Database and Registration Authority (NADRA) is now empowered to issue succession letters to heirs within 15 days of an application – previously a long and cumbersome process.

In 2020, there were 12 sessions of the National Assembly, with 80 working days and four joint sittings of one day each. In all, 36 acts of Parliament were passed, including amendment acts. On a less positive note, the government continued to issue one presidential ordinance after another, avoiding the correct constitutional procedure of presenting a draft bill in Parliament and holding detailed discussions and readings of the draft.

### Administration of justice

#### Judiciary and pending cases

According to the Law and Justice Commission, the Supreme Court of Pakistan started the year with a balance of 42,762 cases; by 31 December 2020, the number of pending cases stood at 46,516. A total of 14,215 new cases were instituted during the year and 12,361 cases disposed of. The Islamabad High Court (IHC) began with a balance of 15,875 cases; by the end of the year, the number of pending cases stood at 16,288. A total of 8,106 new cases were instituted during the year and 7,245 cases disposed of. Pending cases in the District Judiciary Islamabad had reached the level of 48,242 for the same period – an increase of 6,913 over the number of outstanding cases at the beginning of 2020.

## Significant developments

On 16 June, the Senate Standing Committee on Finance, Revenue and Economic Affairs cleared a bill that would allow family members of all parliamentarians to avail 25 unutilised business class domestic air tickets.

Throughout the year, there appeared to be a deliberate effort by the government to keep the National Commission on Human Rights and National Commission on the Status of Women dysfunctional, while the National Commission on the Rights of the Child remained under-resourced. Despite repeated appeals by advocates of human rights in the country, the government continued to procrastinate needlessly on appointing chairpersons to these bodies.

In May, the Ministry of Religious Affairs and Interfaith Harmony notified a reconstituted National Commission for Minorities, comprising six official and 12 non-official members, with Chela Ram Kewlani as its chairperson for a term of three years. However, the notification had serious flaws, among them the lack of representation from the Ahmadiyya community. When an application was submitted to include the community, the government asked its leaders to submit in writing that they accepted their status as ‘non-Muslims’. The Hindu Sabha also criticised the notification for not including Scheduled Castes, who form the majority of the Hindu community. Importantly, the commission has no statutory powers since it was not formed through an act of parliament – as against the statutory commission envisaged by the 2014 Supreme Court judgment. Another criticism concerned the seemingly unnecessary inclusion of two Muslim members.

A presidential reference filed against Justice Qazi Faez Isa of the Supreme Court of Pakistan – on charges of holding assets beyond justifiable means – was seen as a means of intimidating dissenting judges. His wife was compelled to appear multiple times before the Federal Bureau of Revenue and subjected to what she called ‘humiliating’ treatment. In June, the Supreme Court threw out the reference against Justice Isa and termed it invalid. He is said to have remained a target of the government for his anti-establishment views.

In March, the owner of the largest media group in Pakistan, Mir Shakil-ur-Rahman, was put behind bars in a 35-year-old property-related case initiated by the National Accountability Bureau (NAB). He was released in November when the Supreme Court granted bail. The case was widely seen as an example of victimisation of the electronic and print media in the country.



# ENFORCEMENT OF LAW

## Law and order

Table 1 below gives the total number of crimes against persons for 2020.

Nature of crime	Total cases in 2020
Murder	139
Rape	46
Gang rape	5
Unnatural lust (minors)	25
Honour killings	1
Domestic violence	18
Blasphemy	8
Police encounters	7

Source: ICT Police, in response to HRCP's request for information.

## Enforced disappearances

Lt Col. (Retd) Inamur Rahim was detained by the military authorities without any formal charge and then released after a month's detention in January. He was known to pursue cases pertaining to enforced disappearance.

Senior journalist Matiullah Jan was abducted by a dozen plainclothes persons in July and released after several hours' detention and interrogation, following widespread condemnation in the national and international media as well as by human rights organisations including HRCP. Subsequently, in August, the Supreme Court berated the Islamabad Police for its poor performance in relation to Jan's abduction.

In September, Sajid Gondal, an additional joint director of the Securities and Exchange Commission of Pakistan, went missing from Chak Shahzad in Islamabad. The IHC expressed its displeasure at increasing abductions by unknown personnel. Gondal was released after five days but refused to comment in detail about his abduction.

Since its inception in 2011, the Commission of Inquiry on Enforced Disappearances (COIED) has received 300 cases from ICT, of which 17 persons have been traced to internment centres and 28 to prisons; eight bodies were found. In all, the commission had traced 197 persons from ICT as of end-2020.

In September, it received a scathing review from the International Commission of Jurists (ICJ), which maintained that the COIED had failed entirely to address entrenched impunity, leaving victims and their loved ones without any redress.

In a briefing paper, the ICJ recommended that the COIED's mandate not be extended because it had failed to fix responsibility on individuals or organisations. However, the government extended its mandate by another three years.



# FUNDAMENTAL FREEDOMS

## Freedom of movement

In March, members of the National Assembly and leaders of the Pashtun Tahafuz Movement (PTM) Ali Wazir and Mohsin Dawar were barred from boarding a flight to Kabul, where they were going to attend the oath-taking ceremony of Afghanistan's president Ashraf Ghani. They were stopped by the Federal Investigation Agency, which claimed they could not be allowed to travel because their names had been placed on the exit control list.

## Freedom of thought, conscience and religion

In July, the construction of a Hindu temple in Islamabad became controversial after Prime Minister Imran Khan approved a grant of PKR 100 million for its construction in June. Far right groups protested against the proposed construction. HRCP welcomed the approval of the grant and condemned any protests against the temple. The IHC dismissed pleas against the temple's construction.



*Far right groups protested against the proposed construction of a Hindu temple in Islamabad.*

In July, the Senate Functional Committee on Human Rights approved the release of the film *Zindagi Tamasha*, agreeing with the censor board's decision to screen it after the Covid-19 wave. Previously, far right groups had protested against the film, alleging that it contained blasphemous content and even issuing death threats to the director.

## Freedom of expression

A report for 2020 by the Council of Pakistani Newspaper Editors painted a grim picture of media freedom in the country. The report said that at least seven journalists were murdered and 60 booked in 2019 on anti-terrorism charges. There were also cases registered against activists who held demonstrations in front of the National Press Club. Such demonstrations usually raise issues related to enforced disappearances and the highhandedness of security forces across the country, especially in Balochistan and the former tribal areas.

Digital rights activists rejected a proposal from the Pakistan Electronic Media Regulatory Authority (PEMRA) to regulate web and over-the-top television platforms. PEMRA had proposed a number of regulatory guidelines, including licensing, inspection, content regulation and a complaints-handling mechanism for both media.

Neo TV was fined for airing 'fake' news concerning the Prime Minister's pay raise. In August, PEMRA also imposed a fine of PKR 0.5 million on the same channel for airing actor Khalil-ur-Rehman Qamar's abusive remarks and suspended 24HT TV's license for airing hate speech during its Muharram transmission. PEMRA also suspended Neo TV and 24HD TV's licenses for being illegal as they were supposed to air entertainment programmes alone. A programme on Bol TV, titled *Champion*, was also banned by PEMRA.

In September, a group of female journalists and analysts released a joint petition seeking protection against vicious attacks directed at them through social media platforms, allegedly by accounts linked to the Pakistan Tehreek-e-Insaf (PTI) ruling government. Subsequently, the United Nations human rights office voiced concern over growing instances of threats of violence against journalists in Pakistan, calling on the government to take 'immediate, concrete steps' to ensure their protection.

In a prominent case of press intimidation, journalist Ahmed Noorani alleged that he was facing threats in relation to an investigative report he had worked on, revealing the business fortunes of the family of a retired army officer who was serving as head of the CPEC Authority. In another case, a first investigation report was registered against journalist Asad Toor for 'negative propaganda' targeting the Pakistan army.

Human rights organisations condemned a ban imposed by PEMRA on airing speeches by 'absconders', alleging that this was done to prevent broadcasters from telecasting former Prime Minister Nawaz Sharif addressing public gatherings remotely. In October, the Pakistan Telecommunication Authority imposed a ban on the social media

app TikTok over complaints of ‘indecent’ content. The Ministry of Information Technology in November notified the Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules 2020, which were widely seen as an assault on digital rights.

## Freedom of assembly

After participants at the Aurat Azadi March were pelted with stones allegedly by far-right groups during a rally on International Women’s Day, the organisers demanded a judicial inquiry into the incident. Even though they had applied for a no-objection certificate for the event weeks in advance, it was delayed until the last day, reportedly because of pressure from right-wing groups.



*Participants at the Aurat Azadi March were pelted with stones allegedly by far-right groups during a rally on International Women’s Day.*



## Political participation

In May, the federal government suspended the mayor of Islamabad, Anser Aziz—a member of the political opposition—on grounds of ‘misappropriation’ of funds. The IHC reinstated him to his position until the final adjudication of a petition he had filed, seeking contempt of court proceedings against the federal government.

At a national level, the widening gender gap between female and male voters—which climbed to 12.7 million in 2020—remained cause for concern. In Islamabad, however, the number of registered voters was reported to be 803,538, of which 47.4 percent were female voters, implying that the federal capital had the highest proportion of women voters, compared to the four provinces.

An 11-party opposition alliance, the Pakistan Democratic Movement, was set up in September and held a series of political rallies across the country. A key criticism was that the government was bent on using the NAB as a tool to target the opposition. With an increasing number of cases against the opposition and the government’s unwillingness to provide greater democratic space, the political atmosphere remained acrimonious through the year.

## Women

In January, the Senate passed the Maternity and Paternity Leave Bill, making it mandatory for employers to grant paid maternity and paternity leave to employees. Under this bill, the leave policy will be applicable to both public and private establishments in Islamabad Capital Territory (ICT). Women are entitled to paid maternity leave of 180 days on their first birth, 120 days on their second birth, and 90 days on their third birth, while men are entitled to paid paternity leave of 30 days three times during service.

Students from Jamia Hafsa claimed responsibility for defacing a mural painted ahead of the Aurat Azadi March. The event was threatened in two separate applications filed with the ICT administration, while the Jamiat Ulema-i-Islam (Fazal) (JUI-F) and Umme Hasaan, wife of Lal Masjid cleric Maulana Abdul Aziz, announced plans to counter the rally. Meanwhile, PEMRA advised TV channels to refrain from airing 'controversial' content on International Women's Day.

In its third year, the Aurat Azadi March was disrupted by hooligans and a case registered against 12 individuals, including local clerics. Conservative segments of society, led by hard-line religious parties, gathered at the same venue and despite assurances to the city administration that they would abide by the law, pelted Aurat March participants with stones. The administration was strongly criticised for having allowed two parallel gatherings at the same venue.

## Transgender persons

In a positive development, in January NADRA set up desks to register transgender persons for health cards. The special assistant to the Prime Minister on health said that personal confirmation by transgender persons as to their preferred gender identity would be sufficient; no other documentation was required.

In March, the ICJ released a briefing paper on the transgender law in Pakistan and termed it inadequate, adding that it did not address some of the most serious human rights violations faced by intersex people, such as subjecting them to unnecessary hormonal treatment and surgical procedures to make them conform to binary sex stereotypes.

## Children

To the dismay of rights activists, the Supreme Court set aside the

extended three-year sentence awarded to former additional district and sessions judge Raja Khurram Ali Khan and his wife Maheen Zafar for having tortured a minor girl employed as domestic help in Islamabad; the apex court maintained the one-year sentence given by the IHC in April 2018.

In February, the National Assembly passed a contentious resolution calling for child sexual abusers to be hanged publicly—a move that was widely criticised by human rights organisations in the country and abroad. On a welcome note, however, the approval of the Zainab Alert, Response and Recovery Act in March was commended as a much-needed means of expediting procedures to recover missing and abducted children.

According to press reports compiled by Sahil, ICT witnessed 102 cases of violence against children during the year, of which 43 were cases of sexual abuse.

In August, child domestic labour—proscribed under the Child Employment Act 1991—was banned in ICT by the Cabinet division through a gazette notification. The act prohibits the employment of children below the age of 14.

## **People living with disabilities**

In August, the Supreme Court of Pakistan ordered the federal and provincial governments to discontinue the use of words such as ‘disabled’, ‘physically handicapped’ and ‘mentally retarded’ in official correspondence, saying that such terms offended the dignity of PLWDs. Instead, such persons were to be referred to as ‘persons with different abilities.’

In September, the National Assembly passed a new disability law that was pending for at least two years, seeking to end discrimination against PLWDs in ICT (see *Laws and law-making*).



# SOCIAL AND ECONOMIC RIGHTS

## Education

In February, the Annual Status of Education Report (ASER) revealed that about 45 percent of Pakistani children studying in the fifth standard in rural areas could not read English sentences meant for students of Class 2.

ASER records data on learning and other critical indicators from rural and urban households, alongside schools producing internationally comparable data on the acquisition of foundational lower primary skills and holds national and global institutions accountable for delivering on the targets under Sustainable Development Goals 4.

ASER also found that only 59 percent of fifth-grade students in rural areas could read stories in Urdu and other local languages, including Sindh and Pashto, which are part of the syllabus for the second standard. Furthermore, only 57 percent of Class 5 students could solve a two-digit division problem meant for pupils of Class 2.

The report further said that only 60 percent of students in the fifth standard could tell the time correctly and solve addition word problems. Only 53 percent could solve multiplication word problems.



*About 45 percent of Pakistani children studying in the fifth standard in rural areas could not read English sentences meant for students of Class 2.*

Students enrolled in private-sector schools showed better learning outcomes, according to the report, which said that male students tended to outperform their female peers. The number of out-of-school children remained high and according to various estimates, remained between 20 million and 25 million in 2020.

It remains cause for serious concern that, rather than focusing on learning outcomes, the government chose to release a single national curriculum, which does not fall under the domain of the Ministry for Federal Education and Professional Training.

Numerous education experts expressed their reservations concerning this move, especially since the 18th constitutional amendment has devolved education to the provinces. Independent observers also criticised the increased focus on religiosity and rote learning in the curriculum, with children being required to memorise passages from religious scriptures.

In March, an additional secretary at the Ministry of Federal Education and Professional Training wrote to the chief secretaries of the provinces, asking them to halt cultural programmes that highlighted different ethnic cultures or nationalist movements. This was seen as a gross violation of the right to academic freedom and provincial autonomy.

As in other parts of the country, students in ICT were compelled to resort to digital learning platforms while educational institutions were closed during the Covid-19 crisis. Poor internet connectivity among students from lower-income households meant that their learning was necessarily disrupted.

Students staged demonstrations outside the Higher Education Commission against faulty online systems while universities continued to charge full tuition fees. The Ministry for Federal Education and Professional Training attempted to exercise a newfound authority in making decisions about the opening and closure of schools across Pakistan.

In August, the Federal Directorate of Education notified the formation of an anti-harassment and anti-bullying committee for each ICT-based educational institution to prevent and counteract all forms of harassment, bullying and physical abuse. The head of each institution was to serve as the convener of the committee, while the deputy head and area education officer would be members.

These committees are supposed to ensure that institutions adopt and implement prevention and response strategies while broadening their scope to transform trends, including cyber-harassment and bullying.

## Health

In June, the World Health Organization accredited Pakistan's first independent drug testing laboratory. In August, the Ministry of National Health Services Regulations and Coordination allowed pharmaceutical companies to increase the prices of essential drugs by 7 percent and of non-essential drugs by 10 percent. In October, the National Assembly was informed that nearly PKR 5 billion of the government's Covid-19 fund was unutilised, despite the lack of adequate facilities at government hospitals and private hospitals charging exorbitant fees for Covid-19 treatment.

As the Covid-19 pandemic surged across the country, the federal government's initial response was lackadaisical and unclear. Initial mismanagement led to a rapid increase in the number of infections. The government delayed the imposition of lockdowns and, in the process, came into conflict with the provincial government in Sindh, which was in favour of a more stringent lockdown from the beginning.

The distribution of protective gear also became a bone of contention, with observers alleging that the National Command and Operation Centre's (NCOC) distribution of gear lacked transparency. There appeared to be an unnecessarily high level of secrecy maintained by the NCOC in matters of the procurement of drugs, equipment and even ventilators. In the absence of sufficient ventilators in the provinces, some hospital reportedly began turning patients away.

## Housing and public amenities

In July, the Federal Investigation Agency launched a probe into the mushrooming of 'illegal' housing schemes in Islamabad. Press reports suggest that, as of 2020, there were over 100 legal and illegal housing schemes, with many housing societies having allegedly sold land reserved for parks, playgrounds, mosques and schools.

The IHC ordered the Navy Sailing Club on Rawal Lake to be sealed in July on the grounds that the Capital Development Authority (CDA) and navy had no plausible justification for the construction of a luxury facility on the banks of a water reservoir, blocking public access to the lake. In an affidavit submitted to the IHC, CDA chairman Amer Ali Ahmed stated that the CDA had time and again informed the navy that this was unauthorised construction but to no avail.

In July, the CDA confirmed to the IHC that a senior minister in Punjab, Aleem Khan, had encroached on public land while developing a housing society he owned in Islamabad – the Park View Housing Society.

## Environment

Press reports suggest that the illegal felling of trees continued unabated in various areas of Islamabad in 2020. A particularly affected area was the F-9 park from where trees were routinely cut down and logs shifted out of the area.

Another affected area was around the Monal restaurant in the Margalla hills from where 500 to 1,000 trees were felled to make room for the expansion of the restaurant before the court stopped the process.

On a positive note, the federal government initiated the next phase of its Ten Billion Tree Tsunami programme, which is a four-year project aimed at planting trees across the country.

Pakistan's total forest cover is estimated to be less than 3 percent – one of the lowest levels in the region and well below the 12 percent threshold recommended by the United Nations.

# AZAD JAMMU AND KASHMIR





## KEY TRENDS

- The AJK Legislative Assembly enacted the AJK Human Rights Commission Act 2020 to constitute a commission designated to document the human rights situation in the region. The commission's structure remains questionable, and it has not yet begun functioning.
- AJK faced the longest and strictest lockdown compared to other administrative units during the Covid-19 pandemic, which left few livelihood options for ordinary people, especially daily-wage labourers. The economy suffered a huge setback as a result. However, the number of people who contracted the virus or died of the disease remained lower than in other regions.
- No formal data is available to gauge the intensity of human rights violations in AJK as the region has no designated human rights groups or individuals to monitor and record violations.
- Numerous human rights violations took place during the year, including suppression of the right to freedom of expression and assembly, and access to infrastructure and the internet.
- Rape and sexual harassment remained a serious problem for women and children, with the majority of rape cases going unreported, especially in rural areas.
- The AJK government deregistered 424 civil society organisations working in the region.
- Large-scale exchanges of fire across the Line of Control resulted in significant loss of life and damage to property.
- Another year passed without local body polls being held in AJK. The last local body elections were held in 1991.
- The right to information is acknowledged and protected as a fundamental right under the Interim Constitution Act 1974 (13th Amendment), but legislation has yet to be enacted.

## Overview

Azad Jammu and Kashmir (AJK), a region spread over an area of 13,297 square kilometres with a population of 4.045 million, is neither a sovereign entity nor a constituent unit of Pakistan. It is considered a semi-autonomous region under Pakistan's administrative control. Although many financial and administrative powers have been devolved to the AJK Legislative Assembly and elected government, Pakistan bears a major part of the region's financial and security responsibilities.

After the National Action Plan was imposed in 2015, many rights-based civil society organisations rolled back their operations in AJK. Currently, there is no independent body or forum to document human rights violations in AJK, which remain largely missing from the official records. Due to self-censorship as well as less interest in and attention to matters related to AJK in the national print and electronic media, such incidents often go unreported – or at least underplayed.

The local media is curtailed through the AJK Press Foundation, a semi-government welfare-cum-regulatory body headed by a serving high court judge. Newly enacted cybercrime laws have added an extra layer to the existing invisible sphere of censorship. Consequently, no significant documentation is available to formally gauge the state of human rights in the region.

Human rights violations in AJK tend to be structural in nature, where people, communities, groups, and parties are – through laws and practices – deprived of their rights if they carry an opinion that contradicts the state narrative. The prolonged Covid-19 lockdown meant that political activities on the ground were suspended; technologically savvy youth took to social media activism, where they encountered new cyber laws imposed at the beginning of the year.

Despite the global pandemic, the Line of Control (LOC) remained a hotspot for warmongering. Indian troops reportedly committed more than 2,900 ceasefire violations across the restive LOC, killing 33 civilians and injuring another 260 in different parts of AJK.

Due to the strict preventive measures taken by the government, AJK is believed to have been affected least by the Covid-19 pandemic, although the economy of the region suffered a significant setback. The number of people who contracted the virus or died as a result remained lower than in other regions.



### Laws and law-making

The 13th Amendment to the AJK Interim Constitution Act 1974 in 2018 abrogated the law-making powers of the AJK Council—a supra-constitutional body headed by the Prime Minister of Pakistan—and converted it to an advisory council.

Many of the subjects previously under the council's dominion were either devolved to the AJK Legislative Assembly or shifted to the Prime Minister of Pakistan, who, as chairperson of the AJK Council, devises laws for AJK through the federal cabinet in Islamabad, which has no representation from AJK at all.

Of a total of 49 members of the AJK Legislative Assembly, 41 are elected directly while eight—including five women—are co-opted members. A total of seven sessions of the Assembly were held in 2020 and the house remained in session for 66 days.

The Assembly passed or amended a total of 40 laws, which included a number of important laws pertaining to human rights in the region, such as the AJK Local Government (Amendment) Act 2020, the AJK Land Acquisition Act 2020, the Criminal Law (First, Second, Third, Fourth and Fifth Amendments) Act 2020, the AJK Commission for Human Rights Act 2020, the AJK Ceasefire Line Incidents Relief (Amendment) Act 2020, the AJK Elections Act 2020, the AJK Distressed Persons Relief (Amendment) Act 2020, and the AJK Charities, Registration and Facilitation Act 2020.

### Administration of justice

#### Judiciary and pending cases

The region's judicial system includes an apex court, the Supreme Court of AJK—an appellate bench comprising three judges, including a chief justice. With its headquarters in Muzaffarabad, the Supreme Court has circuit benches in Rawalakot and Mirpur. The high court and courts for special purposes also have a camp presence at the divisional level, while district and sessions courts as well as sub-judges' courts function at the district and *tehsil* levels, respectively.

On 31 March, the AJK chief justice of the Supreme Court Ibrahim Zia retired on attaining the age of superannuation. Since then, the office has been held by the senior-most judge, Raja Saeed Akram Khan, as an 'acting chief justice.'

Both the Supreme Court as well as the AJK High Court have been headed

by acting chief justices for months. The high court currently functions with only three judges instead of eight, while the Supreme Court has only one judge instead of three, as the second judge also retired in the last week of December.

On 18 July, a two-member bench of the Supreme Court of AJK removed five judges of the high court and declared their appointment 'ultra vires of the constitution and without lawful authority.' The appointments were said to have been made without proper consultation.

This crisis impaired the functionality of the judicial system and increased the backlog of cases pending for years. The lower courts also face a backlog of cases because of the shortage of judges and judicial officers in different courts.



# ENFORCEMENT OF LAW

## Law and order

AJK is generally considered a peaceful, stable region with a lower crime rate than in the federating units of Pakistan. The primary responsibility for maintaining law and order lies with the AJK police, who operate from 46 police stations with 9,047 personnel.

Although AJK remained under strict lockdown for months during the Covid-19 pandemic, the region witnessed a spike in the crime rate during 2020. In 2019, a total of 7,696 cases were registered, while the tally surged to 12,027 in 2020, including 63 murders, three incidents of gang-rape and nine of rape.

However, cases related to narcotics, burglary and abduction were observed to have declined, while cases of robbery, theft, trespassing, riot, and violations of the arms act remained on the rise. Reportedly, the narcotics supply network in AJK continued to thrive, with youth proving an easy target. The police in Mirpur rounded up a gang operating from the Mirpur and Kotli districts, involved in drug trafficking within the country and abroad.

On 15 February, a violent clash between lawyers and the police left around two dozen injured on both sides in Muzaffarabad. A lawyer later alleged that the police were trying to arrest one of his clients who had entered the court to obtain bail before arrest.



*A violent clash between lawyers and the police left around two dozen injured on both sides in Muzaffarabad.*

On 10 September, a worker of the opposition Pakistan People's Party (PPP) in Sudhnoti district succumbed to his wounds a day after being shot at, allegedly by the relative of an AJK minister during a clash in his constituency.

## **Jails and prisoners**

AJK has two central jails in Muzaffarabad and Mirpur as well as five district jails in Bagh, Poonch, Plandri, Kotli and Bhimber. Three districts—Neelum, Jhelum Valley and Haveli—have no district jails; prisoners are either kept in judicial lockups or shifted to the nearest jail.

In 2020, the region's jail infrastructure remained inadequate for the needs of prisoners. The central jails in Muzaffarabad and district jails of Bagh, Rawlakot and Plandri were destroyed in the 2005 earthquake and reconstruction has not yet been completed. These jails are housed in makeshift buildings while the remaining jails are in old buildings, with inadequate spaces allocated for inmates. Currently, minors are kept on the same premises as adults, which is against the law. The total number of prisoners in jails is 856, which includes 21 women (including two mothers with infants) and 18 juveniles.

Following the Covid-19 pandemic in AJK, on 27 March the AJK High Court directed that prisoners be released to avoid contagion. Although 156 prisoners were released from different jails, the order was subsequently cancelled by the AJK Supreme Court. Most of the prisoners were re-arrested, while 31 are still on the run. No prisoners were reported to have contracted the virus, although jail authorities banned routine family visits. New prisoners were kept in separate spaces and not allowed to mix with other inmates. No prisoners were executed in 2020, compared to two executions in 2019, while 16 prisoners were sentenced to death by trial courts. The total number of prisoners on death row in AJK is 90, but none of these sentences has yet been confirmed and their appeals are pending in the higher courts.

## **Enforced disappearances**

The practice of enforced disappearances is not as common in AJK as in the provinces. No new case of enforced disappearance was reported in 2020, while none of the 16 missing persons according to the record of the Commission of Inquiry on Enforced Disappearance, has been produced before any court of justice or commission. On 28 October, citizens stopped a white van bearing plain number plates and grabbed four people onboard who had tried to abduct a local youth in Rawalakot city. They initially introduced themselves as Military Intelligence officials to the crowd but were later declared Federal Investigation Agency personnel attempting to arrest a suspect without following legal procedures.



# FUNDAMENTAL FREEDOMS

## Freedom of expression

In recent years, the AJK government has passed several laws to curb freedom of expression, particularly related to the political status of the region. Media houses, think-tanks and other organisations need permission from either the AJK Council or the federal Ministry of Kashmir Affairs and Gilgit-Baltistan to operate in the region. A wide range of print and electronic media operate in AJK, but reporters are largely unpaid. Coverage of the news and politics does not diverge from official Pakistani narratives. This compliance is achieved through a combination of structural censorship and self-censorship.

The media is controlled by the AJK Press Foundation, a constitutional body headed by a serving high court judge and a senior official from the Department of Information and Public Relations. Journalists have to sit a written examination and attend an interview by government officials to obtain accreditation and membership of the welfare-cum-regulatory body; they must also submit an affidavit declaring that they will not cross the lines drawn by the state when reporting, especially on issues related to the Kashmir dispute.

Local newspapers are entirely dependent on government-funded advertisements, which is invariably conditional on favouring the government.



*The AJK government has passed several laws to curb freedom of expression, particularly related to the political status of the region.*

At the beginning of the year, the AJK government amended the criminal law act and annexed newly formulated cybercrime laws that imposed further curbs on the already limited freedom of expression in the region.

According to official figures, a total of 46 cases were registered under the cybercrime laws, mostly against journalists and activists exposing corruption in the public exchequer. The actual number of cases is believed to be even higher. It is widely believed that police officers, politicians and public office bearers have misused these laws to crack down on their critics and opponents.

On 27 March, police in Athmuqam registered a case against a local social media activist, Wasim Khawaja aka Wasi Khawaja, for posting ‘malicious and defamatory content against army and state institutions.’ He was known for exposing poor governance and financial corruption in the deputy commissioner’s office.

On 17 June, journalists Hayat Awan and Usman Chughtai, and a social media activist Attique Khawaja, were booked in Muzaffarabad under the same law. They had reportedly shared documents on social media about the illegal lease of a large tract of land in an alpine pasture to Asad Aleem Shah, a member of the AJK Assembly, whose father Shah Ghulam Qadir is also speaker of the Assembly.

On 22 June, Tariq Naqash, a Dawn Group journalist in Muzaffarabad, was served a contempt-of-court notice for a tweet commenting on nepotism in the appointment of judges. While the five judges of the high court were later removed from their positions, Naqash is still awaiting trial.

On 20 August, the police in Kotli district arrested a man, Zaheer Choudhary, for having posted derogatory remarks about religious scholars and police officers. Allegedly, he had had a heated exchange with a senior police officer in Mirpur district prior to his arrest.

## **Freedom of association**

Since 2015, the AJK government has been constricting the space available to civil society organisations (CSOs) and non-government organisations (NGOs), especially those working on rights-based advocacy and awareness. After the National Action Plan was extended to AJK, the government imposed several restrictions on CSOs and NGOs, tightening the no-objection certificate requirement and registration process.

Consequently, numerous local and national NGOs rolled back their operations and terminated their staff. The number of NGOs that were able to register or obtain a no-objection certificate to operate in recent

years is not known. In February, the AJK government deregistered 424 'inactive' NGOs. The list includes some well-known organisations and charities.

The Prime Minister of AJK has formally lifted the decades-long ban on student unions, although none of the five public varsities and hundreds of colleges in the region have been able to initiate elections for student unions. The only platforms available for students to participate in political activities are the student and youth wings of the main political parties.

## **Freedom of assembly**

Numerous clashes with the police and crackdowns on civil society protests were reported in 2020. On 28 July, dozens of civil society members protested in Mirpur against delays in the completion of the three-kilometre-long Rathua-Haryam bridge, a vital development project in their area, pledged by the federal government as part of the Mangla dam-raising package but left halfway through.

On 1 September, a violent clash between police and citizens in Lawat in Neelum Valley left several injured on both sides. The police arrested four citizens protesting that the landslide-affected Lawat-Kundian road be opened.

On 18 November, police arrested and publicly beat activists in Athmuqam for protesting against delayed responses and the inefficiency of a firefighting team when a fire broke out at a local market.

Around a dozen citizens were injured on 25 November when police baton-charged and lobbed teargas shells onto a group of citizens protesting against delays in the reconstruction of the Toli Peer road. The police also arrested several protesters. On 12 December, a police crackdown on a rally in Bagh district left at least 12 citizens injured. Citizens were protesting against the hike in wheat flour prices.



## Curbs on dissenting political ideology

The electoral framework in AJK is controlled indirectly and influenced directly by the federal government. The Prime Minister of Pakistan, as chairperson of the AJK Council, is empowered to appoint the chief election commissioner and other members of the election commission in AJK.

Twelve seats in the AJK Assembly are allocated to Kashmiri refugees settled in Pakistan, mostly in Punjab. Non-resident elections are more vulnerable to manipulation by the federal government, as the party in office at the federal level tends to win these seats.

Candidates participating in the AJK elections must formally endorse 'the ideology of Pakistan' and Jammu and Kashmir's accession to the former.

Individuals who disagree with the ideology of accession would be disqualified from standing for office. Recent legislation has extended this constraint to political parties in AJK.

On 19 May, the AJK Legislative Assembly enacted the AJK Election Act 2020, which says that 'no political party shall be formed with the object of propagating any opinion or acting in any manner prejudicial to the Islamic Ideology or Ideology of State's Accession to Pakistan or the sovereignty and Integrity of Pakistan or Security of Azad Jammu and Kashmir or Pakistan or morality, or the maintenance of public order.'

Article 2 (VII) of the act states that 'a person shall be disqualified for being elected or chosen and for being a member [of AJK Legislative Assembly]... if he is propagating any opinion or acting in any manner, prejudicial to the ideology of Pakistan, the ideology of State's accession to Pakistan or the sovereignty, integrity of Pakistan or security of Azad Jammu and Kashmir or Pakistan or morality, or the maintenance of Public order, or the Integrity or independence of the Judiciary of Azad Jammu and Kashmir or Pakistan, or which defames or brings into ridicule the Judiciary of Azad Jammu and Kashmir or Pakistan, or the Armed Forces of Pakistan.'

These newly enacted laws have further squeezed the already limited space for political groups with dissenting ideologies.

So far, the election commission has registered 32 political parties, none of which adheres to the ideology of an independent Kashmiri state.

## Local government

The last local body elections in AJK were held in 1991. Despite growing public demand and a court order to conduct local body polls as soon as possible, the government and main political parties have shown reluctance to hold an election. Consequently, the elected ruling party's associates tend to be appointed heads of local bodies in violation of the Constitution.

Administrative and financial powers would ideally be devolved to the local tier but members of the AJK Assembly – whose chief job is to legislate and not carry out development work – currently administer development schemes.

In the absence of a local body system, the second tier of leadership comprises the relatives of known political leaders, while younger workers find very little space to participate in the political process. Women experience limited economic opportunities, little scope for participation in politics, and lack of access to leadership positions at policymaking levels.

## Crackdown on political protests

Ahead of the Gilgit-Baltistan elections, the federal government announced it would grant provincial status to the region, which sparked outrage in AJK. Many political and civil society groups formally protested against the proposal.

On 6 October, a violent clash between police and Jammu Kashmir National Student Federation workers left several injured on both sides, while police arrested 45 workers approaching Kohala bridge to block traffic on the main artery connecting the capital city Muzaffarabad to Islamabad.

On 26 October, police cracked down on a long march in Palandri and arrested at least 51 workers of a faction of the Jammu and Kashmir Liberation Front (JKLF) headed by Sardar Sagheer Khan. The march was en route to Islamabad to hold a set-in in front of the National Assembly against the possible merger of Gilgit-Baltistan with Pakistan.

## Tanveer Ahmed: A case of political victimisation

Tanveer Ahmed, a 48-year-old British Kashmiri, was arrested on 21 August and sentenced to three years in jail for taking down the Pakistani flag from a public square in Dadyal city.



*Tanveer Ahmed, a 48-year-old British Kashmiri, was arrested on 21 August and sentenced to three years in jail for taking down the Pakistani flag from a public square in Dadyal city*

Earlier, Ahmed had begun a hunger strike on 14 August while the JKLF staged a sit-in for 52 hours demanding the removal of the Pakistani flag from a square named after slain Kashmiri leader Maqbool Butt.

He postponed his strike after the local administration promised to take the flag down within 48 hours, which they did not. Ahmed later submitted an application in the local court and then walked through the town to the square and removed the flag himself on camera.



# RIGHTS OF THE DISADVANTAGED

## Women and children

Sexual harassment and rape remained critical concerns for women and children in AJK, especially in rural areas close to the LOC. It is believed that most victims of harassment and rape avoid reporting incidents to avoid victim blaming or given the risk of unreliable investigations and a weak redressal system.

Although a number of harassment cases—especially harassment at the workplace—are reported in the print and social media, the AJK government has not released any data on harassment. Only two cases of gang-rape and four cases of rape were reported in AJK during the year.

On 2 July, the AJK Legislative Assembly passed an amendment to the criminal penal code, envisaging capital punishment, life imprisonment, fines, and chemical or surgical castration for rapists, including those who have perpetrated sexual violence against minors. Under these laws, even those attempting to rape a juvenile are liable to imprisonment of five to ten years.

An officer of the rank of assistant superintendent or deputy superintendent of police would investigate such cases while the trial court [of a sessions judge] would decide the case within 60 days. In default of judgment within 60 days, the trial court would have to give a valid reason to the high court for extending the deadline.

## Labour

The extended lockdown that followed the first wave of Covid-19 infections increased the financial burden on low-income households in AJK, especially among daily-wage labourers as well as small and medium businesspersons.

While the federal government distributed PKR 2,693 million through the Ehsaas emergency cash programme, the AJK government contributed only PKR 53 million to assist journalists, lawyers, barbers, and public transport workers who had not received a federal grant. According to the AJK Board of Revenue, a total of 106,000 daily-wage labourers were recommended to the federal government for financial assistance.

## Ceasefire violations

Some 2,900 ceasefire violations were reported along the LOC in 2020. At least 33 civilians—including 16 men and 17 women—were killed, and

260 people—including 161 men and 99 women—wounded in different parts of AJK. The Neelum valley was the worst hit district in terms of property damage, with around 34 houses and 14 shops destroyed completely and 167 houses partially damaged.

Cross-border shelling adversely impacted the local economy, especially the flourishing tourism sector, which creates thousands of jobs for young people. Despite the large fund allocations on record, actual spending on infrastructure development and the construction of safety bunkers for people living near the LOC is negligible.

The absence of adequate health services, such as first aid and a prompt ambulance service, remains an important problem. Women and children living close to the LOC are most vulnerable, especially when they have to share narrow bunkers with strangers for safety during cross-border shelling.

The nearly 740-kilometre-long LOC is dotted with unmarked anti-personnel landmines on both sides. Though official records show very few casualties caused by these mines on the AJK side in the recent past, dozens of citizens have been injured or maimed.

On 3 July, a 45-year-old woman, Ladzadi—a resident of Bugna village in Neelum valley—was seriously injured after she stepped on a landmine near the LOC. On 28 July, a man, Abid Hussain, was killed in the Samahni area of district Bhimber after he stepped on a landmine near his home.



# SOCIAL AND ECONOMIC RIGHTS

## Education

AJK generally has higher literacy rates than other regions, although many schools lack basic facilities such as buildings, electricity, boundary walls, and computer labs. During the Covid-19 lockdown, many public and private educational institutions shifted classes online. However, access to the internet remained a key challenge to students in AJK, especially in rural areas. Many students were forced to miss classes or exams due to unreliable or slow internet services or power outages. On 24 June, youth from AJK and Gilgit-Baltistan jointly launched an online protest calling for the provision of better-quality internet services, especially 3G and 4G services.

It is widely believed in both regions that the army-owned Special Communications Organisation, responsible for telecommunication services, creates hurdles for private cellular operators in extending fast internet services.



*Many students were forced to miss classes or exams due to unreliable or slow internet services or power outages.*

## Environment

Despite the vulnerability of AJK to natural calamities such as glaciers, floods and landslides as well as manmade disasters such as cross-border shelling and wildfires, the government has insufficient resources, expertise and planning to deal with such disasters. The year began with one of the most catastrophic incidents of the decade, when around

100 people were killed and 150 injured—besides large-scale property, infrastructural and environmental damage—due to avalanches in the Neelum valley. Government functionaries could not reach the avalanche-hit areas in time to carry out rescue and relief activities until the Pakistan army launched an aerial rescue and relief operation.

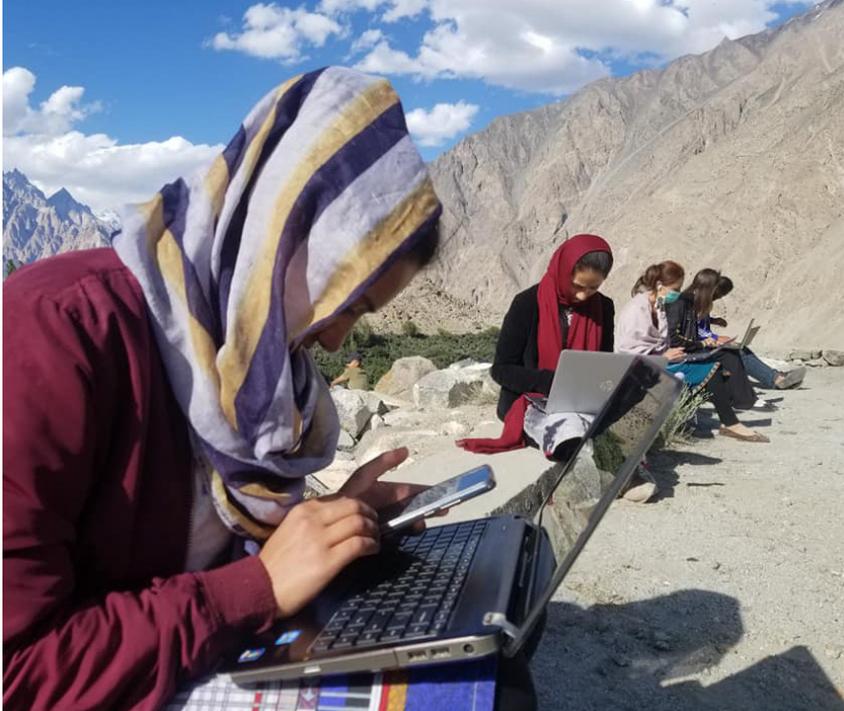
The Save the River Committee continued its advocacy against a proposed underground diversion for the Jhelum River to construct the 1,124 MW Kohala hydropower project. The other river flowing from the centre of the city was diverted for the 969 MW Neelum-Jhelum power project. The city already faces increased average annual temperatures and extensive rainfall.

## **Dysfunctional human rights commission**

In an important development, the AJK Legislative Assembly approved the draft of the AJK Human Rights Commission Act 2020, intended to set up a commission designated to document the human rights situation in the region. The main objective of the commission is ‘to ensure promotion, protection and enforcement of human rights in [AJK] as provided in the [AJK] Interim Constitution, 1974, the Universal Declaration of Human Rights and the various International Conventions, Treaties and Covenants.’

Although the law was enacted in August, the structure of the proposed commission remains ambiguous and its effectiveness questionable. With no members nominated as yet, the commission has not become functional. Its chairperson is to be a retired judge of the AJK Supreme Court or a civil servant while the other nine members include five ex-officio members, the chairperson of the AJK Commission on the Status of Women, a human rights activist, and a member of the minority community.

# GILGIT BALTISTAN





## KEY TRENDS

- Gilgit-Baltistan struggled to counter the impact of the Covid-19 outbreak, which led to job losses for daily-wage labourers, caused education at all levels to come to a standstill, and put severe strain on the healthcare system.
- The legislative assembly passed a total of 20 acts, including the Gilgit-Baltistan Bonded/Forced Labour System (Abolition) Act 2020 and the Gilgit-Baltistan Compulsory Education Act 2020.
- After seven years, the Gilgit-Baltistan administration has withdrawn notifications that barred passenger and private vehicles from travelling on the Karakoram Highway round the clock.
- According to official statistics, 31,900 children are still out of school, of which 60 percent are girls.
- Postponed from 18 August due to the Covid-19 pandemic, the Gilgit-Baltistan Legislative Assembly elections were held on 15 November. The Pakistan Tehreek-e-Insaf formed the new provincial government.
- Violence erupted in Gilgit city when workers of the Pakistan People's Party clashed with police on 23 November while protesting against the unofficial results for the Gilgit-2 constituency. The protesters torched a government building and four vehicles. The party leadership accused the chief election commissioner of stealing its votes at the behest of the federal government.
- The federal government resumed construction work on the strategically important Diamer-Bhasha and DASSU dams, providing employment opportunities in Gilgit-Baltistan.
- In December, the president of the Jammu Kashmir Liberation Front Dr Toqeer Gillani and his wife were forcibly evicted from the region.
- The construction of the Gilgit-Skardu road continued through the year without interruptions that were expected due to the pandemic. The project will reduce travel time and cost between Skardu and Gilgit and enable easier access to the newly operational international airport in Skardu.
- The discharge of water from the Shishper glacier has increased, flooding the Hassanabad *nullah* and cutting off a portion of the Karakoram Highway in Hassanabad village.



## RULE OF LAW

As in previous years, the issue of the judiciary and justice system in Gilgit-Baltistan (GB) was a bone of contention because the judicial system has always remained under the control of the executive pillar of the state and appointments continue to be made on a political basis.

Given GB's small population vis-a-vis the growing number of employees in the judicial bureaucracy, local civil rights activists and lawyers have criticised the apex and other courts in GB for their failure to administer justice effectively.

The Supreme Court Bar Association in GB continued to demand the appointment of local chief judges to the Supreme Appellate Court, for which a non-resident judge was recruited in 2019. The fact that judges are appointed on an ad hoc basis was also criticised by rights activists. Currently, the court comprises two judges with a third post having remained vacant for over three years, necessarily hampering the dispensation of justice.



# ENFORCEMENT OF LAW

## Police excesses

Paramedical staff at the district headquarter hospital in Gilgit staged a protest on the third day of the lockdown in March and announced a strike after several cases of alleged police misbehaviour. They claimed the police had stopped and beaten many staff members who were on their way to work.

In December, reports emerged that a taxi driver from Nagar was tortured by two police gunmen in the service of the assistant commissioner of Jaglote in Gilgit district. A video of the incident went viral on social media, eliciting an angry response from residents. According to the official report, the assistant commissioner was not in his vehicle at the time. Eyewitnesses claimed that a non-local officer was inside the vehicle, but he did not intervene in the matter. Earlier, a similar incident occurred in Danyore in November, in which a policeman beat a taxi driver on the Karakoram Highway during an argument over traffic rules.

## Jails and prisoners

In 2019, the central jail in Gilgit city was transferred to a newly constructed building in the suburbs. Although the building is new, inmates have accused the administration of inhumane treatment and complained of the lack of proper facilities. The jail also houses women and children. The absence of separate barracks and other facilities – such as a library, recreational activities, day-care centre, and separate toilets – for female staff and inmates remains a cause for concern.

The opposition leader of the Gilgit-Baltistan Legislative Assembly (GBLA) Shafi Khan blamed the government for not allowing a parliamentary committee to visit the jail. Subsequently, the speaker of the GBLA formed a committee for jail inspection. Khan has alleged that prisoners were shifted to the new jail while it was still under construction and that they were not being treated well.

## Political prisoners

A key development in 2020 was the joint sit-in in Hunza by the families of political prisoners and the Asiran-e-Hunza Rehayee Committee in the first week of October. On the fourth day of the sit-in, the caretaker government and leaders of the committee agreed that the political prisoners would be released on bail one by one, after completing the necessary legal proceedings. The participants then postponed their planned protest till November.

Subsequently, all the prisoners—including the incarcerated leader of the Awami Workers Party (AWP), Baba Jan—were released through an administrative order issued by the Home Department in GB. Baba Jan, Iftikhar Karbalai and Shukoor Ullah Baig were the last of the 13 prisoners to be released on 30 November, having served nine years in jail. Baba Jan had filed a review petition in the Supreme Appellate Court in 2016 against its decision, the result of which was still pending as of end-2020.

## **Blasphemy charges**

The tendency to implicate people on charges of blasphemy is on the rise in GB, where more than seven human rights and political activists have been booked under the blasphemy laws in the last four years. Hajira Sharaf, a teacher in the district of Ghizer, was arrested on allegations of blasphemy in 2019 and remains in judicial lockup. The local courts rejected the bail petition filed by her legal counsel.

## **Border tension**

In July 2019, the Ghizer police arrested a tribal leader, Malik Afreen Khan, outside the sessions court in Gahkuch. Afreen, who is from the neighbouring Kohistan district in Khyber Pakhtunkhwa, was accused of kidnapping four youth from the Hundarap locality in Phander. In response to his arrest, protests were held in Kohistan district, with protestors threatening that they would not let travellers from GB—and especially the Ismaili community—travel on the Karakoram Highway in Kohistan. In a video released on social media in February 2020, people were seen threatening the Ismaili community in GB of dire consequences.

The fact that Afreen was later released and awarded a peace prize by the GB government was widely criticised by political activists, who said that such an act was tantamount to abetting the crime. Indeed, border disputes remained a thorny issue between GB and Khyber Pakhtunkhwa, with clashes common in the border areas of Hundarap, Shandoor, Karumber, Thor, Hurban and Babusar.



# DEMOCRATIC DEVELOPMENT

## Democratic development and political participation

GB remains a de facto administrative unit of Pakistan, with no constitutional status for the last 72 years. Its residents are deprived of the right to political representation in the National Assembly and Senate of Pakistan and other policymaking institutions in spite of the fact that the area is under Pakistani administrative control. Despite the long-standing demand that GB be made a constitutional part of Pakistan, its political status quo holds.

In November, the ruling PTI government reignited the debate on the political status of GB prior to the GBLA election, proposing to grant provisional provincial status to the region as a possible solution to its long-standing ambiguous political status. This was reiterated by Prime Minister Imran Khan, although most analysts felt it was a ploy to gain political mileage before the election.

In September, Abdul Hameed Khan, the head of the Balawaristan National Front (Hameed) (BNF-H) returned to GB after 22 years of self-exile. He had been in the custody of the Intelligence Bureau for the last year after returning from Europe in February 2019 and announced that, following a deal with the latter, had ended his self-exile. Earlier, the BNF-H was banned in GB by the government and more than 15 party workers arrested and imprisoned, having been labelled 'anti-state elements.'



*Abdul Hameed Khan, the head of the Balawaristan National Front (Hameed) (BNF-H) returned to GB after 22 years of self-exile.*

## **GBLA elections**

Elections for the GBLA were held on 15 November. Although the polling process was largely peaceful and orderly, HRCP was concerned to learn that independent election observers—including its own team of observers in four cases—were not allowed into polling stations in the city of Gilgit during the vote counting process. The Gilgit Union of Journalists has made a similar claim. Additionally, the HRCP team was not allowed to enter a polling station in Sherqila, Ghizer-1 (GBA-19). In at least two cases, the HRCP team received reports that some voters had voted more than once at women’s polling stations in Ghanche and Diamer districts.

The shortage of polling staff meant that voting entailed long queues. Most polling stations were overcrowded and Covid-19-related SOPs were largely ignored by polling staff, polling agents and voters. In more remote areas, polling was delayed by up to an hour, in part due to poor weather. HRCP was also concerned to see that no special arrangements had been made to facilitate persons living with disabilities (PLWDs) at polling stations. The Election Commission reportedly issued over 300 notices to various political parties for violating the Elections Act 2017 but did not necessarily implement the provisions of the act despite such notices.

On 23 November, following the elections, enraged protesters torched a government building and four vehicles in Gilgit after police baton-charged them outside the premises of the chief election commissioner’s office. Supporters and workers of the Pakistan People’s Party (PPP) urged the authorities not to issue the official results for the Gilgit-2 constituency seat without carrying out forensic tests on the postal ballots, as agreed between the PPP and the ruling Pakistan Tehreek-e-Insaf (PTI). The PPP accused the federal minister for GB and AJK affairs, Ali Amin Gandapur, for having created a law-and-order situation in the region to secure a seat for the PTI candidate, Fatehullah Khan.

## **Local government**

For the last 11 years, the region has been run without local governments. Local bodies, including union and district councils and municipal committees, have remained dysfunctional since the last elections in 2009. This has scuttled the upward mobility and emergence of leadership at the grassroots level. Owing to this, the election for the GBLA in 2020 witnessed a large number of candidates.



# FUNDAMENTAL FREEDOMS

## Weaponization of anti-terrorism laws

The misuse of anti-terrorism laws to victimise rights activists in GB—a trend observed consistently by HRCP over the years—continued in 2020. The activities of youth and rights activists, journalists, political workers, and nationalists are monitored regularly under Schedule Four of the Anti-Terrorism Act 1997, with hundreds of individuals having been booked under sections of the act in GB in the last five years. In 2020, rights activists continued to allege that Schedule Four was being used to stifle political dissent.

In one notable case during the year, Irfan Haider John, a nationalist political worker and rights activist, was summoned by the local administration and warned to curtail his social media and political activities. A vocal activist on the rights of GB residents, John had hosted Mohsin Dawar—a leader of the Pashtun Tahafuz Movement (PTM) and a member of the National Assembly—in GB in November and posted photographs on social media.

In December, Dr Toqeer Gillani, president of the Jammu Kashmir Liberation Front (Azad Kashmir Gilgit-Baltistan zone) and his wife were forcibly evicted from GB. Gillani was visiting Gilgit to attend the wedding of AWP leader Baba Jan in Nasirabad, Hunza. He also visited several other villages to meet friends. Known for being vocal about the rights of people in Azad Kashmir and GB, Gillani was summoned by the local administration of Gilgit on 27 December and told that he had been booked in various cases in GB and could not therefore carry out any political activity in the region.

## Freedom of movement

The lockdown imposed in GB in March due to the Covid-19 outbreak made it difficult for people to travel into and out of the region. As a result, thousands of labourers were left without a source of livelihood in GB. In a similar incident, 25 labourers from the bordering Broghil Valley were stranded in GB and unable to enter neighbouring Chitral. Local activists raised the issue on social media, following which the Chitral administration allowed them to enter on the ninth day of lockdown.

## Freedom of assembly

Two students were arrested for organising a demonstration against the alleged sexual harassment of a female student at Karakorum International University (KIU) in November. Student bodies accused the vice-chancellor of openly threatening the protesting students with

dire consequences if the allegations were proven wrong. Students and rights activists also staged a protest outside the GBLA and press clubs of Islamabad and Gilgit in November against the increasing trend of harassment of women at the workplace in GB (see also *Women*).

In December, residents of Nagar Colony in Gilgit gathered to protest against constant power outages during the cold weather. The police registered a first information report (FIR) against nine protestors, who were booked under Sections 148, 147 and 341 of the Pakistan Penal Code. The chief court later quashed the FIRs, ruling that residents had the right to hold peaceful protests. Rights activists, however, often allege that registering FIRs against protestors is common practice in GB as a means of stifling dissent.

## **Freedom of association**

There was increasing unease during the year among civil society and non-government organisations based in GB about new procedures required to renew their registration. In a number of cases, renewals were delayed or turned down or registration simply cancelled, the main obstacle being that such organisations require a no-objection certificate from the Economic Affairs Division in Islamabad. Stricter rules governing funding and donors meant that many organisations could not continue to operate. Since most grassroots organisations in GB are informal, regulations such as those governing the opening and use of bank accounts pose considerable difficulties.

## **Freedom of expression and right to information**

During the lockdown, several local journalists registered complaints about the misbehaviour of police with reporters and cameramen. In April, Mehtab-ur-Rehman, a reporter for the daily newspaper *Baad-e-Shumal* was arrested by local police. Later, he was shifted to a quarantine centre because he had highlighted the government's poor arrangements for dealing with patients affected by Covid-19 in GB.

Instances in which local journalists were threatened or intimidated by state or non-state actors appeared to have increased in 2020. Journalist Arsalan Ali received a notice from the cybercrime wing of the Federal Investigation Agency in Gilgit in December, summoning him to appear before the deputy director to explain his posts on social media regarding the judiciary in GB. In the same month, unknown persons opened fire on the residence of A. J. Sarwar, editor of the daily *Himalaya* in Gilgit. He and his family were, however, unharmed.

Local newspapers continued to face an acute shortage of resources

allegedly due to discrimination in the distribution of government advertisements. Newspaper owners and workers have accused the government information department of using advertisements as an instrument to muzzle press freedom. Cable operators too reported being pressurised by the government. In 2020, six cable operators were reportedly booked, accused of airing Indian TV channels in GB and thus violating the ban on all Indian channels in the region.

In one case, a policeman was suspended by the inspector general of police for GB. The allegation against him was that he had criticised the Prime Minister of Pakistan and the minister for Kashmir affairs and GB in a post on social media. He argued that, as a citizen, he had the right to criticise the Prime Minister and minister.

An important but under-discussed issue in GB is the right to information. Rights activists criticised the Government of Pakistan for not releasing statistics on the population of GB in the 2017 census, although data for the rest of the country had already been released. This was termed a travesty: the bureaucracy in GB was accused of treating such data as sensitive and keeping it needlessly secret from the population.

## **Freedom of religion or belief**

On 19 October, a *jamaat khana* (Ismaili place of worship) was attacked by unknown assailants in the village of Gulmuti in district Ghizer. Although no one was harmed (the site was closed because of the Covid-19 crisis), the incident created great consternation among the local community. In response to the attack, residents took to the streets to protest, blocking the main Ghizer road.

A few days before this, a protest was staged outside the sessions court in Gahkuch in Ghizer district by the right-wing Tanzeem-e-Ahle-Sunat-wal-Jamat Ghizer on the day that a blasphemy case involving an Ismaili woman was due to be heard. This resulted in rising sectarian tension in the town.



## Women

Harassment of women at the workplace, structural gender-based discrimination and violence, denial of inheritance and property rights, and suicide remained common in GB during the year. In November, a female student at KIU in Gilgit accused the head of the scholarship department of having harassed her when she visited his office to pursue an application for a scholarship.

Several protests were staged by KIU students in Gilgit, Hunza and Ghizer districts against the incident. Some students reportedly attacked the accused officer. The protesting students were beaten up by unknown persons outside the university premises.

In response to the accusation, Dr Atta Ullah Shah, the vice-chancellor of KIU, constituted a committee to investigate the case, which found no evidence of harassment, but nonetheless recommended that the accused officer be transferred to a different department for his general conduct towards students.



*Several protests were staged by KIU students in Gilgit, Hunza and Ghizer districts against the incident.*

In the same month, a female doctor at the Health Department filed a written complaint to the GB health secretary accusing a colleague of

sexual harassment at the workplace. Rights activists point out that most cases of harassment against women at the workplace go unreported in GB despite the passage of the Protection against Harassment of Women at the Workplace Act 2013, indicating a failure to implement the law in letter and spirit.

## **Children**

Child rights activists allege that the incidence of child marriage, child abuse and violence against children has increased in GB over the last three years, while child begging and scavenging has also become more common. On a positive note, however, the GB government announced the establishment of a child protection unit in Gilgit in 2020.

## **People living with disabilities**

Despite the passage of the GB Persons with Disabilities Act 2019, PLWDs continued to allege that the employment quota for persons with special needs was not implemented across government departments, nor were they accorded opportunities for secondary education. The Covid-19 pandemic exacerbated the situation by making health facilities more difficult to access, while the vast majority of PLWDs, who remain dependent on their immediate families, were affected by loss of livelihood in poor households.

Earlier, the GB government had constructed a student hostel for people living with disabilities, who hailed from remote areas and were studying at the Special Education Complex in Gilgit. However, the National Accountability Bureau (NAB) has occupied the hostel as an office for several years. Although rights activists have staged protests and sit-ins on many occasions against what they term the illegal occupation of the building, the NAB has not paid heed. On 12 November, however, the chief court ordered the NAB to vacate the hostel.



# SOCIAL AND ECONOMIC RIGHTS

## Health

The GBLA passed two acts related to health during the year: the GB Covid-19 (Prevention of Hoarding) Act 2020 and the GB Infectious Diseases (Prevention and Control) Act 2020. In the wake of the Covid-19 pandemic, mismanagement, unplanned lockdowns and lack of adequate healthcare facilities were visible in the first phase. Of about 4,879 Covid-19 cases in GB, 101 reportedly succumbed to the virus. Although quarantine and isolation centres were established, residents of Jutial, Baseen and Danyore in Gilgit protested, saying that quarantine centres should not be set up in residential areas within the city.

During the initial phase of the pandemic, there was only one testing laboratory in the entire region, capable of carrying out only 15 tests a day. Consequently, hundreds of patients in Nagar and Baltistan were compelled to wait days to be tested. There were only three ventilators at the beginning of the lockdown, despite the disproportionately high ratio of Covid-19 cases in GB.

As in other areas, the closure of private clinics and out-patient departments meant that, during the lockdown, hundreds of other patients could not avail healthcare because doctors and paramedical staff were engaged in Covid-related emergency duties. This had a considerable impact on health in the region overall.

The increasing rate of suicides in GB remained cause for serious concern, with most cases being traced to poor mental health and contributing socioeconomic factors. GB still lacks adequate facilities for tackling mental health problems.

## Education

The GBLA passed two acts related to education: the GB Compulsory Education Act 2020 and the GB Private Educational Institutions (Schools, Colleges) Act 2020.

In the first phase of the lockdown, thousands of students and professionals flocked back from other cities to GB once educational institutions across Pakistan were closed down. However, the region's weak information technology and communications infrastructure seriously hampered students' ability to attend classes online. Numerous demonstrations were held by students in different districts, demanding that the government improve the state of internet connectivity, currently restricted to a single internet provider, the Special Communications Organisation.



*Numerous demonstrations were held by students in different districts, demanding that the government improve the state of internet connectivity.*

Subsequently, a widespread national social media campaign was launched demanding that GB residents be accorded greater digital rights. The #Internet4GilgitBaltistan movement became a top Twitter trends in less than 24 hours of the campaign launch and helped create awareness of digital rights.

## **Land acquisition**

Land acquisition by the government remains a source of great consternation among residents. Land and common property in GB are managed through a combination of statutory and customary laws. The bulk of land in the area belongs to the community and is deemed common property.

However, in the last few years, the GB government and other state institutions have increasingly begun to encroach on common property and acquire it without the consent of the communities it affects – nudging local communities towards confrontation with the state, according to human rights organisations.

In June, for example, residents of Zood Khun in the Chipurson valley blocked a convoy of Frontier Works Organisation (FWO) machinery, alleging that the FWO had acquired a mining lease without the consent of the local community. That the minerals sector in GB falls under the

control of the federation remains cause for concern among residents, who allege that hundreds of mining leases have been issued by the federal government to non-residents.

## **Environment**

During the year, GB witnessed its heaviest snowfall in 70 years, with climate activists tracing this to the ongoing climate crisis. GB remains especially vulnerable to climate change and environmental degradation in the absence of adequate planning, policies and laws, with implications for both the environment and livelihoods. Of serious concern is the gradual increase in the incidence of climate change-induced out-migration in parts of GB, especially in the region's upper valleys.



## **Pakistan's constitutional and international obligations**

### **Laws and law-making**

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

#### **Constitution of Pakistan Preamble**

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

#### **Universal Declaration of Human Rights Preamble**

### **Administration of justice**

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

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

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

#### **Article 9**

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

#### **Article 25(1)**

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

#### **Article 25(2)**

*The state shall ensure inexpensive and expeditious justice.*

#### **Article 37(2)**

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

**Article 24(2)**

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

**Universal Declaration of Human Rights  
Preamble**

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

**Article 6**

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

**Article 7**

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

**Article 8**

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

**Article 10**

*No one shall be arbitrarily deprived of his property.*

**Article 17(2)**

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

**Second Optional Protocol to International Covenant  
on Civil and Political Rights  
Article 1**

**Law and order**

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

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

*The dignity of man and, subject to law, the privacy of home, shall be inviolable.*

*No person shall be subjected to torture for the purpose of extracting evidence.*

**Article 14(1) and (2)**

*Everyone has the right to life, liberty and security of person.*

**Universal Declaration of Human Rights  
Article 3**

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

**Article 5**

*Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.*

**Article 11(1)**

*No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour or reputation. Everyone has the right to the protection of the law against such interference or attacks.*

**Article 12**

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

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

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

**Universal Declaration of Human Rights  
Article 8**

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

**International Convention for the Protection of  
All Persons from Enforced Disappearance  
Article 2**

**Jails and prisoners**

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

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

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

**Article 14(1) and (2)**

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

**Universal Declaration of Human Rights  
Article 5**

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

**Article 8**

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

**UN Convention against Torture and Other Cruel, Inhuman or  
Degrading Treatment or Punishment  
Article 2**

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

**UN Convention against Torture and Other Cruel, Inhuman or  
Degrading Treatment or Punishment  
Article 4**

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

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

**Constitution of Pakistan  
Preamble**

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

**Article 20**

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

**Universal Declaration of Human Rights  
Article 1**

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

**Article 18**

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

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

**Freedom of expression**

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

**Constitution of Pakistan  
Article 19**

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

**Article 19-A**

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

**Universal Declaration of Human Rights  
Article 19**

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

**Mandate of the Special Rapporteur  
UN Human Rights Council**

**Freedom of movement**

*Every citizen shall have the right to remain in and, subject to any reasonable restrictions imposed by law in the public interest, enter and move freely throughout Pakistan and to reside and settle in any part thereof.*

**Constitution of Pakistan  
Article 15**

*Everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right to leave any country, including his own, and to return to his country.*

**Universal Declaration of Human Rights  
Article 17(1, 2)**

1. *Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.*
2. *Everyone shall be free to leave any country, including his own.*
3. *The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognised in the present Covenant.*
4. *No one shall be arbitrarily deprived of the right to enter his own country.*

**International Covenant on Civil and Political Rights  
Article 12**

**Freedom of association**

*Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.*

**Constitution of Pakistan  
Article 17**

*Everyone has the right to freedom of peaceful ... association. No one may be compelled to belong to an association.*

**Universal Declaration of Human Rights  
Article 20(1, 20)**

*Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.*

**International Covenant on Civil and Political Rights  
Article 22**

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

**ILO Convention 87  
Article 2**

*Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.*

**ILO Convention 98  
Article 1**

## **Freedom of assembly**

*Every citizen shall have the right to assemble peacefully, and without arms, subject to any reasonable restrictions imposed by law in the interest of public order.*

### **Constitution of Pakistan Article 16**

*Everyone has the right to freedom of peaceful assembly and association.*

### **Universal Declaration of Human Rights Article 20(1)**

*...that the rights to freedom of peaceful assembly [and of association] are essential components of democracy, providing individuals with invaluable opportunities to, inter alia, express their political opinions, engage in literary and artistic pursuits and other cultural, economic and social activities, engage in religious observances or other beliefs, form and join trade unions and cooperatives, and elect leaders to represent their interests and hold them accountable.*

### **Human Rights Council Preamble Resolution 15/21**

## **Political participation**

*...the state shall exercise its powers and authority through the chosen representatives of the people...*

### **Constitution of Pakistan Preamble**

*...the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed...*

### **Preamble**

*...fundamental rights [shall be guaranteed] subject to law and public morality...*

### **Preamble**

*The state shall encourage local government institutions composed of elected representatives of the areas concerned and within such institutions special representation will be given to peasants, workers and women.*

### **Article 32**

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

### **Universal Declaration of Human Rights Preamble**

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

### **Article 1**

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (2) Everyone has the right of equal access to public service in his country. (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

#### **Article 21**

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country.

#### **International Covenant on Civil and Political Rights Article 25**

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; (c) To participate in non-governmental organisations and associations concerned with the public and political life of the country.

#### **Convention on the Elimination of All Forms of Discrimination against Women Article 7**

#### **Women**

All citizens are equal before law and are entitled to equal protection of law. There shall be no discrimination on the basis of sex. Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.

No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of...sex...

Nothing in clause (1) shall prevent the State from making any special provision for women and children. Steps shall be taken to ensure full participation of women in all spheres of national life. The state shall protect the marriage, the family, the mother...

#### **Constitution of Pakistan Articles 25, 27, 35, 37**

*All human beings are born free and equal in dignity and rights. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind...*

*All are equal before the law and are entitled without any discrimination to equal protection of the law... Men and women of full age...are entitled to equal rights as to marriage, during marriage and at its dissolution.*

*Marriage shall be entered into only with the free and full consent of the intending spouses. Everyone has the right of equal access to public service in his country. Motherhood and childhood are entitled to special care and assistance.*

**Universal Declaration of Human Rights**  
**Articles 1, 2, 7, 16, 21(2), 25(2)**

**Children**

*No child below the age of 14 years shall be engaged in any factory or mine or any other hazardous employment.*

**Constitution of Pakistan**  
**Article 11(3)**

*The state shall make provision for...ensuring that children...are not employed in vocations unsuited to their age...*

**Article 37(e)**

*...childhood is entitled to special care and assistance.*

**UN Convention on the Rights of the Child**  
**Preamble**

*In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.*

**Article 3(1)**

*States Parties recognise the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.*

**Article 24**

*The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parents.*

**Article 7**

*States Parties recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.*

**Article 32**

*States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse.*

**Article 34**

**Labour**

*Slavery is non-existent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form. All forms of forced labour and traffic in human beings are prohibited. No child below the age of 14 years shall be engaged in any factory or mine or any other hazardous employment.*

**Constitution of Pakistan**

**Article 11(1-3)**

*Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.*

**Article 17(1)**

*The state shall make provision for securing just and humane conditions of work ...*

**Article 37**

*The state shall secure the well-being of the people, irrespective of sex, caste, creed and race, by raising their standard of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriment of general interest and by ensuring equitable adjustment of rights between employers and employees, and landlords and tenants; provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure; provide for all persons, employed in the service of Pakistan or otherwise, social security by compulsory social insurance or other means; provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment; reduce disparity in the income and earnings of individuals ...*

**Article 38(a) to (e)**

*No one shall be held in slavery or servitude.*

**Universal Declaration of Human Rights**

**Article 4**

*Everyone, as a member of society, has a right to social security ....*

**Article 22**

*Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.*

*Everyone, without any discrimination, has the right to equal pay for equal work.*

*Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity and supplemented, if necessary, by other means of social protection.*

*Everyone has the right to form and to join trade unions for the protection of his interests.*

**Article 23(1-4)**

*Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holiday with pay.*

**Article 24**

*Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.*

**Article 25(1)**

*State parties recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.*

**UN Convention on the Rights of the Child  
Article 32(1)**

**Senior citizens**

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

**Constitution of Pakistan  
Article 25(1)**

*Nothing in this Article shall affect the validity of ... (e) ... any law providing for the acquisition of any class of property for the purpose of ... providing maintenance to those who, on account of unemployment, sickness, infirmity or old age, are unable to maintain themselves.*

**Constitution of Pakistan  
Article 24 (3)(e)(iii)**

**People living with disabilities**

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

**Constitution of Pakistan  
Article 25(1)**

*Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons; Non-discrimination; Full and effective participation and inclusion in society; Respect for difference and*

*acceptance of persons with disabilities as part of human diversity and humanity; Equality of opportunity; Accessibility; Equality between men and women; Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.*

**Convention on the Rights of Persons with Disabilities**

**Article 3 - General Principles**

*States Parties shall ensure an inclusive education system at all levels... States Parties shall ensure that Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability.*

**Convention on the Rights of Persons with Disabilities**

**Article 24(1)(2)(a)**

*States Parties recognise that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability.*

**Convention on the Rights of Persons with Disabilities**

**Article 25**

*States Parties recognise that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.*

**Convention on the Rights of the Child**

**Article 23(1)**

*Each Member shall, in accordance with national conditions, practice and possibilities, formulate, implement and periodically review a national policy on vocational rehabilitation and employment of disabled persons.*

**ILO Convention 159**

**Article 2**

**Refugees and internally displaced persons**

*Everyone has the right to seek and to enjoy in other countries asylum from persecution.*

**Universal Declaration of Human Rights**

**Article 14(1)**

*No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.*

**Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment**

**Article 3**

## **Education**

*The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law.*

**Constitution of Pakistan  
Article 25-A**

*...remove illiteracy and provide free and compulsory secondary education within minimum possible period.*

**Constitution of Pakistan  
Article 37-B**

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

**Constitution of Pakistan  
Article 19-A**

## **Health**

*The state shall secure the well-being of the people, irrespective of sex, caste, creed or race...provide basic necessities of life, such as...medical relief, for all such citizens...as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment...*

**Constitution of Pakistan  
Article 38(a) and (d)**

*Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.*

**Universal Declaration of Human Rights  
Article 25(1)**

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

*The state shall secure the well-being of the people, irrespective of sex, caste, creed and race, by raising their standard of living.*

**Constitution of Pakistan  
Article 38(a)**

*Everyone has the right to a standard of living adequate for the health and wellbeing of himself and his family, including ... housing*

**Universal Declaration of Human Rights  
Article 25(1)**

*The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions...*

**International Covenant on Economic, Social and Cultural Rights  
Article 11(1)**

**Environment**

*All human beings have the fundamental right to an environment adequate for their health and well-being. States shall conserve and use the environment and natural resources for the benefit of present and future generations. States shall establish adequate environmental protection standards and monitor changes in and publish relevant data on environmental quality and resource use.*

**Proposed Legal Principles for Environmental Protection and  
Sustainable Development  
Articles 1, 2, 4**

*The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities.*

**United Nations Framework Convention on Climate Change  
Article 3 - Principles**

*Promote and cooperate in education, training and public awareness related to climate change and encourage the widest participation in this process, including that of non-governmental organisations.*

**Article 4(1)(i)  
Commitments**



### Human rights legislation in 2020

This appendix outlines selected laws passed in 2020 that pertain to human rights.

#### Ordinances

- The *Enforcement of Women's Property Rights (Amendment) Ordinance 2019* (passed in 2020) amends the Enforcement of Women's Property Rights Ordinance 2019 to insert a sub-section related to actions any person can take if they are aggrieved by the ombudsperson's decision.
- The *Anti-Rape (Investigation and Trial) Ordinance 2020* creates special courts and a national sex offender registry, sets up a crisis cell for medico-legal examination within six hours of the incident, makes disclosing the victim's identity a punishable offence, and introduces chemical castration as punishment for rapists.
- The *Covid-19 (Prevention of Hoarding) Ordinance 2020* provides for the prevention of hoarding in respect of scheduled articles in the wake of an emergent situation resulting from the coronavirus outbreak.
- The *Covid-19 (Prevention of Smuggling) Ordinance 2020* provides for the prevention of smuggling of scheduled articles in the wake of an emergent situation resulting from the coronavirus outbreak.
- The *International Court of Justice (Review and Reconsideration) Ordinance 2020* provides for the right of review and reconsideration to foreign nationals in relation to orders and judgements of the International Court of Justice.

#### Federal legislation

- The *Enforcement of Women's Property Rights Act 2020* aims to protect and secure women's rights to ownership of property.
- The *Legal Aid and Justice Authority Act 2020* establishes an authority that provides legal, financial and other assistance in access to justice by the poor and vulnerable segments of society in criminal cases.
- The *Zainab Alert, Response and Recovery Act 2020* makes provisions for responding to and recovering missing and abducted children.
- The *Mutual Legal Assistance (Criminal Matters) Act 2020* enacts a law for mutual legal assistance in criminal matters.

- The *ICT Rights of Persons with Disability Act 2020* aims to promote, protect and effectively ensure the rights and inclusion of persons living with disabilities in line with Islamic injunctions and provisions of the Constitution.
- The *Medical Tribunal Act 2020* provides for the setting up of a special judicial tribunal to efficiently and expeditiously hear and decide disputes arising out of matters pertaining to the medical and health sectors.

## **Provincial legislation**

### ***Balochistan***

- The *Balochistan Housing and Town Planning Authority Act 2020* makes it obligatory for the provincial government to establish an authority for housing and town planning to provide shelter to the shelterless and establish a comprehensive system of town planning.
- The *Bolan University of Medical and Health Sciences (Amendment) Act 2020* further amends the Bolan University of Medical and Health Sciences Act 2017.
- The *Balochistan Seized and Friezed Institutions (Madaaris and Schools) Act 2020* provides for the establishment of a board to manage seized and frozen seminaries and schools and ensure the mainstreaming of students at such institutions.
- The *Balochistan Seized and Friezed Facilities (Hospitals and Dispensaries) Act 2020* establishes a board to manage seized and frozen facilities at hospitals and dispensaries and ensure the mainstreaming of employees at such facilities.

### ***Khyber Pakhtunkhwa***

- The *Khyber Pakhtunkhwa Rehabilitation of Minorities (Victims of Terrorism) Endowment Fund Act 2020* provides for the establishment of an endowment fund for the rehabilitation of minority victims of terrorism.
- The *Khyber Pakhtunkhwa Alternate Dispute Resolution Act 2020* provides for an alternate dispute resolution system in the province.
- The *Khyber Pakhtunkhwa Police (Amendment) Act 2020* further amends the Khyber Pakhtunkhwa Police Act 2017.
- The *Khyber Pakhtunkhwa Healthcare Service Providers and Facilities*

*(Prevention of Violence and Damage to Property) Act 2020* prohibits violence against healthcare service providers, patients and their attendants, and aims to prevent damage to or loss of property at healthcare service facilities and ensure uninterrupted provision of healthcare services.

- The *Khyber Pakhtunkhwa Energy Development Organization Act 2020* provides for the sustainable and green development of power resources for the province.
- The *Khyber Pakhtunkhwa Prisons (Amendment) Act 2020* further amends the Prisons Act 1984.
- The *Covid-19 (Prevention of Hoarding) Act 2020* provides for the prevention of hoarding in respect of scheduled articles in the wake of the situation resulting from the outbreak of the coronavirus pandemic.
- The *Khyber Pakhtunkhwa Reproductive Healthcare Rights Act 2020* provides reproductive healthcare and promotes reproductive health rights.
- The *Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act 2020* provides for the prevention and control of infectious diseases and aims to provide relief to people in emergency situations.
- The *Khyber Pakhtunkhwa Water Act 2020* aims to comprehensively manage and regulate water resources in the province in the interest of conservation and sustainability.
- The *National Disaster Management (Khyber Pakhtunkhwa) (Amendment) Act 2020* further amends the National Disaster Management Act 2010.
- The *Khyber Pakhtunkhwa Vagrancy Restraint Act 2020* provides for the care, rehabilitation and reintegration of vagrants in the province.
- The *Khyber Pakhtunkhwa Protection against Harassment of Women at the Workplace (Amendment) Act 2020* further amends the Protection against Harassment of Women at the Workplace Act 2010 by providing details of the ombudsperson's appointment process.
- The *Khyber Pakhtunkhwa Panahgah Act 2020* establishes shelter home facilities for people to seek shelter in dignity.
- The *Khyber Pakhtunkhwa Mines, Safety, Inspection and Regulation Act*

2019 (passed in 2020) consolidates and amends the law relating to the safety of mines and mining operations and the inspection and regulation of mines, mining operations and materials used therein to promote and improve the safety and health of persons working in mines.

- The *Khyber Pakhtunkhwa Journalist Welfare Endowment Fund (Amendment) Act 2019* (passed in 2020) further amends the Khyber Pakhtunkhwa Journalist Welfare Endowment Fund Act 2014 with clauses that define important terms such as ‘deserving journalist’ and what kind of compensation and assistance will be given under the term ‘welfare’.

### ***Punjab***

- The *Punjab Infectious Diseases (Prevention and Control) Act 2020* provides for the prevention and control of infectious diseases by setting out general health protection measures and restrictions on gatherings.
- The *Punjab Prevention of Hoarding Act 2020* provides for the prevention of hoarding in respect of scheduled articles in an emergent situation resulting from the coronavirus outbreak.
- The *Punjab Protected Areas Act 2020* provides for the protection, preservation, conservation, and management of ecologically important areas.
- The *Punjab Private Educational Institutions (Promotion and Regulation) (Amendment) Act 2020* amends the Punjab Private Educational Institutions (Promotion and Regulation) Ordinance 1984 by inserting a new section on how the registering authority may issue special directives for closure of schools in special circumstances such as calamities and epidemics, while ensuring that education is imparted through alternative means.
- The *Punjab Curriculum and Textbook Board (Amendment) Act 2020* amends the Punjab Curriculum and Textbook Board Act 2015 by inserting a clause related to the prohibition of publishing material related to Islam without prior approval from the Muttahida Ulema Board in Punjab.
- The *Punjab Women Protection Authority (Amendment) Act 2020* amends the Punjab Women Protection Authority Act 2017 by inserting clauses related to the chairperson’s perks and privileges and travelling allowance for members attending a meeting of the authority.

## ***Sindh***

- The *Establishment of the Office of the Ombudsman for the Province of Sindh (Amendment) Act 2020* amends the Establishment of the Office of the Ombudsman for the Province of Sindh Act 1991.
- The *Sindh Covid-19 Emergency Relief Act 2020* aims to provide relief to the people of Sindh in the emergency situation arising from the coronavirus pandemic.
- The *Sindh Covid-19 Emergency Relief (Amendment) Act 2020* amends the Sindh Covid-19 Emergency Relief Act 2020 by adding clauses related to the health department's awareness campaign, paid leave for employees who test positive for Covid-19, and mandatory mask wearing at public places.

## **Legislation by administrative regions**

### ***Gilgit-Baltistan***

- The *Gilgit-Baltistan Bonded/Forced Labour System (Abolition) Act 2020* provides for the abolition of the system of bonded and/or forced labour.
- The *Gilgit-Baltistan Forest (Amendment) Act 2020* amends the Gilgit-Baltistan Forest Act 2019.
- The *Gilgit-Baltistan Compulsory Education Act 2020* provides for compulsory education to children living in Gilgit-Baltistan.
- The *Gilgit-Baltistan Covid-19 (Prevention of Hoarding) Act 2020* provides for the prevention of hoarding of scheduled articles in an emergent situation resulting from the coronavirus outbreak.
- The *Gilgit-Baltistan Infectious Diseases (Prevention and Control) Act 2020* provides for the prevention and control of infectious diseases in Gilgit-Baltistan.

### ***Azad Jammu and Kashmir***

- The *Azad Jammu and Kashmir Land Acquisition Act 2020* amends and consolidates the law relating to acquisition of land or other properties for public purpose or for companies.
- The *Azad Jammu and Kashmir Commission for Human Rights Act 2020* provides for the establishment of a human rights commission to ensure the promotion, protection and enforcement of human rights in the region.

- The *Criminal Law (Third Amendment) Act 2020* further amends the Azad Penal Code 1860 and Code of Criminal Procedure to define procedures related to rape or unnatural offences against minors.
- The *Azad Jammu and Kashmir Distressed Persons Relief (Amendment) Act 2020* further amends the Azad Jammu and Kashmir Distressed Persons Relief Act 1985.
- The *Criminal Law (Fifth Amendment) Act 2020* further amends the Azad Penal Code 1860 and Code of Criminal Procedure 1898 with sections on offences related to property grabbing.
- The *Azad Jammu and Kashmir Nikah and Talaq Registration Act 2020* amends the existing laws pertaining to marriage and divorce.
- The *Azad Jammu and Kashmir Covid-19 (Prevention of Hoarding) Act 2020* provides for the prevention of hoarding in respect of scheduled articles in the wake of an emergent situation resulting from the outbreak of the coronavirus pandemic.



### HRCP activities

#### Workshops, seminars, meetings and press briefings

##### January

- 6–9 January, Karachi: Meetings with journalists, lawyers and civil society on the establishment of a national commission for minorities.
- 10 January, Hyderabad: Meeting on peasants' tenancy rights with reference to the Sindh Tenancy Act amendments suggested in light of the Sindh High Court (circuit bench Hyderabad) judgement.
- 11 January, Multan: Meeting with students on human rights issues and education policies.
- 14 January, Islamabad: Seminar on constitutionalism and human rights.
- 15 January, Hyderabad: Meeting with civil society on the establishment of a national commission for minorities.
- 23 January, Peshawar: Focus group discussion on freedom of expression.
- 24 January, Lahore: Roundtable consultation to mark the tenth annual Day of the Endangered Lawyer.
- 27 January, Lahore: Focus group discussion on the security and protection of human rights defenders.
- 31 January, Quetta: Mobilisation meeting with human rights defenders, journalists, teachers and lawyers.
- 31 January, Karachi: Consultation on the city's anti-encroachment drive.
- 31 January, Multan: Labour rights convention on strengthening labour unions and abolishing the practice of *peshgi*.
- 31 January, Islamabad: Mobilisation meeting with human rights defenders on freedom of opinion and expression.

## February

- 1 February, Hyderabad: Mobilisation meeting with journalists on human rights work.
- 1 February, Loralai: Mobilisation meeting with human rights defenders, journalists, teachers and lawyers.
- 1 February, Lahore: Mobilisation meeting with student activists on human rights work.
- 2 February, Lahore: Mobilisation meeting with lawyers on human rights work.
- 3 February, Islamabad: Meeting with the National Commission on the Status of Women on the establishment of a national commission for minorities.
- 3 February, Karachi: Mobilisation meeting with human rights defenders.
- 3 February, Islamabad: Focus group discussion on freedom of opinion and expression.
- 3 February, Peshawar: Mobilisation meeting with human rights defenders.
- 4 February, Lahore: Meeting with journalists to discuss the impact of censorship, constant scrutiny and security issues on their work.
- 4 February, Multan: Mobilisation meeting with lawyers on human rights work.
- 4 February, Islamabad: Meeting with journalists on freedom of opinion and expression.
- 4 February, Islamabad: Meeting with the National Commission for Human Rights on the establishment of a national commission for minorities.
- 4 February, Peshawar: Mobilisation meeting with journalists and lawyers on human rights work.
- 5 February, Multan: Mobilisation meeting with human rights defenders.

- 5 February, Hyderabad: Mobilisation meeting with lawyers, peasants and human rights defenders.
- 5 February, Peshawar: Mobilisation meeting with teachers and student activists on human rights work.
- 6 February, Islamabad: Meeting with the minister for human rights on the establishment of a national commission for minorities.
- 6 February, Islamabad: Mobilisation meeting with women's rights activists and lawyers.
- 6 February, Islamabad: Meeting of the National Interfaith Working Group set up by HRCP with a European Union monitoring mission.
- 6 February, Peshawar: Meeting with members of the provincial assembly on the establishment of a national commission for minorities.
- 6 February, Lahore: Mobilisation meeting with lawyers on human rights work.
- 8 February, Khuzdar: Mobilisation meeting with human rights defenders, journalists, teachers and lawyers.
- 10 February, Lahore: Mobilisation meeting with journalists on human rights work.
- 11 February, Islamabad: First Asma Jahangir Memorial Lecture (I. A. Rehman).
- 12 February, Islamabad: Meeting with the chairperson of the Council of Islamic Ideology on the establishment of a national commission for minorities.
- 14 February, Karachi: Mobilisation meeting with lawyers on human rights work.
- 16 February, Mithi: Consultation on the rights of religious minorities in Tharparkar.
- 17 February, Karachi: Consultation on a draft bill to revive student unions in Sindh.
- 20 February, Karachi: Mobilisation meeting with journalists on human rights work.

- 28–29 February, Gilgit: Awareness session held in collaboration with the Aga Khan Development Network on gender sensitization and gender-based violence.

### **March**

- 3 March, Islamabad: Meeting with the chairperson of the National Assembly Standing Committee on Human Rights on the establishment of a national commission for minorities.
- 4–5 March, Hunza: Awareness session held in collaboration with the Aga Khan Development Network on gender sensitization and gender-based violence.
- 19 March, Islamabad: Meeting on the Prevention of Electronic Crimes Act 2016 and proposed social media rules.
- 20 March, Quetta: Press conference to demand the safe recovery of Idris Khattak.
- 28 March, Multan: Mobilisation meeting with journalists on human rights work.

### **May**

- 1 May, Multan: Webinar with human rights defenders, lawyers and labourers to mark International Labour Day.
- 11 May, Islamabad: Webinar on food insecurity among vulnerable communities during the Covid-19 crisis.
- 21 May, Multan: Webinar on whether domestic violence increased during the Covid-19 crisis.
- 22 May, Hyderabad: Webinar on rising suicide rates in Pakistan during the Covid-19 crisis.
- 23 May, Islamabad: Webinar on the right to life and livelihoods.

### **June**

- 3 June, Karachi: Webinar on the right to mental healthcare during the Covid-19 crisis.
- 4 June, Lahore: Webinar on protecting labour rights during the Covid-19 crisis.

- 5 June, Islamabad: Webinar on the situation of labour during the Covid-19 crisis.
- 6 June, Quetta: Webinar on the right to food security during the Covid-19 crisis.
- 8 June, Karachi: Webinar on why Pakistan must criminalise enforced disappearances.
- 8 June, Peshawar: Webinar on what 2020 holds for Pakistan on reviewing the human rights situation in 2019.
- 9 June, Multan: Webinar with journalists on food insecurity during the Covid-19 crisis.
- 9 June, Multan: Webinar on reporting human rights violations during the Covid-19 crisis.
- 10 June, Peshawar: Webinar on whether domestic violence increased during the Covid-19 crisis.
- 10 June, Quetta: Webinar on what 2020 holds for Pakistan on reviewing the human rights situation in 2019.
- 11 June, Karachi: Webinar on food insecurity among vulnerable communities during the Covid-19 crisis.
- 11 June, Karachi: Webinar on the state of human rights in Pakistan.
- 11 June, Hyderabad: Webinar on sanitation workers' access to PPE and discrimination against religious minorities during the Covid-19 crisis.
- 11 June, Peshawar: Webinar on protecting labour rights during the Covid-19 crisis.
- 12 June, Islamabad: Webinar on whether domestic violence increased during the Covid-19 crisis.
- 12 June, Hyderabad: Webinar on what 2020 holds for Pakistan on reviewing the human rights situation in 2019.
- 13 June, Quetta: Webinar on whether domestic violence increased during the Covid-19 crisis.

- 19 June, Multan: Webinar on whether the transgender community was affected disproportionately by the Covid-19 crisis and the implementation of the Transgender Persons (Protection of Rights) Act 2018.
- 27 June, Lahore: Webinar on the Covid-19 crisis and associated human rights challenges, conducted in collaboration with Beaconhouse School System.

## **July**

- 9 July, Karachi: Webinar on access to education during the Covid-19 crisis.
- 24 July, Islamabad: Webinar on human rights protection mechanisms in Punjab and Khyber Pakhtunkhwa.
- 24 July, Karachi: Webinar on citizens' behaviour and the state's response during the Covid-19 crisis.

## **August**

- 8 August, Quetta: Webinar on access to education during the Covid-19 crisis.
- 9 August, Hyderabad: Webinar on local governments' performance and the delivery of municipal services to citizens.
- 11 August, Lahore: Seminar in collaboration with the Centre for Social Justice on religious tolerance to mark National Minorities Day.
- 11 August, Karachi: Webinar on environmental rights and activism to conserve Pakistan's forests.
- 11 August, Hyderabad: Webinar on enforced disappearances in Pakistan, assessing the socioeconomic problems of missing persons' families.
- 12 August, Lahore: Webinar on curbs on freedom of expression in the context of the Tahafuz-e-Bunyad-e-Islam Bill 2020.
- 12 August, Islamabad: Webinar on child domestic labour in Pakistan.
- 15 August, Quetta: Webinar on the long-term repercussions of the Covid-19 crisis for human rights defenders.

- 19 August, Hyderabad: Webinar on access to education during the Covid-19 crisis.
- 20 August, Lahore: Webinar on the impact of the Covid-19 crisis on domestic workers.
- 21 August, Quetta: Webinar on protecting women's rights during the Covid-19 crisis.
- 24 August, Islamabad: Webinar on Pakistan's internet censorship.
- 26 August, Peshawar: Webinar on the socioeconomic implications of the Covid-19 crisis.
- 27 August, Peshawar: Webinar on the rise of unemployment in the services sector.
- 28 August, Peshawar: Webinar on how the Covid-19 crisis has impacted the overall healthcare delivery system in Pakistan.
- 31 August, Lahore: Panel discussion to mark International Day of the Victims of Enforced Disappearances.

### **September**

- 5–7 September, Lahore: Training workshops on social citizenship and social, economic and cultural rights within the broader framework of human rights as guaranteed by the Constitution.
- 10 September, Turbat: Meeting to discuss the murder of journalist Shaheena Shaheen.
- 21–23 September, Islamabad: Training workshops on social citizenship and human rights.
- 30 September, Karachi: Press conference on the surge in persecution of the Shia community.

### **October**

- 2 October, Lahore: Roundtable discussion on the implementation of the Police Order 2002.
- 6 October, Karachi: Webinar on the role of human rights defenders as agents of change.

- 6 October, Hyderabad: Meeting with the transgender community to assess the implementation of the Transgender Persons (Protection of Rights) Act 2018.
- 8 October, Quetta: Meeting on the use of social media to report human rights violations in Balochistan.
- 16 October, Islamabad: Webinar on bonded labour and child labour protection mechanisms in Pakistan.
- 16 October, Multan: Webinar on women's safety in public spaces in the aftermath of the motorway rape incident.
- 24 October, Quetta: Meeting with human rights defenders on the current state of human rights and health in Balochistan.
- 24–25 October, Lahore: Training workshops for participants from southern Punjab on security and advocacy for human rights defenders.
- 26 October, Islamabad: Webinar on the state of human rights institutions and laws in Pakistan.
- 28 October, Hyderabad: Meeting with human rights defenders on extra-judicial killings in Sindh.

### **November**

- 4 November, Multan: Meeting with human rights defenders on prisoners' rights and healthcare during the Covid-19 crisis.
- 6 November, Multan: Meeting with human rights defenders on the security and protection of journalists.
- 8 November, Lahore: HRC Council election and 33rd Annual General Meeting.
- 11 November, Islamabad: Focus group discussion on freedom of expression and journalists' security.
- 11–12 November, Peshawar: Training workshop on advocacy and security of human rights defenders.
- 13 November, Karachi: Webinar on contract workers and the minimum wage in Sindh.

- 13 November, Hyderabad: Meeting with human rights defenders on human rights violation reports in the press.
- 13 November, Quetta: Meeting with human rights defenders on whether state policies are adversely affecting the quality of education in Balochistan.
- 14–15 November, Islamabad: Training workshop on advocacy and security of human rights defenders.
- 16 November, Multan: Focus group discussion on the security of journalists.
- 17 November, Multan: Focus group discussion on the security of journalists in conflict areas.
- 18 November, Peshawar: Meeting with human rights defenders on human rights violations and reporting mechanisms.
- 18–20 November, Hyderabad: Training workshops on social citizenship and human rights.
- 24 November, Karachi: Focus group discussion on the harassment of women in the media.
- 24 November, Lahore: Focus group discussion on job insecurity and the future of print in times of other media.
- 24 November, Quetta: Focus group discussion on the security of journalists in conflict areas.
- 24 November, Peshawar: Meeting with human rights defenders on human rights violations and reporting mechanisms
- 25–26 November, Quetta: Training workshop on advocacy and security of human rights defenders.
- 26 November, Peshawar: Meeting with human rights defenders on human rights violations and reporting mechanisms.
- 27 November, Islamabad: Webinar on the community’s response to gender-based violence; its causes, effects and prevention mechanisms.
- 30 November, Karachi: Panel discussion on the modern judiciary system in comparison to the jirga system.

## **December**

- 7 December, Lahore: Webinar on the online harassment of women in Pakistan.
- 9 December, Quetta: Webinar on gender-based violence against persons living with disabilities.
- 10 December, Lahore: National webinar on gender-based violence during the Covid-19 crisis to mark Human Rights Day and 16 Days of Activism Against Gender-Based Violence.
- 10 December, Karachi: Webinar with students on a rights-based approach to gender equality.
- 14 December, Lahore: Webinar in collaboration with the Institute for Research, Advocacy and Development on the rights of religious minorities in Pakistan.
- 24 December, Multan: Focus group discussion on representations of women and minorities from rural Pakistan in the mainstream media.

## **Fact-finding missions**

- 16 February, Karachi: Fact-finding mission to investigate the gas leak at Kemari harbour.
- 25 February, Kasur: Fact-finding mission to investigate the alleged desecration of an Ahmadiyya place of worship.
- 4 March, Kasur: Fact-finding mission to investigate the murder of a Christian child.
- 20 March, Kasur: Fact-finding mission to investigate the alleged torture and subsequent death of a Christian man for having 'polluted' a tube-well.
- 6 March, Karachi: Fact-finding mission to investigate the alleged forced conversion of a 14-year-old Christian girl in Korangi.
- 28 May, Bahawalpur: Fact-finding mission in Yazman to investigate the demolition of homes belonging to the Hindu community.
- 11 July, Jamshoro: Fact-finding mission to investigate the alleged honour killing of Waziran Chachhar.

- 18 August, Karachi: Fact-finding mission to investigate the kidnapping of a transgender person.
- 9–10 September, Karachi: Fact-finding mission to investigate the reasons for and impact of urban floods in Karachi.
- 2 October, Rahimyar Khan: Fact-finding mission in Liaquatpur to investigate the demolition of homes belonging to the Hindu community.
- 10 October, Gujranwala: Observation mission to monitor the progress of the Pakistan Democratic Movement rally from Lahore and Lala Musa to Gujranwala.
- 12 November, Vehari: Fact-finding mission to investigate the alleged murder of a farmer at a protest.
- 14–18 November, Chitral: Fact-finding mission to investigate rising suicide rates, growing religious and cultural polarisation, and forced conversions in the Kalasha Valley.
- 22 December, Lahore: Visit to Camp Jail to assess prisoners' access to healthcare during the Covid-19 crisis.
- 23 December, Multan: Visit to Central Jail and Women's Jail to investigate prisoners' access to healthcare during the Covid-19 crisis.

## **Demonstrations, rallies and visits in solidarity**

### **February**

- 15 February, Hyderabad: Sindh *hari* and *mazdoor* convention.
- 21 February, Quetta: Demonstration against restrictions on social media.

### **March**

- 8 March, Multan: Solidarity visit to Aurat March held in Multan.
- 8 March, Hyderabad: Solidarity visit to Aurat Azadi March held in Sukkur.
- 11 March, Islamabad: Demonstration for the release of Idris Khattak.

- 13 March, Karachi: Demonstration for the release of Idris Khattak.
- 13 March, Hyderabad: Demonstration for the release of Idris Khattak.
- 13 March, Peshawar: Demonstration for the release of Idris Khattak.
- 13 March, Multan: Demonstration for the release of Idris Khattak.

### **May**

- 5 May, Turbat: Solidarity visit to Surs to condole with the family of journalist Sajid Hussain.

### **June**

- 11 June, Karachi: Demonstration in collaboration with the Joint Action Committee for the release of Idris Khattak.
- 12 June, Karachi: Solidarity visit to polio workers action committee.

### **August**

- 11 August, Islamabad: Demonstration to mark National Minorities Day.
- 14 August, Karachi: Solidarity visit to protest held by families of missing persons.
- 22 August, Turbat: Solidarity visit to Absar to condole with the family of slain student Hayat Baloch.
- 22 August, Karachi: Solidarity visit to protest held by Baloch students' educational organisation against the murder of Hayat Baloch.
- 30 August, Turbat: Demonstration to commemorate International Day of the Victims of Enforced Disappearances.

### **September**

- 6 September, Karachi: Solidarity visit to protest demanding the release of abducted lawyer Muhib Azad Laghari.
- 8 September, Turbat: Solidarity visit to condole with the family of slain journalist Shaheena Shaheen.

- 11 September, Multan: Solidarity visit to students' protest held for the restoration of scholarships for reserved seats for Baloch and erstwhile FATA students.
- 13 September, Hyderabad: Solidarity visit to protest held against the motorway rape incident.
- 16 September, Karachi: Solidarity visit to Dow Medical University students who were forcibly evicted from their hostels.
- 20 September, Karachi: Solidarity visit to protest held against rape.
- 20 September, Karachi: Solidarity visit to protest against the murder of journalist Shaheena Shaheen.
- 26 September, Hyderabad: Solidarity visit to rally held for the safe recovery of missing persons in Sindh.

### **October**

- 4 October, Karachi: Solidarity visit to protesters marching against enforced disappearances in Sindh.
- 8 October, Hyderabad: Solidarity visit to demonstration organised by civil society members against PIDA ordinance.
- 9 October, Karachi: Solidarity visit to bonded labourers at the Sikanderabad-Kotri *hari* camp.
- 11 October, Karachi: Solidarity visit to boat rally against federal government ordinance on the occupation of two islands in Sindh.
- 25 October, Karachi: Solidarity visit to protest held against forced conversions.

### **Complaints Cell**

HRCP's Complaints Cell received a total of 1,184 complaints between 1 January and 31 December 2020.

The bulk of these related to gender-based violence and other human rights violations.

## **Internship programme**

Mr Salar Rashid (22 June–17 July) assisted with the production of a fact-finding on the demolition of Hindu homes in Bahawalpur. HRCP's internship programme in 2020 was severely limited by the Covid-19 crisis.

## **Publications**

HRCP released the following publications in 2020:

- *State of Human Rights in 2019* (annual report).
- *Women Legislators' Political Participation in Pakistan 2018–20* (project publication).
- *Conspicuous by Its Absence: Freedom of Religion or Belief in 2020* (project publication).
- *Prisons and the Pandemic: Access to Healthcare in Punjab's Prisons* (project publication and policy brief).
- *How Far Have Women Legislators Come? An Assessment 2018–20* (policy brief).
- *Covid-19 and Gender-Based Violence Against Women* (policy brief).
- *'Access Denied': Why Are Minorities' Sites of Worship Being Closed?* (fact-finding report).
- *Demolition of Hindu Homes in Yazman, Bahawalpur* (fact-finding report).
- *Citizens – Covid-19 – Government: Pakistan's Response* (fact-finding report).
- *Karachi's Urban Flooding: Looking for Solutions* (fact-finding report).



### HRCP stands

#### Social media

##### *Rule of law*

7 February: HRCP is perturbed at the National Assembly's resolution calling for child sexual abusers to be hanged publicly. This contravenes Pakistan's international human rights obligations and brutalises society further. Calling for public hangings does not absolve the state of its responsibility to protect children from abuse and violence. Nor is there any evidence to suggest that public hangings will deter perpetrators.

##### *Enforcement of law*

6 January: HRCP deplors the raid on the publishing house that recently released the Urdu translation of @mohammedhanif's novel 'A Case of Exploding #Mangoes'. Copies of 'Phatay Amon Ka Case' were also confiscated. The authorities must revoke this action immediately. This is a craven attempt to stifle artistic freedom of expression. The original work, a political satire set in Gen Zia-ul-Haq's time, came out 11 years ago and has remained a bestseller in Pakistan and abroad for years. @mohammedhanif was also awarded the Sitara-i-Imtiaz.

20 January: While HRCP welcomes the authorities' decision to allow @Advjalila [Jalila Haider] to leave for the UK, we question the need for having detained her illegally for six hours on the claim that her name was on the ECL. We condemn this ill-conceived action because it simply continues the pattern of arbitrarily targeting the freedom of movement of human rights defenders and journalists without cause. #JalilaHaider

28 January: HRCP deplors the police crackdown on peaceful civil society activists and political workers in Islamabad, demanding the release of detained #PTM leader #ManzoorPashteen. The authorities must refrain from high-handedness and respect citizens' rights as enshrined in the Constitution

17 February: HRCP mourns the loss of life of citizens, including law enforcement personnel, in today's suicide attack in #Quetta. The govt must curb such acts of terrorism and implement the NAP in letter and spirit. The state's primary duty is to safeguard people's right to life and security.

12 March: HRCP is deeply concerned at the arrest of Mir Shakil-ur-Rehman, editor-in-chief of the #Jang/Geo group by NAB, on a 34-year-

old property-related matter. There remains a strong suspicion that such actions by NAB are selective, arbitrary and politically motivated. The journalist community sees this as yet another attempt to gag a beleaguered independent press. HRCP demands that the government should immediately take steps to address this issue and prove its commitment to #pressfreedom.

26 March: HRCP appreciates the court rulings and measures taken by the administration to provide relief to prisoners during the #COVID2019 pandemic. This health emergency also gives the state an opportunity to immediately recover victims of enforced disappearance, who are also vulnerable.

6 April: HRCP is deeply disappointed at the arrest of doctors in #Balochistan. Doctors and paramedics are at the forefront of the effort against the #Covid19 pandemic and such high-handedness is uncalled for. They should be released immediately and provided the protective gear they need.

24 June: HRCP is gravely concerned at reports that two #Balochistan-based journalists were arrested and badly tortured, allegedly for having criticised the Frontier Corps for inadequate quarantine facilities in #Chaman. That the two journalists were apparently arrested under the MPO is absurd. That they were subjected to torture in connection with their work is intolerable. HRCP demands a transparent, independent enquiry.

6 July: HRCP condemns the highhandedness of the authorities and their use of force in dealing with @24NewsHD #media workers who have been agitating for decent #wages and #job retention.

17 July: HRCP believes that the honourable #SupremeCourt bears responsibility for safeguarding citizens' fundamental rights, incl. freedom of expression. HRCP therefore stands with journalist @Matiullahjan919 and prays the court to immediately withdraw the suo moto notice issued to him

12 September: HRCP is alarmed by the arrest of journalist Bilal Farooqui in Karachi. We demand an impartial inquiry into the matter and his immediate release. @bilalfqi

24 September: HRCP is alarmed by the news in circulation that the FIA is registering cases against 49 #journalists and social media activists under #PECA regulations. We demand that the state refrain from such action and stop using the FIA to curb political #dissent.

29 September: HRCP is deeply concerned at the growing phenomenon of abuse of statutory provisions that impede freedom of speech. The latest instance is the criminal #defamation instituted against nine activists who merely expressed their opinion on social media. It has been our long-standing demand that laws which criminalise speech, including defamation, are unreasonable and undemocratic restrictions on freedom of speech and the #press.

Criminal defamation may lead to custodial sentences and the imposition of huge fines, as is the case with S. 20 of #PECA. HRCP demands that the criminal cases instituted by the FIA for alleged defamation be withdrawn immediately. We reiterate that these laws should be repealed.

15 September: HRCP condemns the registration of an FIR against journalist @AsadAToor on charges of defamation. The alarming increase in such actions against journalists confirms that the government is bent on muzzling freedom of expression. HRCP demands that the rights of citizens be respected and that both the government and state adopt course correction.

9 December: HRCP strongly condemns the craven attempt to intimidate @voicepkdotnet reporters earlier today during their visit to a police station in Model Town, Lahore, to obtain an FIR copy. Their phones were seized, and they were forced to enter their passwords and delete files on their devices. They were also threatened with arrest on no grounds whatsoever. To bully young journalists on assignment in this manner is deplorable and reflects the state's constant, heavy-handed attempts to curtail press freedom. @voicepkdotnet

27 December: HRCP notes with concern that a longstanding member, Asif-ul-Bashar in Nawabshah, Sindh, has received threatening phone calls from an anonymous caller. We demand that the police act immediately to identify and restrain the culprits and ensure Mr Bashar's safety #HumanRightsDefenders

### *Democratic participation*

12 May: HRCP is deeply concerned at the government's decision to ban the political party Jeay #Sindh Qaumi Mahaz (Arisar). The government must distinguish between political parties and terrorist organisations before proscribing any of them. Slapping #bans on political dissenters is against the spirit of #democracy and the Constitution. Such acts will further fracture our polity and society. #Sindh

16 October: HRCP is deeply concerned over the reported crackdowns on political workers on the eve of the opposition rally in #Gujranwala. This is in violation of citizens' constitutional and legal rights.

29 November: HRCP is deeply alarmed by the strong-arm tactics employed by the Punjab government against the opposition on the eve of the 30 November political rally in #Multan. On the one hand the ruling party continues with its own public gatherings and even facilitated a major funeral procession in Lahore a day before the opposition's Peshawar rally. On the other hand, it is using the pandemic as a pretext to curb the opposition rally in Multan. While the opposition leadership must ensure that SOPs are observed at their rallies, the government must refrain from measures that suppress the legal and constitutional rights of citizens.

### *Fundamental freedoms*

27 January: #ReleaseMazoorPashteen HRCP is gravely concerned at the arrest of #ManzoorPashteen, a key leader of the #PTM, on charges of sedition, among others. We demand that he be released immediately. #ManzoorPashteen has held consistently that the state is responsible for protecting the fundamental rights guaranteed to all citizens under the Constitution.

Among other things, #ManzoorPashteen has advocated for the removal of landmines in former FATA, the recovery of forcibly disappeared persons, and for effective civilian control of former FATA, following the passage of the Twenty-Fifth Amendment Act 2018. HRCP demands that the government listen to the #PTM's demands and engage with it politically rather than using force. #ReleaseMazoorPashteen

30 January: HRCP demands the immediate recovery of #MohsinAbdali, a student and #climate and rights activist, who was abducted earlier this morning from his home in Lahore. The heinous practice of abducting or disappearing citizens violates constitutional freedoms and must cease.

12 February: HRCP is perturbed by the way @GulBukhari is being vilified and targeted. It is essential for the benefit of any state to recognise the importance of dissenting voices.

17 February: HRCP is deeply saddened at the murder of journalist Aziz Memon. In an interview broadcast on social media, he had named certain individuals who were threatening him. We demand that the federal and Sindh govts order an independent inquiry and hold the perpetrators accountable.

26 February: HRCP condemns the murder of Javedullah Khan, a Swat-based journalist who was killed in Matta by unidentified men. He is the second journalist to have been killed in February alone.

4 March: HRCP condemns the use of abusive language by TV

screenwriter Khalilur Rehman Qamar against journalist and rights activist @marvisirmed. Mr Qamar has also been offensive to senior rights activist Tahira Abdullah in the past. Such misogynistic rants are unacceptable.

8 March: HRCP condemns the attack by miscreants on @AuratAzadiMarch participants in Islamabad. However, the sheer strength in numbers and firm resolve of the participants ensured that the march carried on. We stand in solidarity with the marchers and reiterate our support for their demands.

2 May: HRCP strongly condemns the murder of PTM leader #ArifWazir. Mr Wazir's family has suffered inordinate losses at the hands of militants in former FATA. The state must conduct a transparent, effective investigation if it is serious about bringing peace and stability to former FATA.

7 May: HRCP deplores the recent surge of toxic tweets against academics @nidkirm, @AmmarRashidT and @ammaralijan. We urge @Twitter not to give any latitude to false, dangerous allegations and incitement to violence.

17 May: HRCP also notes with great concern that many people who have spoken up against the #Waziristan murders on social media platforms have been threatened or ridiculed. The state must make it clear to all that it will not tolerate any support for this heinous practice.

30 May: HRCP condemns in the strongest possible terms the brutal mob lynching in #Quetta, in which at least one man died and several others critically injured. Vigilantism cannot be condoned in any circumstances. The perpetrators must be brought to justice in a fair, transparent manner.

10 June: HRCP is alarmed by reports of a vicious campaign lodged by a group of clerics, belonging to a political party, against academic @Arfanamallah66 of Sindh University Jamshoro. All @Arfanamallah66 has done is exercise her fundamental right to express dismay over the registration of an FIR against fellow academic Prof Sajid Soomro at Shah Abdul Latif University Khairpur. In all cases, including these two, the state must ensure the safety of its citizens and prohibit the misuse of the #blasphemy and #sedition laws to silence independent voices or settle personal scores.

29 June: HRCP mourns the loss of valuable lives in the deplorable armed attack on the Pakistan Stock Exchange in #Karachi today. The right to life must remain foremost. It is the government's responsibility to seek a political solution to issues that cause such violence. #KarachiAttack

16 July: HRCP deplores the abduction of #ShafqatMalik, a member of @AWPSindh from Ghotki, allegedly by a law enforcement agency and plainclothes men. The abduction and disappearance of political workers and human rights defenders in #Sindh have reached alarming proportions. Such actions are unlawful and unconstitutional. HRCP demands the immediate release of #ShafqatMalik and all others illegally detained.

17 July: HRCP is alarmed to learn that @reportpemra has issued a warning to the news show Aaj @shazbkhanzdaGEO Kay Saath on Geo TV. Any such warning should be withdrawn and the government must refrain from its attempts to silence independent voices and curb #PressFreedom.

21 July: HRCP demands that the government immediately ensure the safe recovery of journalist @Matiullahjan919, whose family confirms that he has gone #missing.

24 July: HRCP is shocked at the murder of journalist and activist #AnwarKhetran in #Balochistan. Another voice silenced when such voices are needed most. We demand a prompt, independent enquiry into his murder. HRCP shares the grief of all Mr Khetran's family and friends.

11 August: HRCP demands the immediate recovery of #SarangJoyo of the Sindh Sujagi Tehreek, abducted from his Karachi residence in the early hours of today. He is the son of leading writer Taj Joyo. Such abductions, arbitrary detentions and #enforced disappearances must end immediately.

27 August: HRCP is alarmed over the incitement to wanton violence and charges of blasphemy against @marvisirmed – an HRCP Council member and committed human rights defender. The vitriol unleashed against her for a satirical tweet shows how the blasphemy laws continue to be misused to intimidate and silence, violating people's right to security and freedom of expression. HRCP urges the government to take serious note of the incident, provide Ms Sirmed with all possible security measures, and bring an end to such online threats and harassment.

3 September: HRCP strongly urges the BRA to release the six #workers in their custody in #Awaran. In the interest of their inviolable right to dignity and broader human rights principles, they should not be used as collateral.

8 September: HRCP demands the immediate recovery of SECP official and former journalist #SajidGondal. It has now been five days since Mr Gondal disappeared. If the government is unable to protect its own

officials from what HRCF fears is an illegal abduction, how can it protect ordinary citizens' right to life and security, which is its cardinal duty? #SajidGondal

12 September: HRCF condemns the filing of a sedition case against renowned journalist and former chairman PEMRA #AbsarAlam. We believe this is yet another attempt by the government to silence any voices of dissent and curb freedom of expression.

14 September: HRCF strongly condemns Sunday's attack on a #MissingPersons camp outside the #Karachi Press Club, in which members of a far-right sectarian outfit assaulted protestors unprovoked and tore down the camp, reportedly because it was 'in the way' of the latter's procession. This is no less than brazen thuggery, for which the perpetrators must be penalized. We demand that the state protect the protestors' right to freedom of #peaceful assembly.

20 September: HRCF demands the release of Tanveer Ahmed who is allegedly being kept in inhuman conditions in an #AJK prison. The fundamental rights of political dissenters must not be violated.

1 October: The FIA #cybercrime wing's summons issued to reporter ArshadSulahri is yet another attempt to silence independent voices. HRCF asks for the withdrawal of this notice and demands that the government respect Article 19 of the Constitution. #FreedomOfExpression

12 October: HRCF will monitor the Pakistan Democratic Movement rally, scheduled to be held in #Gujranwala on 16 October. We believe that the state's willingness to protect freedom of peaceful assembly is a robust indicator of its commitment to #democracy, #pluralism and social change.

If Pakistan is to expand the shrinking space available to civil society, it is imperative that citizens in every part of the country are able to express their political opinions collectively – and to challenge dominant views – without fear of reprisal. #FreedomofAssembly

24 October: HRCF demands the immediate release of Ali Imran Syed, a correspondent for @geonews\_urdu. The 'disappearance' of journalists who are deemed as pushing the envelope has become a startlingly familiar pattern. We remain concerned about Mr Syed's wellbeing and whereabouts. #Journalismisnotacrime

27 October: HRCF condemns the lethal blast at the Jamia Zuberia madrassah in #Peshawar, causing the immediate loss of precious lives, including #children, and leaving scores wounded. We are deeply

concerned by reports from Khyber Pakhtunkhwa that militants are allegedly regrouping. HRCP demands that the state review its foreign and internal security policy and ensure the right to life and security of its citizens. #Peshawarblast

27 November: HRCP condemns the notification issued by the DC Lahore, ordering one month's detention of academic @ammaralijan. The order must be withdrawn immediately. For the state to intimidate citizens who are asking for fundamental rights is a cowardly tactic. #FreedomOfAssembly

11 December: HRCP is alarmed by the continuous downsizing witnessed in the print and electronic #media. With many employees at every level having been let go, most recently the resident editor of Dawn in Lahore, the media's ability to function independently and effectively has been further narrowed at a time when independent journalism is being constantly undermined by the government, which appears to have little interest in promoting #freedomofexpression.

20 December: HRCP is deeply concerned at the systematic way in which @Aliwazirna50, a sitting MNA, has been singled out consistently on preposterous charges of being 'anti-state'. As a citizen, Mr Wazir has a constitutional right to express his opinions. We are appalled at the manner in which he was arrested and demand that @Aliwazirna50 be unconditionally released.

21 December: HRCP observes with growing alarm the spate of attempts to vilify advocate and human rights defender @nighatdad and @DigitalRightsPK. Ms Dad has worked tirelessly to promote #digitalrights in Pakistan and protect women in particular against online harassment. We are concerned for @nighatdad's security and her ability to continue her work as an HRD and call on the government to take serious note of the situation.

22 December: HRCP condemns the disappearance and death in mysterious circumstances of Baloch rights activist #KarimaBaloch in Canada – this is the second such incident after the disappearance and death of journalist Sajid Baloch in Sweden. We demand a thorough investigation into this crime: the perpetrators must be brought to justice. #KarimaBaloch

### *Rights of the disadvantaged*

20 January: The recent rape and murder of 7-year-old Huznoor in Nowshera, KP, confirms that brutal #crimesagainstchildren have risen meteorically. HRCP believes that passing laws to eliminate such incidents is essential but not enough. The state and society have

to declare an emergency and make all possible efforts to protect and nurture all children, and to ensure that the barbaric perpetrators of these crimes are brought to book.

23 January: HRCP is deeply concerned at the dire financial straits of #media workers – particularly those working off camera in private TV networks. Most are sorely ill paid. Many have not been paid in months. Yet arbitrary layoffs continue, especially at this level of the industry. Reports of #suicide and death among young journalists indicate that occupational stress has led them to breaking point. The state has not eased its chokehold on independent media while media house owners show little respect for the legitimate rights and needs of their staff. HRCP demands that both the state and media house owners acknowledge that, without a free and economically secure media, citizens' fundamental rights will be further jeopardised.

17 March: HRCP is deeply concerned by the statement made by the Punjab Information Minister @FayyazulHChohan, who has suggested that children with physical or mental disabilities are born as a result of their parents' sins. This was irresponsible and callous.

6 April: HRCP strongly condemns the gang rape and brutal murder of a 15-year-old Christian transgender person, Musa, in #Faisalabad. We demand that the authorities take immediate action and bring the perpetrators of this heinous crime to justice.

24 April: HRCP is appalled at Maulana #TariqJamil's recent statement inexplicably correlating women's 'modesty' to the #Covid19 pandemic. Such blatant objectification is unacceptable and, when aired on public television, only compounds the misogyny entrenched in society.

1 May: #LabourDay HRCP stands in solidarity with all workers, peasants, miners, home-based workers, sanitation workers, small vendors, daily-wage labourers and fisherfolk. We reiterate our demand for the right to decent work, universal basic income, and safe working conditions for all.

23 May: HRCP is alarmed by #PEMRA's decision to increase levies and license fees for radio broadcasters providing information and entertainment. This will squeeze broadcasters financially, forcing smaller radio channels to close, and putting hundreds out of work.

3 June: HRCP is horrified at reports that 9,300+ #PakistanSteel employees may be laid off. Both the government and ECC have a moral responsibility to ensure employees' long-term welfare when the #labour sector is already under immense pressure as a result of the #Covid19 crisis. The

promise of a 'golden handshake' is not enough. Nor is the argument that #PakistanSteel has been running a deficit for years. #Employment and the right to work must take precedence over profits, especially in absence of well-entrenched safety nets and prospect of hyperinflation. Ensuring 'efficiency' falls to the management, which should take responsibility for retraining employees as needed. #RightToWork #NoToRetrenchments

4 June: With the death of eight-year-old Zahra at the hands of her employers, in circumstances that are as frightening as they are absurd, we have crossed a red line. Not only must laws prohibiting #ChildLabour be strengthened, but there must also be a concerted effort by the government to address the structural poverty that compels poor families to send young children to work, often in homes where they are treated as sub-human.

HRCP appreciates that the @mohrpakistan is pushing for child domestic labour to be declared a hazardous occupation. This enactment should be expedited and immediately implemented. #JusticeforZahra

13 June: HRCP is deeply concerned by news from the Middle East where hundreds of thousands of Pakistani #labourers—now jobless and stranded due to #Covid19 restrictions—remain unable to return home. The steep hike in airfares and quarantine charges on arrival make it impossible for #MigrantLabour to travel back to Pakistan. It is deeply ironic that a section of labour whose remittances shored up a faltering economy in bad times should now be left to their own devices. The government of Pakistan and its embassies in Middle Eastern countries must immediately provide them with the necessary support.

16 July: The desecration of #Ahmadiyya graves in the last two weeks alone, first in Sheikhpura and then in Gujranwala, plumbs the depths of religious #intolerance. That local police officials were allegedly complicit, shows just how critical it is for the 2014 #Jillani judgement to be implemented so that special task forces are deployed to protect minorities' sites of religious significance. A sombre thought that even the final resting places of members of religious minorities are treated without any consideration for basic human decency.

11 August: HRCP calls on the state to implement the 2014 Supreme Court judgment, which protects the right to manifest one's religion or belief in private or public free of coercion. Both state and society must be true to Mr Jinnah's vision of a country in which religion or belief is a personal matter and no basis for differences of citizenship. Seventy-three years after this historic speech, Pakistan's religious minorities continue to be relegated to the status of second-class citizens, vulnerable to inherent discriminatory practices, forced conversions, and faith-based violence.

A bold and pivotal step would be to modify the Constitution to reflect Mr Jinnah's 11 August speech, which – as an address to the first Constituent Assembly – should be treated as policy direction rather than political rhetoric. #NationalMinoritiesDay

3 September: HRCP deplores the continuing practice of advertising posts that specify that #religiousminorities should apply for sanitation jobs. Such ads infringe on human dignity and violate the constitutional guarantee of equality for all citizens because they deem religious minorities as only 'fit' for work that is traditionally looked down on. The Sindh government must recall this ad and ensure that religious minorities are encouraged to apply for any post they wish.

7 September: The brutal rape and murder of 5-year-old Marwah in #Karachi is a grim reminder that legislation alone is not enough to rid Pakistan of the scourge of #childabuse. Even with the passage of the Zainab Alert, Response and Recovery Act, crimes against children have continued unabated. HRCP demands that the perpetrator be brought to account and that children's security be paramount in maintaining law and order. #JusticeForMarwah.

10 September: The horrifying gang rape of a woman in the #motorwayincident is a grim reminder that Pakistan has become an increasingly dangerous place for #women. Not only must the perpetrators be brought to justice, the Motorway police must also be taken to task for failing to respond. We also condemn the galling remarks of the Lahore CCPO, whose first reaction was to ask why the rape survivor had chosen to drive on her own at night. #motorwayincident

18 October: HRCP is alarmed by the shabby treatment meted out to lady health workers by the government. We stand in solidarity with those #LHWs protesting in #Islamabad. We urge the government to meet their demands and accord them the dignity and respect they deserve. #WorkersRights

20 October: HRCP has received disturbing reports that an Ismaili place of worship in Ghizer was attacked by unknown assailants who opened fire on the building. While there were no casualties, we strongly condemn this attack. All religious #minorities and sects – already vulnerable in Pakistan – have the right to expect that the state will protect their places of worship. The state must immediately raise a special force for this task as put forward in the historic 2014 #Jillanijudgement.

21 October: HRCP strongly condemns the retrenchment of 700+ workers at #RadioPakistan and forced retirement of personnel at #PTV. That two key state-owned institutions should treat their employees – including daily-wage workers – so shoddily, citing 'downsizing', is cause for

serious concern. The state is responsible for safeguarding #livelihoods and must respond promptly to protect its workers, whether permanent or contractual.

29 October: HRCP is dismayed by the Sindh High Court's decision to validate the conversion and marriage of #ArzooRaja. The evidence points overwhelmingly to her status as a minor, implying that this was a forced conversion and a forced marriage. Under the Child Marriage Restraint Act, this amounts to statutory rape and represents a travesty of justice. #JusticeForArzoo

2 November: HRCP endorses the demands of the #Shipbreaking Workers Union #Gadani and National Trade Union Federation for long overdue legislation on decent #wages and protection from hazardous working conditions. These demands were put forward at an event marking the fourth anniversary of the #Gadani tragedy, in which 29 precious lives were lost and scores of workers injured. The state must not ignore health and safety at the cost of workers' lives.

4 November: HRCP demands that the government pay heed to protesting #workers and #farmers across Punjab. Farmers continue to struggle against high input prices and poor support prices for wheat. Workers who have been laid off following the government's decision to close #brickkilns during the smog season, have received no wage compensation. Industrial workers in #Faisalabad are being browbeaten into calling off their strikes for fair pay. We are seeing #labourrights in crisis. The government must urgently change its anti-people economic policies.

29 November: HRCP condemns the retrenchment of 4544 #PakistanSteelMills workers. Scapegoating them for the failures of successive managements reflects the anti-poor policies of the government. Amid price hikes and rising unemployment, such decisions exacerbate the plight of ordinary citizens.

1 December: HRCP is deeply concerned at the #targetkillings that have occurred in the newly merged districts of North and South #Waziristan, perpetrated by unidentified assailants. The state must ensure the protection of life and security of its citizens and apprehend the culprits.

11 December: We strongly urge all media houses to respect and protect their employees' right to work, especially when the #Covid19 pandemic has triggered so much economic uncertainty.

31 December: HRCP strongly condemns yesterday's brazen attack on a Hindu temple in #Karak. Incendiary speech and mob-led attacks are a

reality that religious minorities in Pakistan are forced to live with. If the government is serious about protecting the rights of religious minorities, it must implement the 2014 Tasadduq Jilani judgement of the Supreme Court, which called for special police forces to be raised to protect places of worship in precisely such circumstances.

### *Social and economic rights*

13 March: HRCP demands that those stranded or quarantined as potential #COVID carriers after travel to Iran (particularly near the Taftan border) or other affected areas, be provided with full care and support with dignity. The government must organise timely screening, raise public awareness of protection measures, and prepare the health system to deal with possible #covid outbreaks. #righttohealth

29 August: The loss of life and devastation caused by the rains in #Karachi raises serious questions regarding the city's environmental and infrastructural crisis, and citizens' health in the wake of urban #floods.

23 October: HRCP supports the students' march from Multan to Lahore and their peaceful protest demanding the restoration of seats and scholarships for #students from #Balochistan and the newly merged districts of #KhyberPakhtunkhwa in Punjab's higher education institutions. HRCP sees the government's decision to deprive students from remote areas of their right to #education as callous and insensitive. Such decisions will also have a negative impact on the strength of the federation.

### *Peace and human rights in South Asia*

3 November: HRCP strongly condemns yesterday's brutal attack on #KabulUniversity, which left at least 22 people dead and 22 injured. Afghanistan has seen more than its share of violence and bloodshed, but such an assault on a place of learning is an act of barbarism. #KabulUniversityAttack

### **Press statements**

#### *Rule of law*

*Parliament must not legislate on Army Act in undue haste*

Lahore/Islamabad, 5 January. The Human Rights Commission of Pakistan (HRCP) is concerned at Parliament's attempt to hastily introduce legislation that will affect the organisation of the military through the recently tabled Pakistan Army (Amendment) Act 2020, the Pakistan Navy (Amendment) Act and the Pakistan Airforce (Amendment) Act.

In the interest of preserving the sanctity of democratic rule, decisions concerning the rules and regulations that govern the tenure and appointment of military chiefs must not be made rashly. The undue haste in which this has occurred has worrying implications for the way in which democratic decisions are made in the future.

Building institutions that outlast individuals is paramount to strengthening Pakistan's ability to protect citizens' fundamental rights. The recently tabled laws are a matter of public interest and the people's elected representatives have a duty to legislate with responsibility and not on an ad hoc basis. This is critical to the spirit of the Constitution.

*Where is the sovereignty of Pakistan's citizens? HRCP*

Islamabad, 14 January. At a seminar held by the Human Rights Commission of Pakistan (HRCP) on constitutionalism and human rights, a high-profile panel of human rights defenders discussed a way forward for Pakistan to progress as a democracy.

The panel included HRCP Honorary Spokesperson I. A. Rehman; HRCP Secretary-General Harris Khalique; HRCP Council member and Supreme Court advocate Hina Jilani; Secretary-General of the Pakistan Federal Union of Journalists, Nasir Zaidi; former director of the Pakistan Institute for Parliamentary Services, Zafarullah Khan; former Senators Afrasiab Khattak, Farhatullah Babar and Taj Haider; Justice Shakeel Baloch; senior journalists Muhammad Ziauddin, Hamid Mir and Asma Shirazi; Secretary-General of the Supreme Court Bar Association Shamim Malik; and political activist Dr Aasim Sajjad Akhtar.

The seminar was attended by a cross section of society. The resolution adopted by the panel urged the political leadership to ensure the supremacy of parliament, rule of law, and the people's fundamental freedoms and rights. It stated that elected representatives should ensure that the system of governance rests on established laws and constitutional norms, instead of ordinances.

The resolution also noted how political engineering by undemocratic forces had damaged the democratic process and encouraged selective accountability. The actions of law enforcement agencies, primarily intelligence agencies, should be brought within the ambit of the law through a strong, independent parliamentary oversight mechanism.

As per the resolution, the policing duties in the tribal districts of Khyber Pakhtunkhwa must be handed over to civilian law enforcement institutions. The insidious practice of running internment centres in KP must also cease.

HRCP has continually urged the government to criminalise enforced disappearances in accordance with the International Convention against Enforced Disappearances, and let the public know the outcome of the proceedings at the Commission of Inquiry on Enforced Disappearances.

Various speeches reiterated that Pakistan's youth, which has been kept alienated for decades and taken to the streets to claim their rights, must be heeded, not vilified in the form of criminal cases. Human rights defenders and journalists must be allowed to do their jobs and to criticise where criticism is called for.

If Pakistan is to progress as a democratic country, the state must form empowered, autonomous local bodies in all federating units of the country. It must restore people's faith in the judiciary by making it clear that those who abrogate the Constitution will be held accountable.

Indeed, HRCP hopes the apex court will overturn the recent regressive judgment of the Lahore High Court. The state must also protect provincial autonomy under the Eighteenth Amendment and the National Finance Commission Award. Provincial autonomy is a democratic right of Pakistan's federating units.

### *Enforcement of law*

#### *Arrest of Islamabad activists unconstitutional*

Lahore, 29 January. The Human Rights Commission of Pakistan (HRCP) strongly condemns the arrest of at least 23 civil society activists and political workers in Islamabad, during a peaceful protest held yesterday to demand the release of civil rights activist Manzoor Pashteen. There is no indication that the protestors resorted to violence at any point, although video footage shows several of them being manhandled by the police.

HRCP believes that these actions were unconstitutional and have violated citizens' right to freedom of expression and peaceful assembly. The arbitrary use of the charge of sedition under an archaic law to curb political dissent – that has in no way incited hatred or violence – indicates how little regard the state has for its citizens' civil and political liberties. This is cause for concern: the measure of a state is the treatment it metes out to citizens who choose to disagree peacefully with its actions.

HRCP demands the immediate and unconditional release of all those still detained, including Ammar Rashid, Nawfil Saleemi and Saifullah Nasar, among others. We also urge the authorities to refrain from such high-handedness when dealing with peaceful protests.

*Idris Khattak still missing four months to the day*

Lahore, 13 March. Four months after the disappearance of political worker and human rights defender Idris Khattak, the Human Rights Commission of Pakistan (HRCP) remains greatly concerned as to his physical and mental wellbeing.

Allegedly, Mr Khattak was forcibly disappeared on 13 November 2019 by four plainclothes men on the Swabi motorway interchange in Khyber Pakhtunkhwa. Despite lobbying by HRCP and international rights organisations such as Amnesty International and the Observatory for the Protection of Human Rights Defenders, the authorities have shown little sign of pursuing his case seriously. This is especially alarming, given that Mr Khattak suffers from diabetes and requires daily medication. HRCP demands that the government take every possible measure to recover Mr Khattak safely, ensure that he has immediate access to medical attention and legal counsel, and take swift action against the perpetrators.

With 2,128 cases of enforced disappearance still pending with the Commission of Inquiry on Enforced Disappearances as of end-February 2020 (a number that HRCP believes is far lower than the actual), the government must take a firm stand against this abhorrent practice by signing and implementing the Convention for the Protection of All Persons from Enforced Disappearance.

*Stun batons to enforce Covid SOPs amounts to torture*

Lahore, 9 June. The Human Rights Commission of Pakistan (HRCP) is shocked to learn that the district administration and local police in Faisalabad have used stun batons to enforce Covid-19-related standard operating procedures (SOPs). This is in flagrant violation of both Article 14 of the Constitution of Pakistan and the UN Convention Against Torture, to which Pakistan is a state party.

The use of stun batons and similar implements clearly carries state endorsement if the police have been equipped with them, even though there is no sanction for this in Pakistani law. The practice amounts to torture and the disproportionate use of force – both prohibited under international human rights instruments.

Nor is this the first time that law enforcement agencies have used regressive measures to enforce Covid-19-related SOPs: it was common to hear of people being made to assume humiliating positions if suspected of violating the earlier lockdown.

The prohibition on torture and cruel, inhuman and degrading treatment

is absolute and cannot be justified under any circumstances – including the ongoing Covid-19 pandemic. The crisis must not be tackled at the expense of human rights – this is not an ‘either/or’ situation.

HRCP strongly urges the Punjab government and Punjab police to investigate this matter and hold to account the officers and district government personnel concerned.

*HRCP slams extrajudicial murder of rights activist*

Karachi/Lahore, 19 June. The Human Rights Commission of Pakistan (HRCP) condemns the extrajudicial murder of Niaz Hussain Lashari, a 22-year-old labour rights activist in Karachi and a member of Jeay Sindh Qaumi Mahaz (Arisar).

Originally from the town of Dakhan in district Shikarpur, Mr Lashari was arrested in Karachi on charges of terrorism, but subsequently released. After attending a hearing at the anti-terrorist court in Hyderabad on 10 January 2019, he was abducted by unidentified persons as he left the court premises. His battered, bullet-riddled body was discovered on 16 June 2020, on a roadside in Gulshan-e-Hadeed, Karachi. His family, who spent many months agitating for his release, say that he was killed because of his nationalist association.

This pattern, now all too familiar, is in flagrant violation of the constitutional right to fair trial and due process. It is another notch – of thousands – in Pakistan’s grievous record of enforced disappearances and extrajudicial killings.

HRCP demands a transparent, independent enquiry into the killing of Mr Lashari. Law enforcement and respect for human rights can and must coexist if both are to serve their purpose – to protect all citizens and residents of the country.

*HRCP demands immediate release of Matiullah Jan*

Lahore, 21 July. The Human Rights Commission of Pakistan (HRCP) endorses the Pakistan Federal Union of Journalists (PFUJ)’s demand for the federal government to take immediate measures for the safe release of senior journalist Matiullah Jan, who was abducted today outside the college in Islamabad where his wife teaches.

We are deeply concerned at increasing attempts to control the media, suppress independent voices, and curb political dissent, thereby creating an environment of constant fear. Matiullah Jan has stood courageously by the people of Pakistan striving to realise their constitutional and fundamental rights.

It is the responsibility of the government to provide safety and security to every citizen, irrespective of his or her religious or political beliefs. Mr Jan's abduction is an act of cowardice and warrants immediate redressal.

*Freedom from fear: HRCP demands end to enforced disappearances*

Lahore, 30 August. On International Day of the Victims of Enforced Disappearances, the Human Rights Commission of Pakistan (HRCP) reminds the government of its pledge to criminalise enforced disappearances. Not only must this heinous practice be recognised as a distinct, autonomous offence and the perpetrators held strictly accountable, but victims and their families must also be compensated for all they have suffered – in line with the Islamabad High Court's 2018 ruling, which rightly categorised enforced disappearance as a crime against humanity.

It is a matter of serious concern that many victims remain afraid to seek assistance or publicise their cases for fear of reprisal by the institutions and individuals involved. HRCP has long held that the official data sorely underreports the number of forcibly disappeared persons, which calls into question the effectiveness of the Commission of Enquiry on Enforced Disappearances (COEID).

While victims such as Dr Deen Mohammad from Balochistan have now been missing 11 long years, there is a perturbing pattern of persons who are disappeared forcibly for shorter periods and 'allowed' to return – in many cases, having been subjected to torture and successfully warned against continuing their work, whether this refers to nationalist movements, human rights work, or critical journalism. HRCP demands that the findings of the 2010 judicial commission on enforced disappearances be made public and the COEID be re-hauled as an independent tribunal that is able to deliver justice, not merely enquiries.

*Democratic participation*

*Government must assume mature leadership role*

Lahore, 5 November. The Human Rights Commission of Pakistan (HRCP) is concerned that the federal government appears increasingly unable or unwilling to assume a leadership role by putting the greater interest of a stable, inclusive democracy above its political differences.

Rather than creating cohesion and building consensus across the political spectrum, some members of the government have levelled serious accusations of treason against the political opposition. For the federal interior minister, Brig. (Retd) Ijaz Shah, to 'warn' the political opposition that their narrative would invite terrorist attacks was irresponsible and

dangerous. Similarly, the campaign against Mr Ayaz Sadiq, former speaker of the National Assembly, in the form of banners caricaturing him as Indian pilot Abhinandan was deplorable.

HRCP urges the federal government to adopt a politically mature approach and pay heed to addressing ordinary citizens' economic needs in the face of spiralling food inflation, eliminating enforced disappearances, and stemming the surge in violence against women and children – among other human rights concerns.

#### *HRCP dissatisfied with GB polls*

Lahore, 16 November. The Human Rights Commission of Pakistan (HRCP) is concerned to learn that independent election observers – including HRCP's own team of observers in four cases – were not allowed into polling stations in the city of Gilgit during the vote counting process. The Gilgit Union of Journalists has made a similar claim. Additionally, the HRCP team was not allowed to enter a polling station in Sherqila, Ghizer-1 (GBA-19). In at least two cases, the HRCP team received reports that some voters had voted more than once at women's polling stations in Ghanche and Diamer districts.

Speaking to the HRCP team, some candidates claimed that certain members of the ruling party, including Ali Amin Gandapur, Murad Saeed, and Saifullah Niazi, had continued to electioneer in Gilgit-Baltistan in violation of the Elections Act 2017. Another report claims that some candidates offered women's organisations money to build their offices in lieu of support. Sadia Danish, a PPP candidate from constituency GBA-18, Diamer-4, allegedly received threats to her life as a result of which she was unable to enter her constituency to campaign.

Although the polling process was largely peaceful and orderly, the shortage of polling staff meant that voting entailed long queues. Most polling stations were overcrowded and Covid-19-related SOPs were largely ignored by polling staff, polling agents and voters. In more remote areas, polling was delayed by up to an hour, in part due to poor weather. HRCP was concerned to see that no special arrangements had been made to facilitate persons living with disabilities at polling stations.

A number of candidates, however, said they were pleased with the performance of the Election Commission, which had held an all-parties conference to evolve a code of conduct with consensus. The Election Commission reportedly issued over 300 notices to various political parties for violating the Elections Act 2017 but did not necessarily implement the provisions of the act despite such notices.

Alarmed that the closing of the polls yesterday was marred by large-

scale aerial firing, HRCP calls on the federal government, the political opposition and the local administration to ensure that Gilgit remains peaceful amid reports of escalating tension over the results being announced.

### *Fundamental freedoms*

#### *Social media regulation will curb political dissent*

Lahore, 14 February. The Human Rights Commission of Pakistan (HRCP) is greatly concerned that the federal government has approved a set of rules designed to regulate social media platforms. Such a move – which has been made without consulting civil society stakeholders – has no credible justification.

While the government has said that these rules are intended to prohibit ‘unlawful’ online content, HRCP is concerned that they will enable the designated authorities to control freedom of expression and opinion in the guise of protecting ‘religious, cultural, ethnic and national security sensitivities.’ Such broad parameters could well be used to justify removing online content deemed critical of state policies or to access unencrypted user data, making ordinary users vulnerable to the misuse of personal data. Political dissent will be the first to suffer.

Given that the print and broadcast media are increasingly subject to implicit censorship, instituting such stringent rules will contract the space that exists for citizens to access information that the mainstream media does not, or cannot, provide. HRCP supports the statement issued by the Pakistan Federal Union of Journalists, criticising this move, and urges the government to reconsider its decision.

#### *Aurat March warrants full support from state and citizens*

Lahore, 6 March. The Human Rights Commission of Pakistan (HRCP) expresses its unequivocal support for Aurat March, and strongly condemns any attempts to subvert, malign or threaten the march, its organisers, and supporters.

HRCP sees Aurat March as an integral part of the collective struggle for human rights in Pakistan and beyond. The depth and breadth of the movement’s manifesto is a measure of its inclusivity. Among its legitimate demands, Aurat March has called for an end to violence against vulnerable groups, including women, children, and transgender persons. It has spoken out against enforced disappearances, extrajudicial killings, and warmongering. It has upheld the right to a living wage, the right to freedom of expression and assembly, and the right to a sustainable environment.

These rights are enshrined in the country's constitution and its international human rights obligations. Above all, they are integral to any sense of humanity, empathy and compassion.

The ethos of Aurat March reflects the very values that HRCP has consistently upheld: inclusivity, peace, democracy, and the inviolable dignity of all persons regardless of gender, class, ethnicity, disability, religion or belief, sexual orientation or identity. Thousands of young women, transgender persons, and men will mobilise on International Women's Day to exercise their right to peaceful assembly and challenge the inherently discriminatory status quo. This is a matter of pride – not cause for censure – and warrants the full support of the state and citizens alike.

*HRCP expresses reservations on formation of national minorities' commission*

Lahore/Islamabad, 9 May. The Human Rights Commission of Pakistan (HRCP) has strong reservations concerning the formation of a national minorities' commission through a Cabinet decision based on a summary moved by the Ministry of Religious Affairs and Interfaith Harmony. The proposed composition smacks of partisanship and, above all, as a non-statutory body, the commission is no substitute for the national council for minorities' rights envisioned by the Supreme Court's historic Tasadduq Jilani judgement of 2014. In the current composition, the number of serving bureaucrats and representatives of the majority community undermine minority representation. Besides, to deny the Ahmadiyya community even the option of being represented is to wilfully ignore a long and sorry history of faith-based persecution.

HRCP has long demanded that a statutory national council or commission for minorities be set up in the spirit of the 2014 judgment. While we call on the government to enact such a body as soon as possible, we also urge the government to heed the latest report submitted to the Supreme Court by the Shoaib Suddle commission, which has alleged that the ministry for religious affairs has been less than forthcoming in implementing the 2014 judgment. The onus is on the state to deliver through a suitable Act of Parliament.

*Academic freedom under grave threat*

Karachi/Lahore, 10 June. The Human Rights Commission of Pakistan (HRCP) is alarmed by the recurring wave of vicious campaigns against academics. Earlier, Professor Sajid Soomro of Shah Abdul Latif University Khairpur was arrested on charges of blasphemy and sedition.

When Dr Arfana Mallah, a prominent human rights activist in Hyderabad, expressed her dismay at the incident, she too was immediately subjected

to a vicious campaign led by clerics with political associations, calling for her to be charged with blasphemy.

Professor Soomro and Dr Mallah have done nothing more than exercise their fundamental right to freedom of expression – their right as citizens, their duty as academics. Indeed, it has become frighteningly common to hear of charges of sedition and blasphemy being used to intimidate citizens who dare speak up. Lest we forget, Junaid Hafeez, Mashal Khan and Professor Khalid Hameed were all victims of a skewed, capricious system built to suppress academic freedom among teachers and students alike.

HRCF deplores all such attempts to scuttle academic freedom by targeting intellectuals on flimsy grounds. The state must ensure the safety of its citizens and prohibit the misuse of the blasphemy and sedition laws to silence independent voices or settle personal scores.

*HRCF warns Punjab assembly of fuelling bigotry*

Lahore, 24 July. The Human Rights Commission of Pakistan (HRCF) is appalled at recent developments that are set to further whittle down space for freedom of intellectual thought, enquiry and expression. The most concerning of these is the Punjab Tahafuzz-e-Bunyaad-e-Islam Act 2020, which restricts the publication of books (among other materials) that are deemed immoral, blasphemous, or anti-state.

Given that Section 505(2) of the Pakistan Penal Code and Section 8 of the Anti-Terrorism Act already penalize racial and sectarian hate speech, the intention underlying this new legislation is akin to the antiquated practice of ‘book-burning’. To give the government’s Directorate General Public Relations the power to decide what constitutes ‘objectionable material’ on behalf of all citizens is unacceptable. There is also ample reason to expect that Section 3(f) of the new Act will be used to target religious minorities and sects.

HRCF also notes with concern that the Punjab Curriculum and Textbook Board has begun what it terms ‘a critical review’ of 10,000 books taught by private schools across the province, and already banned 100 books on ludicrous grounds. Not one of the reasons given by the Board’s managing director at a press conference qualifies as rational grounds to censor content, penalize publishers, and prevent critical thinking.

HRCF is gravely concerned that such measures herald yet tighter restrictions not only on freedom of expression, but also freedom of thought, conscience, and religion. The Commission urges the Punjab government to heed its concerns and roll back such measures before they backfire.

*Pakistan must honour pledge in Jinnah's 11 August speech*

Lahore, 11 August. Observing National Minorities Day, the Human Rights Commission of Pakistan (HRCP) has said that both state and society must be true to Mr Jinnah's vision of a country in which religion or belief was a personal matter and no basis for differences of citizenship.

Seventy-three years after this historic speech, Pakistan's religious minorities continue to be relegated to the status of second-class citizens, vulnerable to inherent discriminatory practices, forced conversions, and faith-based violence.

On National Minorities Day, HRCP calls on the state to implement the 2014 Supreme Court judgment, which protects the right to manifest one's religion or belief in private or public free of coercion. A bold and pivotal step would be to modify the Constitution to reflect Mr Jinnah's 11 August speech, which – as an address to the first Constituent Assembly – should be treated as policy direction rather than political rhetoric.

HRCP demands that the government set up an autonomous statutory national commission for minorities' rights to replace the ineffectual National Commission for Minorities reconstituted earlier this year. The Single National Curriculum, which violates the constitutional guarantee that no member of a religious minority will be required to 'receive religious instruction' not relevant to their own religion, must be revised to reflect that a uniform standard of education is not the same as a uniform curriculum. HRCP also demands that the controversial and divisive Tahafuz-e-Bunyad-e-Islam bill in Punjab be retracted, and the federal and provincial governments refrain from law-making that infringes any community's right to freedom of religion or belief.

*HRCP alarmed by surge in blasphemy cases against Shia community*

Lahore, 5 September. The Human Rights Commission of Pakistan (HRCP) is gravely concerned at the recent surge in blasphemy cases being registered against sectarian and religious minorities, particularly the Shia community, and the potential for ensuing sectarian violence. Anecdotal evidence suggests that over 40 such cases may have been registered under the blasphemy laws in the last month alone.

HRCP believes that the state has effectively abdicated its responsibilities under international human rights law by leaving those accused of blasphemy to the mercy of mobs, or trials that are marred by glaring legal and procedural flaws. It is well established that in most cases, those accused of blasphemy are eventually acquitted on appeal, but often after protracted periods in custody and trials that risk the lives of the accused, their lawyers and judges at the hands of organised far-right groups.

HRCP demands that the state uphold all citizens' right to freedom of religion or belief. The police must also refrain from registering blasphemy cases so promptly, knowing full well the sensitive implications of doing so when such complaints are often fabricated and spurred on by personal vendettas.

*HRCP slams PEMRA order*

Lahore, 2 October. The Human Rights Commission of Pakistan (HRCP) takes serious exception to the recent order issued by PEMRA, prohibiting news channels from broadcasting interviews and public addresses by 'proclaimed offenders and absconders' on national television.

This step violates not only citizens' right to freedom of expression under Article 19 of the Constitution, but also impinges on people's right to know. HRCP believes that such orders reflect arbitrary censorship, with the very people who advocate it in one instance when it favours them, abandoning it in another when it does not.

The fact that this order follows closely on the heels of a speech by political opposition leader Mian Nawaz Sharif, questioning the legitimacy of the 2018 elections, indicates that PEMRA appears to be little more than a tool of political convenience rather than an objective, independent regulatory body. It is worth recalling that PEMRA did not deny airtime to former President Pervez Musharraf, who is also a proclaimed offender.

HRCP has consistently pointed to the growing censorship in Pakistan, even as the government claims that the press has never been more free. We demand that this order be withdrawn immediately and that the government refrain from weaponizing censorship in this blatant manner.

*Government must demonstrate commitment to freedom of peaceful assembly*

Lahore, 12 October. The Human Rights Commission of Pakistan (HRCP) will monitor the Pakistan Democratic Movement (PDM)'s rally, scheduled to be held in Gujranwala on 16 October.

As an independent, impartial human rights body, HRCP's aim in doing so is to ensure that the state upholds and protects all citizens' fundamental right to freedom of peaceful assembly, as guaranteed under Article 16 of the Constitution and Article 21 of the International Covenant on Civil and Political Rights (ICCPR), to which Pakistan is a state party.

HRCP believes that the state's willingness to protect freedom of peaceful assembly is a robust indicator of its commitment to democracy, pluralism and social change. If Pakistan is to expand the shrinking space available to civil society, it is imperative that citizens in every part of the country

are able to express their political opinions collectively – and to challenge dominant views – without fear of reprisal. HRCP expects that no arbitrary restrictions will be placed on rally organizers and participants or on the media when covering the event.

*Freedom of assembly: A right, not a privilege*

Lahore, 17 October. While the political rally organised by the Pakistan Democratic Movement (PDM) alliance in Gujranwala was not marked by flagrant violations of the right to freedom of peaceful assembly, the Human Rights Commission of Pakistan (HRCP) remains concerned by earlier reports indicating state-sanctioned attempts to curtail this right. HRCP's sources indicate that some political workers and rally organisers were in fact harassed or arrested, their homes raided, corner meetings disrupted, and posters and hoardings removed by the administration or private citizens.

On 16 October, three HRCP teams monitored the progress of the rally from Lahore and Lala Musa to Gujranwala. The teams reported no serious obstructions by the administration at any point of departure or en route to Gujranwala. Police presence at the departure points was not excessive and the teams saw no evidence of overt police interference with political workers at these points.

However, barriers erected at certain points, especially in smaller towns en route, were clearly intended to constrict the flow of people along the GT Road to prevent them from joining the main rally. In Gujranwala itself, many entry points leading to Jinnah Stadium were closed several miles from the venue, enabling only pedestrian movement – possibly an effort to inconvenience rally participants as far as possible. Over the course of the evening, the number of barriers to the venue and around the city were reduced, possibly as a result of local court orders issued to the administration.

HRCP reminds the government that freedom of peaceful assembly is a right enshrined in the Constitution and not a privilege to be accorded at the convenience of any incumbent government.

*Rights of the disadvantaged*

*HRCP marks Day of the Endangered Lawyer*

Lahore, 24 January. The Human Rights Commission of Pakistan (HRCP) held a roundtable consultation at its secretariat to mark the tenth annual Day of the Endangered Lawyer, the focus of which is Pakistan this year. The consultation was attended by members of bar councils and associations, and civil society organisations.

Lawyer Asad Jamal, who moderated the session, explained why it was critical to discuss the threats faced by lawyers who defend human rights. HRCP Honorary Spokesperson I. A. Rehman underscored the need to document all such instances of threats to lawyers. Participants shared a range of experiences, from lawyers who said that they had been threatened openly by their own colleagues for representing clients from the Ahmadiyya community, to those who had faced intimidation from state agency officials in cases related to torture or death in custody.

Politically sensitive cases, such as those pertaining to enforced disappearances, also put lawyers at risk. Lawyer and digital rights activist Nighat Dad pointed out that ensuring lawyers' security extended to their digital security: if this became compromised, it would immediately put clients at risk.

An important consensus was that women lawyers and lawyers from religious minorities were subjected to greater harassment, not only from male colleagues, but also from judges. Advocates Jalila Haider and Alia Malik recounted the number of instances in which they had been harassed in court or been threatened with physical violence.

Vice-chair of the Pakistan Bar Council Abid Saqi pointed to the structural discrimination existing in the Constitution and laws. He recommended that a permanent body be constituted to develop strategies for countering threats to lawyers handling sensitive cases, such as those related to blasphemy and forced conversion. He also agreed, among other things, to a proposal for establishing committees to counter the harassment of women in the legal profession.

HRCP Council member and senior lawyer Hina Jilani said that lawyers must engage with the state, and especially the judiciary, to sensitise them to such threats and the need to perform their due role.

The participants agreed to hold a conference to follow up on the issues raised at today's consultation in order to make the legal profession safer and fairer.

#### *Empower bonded labour through unions*

Multan, 31 January. At a labour rights convention held by the Human Rights Commission of Pakistan (HRCP), speakers agreed that it was essential to empower workers by strengthening labour unions, abolishing the exploitative practice of peshgi [advance payment], resurrecting district vigilance committees, and raising the minimum wage to reflect the real cost of living.

Opening the convention, HRCP Council member Nazir Ahmed expressed

his concern over the sharp decline in labour union membership, saying that HRCP had always stood with the bonded labour and peasant communities of Pakistan, including southern Punjab. Shaista Bokhari, director of the Women Rights Organisation, said that minor girls hired as domestic workers by feudal landlords were often relegated to the same status as bonded labour.

Pointing out that women bonded labourers were usually hired under a male relative's name, Muniza Hashmi, a district vigilance committee member, said that they were not aware of the rights to which they were entitled under the law.

Speaking on behalf of the Bonded Labour Liberation Front (BLLF), labour rights campaigner Mahar Safdar Ali pointed to the wide gulf between what bonded labourers earned and what their employers earned in a year. Advocate Nafees Ansari said that political leaders invariably sided with kiln owners rather than workers.

Syeda Ghulam Fatima, secretary-general of the BLLF, urged all bonded labourers to invest some of their time and earnings in setting up and sustaining labour unions. 'I understand it is very difficult to speak out against your kiln owner, but that will become easier when you unite to seek your rights,' she added.

Following a resolution of demands presented at the end of the convention, HRCP director Farah Zia said that labour unions across the country faced curbs: this was a larger problem that required not only workers to unionise, but also for human rights organisations to bring labour rights back to the forefront.

*Weakest segments of society invisible, unheard*

*HRCP issues State of Human Rights 2019 annual report*

Islamabad/Lahore, 30 April. The Human Rights Commission of Pakistan (HRCP) notes that widespread social and economic marginalisation have left the weakest segments of society invisible and unheard. HRCP's honorary spokesperson I. A. Rehman has termed Pakistan's human rights record in 2019 'greatly worrisome', adding that the ongoing global pandemic 'is likely to cast a long shadow on prospects for human rights.' On the release of its flagship annual report, *State of Human Rights in 2019*, HRCP's secretary-general Harris Khaliq observed: 'Last year will be remembered for systematic curbs on political dissent, the chokehold on press freedom, and the grievous neglect of economic and social rights.' 'The 2019 report also offers standalone chapters on each federating unit and administered territories so that no area remains underreported or missed out,' he added.

Pakistan has failed to protect its most vulnerable: reports of child labourers being sexually abused in mines surfaced in Balochistan, while news of young children being raped, murdered and dumped has become frighteningly common. Women continued to bear the brunt of society's fixation with 'honour', with Punjab accounting for the highest proportion of 'honour' crimes. Equally, Pakistan does not protect those to whom it has a duty of care: prisoners in the country's sorely overpopulated jails remain relegated to subhuman level.

Numerous journalists reported that it had become even more difficult to criticise state policy. Former HRCP chairperson Zohra Yusuf says that this, coupled with the erosion of social media spaces and a deliberate financial squeeze on the media, 'led to Pakistan's position slipping on the World Press Freedom Index.'

People continued to be reported 'missing' during the year. It is imperative that the government deliver on its commitment to criminalise enforced disappearances. Equally, the continued operation of internment centres cannot be justified on any grounds. HRCP director Farah Zia said: 'In the case of Balochistan and Khyber-Pakhtunkhwa) – both historically under-reported provinces – the acknowledgement of real issues and their political resolution is vital if the state is serious about strengthening the federation.'

Religious minorities remained unable to enjoy the freedom of religion or belief guaranteed to them under the constitution. For many communities, this has meant the desecration of their sites of worship, the forced conversion of young women, and constant discrimination in access to employment.

While Pakistan witnessed the first-ever conviction of a former military ruler for high treason, constitutional compliance remains a major cause for concern. For instance, Article 140-A has yet to be implemented effectively, given the prolonged delay in holding local body elections in Punjab, Khyber-Pakhtunkhwa and Balochistan. The restoration of student unions and space for trade unions to function remain cause for concern.

Chairperson Dr Mehdi Hasan reaffirmed HRCP's distress over the gross violations of human rights committed in Indian-held Kashmir since August 2019 and the imminent fallout of the situation on regional peace and stability.

*HRCP welcomes government response, stands by its findings*

Islamabad/Lahore, 3 May. The Human Rights Commission of Pakistan (HRCP) welcomes the official response of the Ministry of Human Rights

to the publication of its annual report, *State of Human Rights in 2019*. The ministry's statement recognises that HRCP has raised some pertinent issues. This augurs well for constructive engagement between the government and independent human rights bodies.

However, some clarifications are necessary due to factual errors in the ministry's response. Contrary to the ministry's observations, the report specifically mentions the Zainab Alert, Recovery and Response Bill 2019 (pp. 7, 230) in the context of eliminating child abuse. The passage of this bill into law in March 2020 will be included in HRCP's report for 2020.

Additionally, the report refers to the commission constituted on the direction of the Islamabad High Court to examine prisoners' civil liberties (p. 216); this commission also includes two senior HRCP members. The acquittal of Asia Bibi and Wajih-ul-Hassan on charges of blasphemy is also documented (pp. 12, 40, 209), as is the opening of the Kartarpur Corridor (pp. 10, 33, 36). Likewise, if the Protection of Journalists and Media Professionals Act is passed in 2020, it will be duly acknowledged.

HRCP's report provides an overall picture of the state of human rights in Pakistan across federal territories and provinces during the calendar year 2019. It is not merely a performance review of a government ministry.

In doing so, the Commission's only intent is to remind the state and incumbent government of their constitutional obligations and international commitments. HRCP stands by its findings and hopes that the government will address the concerns raised in the report.

#### *Waziristan 'honour' killings barbaric, condemnable*

Lahore, 17 May. The Human Rights Commission of Pakistan (HRCP) strongly condemns the cold-blooded murder of two teenage girls in a Waziristan village—allegedly an 'honour' crime carried out by a family member after a mobile video of the victims surfaced on social media.

Despite the passage of the Criminal Law (Amendment) (Offences in the Name or Pretext of Honour) Act 2016, there is little evidence to suggest that the incidence and acceptance of 'honour' crimes has abated. Antiquated—and lethal—notions that 'honour' resides in women's bodies and actions still prevail across Pakistan, and it will take far more than laws to effect a change when perpetrators of 'honour' crimes continue to act with impunity. The patriarchy that upholds casual sexism is the same patriarchy that is used to justify, endorse and perpetrate 'honour' killings. Neither is acceptable.

HRCP also notes with great concern that many people who have spoken

up against the Waziristan murders on social media platforms have been threatened or ridiculed. The state must make it clear to all that it will not tolerate any support for this heinous practice.

The local administration must take all possible steps to ensure the security of the third girl and the man in the video, and to bring the perpetrator to justice. The state must also demonstrate its commitment to protecting human rights in the former Federally Administered Tribal Areas by taking concrete steps to ensure that human security is put before considerations of ‘national’ security.

#### *HRCP demands NCHR revival*

Lahore, 18 May. The Human Rights Commission of Pakistan (HRCP) is gravely disappointed by the government’s lack of interest in reviving the National Commission for Human Rights (NCHR). The NCHR has been dysfunctional since its chairperson’s term expired exactly one year ago. Neither the chairperson nor other members of the commission have been given extensions, and no replacements have been instituted. As a statutory body, the NCHR is mandated to play a key role in ensuring that Pakistan upholds the human rights commitments it has made to its citizens as enshrined in the Constitution. The NCHR is also responsible for monitoring the government’s compliance with the international obligations to which Pakistan is a state party.

HRCP believes that such long delays in reviving institutions such as the NCHR and the National Commission on the Status of Women – also defunct for several months – reflect the government’s misplaced priorities when it comes to setting up independent institutional human rights mechanisms in line with the Paris Principles. HRCP demands that the NCHR be revived immediately. The National Commission on the Rights of the Child – notified this February – must also be activated as a matter of urgency. Moreover, the National Commission for Minorities, which was established recently through an executive order, should be dissolved and steps taken promptly to enact the formation of the independent National Council for Minorities’ Rights envisioned by the 2014 Supreme Court (Jillani) judgement.

#### *Waziran’s death warrants effectual investigation*

Karachi/Lahore, 15 July. Following an independent fact-finding mission, the Human Rights Commission of Pakistan (HRCP) is gravely alarmed that ignorance among women of their constitutional right to life and security, lack of access to women-centric police and other services, and entrenched practices such as involuntary *watta satta* [bride exchange] have yielded yet another victim – a young woman named Waziran, a resident of the village of Wada Chhachar. Waziran’s badly mutilated

body was discovered dumped by the side of the Indus Highway on 28 June. She was apparently two months' pregnant at the time of her death.

Thus far, three men have been arrested in connection with the crime. HRCP has reason to believe that the act was one of revenge, possibly related to the practice of *watta satta* in her family. HRCP was concerned to find that several village residents were inclined to dismiss the murder as an 'accident' or 'suicide' despite a post-mortem report indicating that the young woman had clearly suffered extensive trauma consistent with injury with both blunt and sharp objects. It is also a matter of concern that, apparently, the autopsy did not determine whether she had been sexually assaulted.

HRCP urges the police and local authorities to undertake a thorough investigation and for the government to take immediate measures to set up women police desks staffed by trained police officers with full knowledge of the law and procedures, particularly from a human rights perspective. In the long term, it is imperative for communities to be sensitised to the sheer scale and incidence of violence against women in a systematic, effectual manner – to realise that this is not acceptable under any circumstances.

*HRCP elects new council*

*Demands that state improve its human rights record*

Lahore, 9 November. On concluding its 34th Annual General Meeting (AGM), the general body of the Human Rights Commission of Pakistan (HRCP) has called on the state to improve its human rights record – in particular to protect freedom of expression and to ensure that charges of sedition and terrorism and the practice of enforced disappearances are not used to stamp out dissent.

HRCP demanded that the state fulfils its moral obligation to treat both access to affordable healthcare and social security as fundamental rights. The Commission also urged the government to appoint a new chairperson to the National Commission for Human Rights and ensure it becomes fully functional and financially independent.

Among other issues raised in the resolution passed at the AGM, HRCP expressed strong concern at the rise in wanton violence against children, women and transgender persons, as well as the surge in blasphemy cases against the Shia community. The Commission, which is following the Arzoo Raja case closely, demanded that forced conversions be stopped immediately. It also expressed alarm at the continual persecution of the Ahmadiyya community.

The Commission condemned the deaths of two farmers following a protest in Lahore, and demanded that the state take practical steps to improve working conditions in mines in Balochistan and Khyber Pakhtunkhwa.

HRCP strongly criticised the federal government's decision to acquire the islands off the coasts of Sindh and Balochistan, adding that it would leave thousands of fisherfolk jobless. It also expressed grave concern at the slow pace of reforms in the newly merged districts of Khyber Pakhtunkhwa, and reports that growing militancy has curtailed women's mobility and access to education.

HRCP has also emphasised that the people of Gilgit-Baltistan deserve to enjoy the same rights and freedoms as accorded to other citizens under the Constitution and called on the government to release all prisoners of conscience, including Baba Jan and others.

HRCP has elected a 31-member council for a three-year term (2020–23). Hina Jilani, internationally acclaimed human rights lawyer and former UN Special Representative on Human Rights Defenders, was elected chairperson. Seasoned human rights activist Asad Iqbal Butt was elected co-chairperson, and veteran journalist and trade unionist Husain Naqi elected treasurer. The council also elected four vice-chairs for Balochistan, Khyber Pakhtunkhwa, Sindh and Punjab.

### *Social and economic rights*

#### *Sanitation workers' conditions linked to suicide attempts*

Lahore, 19 January. The Human Rights Commission of Pakistan (HRCP) is alarmed by reports of increasing suicide attempts among sanitation workers. Our sources allege that arbitrary layoffs and the non-payment of wages have continued for months. This is taking a brutal toll on a section of the workforce that is often considered 'invisible', despite providing vital labour.

HRCP condemns the indifference of the federal and provincial governments, and of municipal corporations, to such workers who consistently face hazardous working conditions. The Commission aims to work closely with sanitation workers' associations across the country, and demands that their grievances are heard and redressed fairly and promptly. Sanitation work demands the same dignity and welfare benefits as any other occupation.

#### *People's economic rights must not be compromised*

Islamabad, 11 February. Delivering the first Asma Jahangir Memorial

Lecture, organised by the Human Rights Commission of Pakistan (HRCP), Honorary Spokesperson I. A. Rehman warmly recalled HRCP's co-founder, remembering her as the 'voice of sanity and compassion'.

Remembering Ms Jahangir's empathy with the vulnerable and disadvantaged, Mr Rehman spoke about people's fundamental right to 'economic justice'. Citing examples ranging from bonded labourers and small farmers to lady health workers and journalists, he said that people's economic rights – the 'right to employment, and just and equitable conditions of work' – should not be subject to the 'availability of resources'.

While the Constitution protected people's social and economic wellbeing, said Mr Rehman, it was critical to secure the 'substance' of these rights, their 'availability to all citizens' and their 'incremental expansion'. The Prime Minister, he added, had recently said that nothing was more important than providing succour to the poor: economic justice must not, therefore, be sacrificed at the altar of national security, said Mr Rehman. He reminded the audience that 'all citizens of Pakistan' had the right to economic justice, and that Asma Jahangir would not have stood quietly by in such a situation. It falls to all of us, he said, to band together and demand that these rights – and all other fundamental rights – be protected and promoted.

HRCP Secretary-General Harris Khalique announced that the Commission was instituting the Asma Jahangir Award for Human Rights Defenders, and resuming the Nisar Osmani Award for Courage in Journalism and the I. A. Rehman Research Grant in Human Rights.

The lecture, which was followed by a question-and-answer session, was heavily attended, with HRCP members, civil society activists, lawyers, journalists and political workers among the audience.

#### *Peasants demand economic rights at HRCP convention*

Hyderabad, 15 February. Over 1,200 peasants, labourers, home-based workers, sanitation workers and human rights defenders gathered at the Sindh Hari and Mazdoor Convention organised by the Human Rights Commission of Pakistan (HRCP).

Labour rights activists, including men and women from the bonded labour camps near Hyderabad, called on the government to recognise and address the rising inflation that had left them unable to afford flour and sugar.

Among the speakers were labour rights activists Manu Bheel, Raju and Lali, Sindh Tenancy Rights Committee Convenor Taj Marri, Sindh Hari

Committee Vice-President Samar Haider Jatoi, veteran hari leader Dada Ali Bux, trade union leader Mehboob Ali Qureshi and home-based workers representative Jamila. HRCP Hyderabad regional coordinator Professor Imdad Chandio moderated the convention.

HRCP Council member Hina Jilani, Honorary Spokesperson I A Rehman, Sindh Vice-Chair Asad Iqbal Butt and Secretary-General Harris Khalique assured participants that the Commission would continue to raise its voice for labour rights throughout the country.

The convention concluded with a unanimous resolution calling on the government to recognise that rising inflation, unemployment and unbridled price hikes had crushed the working classes. This should be considered an emergency: the government must admit its failure and change the course of the economy. Pakistan's feudal and monopolistic capitalist order must be replaced with a people-centred economy.

Decent employment, health and education are constitutional rights that must be realised by the state. The official minimum wage must be paid in every sector by the public and private sector. Moreover, women must be paid equal wages.

In the light of the Sindh High Court's ruling, the powers of the Tenancy Tribunal must be taken from the bureaucracy and invested in the judiciary. Government officials who refuse to register the names of farmers in Form 6 of the land records, must be penalised.

All farmers must be given ownership rights of their homes. In addition, farmers and their crops must be insured so that they are protected from further poverty and destitution in case of a natural or man-made calamity.

The resolution also demanded an end to forced conversion of peasant women from minority communities. Those committing or encouraging such practices must be brought to justice.

#### *Tharparkar communities ask for their rights*

Mithi, 16 February. At a meeting organised by the Human Rights Commission of Pakistan (HRCP), a wide cross-section of activists and professionals from across Tharparkar identified several key human rights issues in the area, including the lack of potable water, the need for more jobs, malnutrition among mothers and children, and forced conversions.

HRCP member and leading human rights activist Krishan Sharma

moderated the meeting. Honorary Spokesperson I A Rehman, Council member Hina Jilani, Co-Chair Uzma Noorani and Secretary-General Harris Khalique reassured participants that HRCP would continue to voice and convey their concerns to decision makers at the federal and provincial levels. HRCP will also continue to conduct fact-finding missions on local issues identified by the communities.

The lack of access to clean water was an overriding concern. One participant alleged that, although the Water and Power Development Authority (WAPDA) had approved a plan to source clean water at various sites, this had not been implemented by the government. Participants felt that the Thar Coal and other development projects should provide more jobs to local residents, although this should be done while mitigating the long-term environmental impact of using coal. One participant alleged that water supply operators at RO plants had not been paid in six months. Moreover, they received less than the minimum wage.

Many participants felt that remote local communities could not access health services because they were too scattered, with families unable to reach the nearest hospital in time in emergencies. Malnutrition was also linked to cultural barriers, such as early marriage, poor birth spacing and undernutrition among women. The rate of suicide, especially among women, was linked to the absence of mental health services in the area.

Representatives of the Bheel and Kohli communities expressed their concern at what they see as inadequate political representation by upper-caste political leaders. Women at the meeting also said that there should be a mechanism that allows minority women who are divorced after converting to Islam and marrying Muslim men, to receive livelihood support, given that they are often shunned by their own communities.

#### *Government must protect vulnerable groups in Sindh*

Karachi, 17 February. The Human Rights Commission of Pakistan (HRCP) calls on the federal and provincial governments to protect the rights of peasants, workers, women and religious minorities in Sindh. Following a hari and mazdoor convention in Hyderabad, and meetings with human rights defenders and professionals in Mithi, HRCP is deeply concerned that vulnerable and marginalised groups are bearing the brunt of rising inflation and unemployment, without adequate social safety nets to mitigate this impact.

HRCP's recent mission to Sindh included Honorary Spokesperson I. A. Rehman, Council members and office bearers Hina Jilani, Asad Iqbal Butt and Uzma Noorani, Director Farah Zia and Secretary-General Harris Khalique.

During the mission, stakeholders across civil society conveyed their need for more local jobs in development projects, decent working conditions and better access to health services, an end to forced conversions among religious minorities, and the development of reliable sources of clean water, especially for remote communities in arid areas such as Thar. Both the public and private sectors must be held responsible for paying their workers – both men and women – at least the official minimum wage and, moreover, paying wages on time.

Given that women and children remain among the most vulnerable groups across labour and religious minorities, HRCP strongly urges the government to keep their needs at the forefront of all policymaking.

*HRCP demands immediate relief for daily wagers*

Lahore, 18 March. The Human Rights Commission of Pakistan (HRCP) is alarmed by the fallout of the national health emergency – caused by the COVID-19 pandemic – on the poor and vulnerable, particularly on daily-wage labourers and workers who rely on the ‘gig economy’ to keep their households afloat.

With schools, offices, shops, and businesses locking down, the option of working from home is a privilege available only to white-collar knowledge workers. Even if saved from illness, low-income groups will still contend with acute food insecurity. The lack of adequate social safety nets, such as paid leave and medical benefits, means that the overwhelming majority of workers and their families are especially vulnerable in this crisis.

HRCP is sorely disappointed with the economic policies of the incumbent government, which has failed to deliver for the majority population. It is time to shift priorities, from subsidising rich individuals and institutions in the name of stabilisation and growth, to putting the wellbeing of ordinary citizens at the centre of any policy planning. The Commission demands that immediate cash and food transfers be organised for the poor and for daily-wage earners, in addition to ensuring their access to free medical care in these testing times. HRCP also demands that health workers, who are at the frontlines of this emergency, be provided the protective gear they need to do their jobs safely and effectively. It is not charity, but the responsibility of the state, to ensure food security and access to healthcare for all its citizens.

*HRCP calls for immediate economic measures to protect the vulnerable*

Lahore, 22 March. The global health crisis caused by the COVID-19 pandemic could have a colossal impact on the health and livelihoods of ordinary Pakistanis. The Human Rights Commission of Pakistan

(HRCP) demands that the government take the following rights-based economic measures without delay. The government must invest in providing protective gear to medical staff dealing with the emergency across the country. All COVID-19 testing must be nationalised and made available free of cost. A debt moratorium should be declared for at least six months and the State Bank's monetary policy reviewed such that discount rates are cut.

Small businesses must be given non-collateralised credit support, while enterprises should be given tax breaks conditioned on their retaining staff. In addition to existing beneficiaries, the Ehsaas and Benazir Income Support Programmes must be used to reach daily-wage earners immediately to provide them with enhanced livelihood support.

It is time to rethink national priorities such that people, not profits, shape the country's economic system. The situation demands an immediate increase in allocations for health, low-income housing, and social safety nets in the federal and provincial budgets. HRCP also calls on all citizens to appreciate that Pakistan is facing a crisis, and to take all precautionary measures as advised by the government and medical practitioners.

#### *Protect sanitation workers from Coronavirus*

Lahore, 26 March. The Human Rights Commission of Pakistan (HRCP) urges the federal and provincial governments to ensure that sanitation workers – who are also on the frontlines of the battle against the Coronavirus – are provided protective personal equipment to function safely and effectively.

No sanitation worker should be compelled to work without a face mask, disposable gloves, protective footwear, and hand sanitiser. Moreover, they should be guaranteed free medical care and paid sick leave in the event that they, or members of their family, fall ill. Sanitation workers already work in difficult conditions and often without adequate protective gear; they are now even more vulnerable to contagion. Waste management and disposal is an essential component of any public health strategy and, in these grim circumstances, all municipal bodies and private companies across Pakistan must prioritise their workers' health and welfare.

#### *HRCP concerned over delays in relief effort*

Lahore, 2 April. The Human Rights Commission of Pakistan (HRCP) alerts the authorities to the growing frustration among vulnerable families over unnecessary delays in providing them with food rations and other necessities.

HRCP believes that the lack of clarity at the level of the federal government – where the Prime Minister apparently takes a different view of the pandemic from other government functionaries – is exacerbating the situation. This delay is likely to create law and order problems sooner than later and could lead to food riots.

Instead of wasting further time in creating new entities, existing human resources should be mobilised immediately to distribute rations. These include the courageous polio vaccinators, lady health workers, and trained volunteers of the Civil Defence and Red Crescent, who already have proven access to people at the household level across Pakistan. Local civil society organisations can also be used for this purpose under a coordinated plan.

HRCP also demands the restoration of the suspended local governments in Punjab and Khyber Pakhtunkhwa. Without functioning local governments, any relief effort will remain an uphill task.

*Government must put people before big business*

Lahore, 17 April. The Human Rights Commission of Pakistan (HRCP) deplores the recent operation in which a low-income settlement in Islamabad was razed to the ground, leaving at least 75 poor families homeless. Such incidents reflect a cavalier approach to protecting the rights and welfare of vulnerable communities. It is likely that the rash of evictions that has occurred in the last two years – in many cases without adequate notice or compensation, and resettlement options – has encouraged local authorities to conduct such operations without considering the human cost.

While the government has announced support to the construction sector, it is questionable whether these benefits will reach those who need them most – among them, the informal workers and daily wage labourers who make up the bulk of the population relegated to kachhi abadis. In this crisis, axing people's right to shelter is reprehensible and belies the government's earlier promises to provide affordable housing for the poor.

HRCP strongly urges the government to avoid trickle-down policies driven by big businesses and property developers. Its approach to managing the economic challenges wrought by the pandemic is only as good as its ability to protect the economic and social rights of the poorest and most vulnerable.

We strongly urge the government to put the needs of the poor and vulnerable foremost in its efforts to manage the fallout of the Covid-19 pandemic.

### *Safety of medical personnel must be priority*

Lahore, 20 April. The Human Rights Commission of Pakistan (HRCP) urges the provincial government to heed the legitimate demands of the young doctors on strike in Punjab. The country's need for medical personnel in the midst of a public health crisis does not override their right to occupational health and safety. Nor does it justify the high-handedness of the police who attempted to quell the strike by force.

Several grievances put forward by representatives of the Grand Health Alliance are cause for serious concern. They have claimed that public hospitals have sorely inadequate Coronavirus screening facilities for medical personnel, and that the health ministry disburses personal protective equipment (PPE) only to those doctors and nurses who work in the Coronavirus isolation wards. However, all medical personnel remain vulnerable so long as they are working in any part of any hospital.

The striking doctors have also complained that the wards used to house infected colleagues are abysmal, reflecting even more poorly on the conditions in patient wards. It is also worrying to hear doctors say that they fear their jobs may be terminated allegedly at the behest of the health ministry if they speak to the media about their concerns. All these concerns must be addressed promptly and fairly if the long fight against this pandemic is to be successful.

### *Covid-19 response marred by indecision*

Islamabad, 23 April. With the number of Covid-19 cases rising steadily, the Human Rights Commission of Pakistan (HRCP) is alarmed at the way the federal government is handling this public health crisis. There is an absence of clarity in the federal government's measures - a clarity without which it cannot hope to curb the pandemic and create space for the country's already fragile healthcare system. The government in Islamabad has sown confusion among the population by relaying mixed messages about the lockdown and inciting its supporters in Sindh to undermine the actions taken by the provincial government.

Instead of learning from the experience of more developed countries that have suffered hugely at the hands of this pandemic, the federal government remains indecisive. Worryingly, despite clear warnings from the Pakistan Medical Association, it has allowed congregations in Ramazan under pressure from certain clerics, even though this contravenes lockdown decisions in other Muslim countries. When a large part of the population across Pakistan is at risk, it is deeply disappointing to see the federal government indulge in scoring political points against a provincial government, while capitulating to the big business and religious lobbies.

### *Abolition of PLWD job quota inexcusable*

Lahore, 1 June. The Human Rights Commission of Pakistan (HRCP) is appalled to learn of the government's decision to abolish the two percent public and private company employment quota for persons living with disabilities (PLWDs), by deleting Section 459 of the Companies Act 2017 through a presidential ordinance in May.

It is deeply ironic that such a decision was made barely four months after the National Assembly passed the ICT Rights of Persons with Disabilities Bill 2020 – a bill in which the Minister for Human Rights took a special interest. It is more ironic still that this decision has been made even as the federal government claims to protect people's right to work in the midst of the Covid-19 crisis. That PLWDs, already marginalised, should be stripped of this protection so lightly is inexcusable.

HRCP would like to remind the government that Pakistan is a state party to the Convention on the Rights of Persons with Disabilities and is therefore bound to comply with all its provisions on work and employment for PLWDs. The Commission strongly urges the government to reverse its decision on the job quota immediately and focus on providing fairer, better labour protection to PLWDs.

### *Demolition of Hindu homes in Bahawalpur illegal, inhumane*

Lahore, 5 June. Following an independent fact-finding mission, the Human Rights Commission of Pakistan (HRCP) has found that the local authorities in Yazman (Bahawalpur district) were responsible for demolishing the homes of a Hindu community in Chak 52/DB.

While the assistant commissioner of Yazman claims he acted on a complaint filed by a local registrar accusing the community of attempting to sell 'state-owned land illegally', HRCP has strong grounds to believe that the latter, a Mr Muhammad Boota, used political connections to threaten and intimidate the Hindu community into selling land they were legally allotted by the Board of Revenue in 2018 to construct their homes. The community has documentary proof of this allotment (available with HRCP) and alleges that Mr Boota's aim was to increase his own landholdings.

The demolition occurred despite the fact that the Hindu community – fearing this might come to pass after being threatened by Mr Boota on several occasions – had filed a case petitioning a senior civil judge of the Bahawalpur bench to issue an order forbidding any such action. Even though the restraining order was issued, on 20 May 2020, 25 houses were levelled and another 10 partly demolished, leaving their occupants – including young children – without any access to shelter.

One respondent claimed that she was dragged out of the house by her hair.

HRCP notes with serious concern that the Hindu community, already vulnerable as a religious minority, was targeted on grounds of faith to advance the interests of the local land mafia. Indeed, Mr Boota referred preposterously to the community as 'Hindu occupationists'. HRCP strongly urges the federal minister for housing and works, Tariq Bashir Cheema, to take action against the perpetrators who claim to enjoy his protection. Moreover, the Punjab government must compensate all those families affected by the demolition.

*Government response to Covid-19 sloppy  
HRCP study evaluates and makes recommendations*

Islamabad, 19 July. The Human Rights Commission of Pakistan (HRCP) demands that parliamentary oversight be restored immediately to all decision-making related to the Covid-19 pandemic. The government's overall response has been marred by inconsistent messaging at the top, which must be rectified by ensuring that the federal and provincial governments present a united front in this time of crisis. HRCP also stresses that the rights of the vulnerable and marginalised must be at the centre of all efforts related to pandemic prevention, containment, and treatment – not only in this instance but as a matter of principle and policy in the long term.

Based on an analytical fact-finding study released today, HRCP finds that the pandemic has eroded people's trust in, and respect for, ruling institutions and the governing elite. The health emergency has exacerbated existing structural discrimination and inequalities, and laid bare misplaced socioeconomic priorities.

The report includes a survey of a cross-section of citizens countrywide, of whom only 25 percent thought the steps taken by the federal government had been effective in tackling Covid-19. Around 94 percent felt that wage labour had been the most affected by the pandemic. More than half were concerned that religious minorities would be discriminated against in the distribution of relief items or access to healthcare, and around 70 percent felt that women had become increasingly vulnerable to domestic violence.

Any revival of economic activity will have to be done by generating demand and avoiding any downsizing. In addition, to make resources available for employment generation and wider, more effectual social protection, the government must realise the urgent need to cut back on redundant government divisions and departments and non-combat defence expenditure.

In terms of public health, an overarching strategy should be built around preventive healthcare. Adequate personal protective equipment must be made available to all frontline workers, including janitorial staff, at all levels. In the short term, the government must fill vacant positions in the provincial health service systems and arrange to use district hospitals for quarantine and isolation.

Women's health, employment, and domestic abuse are areas of special concern that need immediate attention. Governments and civil society must not lose sight of the vulnerability of religious minorities, persons living with disabilities, the elderly, and transgender persons, especially in terms of their access to healthcare and aid distribution. The problems identified in access to online education and connectivity must be rectified at the earliest. Serious attention must also be paid to the state of Pakistan's prisons, which are especially susceptible to infectious diseases.

This is a defining time for government at all levels. Their performance will be judged in relation to how they have handled this crisis, and there is much that can still be done to mitigate its effects.

*Karachi's urban flooding a consequence of multiple jurisdictions  
Empowered local government suggested as solution*

Lahore, 20 December. A fact-finding report released by the Human Rights Commission of Pakistan (HRCP) points to the city's peculiar political geography where various jurisdictions—local, provincial, federal and cantonment—coexist, often at cross purposes to each other. It recommends making Karachi's land-controlling and management authorities accountable to one central authority or made autonomous. The lack of a legitimate decision-making and accountable authority may have been responsible for bringing the city to a standstill during the monsoon rains in July and August.

The report emphasises the need for an empowered local government for Karachi, adding that the main challenge lies in resolving the city's jurisdictional issues first, giving local government the power to levy local taxes that can then be diverted to local needs, and reversing the top-down urban development model so that Karachi's hinterlands are brought back into the conversation.

Based on extensive consultations with urban planners, human rights activists, journalists, academics and citizens affected by the floods, the report finds that a strong anti-poor bias runs through urban planning and policymaking in Karachi.

Most of Karachi's natural drains are blocked either because they have

been encroached on or have filled up with solid waste. However, these encroachments can be traced to many different agents, including the Defence Housing Authority, the KPT Officers Housing Society and private ‘builders’ with the connivance of state functionaries. Yet, each time Karachi is flooded, it is encroachments by the poor that are flagged as the overriding problem.

HRCP also notes that the superior courts’ involvement in Karachi’s urban planning is problematic because it inevitably leads to anti-encroachment drives against the poor, causing more inequality and poverty. It concludes that the anti-poor bias in policymaking, planning and execution must end.

*Peace and human rights in South Asia  
HRCP cautions against communal violence spreading*

Lahore, 3 March. The grim situation in Delhi – where violent mobs have seemingly been given a free hand by the administration to lynch citizens from the minority Muslim population, to burn their property, and attack mosques – is highly deplorable. This is happening at a time when the people of Kashmir have already been under siege for seven months.

The Human Rights Commission of Pakistan (HRCP) believes that the Delhi violence and Kashmir siege warrant the international community’s immediate attention. Both developments have made minorities across South Asia increasingly vulnerable. We have witnessed equally violent reactions to such events in the past.

Communal violence in South Asia does not occur in a vacuum. There is often a domino effect that causes state violence against minorities in one country to trigger violence against that minority in neighbouring countries. Our shared history, languages and cultures, and the fact that all South Asian states are bound to uphold their citizens’ human rights, should serve as collective strengths.

HRCP calls on the international community and on all governments to make every effort to treat all minorities as equal citizens, and to guarantee their protection and wellbeing across the region.

*HRCP condemns Kashmir siege*

Lahore, 4 August. The Human Rights Commission of Pakistan (HRCP) strongly condemns the Modi government’s unrelenting suppression of civil, political and economic rights in Jammu and Kashmir (J&K). As an independent human rights body with strong rights-based networks across South Asia and globally, HRCP believes that the state of affairs in J&K since 5 August 2019, has further destabilised the region and left its

struggling population even more vulnerable to war and destruction. In addition to persistent tension across the Line of Control between India and Pakistan, the issue has led to the Sino-Indian border standoff.

The Kashmiris are battling constant curfews, illegal detentions, and extrajudicial killings. The new domicile law for J&K also suggests that the government in Delhi is determined to compel demographic changes in the area, to the detriment of Kashmiri citizens' own rights. The two-day curfew announced ahead of the first anniversary of the Indian government's decision to revoke J&K's autonomy is undemocratic and ill-intentioned.

HRCP calls on all regional and international players to support the human rights of J&K's residents, and demands that the Indian and Pakistani governments resume the process of dialogue, with Kashmiris at the centre of any negotiations and settlements.

*Release detained fisherfolk to mark independence meaningfully*

Lahore, 13 August. The Human Rights Commission of Pakistan (HRCP) calls on the Pakistani and Indian governments to renew their commitment to bilateral peace as they celebrate their national independence, by securing the release of over 300 fisherfolk languishing in each other's jails.

In both cases, fisherfolk tend to hail from poor, marginalised coastal communities and, too often, are simply forgotten if arrested by their neighbouring country for having strayed inadvertently into the other's territorial waters. Their right to consular access and nationality verification is consistently violated, as a result of which repatriation is delayed for years. This leaves them at the mercy of overcrowded jails, their plight compounded as foreigners. Meanwhile, their families at home are left one earner short, driving many further into poverty over and above the anguish of a missing family member.

The release of imprisoned fisherfolk who eke out a living in what the International Labour Organization already classifies as a 'hazardous' occupation, is as much about their civil liberty as it is about their economic rights. HRCP also urges both governments to implement a better mechanism by which fisherfolk are turned back when they cross the maritime boundary rather than being arrested and detained.

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# Human Rights Commission of Pakistan

Established in 1986 and registered in 1987, the Human Rights Commission of Pakistan (HRCP) is the country's apex independent human rights body. A membership-based organisation, HRCP is committed to realising the entire ambit of human rights—civil, political, economic, social and cultural—for all citizens and persons present in the country. HRCP uses the framework provided by the fundamental freedoms guaranteed in the Constitution of Pakistan as well as international human rights instruments, to some of which Pakistan is a state party.

HRCP's office bearers for 2020–23 are: Hina Jilani (chairperson), Asad Iqbal Butt (co-chair), Husain Naqi (treasurer), Habib Tahir (vice-chair, Balochistan), Kamran Arif (vice-chair, Khyber Pakhtunkhwa), Raja Ashraf (vice-chair, Punjab), and Qazi Khizar (vice-chair, Sindh). I. A. Rehman is the organisation's honorary spokesperson.

The HRCP Secretariat is represented by its secretary-general, Harris Khaliq. The organisation's day-to-day operations are overseen by the director, Farah Zia. HRCP's work is supported by a network of human rights defenders across the country. It maintains a comprehensive website at [www.hrcp-web.org](http://www.hrcp-web.org).

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