

PAKISTAN: Failure of the institutions related to the rule of law provides impunity to the perpetrators of violations human rights

A. Summary of the Annual Report 2012

The PPP-led government under President Asif Ali Zardari and Prime Ministers Yousaf Raza Gillani and Raja Pervez Ashraf has made some effort to improve the protection of human rights. The lifting of the State of Emergency, the end of the judicial crisis, and the attempts to improve the country's normative and legal framework has been welcome.

However, continuing political instability, frailty and failure of the country's institutions related to the rule of law, ongoing impunity enjoyed by perpetrators of violations – notably the police, military, and intelligence services – and persistent grave human rights violations, along with the humanitarian problems associated with the most devastating floods in the history of Pakistan in, mean that the human rights and security situation has worsened in 2012.

Widespread corruption, religious extremism, armed conflict, terrorism and counter-terrorism, allied with weak institutions, and impunity for perpetrators, engender grave abuses, such as torture, forced disappearances, extra-judicial killings, and discrimination and violence against religious minorities and women.

At the start of the year, the government was confronted by the judiciary. In this case, the Supreme Court ordered the government to write a letter to the Swiss authorities in order to pursue the corruption allegations against President Asif Ali Zardari. But, the government failed to comply. The Supreme Court even ousted one Prime Minister during the proceedings. Throughout the year, the judiciary and the government remained logger-heads. By the end of 2012, the judiciary even started poking its nose into the affairs of the Pakistan army, which initiated a fight between the judiciary and the army. The judiciary wants to be an institution with power to run the government and amend the laws. Because of the new attitude of the judiciary, courts have become involved in politics and their normal functioning has ceased.

Despite having accepted recommendations to ratify the International Convention on the Protection of All Persons from Enforced Disappearance (CPED), the government of Pakistan has refused to follow through. Numerous disappearances continue to be reported. Fundamental rights enshrined in these instruments, including the protection from torture, from forced disappearance, and from extra-judicial killing, continue to be violated, widely and with impunity.

Violations remain widespread due to the failings of, and lack of reforms to, the country's institutional framework, in particular, key institutions of the rule of law – the police, the prosecution, and the judiciary. This is compounded by persisting impunity enjoyed by Pakistan's military and intelligence agencies. The lack of effective investigations by the police and the lack of effective prosecutions, even in the rare cases where alleged perpetrators are brought to court, mean that violations continue to go unpunished. Where those responsible are state agents and members of powerful groups, this is even more marked. The Government of Pakistan has thus failed to implement the recommendations made to ensure fair trials, punish cases of abuse by the security forces, and ensure that victims have access to protection and redress.

Widespread, endemic, corruption has a direct impact on these institutions' protection of rights, engendering both abuse and impunity. It leads to violations such as torture being committed by the police in regular criminal investigations, and critically undermines the country's justice delivery mechanisms. The involvement of the military in land-grabbing and illegal exploitation of natural resources is also a source of grave violations and internal conflict, as seen in Balochistan.

Pakistan accepted recommendations to establish a National Human Rights Commission (NHRC), in line with the Paris Principles. Pakistan's Senate on March 9, 2012 established an NHRC under the Pakistan Human Rights Commission law. This law prohibits the intelligence agencies from detaining any citizen illegally, states that the armed forces and intelligence agencies will be answerable to the commission and parliament, and empowers the commission to monitor any jail or secret prisons to check for illegal detentions and receive complaints.

But, the NHRC still has not initiated its work. While its formation is welcome, it remains to be seen whether the NHRC or the parliament will be able to bring the military and intelligence under the ambit of the law, something civilian government and the courts have failed to do. It must be noted that the law also restricts foreign funding for NGOs without approval, something that has the potential to be abused to obstruct NGOs working in favour of human rights.

Additionally, Pakistan's dual judicial system, which comprises a secular system of national laws and courts, as well as parallel traditional jirgas and Shariah court systems, results in conflicting, and often contradictory, efforts to provide justice, something that has undermined the protection of rights. For instance, the Shariah court stopped land reforms through a stay order in 1980 during the military dictator General Ziaul Haq's rule. The Shariah court termed land reforms as un-Islamic. Land reforms were introduced in 1975 by the Bhutto regime, but since 1980 the higher courts are even not hearing the cases which were filed against the stay order.

The two girls have changed the society

The two girls, 14 year old Malala yousufzai and 11 year old Ramsha Masih, have changed the mindset of the society which was under the pressure of repression and terrorism of the Muslim fundamentalist forces.

The people of Pakistan were never been so united as they have shown solidarity with these two girls. Not only the there was a strong movement for them but also the world has come out in their support.

Malala the silence breaker— not the silence broker



Malala Yousuf Zai has become the silence broker in the Pakistani society whose sacrifice has given a voice to the people who were scared of terrorists and Muslim fundamentalists because of the state policy of appeasement towards the Muslim groups.

October 9, 2012, is the day that has witnessed the unanimous indignation of the world because of the infamous attack suffered by Malala Yousafzai, who was shot in her head and neck in an assassination attempt by Taliban militants, while she was going back home from school on a bus full of other young students. Malala is a 14 year old school student and known activist for girl's rights in the Swat Valley, the region in the north of Pakistan where Taliban extremists have been trying to take control and rule. Among the plans of these extremists, there is also the attempt to banish girls from attending school, as well as the prohibition of music, television and other forms of amusement considered against morality. Malala's father, Mr. Ziauddin Yousafzai, is a poet, school owner and an educational activist himself, and has always encouraged his daughter to study and pursue education.

Ramsha Masih



The case of Ramsha, an 11 year old Christian girl affected by mental retardation, can indubitably offer a clear example of extreme bigotry in the name of dogmatism. This year in August, she was arrested on the charge of blasphemy because falsely accused by a Muslim neighbor of burning pages of the Holy Quran.

The whole society stood behind her and government was forced to provide protection to her. The courts of the country which are generally not providing relief to the women victims however in this case under the pressure from civil society Islamabad high court has released her from the blasphemy charges.

A.1 Order of the day: Killings

Sectarian and ethnic killings have become order of the day because of the appeasement policies of the government towards such groups. In 2012, 1800 people were killed in Karachi in target killings and sectarian violence. More than 200 Shias, the second largest Muslim group, were killed in sectarian killings in



different parts of the country particularly the Hazara Shias, by the majority Sunni and by terrorists and banned organizations. More than 500 persons were killed in the terrorists and suicide bomb attacks.

Daily life in Pakistan is marred by terrorist attacks that range from bombings to shootings and execution-style killings. All these are taking place in an environment where law enforcement agencies are too helpless to intervene. Little in the way of investigation takes place and, even when the identities of the perpetrators are known, no arrests are made.

While a majority of the terrorists are members of Taliban and its various groups, the others are from ethnic, nationalist and Islamic organisations. They make up the same numbers as those of the Taliban and as a result the most common smell on the streets of Pakistan is that of gunpowder and cordite. The sounds of gunshots, automatic fire, and explosions are interspersed with heart rending screams of the surviving family members. It is not overly dramatic to say that few people know whether they or their loved ones will see the dawn of another day. Parents keep the image of their school-going children in their minds, while in their hands they hold their mobile phones, constantly fearing the call that will bring them bad news. No one who has to leave their homes for work or family business knows whether he or she will be the victim of a stray bullet or a suicide bomber.

The most productive industry in the country is the manufacturing of explosives used by suicide bombers and this industry is financed by donations from vested interests abroad, sections of the military and high ranking officials of the government. Apart from the physical bombs themselves, the suicide bombers are being 'manufactured' at a similar rate. This is thanks to the religious extremists that spread messages of hate from the very mosques supposed to be spreading a type of religious peace. In Pakistan the meaning of the word 'justice' translates as "How do we save our own skin. How do we pretend to do our jobs without appearing to be humble servants of the terrorists and extremists?" This is borne out by the fact that thousands of terrorists have been arrested, but few spend more than a few days in custody as they are either released or bailed out, never to be seen again. The death sentence is handed down to criminals for heinous crimes and there are 8,000 people on death row, but not one of them is affiliated with the Taliban. The standard excuse by the courts is that the prosecution has not made its case. Alternatively, in cases where the government has a vested interest, evidence is even collected from newspaper reports. Where then, is the rule of law?

A.2 Forced Disappearances

Pakistan has amongst the highest number of forced disappearances in the world, considered to number in the thousands over the last decade itself, with numerous disappearances continuing to take place. Forced disappearances are part of a pattern that includes arbitrary or illegal arrests, detention in secret locations, and torture, which frequently results in extra-judicial killings. Exact numbers are difficult to ascertain, as many disappearances take place in remote areas affected by armed conflict – such as the Balochistan Province (in connection with conflict between governmental armed forces and Balochi nationalist armed forces); the Khaiber Pakhtoon Kha province (related mostly to counter-terrorism, often in connivance

with foreign forces); and in Pakistani-held Kashmir (typically for refusal to participate in the “Jihad” inside Indian-held Kashmir or to provide information to intelligence agencies). Hundreds of cases have also been reported in Khaiber Pakhtun Kha and Pakistan-held Kashmir, while tens of cases have also been reported in Sindh and Punjab.

A.3 Torture

Torture remains endemic, widespread, and is typically accompanied by impunity in Pakistan. Extreme forms of torture continue to be documented in the country, including, inter alia: beatings with fists, sticks, and guns on different parts of the body, including the soles of the feet, face, and sexual organs; death threats and mock executions; strangulation and asphyxiation; prolonged shackling in painful positions; use of chilli-water in the eyes, throat and nose; exposure to extreme hot and cold temperatures; mutilation, including of sexual organs; and sexual violence, including rape. Torture is used by the military and intelligence agencies in the contexts of counter-terrorism and armed conflict, but is also widespread in routine investigations by the police.

Security forces and intelligence services are known to be operating ‘torture centers’ in many of major cantonments across the country, which are often in or around major cities. The AHRC has evidence of around 50 such centers currently in operation. The government has taken no action to close these centers. There is a clear requirement for independent civilian monitoring of all places of detention in Pakistan, which speaks to the pressing need for the Government of Pakistan to ratify and implement the Optional Protocol to CAT (OPCAT), without delay, as well as to invite the United Nations Special Rapporteur on torture as a priority.

The climate of impunity is illustrated by the increasing use of torture by state agents in public places. Video evidence shows how Pakistani officials are using torture in public as a repressive tool to create fear and exert control. This is being met in no way by any credible action by authorities, i.e. investigating such cases and bringing state agents found responsible to justice. Significantly, no effective action has been taken against the May 1999 police torture of the current sitting President of Pakistan, Mr. Asif Zardari. The alleged perpetrator, former Inspector General of Police Sindh province, Mr. Rana Maqbool, has in fact been appointed Prosecutor General of the Punjab Province.

A.3 Extra-Judicial Killings

The ALRC continues to document hundreds of cases of extra-judicial killings in Pakistan, which are accompanied by impunity, due to a lack of investigation and prosecution. Many such killings are linked to forced disappearance and torture, following which victims surface dead. For example, in Balochistan province alone, between July 2010 and October 2011, the ALRC documented 215 extra-judicial killings following abduction by paramilitary forces or disappearance by Pakistan’s law enforcement and security agencies. Journalists, teachers, political activists, students and human rights defenders have been targeted,

in particular. The pretext of ‘encounter killings’ is typically used by the authorities to falsely justify extra-judicial killings as being legitimate.

A.4 Human Rights Defenders

Human rights defenders (HRDs) remain subject to: threats and reprisals against them and their families; harassment; legal and physical attacks; arbitrary arrests and detention; forced disappearance; and torture and extra-judicial killing by state and non-state actors. The government has failed to establish an effective national policy of protection for HRDs or to combat impunity by effectively investigating and prosecuting those responsible for such attacks. The lack of effort to combat impunity mirrors the lack of effort to address the whole range of human rights violations witnessed in Pakistan. And, this, in turn, stems from institutional failings within the police and justice delivery mechanisms, and lack of political will on the part of the government to institute effective institutional reforms. The fact that HRDs expose these failings, places them at particular risk.

Persons who work in favour of human rights, but contrary to the interests of radical Islamist groups, face considerable threat, as may be noted in the killings in 2011 of the Governor of Punjab, Salman Taseer, and the Federal Minister of Minority Affairs, Shabaz Bhatti, who were targeted for their efforts to protect minorities, and their opposition to Pakistan’s draconian blasphemy laws.

Another accepted recommendation calls for the government to address the repressive effect of civil society monitoring procedures and anti-terrorism legislation on the operation of human rights defenders. The sentencing of six leaders of a power-loom workers union to a total of 490 years in jail, based on fabricated charges under anti-terrorism legislation in November 2011, illustrates the government’s failure in this regard.

The killings of HRD’s in Balochistan, while they were documenting cases of forced disappearances as part of the Supreme Court’s efforts to compile a list of cases, illustrates the risks to defenders who work on the gravest rights abuses.

Where judges take positions in favour of human rights they face serious threats or attacks, as can be seen in the case of Anti-Terrorist Court judge Pervez Ali Shah. On October 1, 2011, Justice Shah awarded a death sentence to the killer of the former governor of Punjab province. However, he was forced to leave the country, due to the lack of protection provided by the government even after he received threats. His court and home were subsequently attacked by religious fundamentalists as well as militant Islamist lawyers.

There remains serious concern about the process of selection of judges, and the roles of the Judicial Commission and the Parliamentary Committee on the appointment of judges, with nepotism and corruption plaguing the process. Ethnicity is proving a barrier for selection and reforms are required in order to ensure that judges are appointed on merit rather than political affiliation. Also of concern is the nexus between the judiciary and the police and security forces, which seriously obstructs attempts to seek

justice concerning human rights violations committed by state agents in particular. For example, Mr. Abdul Saboor, was reportedly killed in a military detention centre while a petition was being filed concerning his case at the Supreme Court. The Registrar of the Supreme Court reportedly obstructed the filing of the petition on technical grounds for one week, having seen that it was against the military establishment. During the period of delay, Abdul Saboor's dead body was dumped on a roadside in Peshawar city, Khyber Pakhtoon Kha province.

The Government of Pakistan has failed to invite the Special Rapporteur on human rights defenders to visit the country despite accepting a recommendation to do so.

A.5 Freedom of Expression & the Media

Pakistan remains one of the most dangerous countries in the world for journalists, with both state and non-state actors targeting them with threats and attacks.

The higher courts have tried to restrict the freedom of expression by imposing ban on court reporting and comments on decisions, particularly about the biased attitudes of the judges in favour of son of chief justice, who was accused of taking huge bribe for settling cases against a particularly tycoon.

Despite the Supreme Court having ruled that all Musharraf-era amendments are now null and void, the National Assembly has retained two amendments in the pending 2010 Pakistan Electronic Media Regulatory Authority (PEMRA) amendment Bill, one of which bans broadcasting institutions from publicizing views or actions that are "detrimental to ideology of Pakistan, sovereignty, national security and integrity." Any content perceived as being derogatory to state institutions are banned. The government has gone further and added a clause to the Bill, banning the broadcasting of any programme or discussion aimed at influencing or giving opinions about sub-judice matters. Those responsible for or assisting the violation of the ordinance can be fined up to Rs. 10 million (around USD \$110,000), with cable operators broadcasting such content facing three years imprisonment, a fine, or both.

Additionally, in Punjab Province, a ban has been imposed on all government officials from interacting with the media under the new Protection and Communication of Official Information Rule, which is being seen as unconstitutional, as well as a serious threat to media freedom and the right to information.

The Government of Pakistan has accepted a recommendation to review laws and measures to ensure that restrictions imposed on freedom of expression are in conformity with the ICCPR.

A.6 Religious Discrimination

Despite having accepted several recommendations to guarantee freedom of religion in law and practice, religious discrimination and attacks on minorities continue unabated in Pakistan. The government is

bending to sustained pressure from fundamentalist Islamic groups. The AHRC has documented many cases of religious persecution against Christians, Hindus, members of the Ahmadiyya community, as well as members of the Shia sect of Islam, often with the acquiescence of the authorities.

Banned religious groups continue to operate freely. Banned religious groups under the supervision of Punjab provincial government launched a public hate campaign calling for citizens to kill members of the Ahmadiyya community and attack their businesses. The authorities took no action against the group. In Balochistan, gunmen belonging to banned religious organization Lashkar-e-Jhangvi (LeJ) shot dead 26 Pakistani Shia Muslim pilgrims travelling to Iran. This brings the total number of Shia's killed to over 800 over the last three years, without credible action being taken by the governments.

It is deplorable that the government failed to place the country's blasphemy law in line with the ICCPR. This law continues to be abused to persecute religious minorities. In one case, an 11-year-old Christian girl, Ramsha Masih, has been booked on the charges of blasphemy law but the government, instead of mobilizing the society against the misuse of blasphemy laws, preferred to send her out of the country to appease the fundamentalists.

The AHRC estimates that on average some 700 Christian and 300 Hindu girls are forcibly converted to Islam each year in Pakistan, notably in Punjab, Khyber Pakhtun Kha and Sindh provinces. Typically, girls are abducted, raped, and kept in Madrassas, where they are forced to sign marriage certificates and state that they have converted to Islam. Despite the 2011 Prevention of Anti-women Practices Act, which abolishes the practice of forced marriages and the exchange of girls in settling disputes, as well as the marriage of minor girls, the police refuse to intervene in such cases and courts are even complicit in this, by nullifying women's previous non-Islamic marriages and recognizing their forced marriages instead.

The Ahmadis are one group denied their right to vote; they cannot register as a voter in Pakistan. It is a most shameful and horrifying fact that all Muslims in Pakistan, in order to get I.D cards essential for registering as a voter, have to make a declaration pronouncing the Founder of the Ahmadiyya Community as an imposter and a liar. No civil society in the modern times can tolerate such arrogance of a country towards its own nationals.

Being a minority community, the Ahmadis are denied the basic rights of the vote to elect their representatives and that under the present civil government they have been swiftly and effectively expelled from the whole electoral process. Pakistan has now introduced a form for the registration of all voters but every applicant who ticks himself as a Muslim is made to sign a certificate printed on the back of the form declaring that he or she is not associated with the 'Qadian' or 'Lahori' group, or calls himself or herself an Ahmadi. The Government of Pakistan has not only confiscated their freedom to faith, belief and practice, but is also victimising them socially, economically and educationally.



A.7 Violations of Women's Rights

Women face discrimination in all facets of life in Pakistan and brutal treatment such as domestic abuse, sexual violence and rape (by state and non-state actors), torture, honour killings, and murder. Verdicts by jirgas (illegal tribal judicial courts) ensure the persistence of violence against women. Those responsible typically go unpunished due to discriminatory laws and gender bias. It is believed that 70% of people who commit honour killings in Pakistan escape punishment. This remains the case despite the government having accepted a recommendation to “ensure punishment for perpetrators of all violence against women and also thoroughly investigate and punish members and leaders of illegal jirgas for their calls to violence against women”.

The government remains unwilling to challenge fundamentalist Islamic groups and traditional practices. The government rejected key recommendations in the first cycle of the Universal Periodic Review (UPR), concerning the need to repeal the Haddood and Zina Ordinances, to decriminalise adultery, and to prohibit the use of Qisas and Daiyat law in cases of honour killings. The grave problem of honour killings persists in Pakistan, with AHRC continuing to document cases.

Local and national media have reported 215 cases of Karo Kari, the honour killing, from January 1st, 2012 to November 20th, 2012. After analyzing data, a research team, of the NGO Foundation for Research & Community Empowerment (FRCE), has come to conclusion that more than 80 percent of karo-kari killings have taken place only in northern areas of Sindh. Kari is a type of premeditated honor killing, which originated in rural and tribal areas of Sindh. The homicidal acts are primarily committed against women, who are thought to have brought dishonor to their family by engaging in illicit pre-marital or extra-marital relations. In order to restore this honor, a male family member must kill the female in question.

B. Disappearances, an Enduring Epidemic

It is disappointing that no effort has been made to bring an end to enforced disappearances in Pakistan, carried out by the armed forces, intelligences agencies, and other law enforcement agencies. Despite the formation of several judicial and official commissions on enforced disappearances, the practice continues all over Pakistan, and in Balochistan, in particular. Despite appeals by international agencies and families of the victims, neither is the practice curtailed, nor are victims being recovered. In view of the apparent lack of action on behalf of the judicial and government authorities, family members have lost all confidence in the institutions of justice. They have only their hope that one day, soon, the missing persons will be returned to them alive. However, when they learn or discover that the bodies of their loved ones have been dumped on the street, it has a chilling effect on the families of other victims.

These recent incidents of enforced disappearances and extra judicial killings by the armed forces and police expose the complete breakdown in the rule of law in the face of an independent judiciary and parliament. The army firmly believes that it is above the law of the land and never misses an opportunity to thumb their nose at the government. The basic concept of rule of law is totally eroded from governance which is why, time after time, such incidents take place. The army also exerts pressure on the media, never allowing it to work freely. This is evident by the fact that the aforementioned incidents were down played by the media because of threats and intimidation to media houses and journalists. Many journalists have been tortured and killed by the army and its intelligence agencies, a forceful reminder for self-censorship.

Many of the disappearances occur in remote areas affected by armed conflict, such as Balochistan Province (in connection with conflict between governmental armed forces and Balochi nationalist armed forces); Khaiber Pakhtoon Kha province (notably under counter-terrorism, often in connivance with foreign forces); and Pakistani-held Kashmir (typically for refusal to participate in the “Jihad” inside Indian-held Kashmir or to provide information to the intelligence agencies).

Disappearances are accepted by the authorities as a normal practice. The major political parties in sizeable numbers in parliament are also silent on the issue of enforced disappearances and torture in military detention cells.

A new trend has been reported in enforced disappearances; it is the extra-judicial killings of the victims following their interrogation under torture. Through this method it is easy for the abductors to wash away all evidence of the disappeared – no question of First Information Reports (FIR), legal process, or fingerprinting. Since July 2010, more than 430 bodies of disappeared persons have been found on the road sides in Balochistan province alone. The family members of many disappeared persons have filed FIRs but the authorities avoid pursuing cases as witnesses point to persons from the Frontier Corp and intelligence agencies. Not a single person from these agencies has ever been arrested despite their identification.

Much of Balochistan is under military lock-down and quarantine. Journalists and human rights defenders are usually denied access to the area by the Pakistani authorities. Islamabad doesn't want the world near the evidence to its continuing crimes against humanity, including the indiscriminate bombing and strafing of villages using US-supplied F-16 fighter aircraft and Cobra attack helicopters.

The courts, particularly the higher judiciary, have disappointed family members of disappeared persons. The Supreme Court has taken up the cases of disappearances, particularly from Balochistan province, and many times shouted at the military for not cooperating in solving the issue of disappearances. But, the Supreme Court has failed to solve anything, as the powerful institute of the military has ignored its orders and this despite the Supreme Court having many times mentioned that military and para-military units were involved in the abduction, disappearances, and extra judicial killings.

Such disappearance and assassination in Balochistan has become so endemic, courtesy the influence of the military and its spy agencies, that the government is hesitant to take any action to stop it. The only hope for the people of Balochistan lay with the judiciary, but that course has also been denied as none can

challenge the military's illegal and supra constitutional actions. The judiciary has proved that it would not go against its past masters, who still rule today. That is why the military and its spy agencies have supra constitutional authority to deal with the Baloch people, who are struggling for their constitutional right of self rule in the province. The judiciary has totally failed them, not only in bringing the disappeared persons to the surface, but also has turned a blind eye to the abductions and killings in the province.

The nationalist forces of Sindh province claim that about 100 persons have been disappeared in the recent past. Some of their bodies have been found on the road side showing signs of severe physical abuse while their cases were being heard in the higher courts.

In the province of Pakhtunkha around 2,000 persons have been disappeared since the war on terror began. In one case, even after it was established before the Supreme Court that four persons had died in a military camp, a year later the Supreme Court closed the case without identifying any military officer. It is this lack of action by the higher courts that encourages the military to continue their crimes against the people of Pakistan.

Disappearances in Balochistan have become routine work for Frontier Corps (FC) and intelligence agencies. Since last year, the law enforcement agencies have introduced a new trend in which they extra-judicially kill the disappeared persons so as to ensure that there is no evidence linking the abductions to them. In many cases of disappearances people have been abducted in front of their family members, friends, and relatives. They have been kept in torture cells and killed extra-judicially. Victim's families have recorded their peaceful protests for the safe recovery of their loved ones. But instead of their recovery, family members of the victims have been handed back bullet-riddled bodies.

Since Pakistan became a key ally in the US-led "war on terror" in late 2001, hundreds, if not thousands of people, both Pakistani and foreign nationals have been subjected to enforced disappearances in Pakistan. As a result of this practice, people are kidnapped, held in secret locations outside any judicial or legal system, and are often subjected to torture or other ill-treatment. The clandestine nature of the arrests and detentions of suspects makes it impossible to know exactly how many people have been subjected to enforced disappearance in the last ten years. The practice has spread to domestic opponents of the Pakistani government, in particular Baloch and Sindhi nationalists. Held in secret detention out of sight and without charge, without access to their families or lawyers, their fate and whereabouts remain unknown.

The disappearances, killings in military detention centers, and dumping of bullet-riddled bodies that include torture marks on the bodies, by the spy agencies, particularly ISI and military intelligence are no longer a secret. This was exposed during the case of Abdul Saboor (29), taken in custody illegally by military authorities, after he was picked up from prison two years ago. He died in military custody this year. According to his mother and his lawyer, his death followed torture and poisoning.

Infamous Case of the Missing 11¹

Eleven prisoners went missing in 2010 from Adiala Jail, Punjab province. They were suspected terrorists who were arrested on allegations of involvement in an attack on former president Pervez Musharraf, attacks on Kamra and Hamza Camps, GHQ, and possession of suicide jackets, but were later acquitted by an Anti-Terrorist Court. In spite of their acquittal, they were not released. The Lahore High Court (LHC) again ordered their release, following which they were allegedly picked up yet again by the intelligence agencies. There was speculation that they were 'handed over' to the intelligence agencies by the Adiala Jail authorities. This was in 2010. In 2011, a senior law officer of the GHQ admitted that the prisoners were in their custody. The Advocate General explained that they were formally arrested in April 2011 and a case had been registered against them under the Pakistan Army Act, 1952. Apparently, four of the eleven abducted prisoners have died in custody. A missing person petition has been filed in this regard. The SC issued notices to the defence secretary, ISI and MI Director Generals (DGs), and Judge Advocate General (JAG) of the GHQ. In the same case, three more suspects of attacks on military installations were killed and their cases are also in the courts.

B.1 Supreme Court is Culpable



The Pakistan army and its intelligence agencies enjoy immunity, not only from the government, but also from the higher courts, who still claim to be part of an independent judiciary. The Supreme Court's attitude in cases related to human rights abuses by the military is manifestly different from its attitude when cases involve civilian authorities.

This became apparent once again during the hearing of a constitutional petition filed by Ms. Rohaifa, the mother of three men who were arrested by the military and charged with an attack on military installations. One of the three detained sons was killed while in custody at a military detention center. This was after the Chief Justice requested the counsel for the military and its spy agencies to allow the family members of the prisoners that had been admitted to the hospital, to meet their missing ones. The Chief Justice was very humble in his request, saying: "If it was possible to arrange the meeting of the relatives with four missing prisoners admitted to Lady Reading Hospital, Peshawar". The request from the CJ implies that it was not a right for family members to meet with the prisoners, who have been missing for two years after having been acquitted by the Anti-Terrorist court.

¹ See <http://www.humanrights.asia/news/abrc-news/AHRC-ART-003-2012/>

The Supreme Court (SC) bears responsibility in the killing of four persons in military custody. Indeed, the Court had been previously informed of the situation in January 2011, as a petition was filed stating that eleven suspected prisoners had been taken by the spy agencies of military from the Adiala Jail of Rawalpindi city, Punjab province. This arrest was in spite of having been acquitted by a lower court in 2010 from the charges of attack on military installations, including the General Head Quarter of Pakistan Army.

Nevertheless, the Supreme Court unconditionally allowed the military to try the prisoners under the Army Act, 1952. Since last year, the Court has never inquired about the developments in the trial of the eleven suspects but was aware that four persons were tortured to death in military custody. When the mother of Abdul Saboor filed the petition in the Supreme Court showing apprehension that her sons would be killed, as three other co-chained persons had been killed previously, the registrar raised objection on the petition, which gave the captors sufficient time to eliminate Abdul Saboor.

In the last proceeding, the court tried to appeal to the media, and when counsel from the military asked for time for submitting his argument, the Chief Justice and other judges loudly said that they would not grant an extension. Then, contrary to the statement of judges gave an additional ten days to produce the remaining prisoners in court.

The government too has proven itself subservient to the military. It is fully aware of the existence of illegal detention centers all over the country and of the way in which the military's intelligence agencies operate, abducting and keeping persons incommunicado. The government is also aware how the detainees are tortured because most of the leadership has itself survived the barbarous methods of the military and ISI. It is nothing short of criminal negligence on the part of the government, not prepared to either investigate or halt extra judicial killings, disappearances, and ongoing torture.

The president of Pakistan has also been a victim of military conspiracies and was detained for eight years, during which time he was tortured. But, the domination of the military in the political affairs of the country is so deep and strong that the government cannot act to save the lives of innocent people in its custody. The army, armed forces, and their intelligence agencies are now like an Italian-style mafia that can pick-up anybody, even from the prison, even if they have been released by the courts, and can then torture and kill then and dump their bodies on road sides.

What the counsel of the military and its intelligence agencies did, during the last hearing of the case of Abdul Saboor, was nothing less giving an order as a master, mandating the Supreme Court to consider his plea to delay the case favorably. The military has never paid any heed to the courts. The courts have followed suit and never passed any order against the military. The most revolting aspect of this proceeding was that the court had to decide whether the killing of a missing person in custody constitutes an abuse of his fundamental rights under article 184 (3) of the Constitution. It failed to concede that filing a petition on the killing of one son and asking to know the whereabouts of the other two sons are the fundamental rights of the mother.

Article 184 (3) of the constitution does not have jurisdiction over the Army Act and courts have always considered the army and its laws above the constitution. This is why the courts never conceded to review the jurisdiction of Article 184 (3) in order to extend it to cover the Army Act.

The Supreme Court has been very obliging to the Army and its chief, extending all its cooperation to its past masters.

The question to be raised is the following: how do the courts intend to stop extrajudicial killings and torture when they are quite happy to kowtow to the military and the intelligence services? There is no independent judiciary in Pakistan at the present time and shame for this must fall squarely on the shoulders of the Chief Justice, who is in his present post today because of the sacrifice of the people of Pakistan. The same may be said for the government, which has totally failed to control the mayhem. The people who are being tortured and killed are the same people who voted them into power.

The situation in Balochistan is the best example of the chaos that has replaced any vestige of the rule of law. It is a land where law enforcement is left to assassins, thugs, and smugglers. No one knows how many more will be killed in the coming days? All that is known is that the people of Balochistan have to bury the mutilated bodies of their loved ones almost every day of the week.

Under the present laws, in the presence of a judiciary which was appointed and restored by the orders of the chief of army staff and of a subservient government, it is not possible that the issue of innumerable disappearances and illegal detention centers run by the military can be solved. In coming days, this issue of disappearances may become more critical and serious. It demands strong action from the international community to raise its voice collectively and call for the government of Pakistan to reign in the military and reassert itself in charge. However, this too will be possible only when Pakistan will have an independent judiciary that will assert itself to extend its jurisdiction over the military and its laws.

Kill my other two sons so I can at least bury them²

When Abdus Saboor's ailing mother Rohifa filed a petition in the Supreme Court on January 6, 2012, she pleaded before the SC that if the courts could not provide her relief, the intelligence agencies may be asked to immediately kill her remaining two sons, both in custody, so she could at least bury them before she dies herself. Her emotional statement has shaken people. Apart from the inevitable emotional content of this case, it also throws up complex legal and constitutional issues that need to be debated and adjudicated upon in light of multiple internal security threats faced by Pakistan.

In the case of the eleven missing persons, among them four have died in military custody due to systematic torture. The Supreme Court had ordered the military and its intelligence agencies, the ISI and military intelligence agency (MI) on February 2 to produce the remaining seven detainees before the court on

² See <http://www.humanrights.asia/news/forwarded-news/AHRC-FAT-005-2012/>

February 10. However, this order by the country's highest judicial institution was totally ignored. On February 11, the military again flagrantly ignored the order thereby intentionally humiliating the three member bench of the court, headed by Chief Justice Iftikhar Mohammad Chaudhry. This was a clear message to the judiciary once again that the military and any of its agencies do not fall under the jurisdiction of the Constitution of Pakistan and the law of the land.

430 Bullet-riddled bodies in Balochistan



In the last 18 months itself, 430 bullet-riddled bodies of disappeared persons have been found in Balochistan. The disappearances and extrajudicial killings of Baloch activists continue despite claims from the government and security forces that extrajudicial killings have been stopped. The writ of the state is at its minimum here and all the responsibilities of maintaining law and order have been left to security forces and banned militant groups. A new civilian organization with the name of Tehreek-e-Nefaz-e-Aman Balochistan (TNAB) was allegedly established by

state intelligence agencies, which claim the killings of political workers and students in the name of maintaining peace. During the last six months TNAB has allegedly killed more than six activists from Balochistan and is determined to continue its killings in the future.

Disappearances in Sindh



The Sindh television channel, reported that the bodies of two young Sindhi men, Khadim Lolahi and Qurban Jatoi were found in Goth Sohna Gahej near the Achhi Maseet bus stop in Madeji town of Larkana district, Sindh province, on the morning of 12 February, 2012. They were activists of the Jeay Sindh Mutehda Movement (JSSM), working for the separation of Sindh from

Pakistan³. They had been missing for the last six months, kidnapped by plain clothes officials while they were on their way to Karachi, the capital of the province, 350 kilometers from their district. When the villagers found the dead bodies lying on the roadside they were shocked at the signs of torture and mosques loud speakers calling for the identification of the bodies. A woman, Mahtab Khatoon Lolai, identified one of them as her brother Khadim Lolai and his friend Qurban Jatoi. The Madeji police, without conducting an investigation, then announced that both the killed men were notorious criminals. The residents of Sohna Gahej village refuted the claim of the police and told the media that these two persons, along with others, were picked by a double cabin vehicle in the night, six months before the incident, when they were

³ See <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-024-2012/>

going to Karachi. On the morning of February 12, 2012 the people of the village saw two bloody bodies lying on the road-side spot when they were going to the mosque to offer their morning prayers. The relatives said that both Qurban Jatoi of Ratodero and Khadim Lolai of village Shah Ali of Dakhan town were picked up by security men.

Killings of a Sindhi Nationalist



A Sindhi nationalist and popular political figure of the Sindh province, Mr. Bashir Khan Qureshi was poisoned to death on April 6, 2012. His sudden death has provoked the Sindhi nationalists against the federation of Pakistan. His party loyalists are claiming that he was the symbol of nationalist movement but his death has made a big division in the province on ethnic lines. No credible investigation has yet come out but other investigations particularly independent investigation from UK has proved that cause of the death was poison. The impunity is prevailing on his mysterious death.

Bakhsh Baloch, not spared by even the High Court

A 75-year-old farmer was abducted by the Pakistani security forces, and the High Court of Balochistan has turned a blind eye to his recovery. Mr. Mohammad Bakhsh Baloch, son of the late Kahuda Gangozar, a 75-year-old farmer, resident of Kallag Sami, Tehsil Turbat, district Kech, Balochistan province, was travelling on June 20, 2012 with about a dozen other local persons on a transport vehicle coming from Turbat and going back to his home town in Kallag Sami (35 km east of Turbat). At 3:25 in the afternoon, the vehicle was stopped by personnel of the Frontier Corps (FC) at the FC check-post of Jusak, 4 km north of Turbat town. On approaching the vehicle, the FC personnel in uniform asked the passengers which one of them was Munshi Mohammad Bakhsh. He replied that he was the person they were asking for. He was then asked to follow them and was pushed into their armored vehicle. The passenger vehicle was stopped for an hour at the check-post, and at 4:25 pm was allowed to proceed on its journey. Soon after leaving the FC check-post, some passengers from the vehicle had called the family members of Mr. Bakhsh Baloch informing them about his abduction by the FC paramilitary forces. His son, Mr. Gangozar Baloch, who is an administrator at the University of Balochistan's Turbat Campus, rushed to the local Police Station and filed a First Information Report (FIR) about the abduction. Since then Bakhsh Baloch's whereabouts remain unknown.

Journalist Saleem Shazad's killers are at large



Shahzad, a reporter for the Hong Kong-based Asia Times Online and for Italian News Agency Adnkronos International, disappeared from central Islamabad on the evening of May 29, 2011. His body, bearing visible signs of torture, was discovered on May 31, near Mandi Bahauddin, 130 kilometers southeast of the capital. The circumstances of the abduction raised concerns that the military's feared Inter-Services Intelligence (ISI) agency was responsible. In June 2011, the Supreme Court, at the request of the government, instituted a commission of inquiry into the killing. No one has been

yet arrested after the findings of the commission on his mysterious disappearance and killing.

"The commission's failure to get to the bottom of the Shahzad killing illustrates the ability of the ISI to remain beyond the reach of Pakistan's criminal justice system," said Brad Adams, Asia director at Human Rights Watch, commenting on the case. According to Mr. Adams, "The government still has the responsibility to identify those responsible for Shahzad's death and hold them accountable, no matter where the evidence leads."

The ISI has a long and well-documented history of abductions, torture, and extrajudicial killings of critics of the military and others. Those abducted are routinely beaten and threatened, their relatives told not to worry or complain as release would be imminent, and if they are lucky to be released are done so with the threat of further abuse if the ordeal is made public. Pakistani and international human rights organizations, including Human Rights Watch, have extensively documented the ISI's intimidation, torture, enforced disappearances, and killings, including of many journalists.

Fisher-folk activist Abducted⁴



Mr. Aijaz Ahmed, son of Haji Siddique, is a fisherfolk activist who has been working actively in the campaign against land grabbing and illegal degradation of mangroves in Kakkapir Village, Karachi, Sindh. In response to this struggle, on April 11, 2011, the High Court gave a stay order on mangrove cutting. The land mafia then allegedly murdered two fisher folk activists, friends of Mr. Ahmed, and ignored the High Court order. In this situation, when the Pakistan Fisher-folk Forum had already lost two brave members, Mr. Aijaz Ahmed, on behalf of the deceased activists, had pursued the lawsuit (petition no. D 326/2011) on the cutting of the mangroves

⁴ See <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-135-2012/?searchterm=pakistan%20disappearances>

against Haji Younis, the Sindh Province administration, Deputy Inspector General of Police, Operation of West Zone Karachi, Town Police Officer of West Zone Karachi, SHO Maripur Police Station, and the Board of Revenue of Sindh Province. He had not only been attending the hearings and following up the petition regularly, but was also fighting at the forefront to lead the campaign against mangrove cutting under the flag of Pakistan Fisherfolk Forum against the land mafia. In the continuation of this campaign, several meetings with the stake holders were made as a result of which a vigilance committee was formed by the session judge in order to monitor the cutting of mangroves and to suggest the best possible action in this regard. On June 9, 2012, the committee visited the Kakkapir Village to assess the position of mangroves and to record the encroachments.

Former Jihadi 'disappeared' for refusing to join future jihad activities in India⁵

Mr. Khushal Hussain Qazi, aged 36, a former Jihadi, was taken into custody, on the evening of October 6, by persons belonging to the intelligence agency of the Pakistan army when he was passing the military camp in Lipa, Azad Kashmir (the Pakistani part of Kashmir) on his motor bike, after attending a condolence gathering of one of his relatives. On October 8, a family friend told his wife that her husband was lying in the Combined Military Hospital (CMH), Muzaffarabad, in a serious condition. When his wife, Shahnaz, a school teacher, went to see him, she was told that he had suffered a heart attack and had torture marks on his body. Shahnaz caused a scene by shouting and was able to meet her husband. She found him in chains, and in the custody of two plain clothed persons and two army men. Qazi had marks of torture on his body. She tried to talk to her husband but she was refused and at one point an army man covered her mouth with his hand and pushed her away from her husband. Another soldier in military uniform threatened to slap her. Mr. Khushal Hussain Qazi's whereabouts are unknown and it is feared that he is being subjected to torture to confess that he was an Indian agent as he refused to go for jihad inside that country where the Pakistan army have much at stake.

Missing student found dumped on the roadside with severe torture marks⁶



This is the story of a student who was abducted from the examination center and kept many months blind-folded in the military detention and was tortured. Mr. Mohammad Zakir Bozdar (27), a student and resident of Ghotki, Sindh province, was disappeared by persons in commando uniform on May 9, from the examination hall, where he was due to take his 'Islamic Culture paper', and remained missing until October 9, which was the date that the Sindh High Court demanded that the law enforcement authorities, particularly

⁵ <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-188-2012/>

⁶ http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-189-2012

the military, produce him. This was after several hearings regarding his disappearance. On that day, he was dumped on the roadside at Tando Masti Khan, district Khairpur in serious condition. He had fainted and the villagers informed the police. Mr. Zakir had signs of severe torture all over his body and was bleeding. He was shifted to hospital and the doctors declared that he will not survive without proper treatment.

On May 9th, he had gone to the examination center at the Government Degree College, Ghotki. As he parked his motorcycle and walked towards the examination room one person in plain clothes with a scarf concealing his identity, and five persons in commando uniforms with guns, halted him and started beating him in the presence of Senior Superintendent of Police (SSP), Mr. Ali Nawaz Shaikh, who was there with the principal. He was kicked and beaten by the five commandos and thrown in the black-coloured double cabin vehicle with tinted glass and no registration plate. These types of vehicles are commonly used by military intelligence officials for abductions and enforced disappearances throughout Pakistan. At this moment, some other students bravely tried to stop the abduction, but the SSP ordered some police officers, who were also present, to forcefully prevent them from interfering.

B.2 Military / Intelligence: Still above Courts, Constitution

There are hundreds of complaints concerning missing persons before the higher courts, including the Supreme Court of Pakistan, notably concerning persons allegedly abducted by state intelligence agencies. Many survivors have testified in court that they were disappeared and tortured in cells run by the intelligence agencies, but the courts have consistently shown their inability to hold those responsible accountable, as the military and intelligence agencies refuse court jurisdiction and fail to cooperate with the orders.

The AHRC has documented cases where the military has even brazenly ignored the orders of the Supreme Court. Concerning a case of eleven disappeared persons, four of whom were known to have died in custody; on February 2, 2012 the Supreme Court ordered the ISI and military intelligence agency (MI) to produce the remaining seven detainees before the court on February 10. This order was ignored, as was a repeated order on February 11 by the three member bench of the court, headed by Chief Justice Iftikhar Mohammad Chaudhry. This was a clear message to the judiciary that the military and its agencies do not fall under the jurisdiction of the Constitution of Pakistan and the law of the land.

The government formed a 3-month judicial commission to probe cases of disappearances, comprising Supreme Court Justice Kamal Mansoor Alam and two retired high court judges, which began working in June 2010. It only considered a limited number of cases of disappearances, as it required a First Information Report (FIR) before it considered cases, and the police typically refuse to file FIRs into disappearances, despite a Supreme Court to do so. The commission was unable to get explanations from the intelligence agencies, and its recommendations have been ignored. Another judicial commission has since been formed under retired Supreme Court Justice Iqbal Javed, and has been working for over a year, but has not been able to summon members of the intelligence agencies to appear before it. Given this, it is

hard to see how the newly-established National Human Rights Commission (NHRC) will fare any better when attempting to hold members of the military and intelligence services accountable.

B.3 Recommendations to End Disappearances

- Ratify without delay the CPED, and recognize the competence of the Committee to receive communications under article 31;
- Criminalise forced disappearance under domestic law, in line with international law and standards;
- Ensure full cooperation by the military and intelligence services with the judiciary and the judicial commission into disappearances, and ensure the full implementation of the commissions' recommendations;
- Ensure immediate closure of all illegal secret detention centres operated by security forces & intelligence services;
- Ensure civilian oversight of the military and intelligence services, and full compliance with independent monitoring, including by the Pakistan Human Rights Commission and non-governmental organisations, to ensure the absence of any illegal detention facilities;
- Immediately locate the whereabouts of all missing persons, release all persons being detained illegally, and ensure missing persons families' rights to truth and reparation, in line with international standards;
- Ensure full, effective and independent investigations into all allegations of forced disappearances, bringing those responsible to justice;
- Invite the Working Group on Enforced or Involuntary Disappearances to conduct a country visit without delay and as a priority.

C. Torture: Afflicted Citizenry, Addicted Military / Police

Two and half years after the ratification of the UN Convention against Torture (CAT), the government has still failed to enact a proper law against torture. Pakistan ratified the UN Convention in June 2010, but immediately after it's signing the government showed its reservations on almost all important articles. Since then, Asian Human Rights Commission (AHRC), with the collaboration of more than 30 rights-based organizations, including bar associations, doctors, teachers, women organizations and trade unions,

has drafted a proposed bill against torture and custodial deaths and submitted the same before the government and the parliamentarians, but yet no progress has been made.

Torture in custody has become endemic. It is the most common means by which confessional statements are obtained and bribes extracted. On many occasions, the police and members of the armed forces have demonstrated torture in open places to create fear in the general public. The absence of proper complaint centers, and no particular law to criminalise torture, makes the menace of torture wide-spread. The torture cases have to be reported to the police, and the police, being the main perpetrators of torture, refuse to register the cases. This is the main reason official data about the cases of torture is not available.

As yet, there has been no serious effort by the government to make torture a crime in the country. Rather, the state provides impunity to the perpetrators who are mostly either policemen or members of the armed forces. Furthermore, there is no means for the protection of witnesses. This discourages victims from making complaints. While international jurisprudence on the issue has evolved into very high standards, the situation in Pakistan resembles the Stone Age. Domestic jurisprudence concerning the use of torture is underdeveloped in Pakistan. The appreciation to exercise the right, as envisaged under Article 14 (2) of the Constitution, has thus far been minimal. To make matters worse, in claims against torture, victims bear the burden of proof, and there are no independent investigating agencies that are empowered to inquire into a complaint against torture.

In spite of the prohibition of torture in the Constitution, the Pakistani Army is running detention and torture cells in almost every city in the country. A report⁷ by the AHRC has identified 52 such detention centers run by the military, where people who were arrested and disappeared are kept incommunicado and tortured for several months to extract confessions. The Asian Human Rights Commission has documented evidence that even the Pakistan Air Force and the Pakistan Navy are running detention and torture cells in private houses inside their headquarter compounds.

As of now, there are no independent investigation procedures in Pakistan to investigate cases of torture. In addition, there is an alarming level of insensitivity among legal professionals, including the judiciary, regarding torture in Pakistan. The current government has taken no action to close these centers, There is a clear requirement for independent civilian monitoring of all places of detention in Pakistan, which speaks to the pressing need for the government to ratify and implement to Optional Protocol to CAT (OPCAT) without delay, as well as to invite the Special Rapporteur on torture as a priority.

C.1 Physical remand in police custody – legal way to torture

The Pakistani judiciary and government have adopted a legal way of torture in custody through the method of physical remand in police custody. According to law, the judicial magistrate can grant up to 15 days in police custody for further investigation of the case. This method is commonly practiced by the

⁷ <http://www.humanrights.asia/news/abrc-news/AHRC-STM-158-2008>

magistrates. It provides a way for the police to complete its investigation; and the easiest way to ‘complete’ the investigation is to torture the person.

The law generally known as police remand was introduced at the end of 19th Century by colonial powers to get more confessional statements through torture and conduct brutal investigations. This continuing law gives a legal way to police and law enforcement authorities to get confessional statements through physical torture. Police torture is a colonial legacy, and red chili spray was one of the favorite tools by the police then, which was used to extract confessions from the accused. In fact, it's a ready technique, and still very popular.

The main source of torture in South Asia, and particularly in Pakistan, is physical remand in custody. According to law, the magistrate is supposed to ask the accused person whether he / she went through torture in custody but this practice is generally not followed. The poor training of the police force is one reason for the perpetuation of the use of torture in custody. Because of the lack of awareness and training, investigation officers do not use the basic tools that can help point the investigation in the correct direction. They resort to outdated techniques, which leads to inefficient, slow or even unlawful proceedings. The claim that there is no need to change century-old 'traditions' helps the perpetuation of mistakes and abuses, such as torture. There is, therefore, a great need for better training, awareness-raising, and equipping of Pakistani police forces in order to put an end to such human rights abuses. A large and thorough reform of the policing system must be implemented.

C.2 Compensation for Torture Victims:

According to the existing legal framework in Pakistan, a claim for compensation for an act of torture could be settled under the Shariah law⁸, an opportunity often subject to absolute misuse in the country. Under the existing circumstances, this procedure often benefits the perpetrator. Often, the terms of the compensation are decided by the perpetrator, given the fact that in Pakistan, the law-enforcement officers enjoy a higher degree of authority in the society. By far, the courts in the country have been avoiding dealing with the question of torture. This undermines the possibility of using the civilian court proceedings to obtain compensation, as often the compensation proceedings also require a police report to substantiate a claim against torture.

C.3 Magnitude of the Torture Problem:

It is in the day-to-day work of the lower judiciary that this underdevelopment is mostly visible. One example is the practice of the lower court judges allowing remand custody of the detainees with ease while it is clear that anyone detained will be subjected to torture in Pakistan. The courts even fail to make use of the little space available in the Criminal Procedure Code of Pakistan, where a judge could ask for a reason from the investigating agency for demanding the custody of an accused rather than transferring the accused into judicial custody.

⁸ <http://en.wikipedia.org/wiki/Sharia>

The judiciary is also desensitized to the menace of torture and its impact on the very people the government and the judiciary are meant to protect. According to the laws of Pakistan, the courts should inquire into the prisoners brought before them as to whether they have been tortured or not, but this practice is generally ignored by the courts and particularly the lower judiciary. This is especially so in cases where the prisoner has been held incommunicado for months or even longer. When the prisoners testify that they have been tortured while in custody the courts ignore the testimony and no action is taken. This provides legal impunity to the perpetrators of torture.



In the cases of habeas corpus it is generally found that the courts do not go beyond the production of the prisoners or the denial of the authorities that they have illegally held the prisoner. The courts use the excuse that the purpose of the hearing was to produce the prisoner, not to go into detail about the mistreatment they have suffered.

Extreme forms of torture continue to be documented in the country, including, inter alia: beatings with fists, sticks and guns, on different parts of the body including the soles of the feet, face and sexual organs; death threats and mock executions; strangulation and asphyxiation; prolonged shackling in painful positions; use of chilli water in the eyes, throat and nose; exposure to extreme hot and cold temperatures; mutilation, including of sexual organs; and sexual violence including rape. Torture is used by the military and intelligence agencies in the contexts of counter-terrorism and armed conflict, such as that in Balochistan province, but is also widespread in routine investigations by the police.

The climate of impunity is illustrated by the increasing use of torture by state agents in public places. Video evidence shows how Pakistani officials are using torture in public as a repressive tool to create fear and exert control, and this is not being met by any credible action by the authorities to investigate cases and bring persons found responsible to justice.

Significantly, no effective action has been taken against the perpetrator of torture by the police in May 1999 of the current sitting President of Pakistan, Mr. Asif Zardari. The alleged perpetrator, former Inspector General of Police (IGP) Sindh province Mr. Rana Maqbool, has, in fact, been appointed as the Prosecutor General of Punjab Province.

C.4 Torture Cases

ISI Continues Torturing with Total Impunity

It is widely known and reported that the intelligence agencies arrest persons and torture them in their secret detention centres. It is also generally accepted that the ISI is very active in Pakistani held Kashmir and virtually acts as the only law enforcing authority in the area. The AHRC has documented many cases of abduction, torture and murder committed by the ISI to spread terror in the valley⁹.

A report of the atrocious torture of a soldier by the Pakistani Inter Services Intelligence (ISI) on the false charges of working for the Research and Analysis Wing (RAW), of the Indian intelligence agencies in Pakistani held Kashmir was received by the AHRC, and the Commission released a statement on the matter¹⁰. The victim was arrested by the ISI and then disappeared for five years during which period he was tortured. He lost his teeth, his spine was fractured, his legs were burnt and he had a large injury mark on the head. He cannot walk without the help of at least two persons.

The intelligence agencies, particularly the Inter Services Intelligence (ISI), is accused of training and sending people inside Indian held Kashmir for jihad or for providing information of militants working inside other parts of Kashmir. The family members of the disappeared people have also been stating that when people, who have worked for intelligence agencies, leave the jihad and return to their normal lives, they are nabbed by the ISI and shifted to unknown places as punishment for not working in the interests of 'national security'. There are also reports that some missing persons, who were sent to collect information from Indian Kashmir, were also hired for smuggling liquor and other Indian items on their return to Pakistani Kashmir after having completing their assignments.

There are hundreds of complaints, even, before the higher courts, where it is alleged that people were abducted by the state intelligence agencies particularly by the ISI and military intelligence and were kept in different torture cells for many months on charges of working against Pakistan or involvement with Indian agencies. It is an established fact that the intelligence agencies are running their own parallel governments, where the real government and its agencies are not allowed to interfere. Even the jurisdiction of the courts has little value when it comes to inquiring about the involvement of any intelligence agencies in the legal affairs of the country.

The government and the higher judiciary's inability to control the state intelligence agencies, particularly the ISI, restricting their functions to their own professional duties, have given the agencies impunity to run illegal detention centres and torture cells. In the cases of disappearances, the families of the disappeared persons generally accuse the state intelligence agencies. This is confirmed by the disappeared persons themselves when they have re-surfaced. Many have testified in court that they were tortured in various torture cells run by state intelligence agencies. But, the courts have consistently shown their inability to call

⁹ See <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-172-2009> & <http://www.humanrights.asia/news/abrc-news/AHRC-STM-011-2010>

¹⁰ <http://www.humanrights.asia/news/abrc-news/AHRC-STM-137-2010/>

and haul-up the officials of the intelligence agencies, forget about making them stop illegal and unconstitutional activities.

Human rights defenders tortured while in jail custody in Gilgit-Baltistan¹¹



Prominent human rights defenders, Mr. Baba Jan, a socio-political activist, chief of the Progressive Youth Movement, Mr. Iftikar Hussain, and Mr. Ameer Khan along with two more activists of the Pakistan Labour Party, were brutally tortured by the police and military intelligence, the ISI, while in custody.

Baba Jan and his colleagues were arrested during the agitation against the killings of a father and his son by the police officials, including the direct shooting by a high official, the deputy superintendent of Police, Mr. Babar during a protest on August 11, 2011 on the issue of settlement of the victims of the Attabad lake when the chief minister of Gilgit and Baltistan was visiting the place¹².

Recently the jail authorities had taken the initiative to shift Baba Jan and his four comrades to Gilgit sub jail which is located at the top of a mountain where the temperature is almost constantly below freezing. The reason behind shifting Baba Jan and his comrades was that some of the other accused persons in the jail who were involved in the sectarian killings of Shiites and others were lodged in the Gilgit district jail and they were intentionally mixed with the normal prisoners. They were spreading sectarian hatred within the jail with the patronage of the jail authorities. Baba Jan and his comrades were resisting the sectarian division within the prison and on many occasions succeeded in preventing the killings of persons from other sects. This put them out of favour with the jail authorities and local administration of Gilgit. Also the government was not happy with the actions of the activists of the Labour Party and its youth organization for agitating against the increasing interests of USA in the area, which is on the border with the Peoples Republic of China.

In hate campaign against Ahmadis, police torture, kill, innocent school teacher¹³

Mr. Abdul Qudoos Ahmad (43), a well respected school teacher, belonging to the Ahmadiyya sect was tortured to death while in police custody in Chenab Nagar (the Ahmadi community refers to it by its old name of Rabwah), Punjab province. He was taken into custody by the police on February 10, 2012, and was kept in a private torture cell of the police until 26 March when his condition deteriorated due to the severe torture he endured. He remained in police custody for 35 days without any charges being made against him, and was not officially arrested. He was forced to confess to the murder of one, Muhammad

¹¹ AHRC Urgent Appeal <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-070-2012>

¹² See the urgent appeal on the incident. <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-149-2011>

¹³ <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-057-2012>

Yousuf, a stamp-paper seller from the Nusrat Abad area, who was murdered a few months earlier. During the illegal detention, Mr. Qudoos was deprived access to any the legal aid.

According to information received from the Muslim Times, Express Tribune, and Ahmadiyya Jamaat, during custody, the victim was hung upside down by his ankles for long periods. On other occasions, he was forced to lay flat on his back while a heavy wooden roller, similar to those used to flatten cricket pitches, was rolled over his body. His captors stood on either side making sure he could not escape the torment. Such inhumane and merciless treatment led to multiple organ failure and other physical injuries. The aforementioned methods of torture are but a few examples of the torment inflicted on him in a demonstration of hatred against the Ahmadis by the law-enforcers.

Police torture young man in custody for extracting confessional statement¹⁴

A young boy, Master Muhammad Waqas Chaddhar (14), was murdered in a madressa named Darul ul uloom, Usmania of mosque Maryanwali, Old Bhalwal City on January 17, 2012. It was his daily routine to go to the Mosque after school. On this unfortunate day he did not return to home from the madressa. The leader of the mosque and madressa (Islamic seminary), Maulvi Saeed was not available in the mosque, which was locked. At the evening prayers, the body of the deceased was found inside the mosque. His body was without trousers and there was a muffler around his neck. The announcements were made through the loud speakers of the mosque and the parents of the deceased identified him as Waqas Chaddhar. An autopsy was conducted and it was found he had been sodomized before being strangled with the muffler, which caused his death. It is suspected that a number of people were involved in the crime.

The City Bhalwal police station, picked-up a young man, Qasim Ijaz, on the information of some persons including Molvi Saeed, the head of the Seminary. After three days of his illegal confinement at the private torture cell of the police, Fazal Hussain Gujjar Sub Inspector of City Bhalwal police station announced in a public gathering with jubilation that the accused Qasim Ijaz had confessed to the murder. The SHO, of the police station took personal credit for solving the murder within just three days.

Power loom workers tortured, tried in Anti-Terrorism Court for trade unionism¹⁵

The AHRC received information that six trade union activists were arbitrarily arrested by the Pakistan Rangers, a paramilitary organization, on the behest of the owners of a power loom factory and accused of creating a trade union for the workers. The six trade union activists were tortured for 30 hours, while in the custody of the Pakistani Rangers. The activists were subsequently handed over to the police, where they were also severely tortured in order to extract confessional statements of being involved in extortion. The labourers resisted and refused to confess and, in revenge, the police filed a case of terrorism against

¹⁴ <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-052-2012>

¹⁵ <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-050-2012>

them. They were produced before the Anti-Terrorism Court, where the judge ordered that the victims should be provided with medical treatment. But, the judge failed to order an investigation of the torture committed by the police officials, and did not request for a copy of the medical certificate from the hospital in order to confirm that torture had taken place. The trade unionists accuse the chief of the Citizen-Police Liaison Committee (CPLC) for using his office to arrest and torture people. The CPLC is a government organization that facilitates contact between citizens and the police.

Bodies of two more missing persons from Sindh found¹⁶

The AHRC has learned that the bodies of two young Sindhi men, Khadim Lolahi and Qurban Jatoi were found in Goth Sohna Gahej near the Achhi Maseet bus stop in Madeji town of Larkana district, Sindh province on the morning of February 12th. They were the activists of the Jeay Sindh Mutehda Movement (JSSM) that is working for the separation of Sindh from Pakistan. They had been missing for the last six months, having been kidnapped by plain clothes officials while on their way to Karachi, the capital of the province, 350 kilometers from their district. When the villagers found the dead bodies lying on the roadside, they were shocked at the signs of torture and bullet wounds. They immediately informed the Madeji police who later made announcements over the mosque loud speakers, calling for the identification of the bodies. A woman, Mahtab Khatoon Lolai, identified one of them as her brother Khadim Lolai and his friend Qurban Jatoi. The Madeji police, without conducting an investigation, then announced that both the killed men were notorious criminals.

C.5 Recommendations to Combat Torture:

- Criminalise torture under domestic law, in line with international law and standards;
- Ratify and implement the OPCAT;
- Ensure effective, independent investigations into all allegations of torture;
- Invite the Special Rapporteur on torture to conduct a country visit as a priority.

¹⁶ <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-024-2012>

D. Fair Trial



The 'Fair Trial Bill' which, according to the news report, the government plans to place before parliament will, if passed, virtually make fair trial impossible in Pakistan. The provisions of the bill are designed for the conviction of persons without fair trial.

The direct impact of the proposed law will be to tie the hands of the courts, including the Supreme Court and deny them the possibility to protect the individual rights of citizens. Through such legislation the judiciary can be overridden and the most basic functions of the courts can be undermined as the guardians of human rights.

The bill makes provision for the tapping of people's telephones and other intercepting all private communications. The justification is that this will help to catch terrorists. In fact, the impact of this bill will be that there will be no way at all to know as to whether an alleged suspect is, in fact, a terrorist or not. This proposed law will allow the punishment of persons purely on the basis of allegations.

Judging by what is available in the reports the bill cleverly manipulates terminology. It says that modern techniques and devices will be used for criminal investigations. However, modern methods, does not mean the reform of the archaic criminal justice system in Pakistan. If it were meant to completely undo the dysfunctional criminal investigation system, which presently relies almost solely on the use of torture and the most rude methods by the least educated group of 'officers' that would have been a boon to the country. There is not even the slightest suggestion of that kind of rational reform to modernize the system and to bring it to par with more developed systems that are available now in many parts of the world.

What is envisaged is torture plus wire tapping and other forms of interference into private communications by disregarding even the limited safeguards that are now available within the system. Even what is now available is hardly adequate and as a result of the proposed bill there will be no safeguards at all.

Enforced disappearances are already rampant and there are complaints of many innocent people going missing. There is heavy criticism about such violations. Instead of dealing with such criticism and taking positive measures to improve a decadent system, the new measures proposed will allow greater space for barbarism.

If the absence of a modern criminal investigation system is one of the reasons favouring terrorists, the



sensible thing to do is to develop the system in terms of more sophisticated capacities by way of dismissing most of the incapable officers from the top down-wards and replacing them with better trained officers and providing them with the most essential things for the running of an investigation system such as proper office equipment, facilities that are now made available to investigators in all developed jurisdictions, bringing them under strict discipline by the enforcement of command responsibility and also bring them to act with complete cooperation with the judicial authorities.

Pakistan does have the resources, financial and otherwise, for bringing its criminal investigation authorities to a quality that is required to enable the discharge of their duties. What is lacking is the political will to modernize the system.

Modernising the system also has another obstacle which is the corruption that spreads from the top to the bottom. When powers such as wire tapping and interference with private communications are granted to officers who are already severely corrupt it is inevitable that there will be a further increase of corruption. Many persons, including those of the business community may soon be accused of being 'terrorists' purely for the purpose of taking advantage their wealth.

Another strange provision of this proposed law is that it will not apply to members of parliament or the provincial assemblies until permitted by the speaker of the legislature or chairman of the senate. If the proposed law is legitimate why are these people exempted from its purview. The obvious reason may be to get their consent for the passing of this law. What guarantee is there that anyone of them may also be in direct or indirect contact with terrorists?

Obviously this proposed law is contrary to all international norms and standards. Besides it cannot achieve the purported aim of controlling terrorism. It will only endanger more people and particularly dissidents, independent intellectuals, journalists and every person with an independent view will be placed in great danger.

It will also spread distrust and paranoia.

This kind of law makes it possible to have the situation of a police state without having martial law. The people have distrust of militarism and martial law and it is not possible to recreate them without popular opposition. Under the circumstances, more sophisticated ways could be found to enable the same abuse of authority by externally less threatening legislation which, in fact, could create the same draconian control as under earlier repressive situations.

The AHRC has consistently campaigned for a radical reform of the criminal justice system and making the capacity of criminal investigations in Pakistan to be raised to the same quality as in more developed jurisdictions. We repeat this call again. We call upon all discerning people to grasp the danger of the proposed 'fair trial bill'.

D.1 Judicial Commission must probe allegations against Chief Justice & his son



The parliamentarians and leaders of the lawyer's movement, which restored the judiciary, have come out with the strong criticism against the Supreme Court and particularly against the Chief Justice of Pakistan, Justice Iftikhar Chaudhry. They are concerned that he has overstepped the domain of the Constitution and is acting too independently. Besides this, the members of the ruling parties are also accusing that the Supreme Court, particularly the Chief Justice is undermining the supremacy of the parliament and sometimes ridicules the mandate-holders of the public.

The most disturbing debate in the print and electronic media is about the corruption charges against Arsalan Iftikhar (32), Chaudhry's son, who allegedly took bribes in the shape of luxury flats in London, and hotel accommodation in Park Lane, to enjoy gambling in Monte Carlo from a property developer, to provide relaxation in cases through his father. During the open discussion in the media it is also alleged that the Chief Justice is using his influence to stop any inquiry against his son. Due to his position as Chief Justice the judiciary is trying to appease him and protect Mr. Arsalan, asserting that the demand for an inquiry against him is an attack on the judiciary.

In the effort to resist the attack on the judiciary via Mr. Arsalan's corruption charges, the Supreme Court's divisional bench has stopped the inquiry against him through a stay order just to show solidarity with the Chief Justice who is not happy with the media's freedom. In a recent petition against the obscenity based programs in the media he tried to impose a kind of censorship for "guided freedom" to keep the Islamic identity of the country. For this purpose the CJ has squeezed the Pakistan Electronic Media Regulatory Authority (PEMRA) to follow strict rules on the media.

During the media discussions the members from the ruling party have also come out with the documentary evidence that the son of the CJ is using the official residence of the Chief Justice as the business address for the bank accounts of his company and has transacted millions of Rupees through these accounts. The parliamentarians are claiming that the CJ is fully aware of the business being transacted through his official residence and is therefore, equally responsible for the corruption of his son.

Mr. Riaz Malik, the property dealer, has submitted a statement before the court that he has showered gifts and cash in excess of 2 million pounds sterling on Arsalan Iftikhar Chaudhry. He submitted that everything spent during three all-expenses-paid trips to London by Arsalan Iftikhar and other unnamed members of the family of the Chief Justice, could be shown in the form of receipts, airline tickets and tenancy agreements.

On the first trip, in the summer of 2010, a three-bedroom flat was rented in Portman Square for a month for £40,000, and a luxury Range Rover was hired for transport around town. The party made a four-day side-trip to Monte Carlo where Iftikhar gambled in the casino of the Hotel de Paris, losing his wealthy benefactor €10,000 (£8,800) (Rs. 1.2 million) in cash.

Trips the following year included stays at a luxury hotel and at a flat off Park Lane costing £4,000 a week. Malik Riaz included copies of Arsalan's passport, cheques, wire transfers, bank statements and tenancy agreements with his statement to back up his claims. He (Malik Riaz) said his son-in-law had paid all expenses for three trips made to London by Mr. Arsalan during 2010-11 and one visit to Monte Carlo in 2010. Arsalan was accompanied by an unidentified woman and a man during his trip to Monte Carlo, and the equivalent of Rs. 1.2 million was paid in cash for losses incurred by Mr. Arsalan while gambling, the statement said.

In a news conference Malik Riaz raised various questions on the transparency of the case and made claims that he met with Chief Justice Iftikhar Chaudhry in the presence of his son, Arsalan Iftikhar. "He said that the Chief Justice knew about the business dealings and should have taken suo moto action before the media broke this news".

In addition to the accusation of corruption and open support to his son, there is also serious debate on the biased performance of the Superior Court and the judges for exceeding their constitutional powers and allowing themselves to become involved in political decisions.

The former President of the Supreme Court Bar Association, Asma Jahangir, has said if the judiciary continues to nourish political thinking it will lead to irrecoverable loss. Talking to the media outside parliament, Asma Jahangir said when the courts do not give ruling in accordance with the constitution and show political bias, the common man loses confidence in the courts. She said the Supreme Court should see Arsalan Iftikhar and Prime Minister Raja Pervez Ashraf with the same eye of justice. She said justice should be practised but the court should also follow some code of conduct. She alleged the quickness in the National Reconciliation Ordinance (NRO) case is part of a plan, which will cause a serious damage to the country and democracy. She said she does not support the new contempt of court law, as many of its sections are against the spirit of the Constitution but restrictions cannot be imposed on the parliament taking away its right of legislation. She vowed she would never surrender if the judiciary forbids her from giving statements.

Senator and renowned legal expert Aitzaz Ahsan has said that the judiciary was stepping out of the domain of the constitution in some matters and was getting too independent. While being interviewed by BBC Urdu, the former president of the Supreme Court Bar Association (SCBA) said that the activism of the apex court was one-sided and not equal for all aspects. He observed, "The stance taken by the Chief Justice in a speech that the judiciary can stop the Parliament from a Constitutional amendment clashes with the Supreme Court's own decisions".

He said that the Supreme Court could only review the amendments made through simple majority for any

discrepancy within existing articles of the constitution. "However, amendments passed with a two-third majority cannot be challenged in the court", he asserted. Commenting on the controversial Arsalan Iftikhar case, Aitzaz Ahsan was of the opinion that the proceedings against the CJ's son had raised questions about the impartiality of the court. "The present judiciary is diverting from the prevailing principles of investigation into Arsalan's alleged dealings with Malik Riaz Hussain", he added.

Under these circumstances of the accusation and the campaign of maligning the judiciary the Judicial Commission must take these accusations seriously which highlight unconstitutional methods being used by the highest judicial offices. Any failure to do so could well undermine the peoples' confidence in the judiciary which was restored by the very people that look to it for fairness and transparency. Demoralisation is a short step away if it is seen that the judiciary has one rule for its own and another for the people. This situation will be used by supra-constitutional forces if it is thought that the judiciary is corrupt and steeped in nepotism. It will be the excuse needed for another military takeover in the name of protecting the people of the country.

The Asian Human Rights Commission urges the Judicial Commission to act decisively and quickly to stop the blame game between the different institutions of the state. Full confidence must be restored in the judiciary and the matter concerning the son of the Chief Justice must be dealt with in a transparent and unbiased manner. This must be done to stop the growing impression that the judiciary is exceeding its mandate and stepping into the domain of the other pillars of the state. The country is undergoing a period of great stress and demoralisation. The Judicial Commission must act to bring back equilibrium to the judiciary and the country as a whole.

E. Index of Poverty

According to the Food & Agriculture Organisation (FAO Report, 2012), 925 million people are hungry and malnourished around the world. About 578 million people in Asia are most vulnerable to food crisis despite all positive economic indicators. Women and children in Asia are the most vulnerable. Asia's peculiar food problems are potentially more pernicious and complex than most. China and India alone comprise one-third of the global population.



Besides the burden Asia carries to feed more than half of the world's population, other challenges loom large. Issues across agriculture, health and nutrition, and in the region's economies and trading structures, threaten a perfect storm. Among its diverse countries, Asia is grappling with labour, dietary and health shifts, volatile food and commodity prices, growing urban-rural income disparities, and shortages in agricultural investment and technology. Moreover, the

region faces intractable climate change, land and water constraints. As the region's economies continue to grow, feeding Asia nutritiously, safely and sustainably in the years ahead will prove challenging. What course of action should Asia's businesses, political leaders and policymakers take? How will countries across the region cope? Is Asia ready for such a huge task? Will food reach to every person now and beyond 2050 when population will cross 9 billion mark? Asia's prospect of plenty could be brighter than it is bleak. Innovative solutions for feeding Asia increasingly involve public and private partnerships.

In current ranking of food security index 2012, Pakistan has been placed at 75th position amongst the 105 countries. The index evaluates a country's ability to feed its people on the basis of the key indicators i.e affordability, availability and quality. In the 1960s and 70s, it was proclaimed that the "Green Revolution" would solve all our food problems. However, the new mode of cultivation, due to use of chemical fertilizers, herbicides, pesticides have destroyed bio-diversity, killed fishes in rivers, created salty soils, and polluted rivers and source of drinking water. The water-logging and salinity problem has been also the outcome of greater uses of herbicides and pesticides. Pakistan has no proper water storage system. Our Agriculture system is centuries old. The total geographical area of Pakistan is 80 million hectares or 197 million acres with a very good canal irrigated system of about 62,400 km long and mainly confined to Indus plain covering an area of 19.43 million hectares (48 million acres) of land. Salt affected land is 6.30 million hectares out of which 1.89 is saline. It is estimated that out of 1.89 million hectares saline patches, 0.45 million hectares present in Punjab, 0.94 million hectares present in Sindh and 0.5 million hectares in NWFP. Out of 19.3 million hectares area (MHA) available for farming, irrigated agriculture is practiced at about 14 MHA.

The survey of Nat Nut, an organization working on economic development, reveals that at National level about 42% of the households are food secure while the remaining 58% are food insecure, the food insecurity data was further disaggregated and it was found that out of 58% that were food insecure 28.4% were food insecure without hunger, 19.8% were food insecure with Moderate hunger and 9.8% were food insecure with severe hunger. There is a division between the urban and rural areas, in urban areas about 48% are food secure while 52% are food insecure compared with rural areas where 39.4% of Households are food secure and 60.6% are food insecure. In urban areas of those households that were food insecure 26.5% of them was food insecure without hunger, 17.7% were food insecure with moderate hunger and 8.2% were food insecure with severe hunger. Pakistan's rapidly increasing population is a big threat not only to food security of Pakistan but it will always affect other asian countries, as well. Pakistan is a big market of agriculture products in Asia, which is currently feeding markets in Afghanistan and other Arab countries. Food security of Pakistan is must to feed Pakistanis and other markets in future ahead.

In Pakistan, Politicians (at policy level) and Scientists will play a crucial role in figuring out how to increase productivity, affordability as well as the nutritional value of crops. Pakistan is currently facing physical water shortages because it has "No proper storage facilities". At this stage government also give priority to agriculture to reform centuries old irrigation system, seriously implement agriculture reforms in the country, improve existing water reservoirs, start work on small carryover dams and tap new underground water resources for the future. Only 2.5% of total ADP on agriculture is not sufficient for a country, which



is mostly depending on agriculture. Government must take some appropriate measures otherwise world food crisis will damage our society.

E.1 National development debate in the background

Mr. Arif Hassan, prominent town planner, in one of his article says, that despite the fact that development budgets lapse every year, we have spent billions of rupees on ‘capacity-building’ in the last two decades alone, and that we have some of the finest community development projects in the world. So where do we fail? One of the reasons which has not received much attention is an inbuilt anti-poor bias in planning and policy.

Let’s take housing, which after employment is the most important requirement of the people, especially in the urban areas. First we have failed to provide housing or land at an affordable cost to the poor in spite of the fact that physical and financial solutions are staring us in the face.

Then, when people have acquired housing themselves we have bulldozed them to the periphery of our cities. In Karachi alone in the last decade, we have displaced over 30,000 families from within the city to the periphery.

As a result, they have become much poorer, socially stressed and their access to employment (especially for women), health facilities, education and recreation and entertainment has been drastically curtailed.

When proposals for resettling them on government land within the city have been made, those who have made these have been told that this land is too expensive for the poor and even if they can pay market rates for it they cannot have this land, for settling them here would lower the cost of land in the adjacent areas.

However, a lot of similar land within the city has been sold at well below market rates for middle-income housing.

The same bias exists in the planning and delivery of infrastructure projects. Per capita investment in them is much lower in poorer than in rich areas. Again, in poor areas, projects are seldom completed. Even if they are completed, they are not maintained. If they are road projects, they are washed out in the first rains. If they are sewage projects, they stop functioning within a year. The contractors who build them, unlike in the rich areas, are inexperienced and their workmen have poor skills.

In the design and construction of roads, the needs of pedestrians are not taken into consideration. This is one of the major causes for fatal accidents as shown by research on the subject.

Many of the victims are pedestrians who were trying desperately to cross the fast signal-free roads that our planners and politicians think are the only elements required to solve our traffic problems.

Similarly, public facilities such as bus stands (except for the bus stands put up by the city government in Karachi) and terminals are of poor quality and are not maintained in spite of the fact that there are budgets allocated for them every year. After a few years, they resemble archaeological sites.

In their designs no attempt is made to segregate pedestrian and vehicular movement creating insecurity for the pedestrians. There are no proper toilets and the shade provided for the waiting passengers does not provide shade because of bad design and lack of knowledge or interest in understanding how the sun behaves.

For the drivers and cleaners there are no designed rest rooms and eating places. It is well-established that people behave 'properly' in well-planned and pleasant environments and are quarrelsome in unpleasant ones. So let's not blame our people for behaving 'badly'.

This bias comes across very strongly in the case of school classrooms and their furnishings. Badly lit, badly insulated, and semi-finished classrooms with shabby or no toilets have become acceptable for many NGO, donor and government programmes. This is not to belittle the attempts that these organisations are making towards education but to point out that the physical environment of the school has a major impact on the students.

Standards of design and construction of government schools also deteriorates depending on the location of the site. It is comparatively better in richer environments. Corruption levels also increase considerably in poorer locations.

Another issue where bias asserts itself strongly is related to the issue of hawkers. All attempts at arguing for accommodating hawkers and informal entertainers in public spaces, such as parks and transport terminals and in urban renewal designs have failed.

This is in spite of the fact that it is well-established that hawkers, commuters and the poor are intrinsically linked together both in social and economic terms. This is in addition to the fact that the hawkers are a major economic asset to the cities in which they are located.

The list of where all this bias exists and at what levels is endless. It shapes public space, transport, ecology and also research subjects and their methodology. It exists not only in practice but also in much of academic theory which both in concepts and vocabulary belittles poor communities. But the question is, why is there this anti-poor bias?

The most important reason is culture and tradition. The poor do not matter. They have no rights and relief is to be provided to them through charity (for which they should be grateful) and not through equitable development.

The other reason is that the micro-level problems of poor households and communities do not form part of the grand development visions and theories on the basis of which planning and administration is taught

and done. Exceptions apart, professionals and bureaucrats practice what they have learnt in their courses and teachers teach as they have been taught. So the system replicates itself.

I have come to firmly believe that by simply overcoming this anti-poor bias, through identifying and seeking to eliminate its causes, we will have better designed and constructed physical infrastructure and a far healthier social environment. But the question is, how do you overcome it?

F. The plight of Human Rights Defenders

The security of human rights defenders is very precarious in the country. They are prey to powerful people, security agencies, police, and Islamic fundamentalist groups, particularly the Taliban. There is no law or proper mechanism for the protection and promotion of the cause of human rights. Human Rights Defenders (HRD) always remain as persona non grata for the authorities, whether they work at the community level as social workers or whether working for human rights at the provincial or country level. The same situation is also faced with regard to non state actors, especially Muslim fundamentalist groups.

A unique example is of chairman of parliamentary commission on human rights, who was subjected to illegal detention and abuse by the authorities – the powerful people of his constituency, used the police force against him. The member of the national assembly always wins the elections from there but the provincial government wanted that he should be defeated.

The case of Mr. Riaz Fatyana, the chairman of the Parliamentary Committee on Human Rights (PCHR), highlights the mockery of the rule of law and the extent to which the police work at the whims of political opponents. Despite his position in parliament, and long history of serving the people of the country, he has been victimised and punished by the very institutions which are supposed to be protecting him.

Mr. Fatyana has been illegally detained and implicated in the attack on his own house in which it was razed to the ground. He was exonerated from all charges, but has been displaced from his own native place by the police acting on the instructions of a family member of a retired senior judge of the Supreme Court and the ruling party in the Provincial Government, Mr. Fatyana., and his family have been forced to move to Islamabad, the capital.

This is a further example of political victimisation dominating over the rule of law, human rights, and justice. Mr. Riaz Fatyana is a senior politician and has served on various important portfolios during his 35 years long political career. Currently, he is Member of National assembly of Pakistan and is Chairman of the National Assembly's first ever Standing Committee on Human Rights, and he has done a lot for promotion and protection of Human rights in the country.

This was Mr. Fatyana's fifth time in the assembly. He served three times as Minister for Education, Finance and Information in the government of Punjab. His wife Ashifa Riaz Fatyana has also been a member of the Provincial Assembly, Punjab, on a general seat from PP 88 in the last term (2002-2007) and served as Minister for Women's Development and Human Rights, Punjab. Both husband and wife were elected in National and Provincial Assemblies as independent candidates after defeating all major political and religious parties¹⁷.

Human rights defenders remain subject to: threats and reprisals against them and their families; harassment; legal and physical attacks; arbitrary arrests and detention; forced disappearance; and torture and extra-judicial killing by state and non-state actors. The government has failed to establish an effective national policy of protection for HRDs or to combat impunity by effectively investigating and prosecuting those responsible for such attacks. The lack of effort to combat impunity mirrors the lack of effort to address the whole range of human rights violations witnessed in Pakistan. And, this, in turn, stems from institutional failings within the police and justice delivery mechanisms, and lack of political will on the part of the government to institute effective institutional reforms. In sum, this is what prevents progress concerning the protection of human rights. The fact that HRDs expose these failings, places them at particular risk.

Persons who work in favour of human rights, but contrary to the interests of radical Islamist groups, face considerable threat, as may be noted in the killings in 2011 of the Governor of Punjab, Salman Taseer, and the Federal Minister of Minority Affairs, Shabaz Bhatti, who were targeted for their efforts to protect minorities, and their opposition to Pakistan's draconian blasphemy laws.

Another accepted recommendation calls for the government to address the repressive effect of civil society monitoring procedures and anti-terrorism legislation on the operation of human rights defenders. The sentencing of six leaders of a power-loom workers union to a total of 490 years in jail based on fabricated charges under anti-terrorism legislation in November 2011 illustrates the government's failure in this regard.

The killings in Balochistan of human rights defenders, documenting cases of forced disappearances as part of the Supreme Court's efforts to compile a list of cases, is illustrative of the risks to defenders who work on the gravest rights abuses.

Where judges take positions in favour of human rights they face serious threats or attacks, as can be seen in the case of Anti-Terrorist Court judge Pervez Ali Shah. On October 1, 2011, Justice Shah awarded a death sentence to the killer of the former governor of Punjab province. However, he was forced to leave the country, due to the lack of protection provided by the government, even after he received threats. His court and home were attacked by religious fundamentalists as well as militant Islamist lawyers.

¹⁷ <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-138-2012>

There remains serious concern about the process of selection of judges, and the roles of the Judicial Commission and the Parliamentary Committee on the appointment of judges, with nepotism and corruption plaguing the process. Ethnicity is proving a barrier for selection and reforms are required in order to ensure that judges are appointed on merit rather than political affiliation.

Of particular concern is the nexus between the judiciary and the police and security forces, which seriously obstructs attempts to seek justice concerning human rights violations committed by state agents in particular. For example, Mr. Abdul Saboor, was reportedly killed in a military detention centre while a petition was being filed concerning his case at the Supreme Court. The Registrar of the Supreme Court reportedly obstructed the filing of the petition on technical grounds for one week, having seen that it was against the military establishment. During the period of delay, Abdul Saboor's dead body was dumped on a roadside in Peshawar city, Khyber Pakhtoon Kha province.

The Government of Pakistan has also failed to invite the Special Rapporteur on human rights defenders to visit the country despite accepting a recommendation to do so.

Exemplary Punishment Meted to Dr. Afridi for assisting in Bin Laden Capture



Dr. Shakil Afridi was arrested a few days after the arrest and killing of Osama Bin Laden (OBL) by the American forces from Abbotabad city, Khyber Pakhtoonkha province, close to a military training center. Dr. Afridi was abducted by persons from the military intelligence for providing information to the American CIA about the hiding place of OBL through the cover-up mission of providing polio vaccinations. Dr. Afridi was accused of helping the CIA use a vaccination campaign to try to collect DNA samples from

people who lived in OBL's compound. He was held incommunicado for one year and tortured by persons from the Pakistan military to extract a confessional statement that he was spying for CIA. They also tried to force him to implicate some government personnel who attempted to defame and embarrass the Pakistan army and its intelligence agencies.

After his arrest on May 24, 2011 for five days he was handed over to a joint interrogation team, which mostly consisted of persons from the Army and its intelligence agencies. On May 29, 2011, the accused was then transferred to Military intelligence without a proper official handover. However, exactly one year after this transfer, a tribal court decided that the transfer was done properly.

On May 23, 2012, the tribal court of the Assistant Political Agent, Mr. Nasir Khan, announced a hurriedly made decision for his punishment of 33 years and a fine of Rs 320,000/= for working against the state, conspiracy, or attempt to wage war against Pakistan and working against the country's sovereignty,



according to the AFP news agency. Dr. Afridi was tried in absentia and was not given a chance to defend himself. Under the tribal system he would not have access to a lawyer.

The tribal court's decision was announced on the occasion when the civilian and elected president of the country was on an official visit to Chicago to attend a conference of NATO countries. The attempt was to sabotage the visit in a campaign against the USA as the Pakistan Army was not happy with the incident at the Salala check post where, through the bombardment of USA forces, more than 25 Pakistani soldiers and officers were killed. The Pakistan army wanted an apology from the USA and pressured the government and parliament to pass a resolution for such apology.

However, he was sentenced to 33 years in prison and fined under various clauses of the British-era Frontier Crimes Regulation. Dr. Afridi has been shifted to Peshawar prison in a very critical condition. He still bears torture marks on his body and suffers from the effects of the mental torture he faced during the one year of his illegal detention in unknown places. He has been kept in prison where more than 3,000 prisoners are detained and among them are 250 terrorists belonged to banned Muslim groups. The provincial government of Khyber Pakhtoonkha (KP) has appealed to federal government to shift Dr. Afridi from the Peshawar prison as it is feared that he would be killed there.

The plight of fisher-folk and the law of jungle in Chashma Barrage, Punjab

On August 18, 2012 around 10 am a family, including four fishermen and one woman were traveling towards the city for some of their domestic work when the son of the contractor, Nadir Khan Niazi and his driver Muhamad Khan along with six other armed men stopped them. The perpetrators started searching their belongings and when they could not find anything, they claimed that they had been stealing fish. They abducted the fishermen and kept them in detention at the contractor's private jail in Mianwali for two days. During this period the contractor brutally assaulted the fisherfolk, namely Mushtaq son of Ghulam Muhammad, Nazeer son of Khuda Bux, Qurban son of Owais, Ramzan son of Punhon and the woman Rehmat Mallah. He shaved their eyebrows and heads so as to further humiliate them. The fishermen were released on the condition that they leave their lands and return to Sindh province. In this situation when the fishermen reached their village they understood that they were in great peril.

On August 30, 2012, an old man, Khuda Bux, became victim when he was subjected to the cruelest possible ordeal. He was made to run before a pack of dogs that bit at his legs until he was exhausted. The old man was seriously injured but not allowed to see a doctor or go out of the area to seek medical assistance, as the perpetrators have imposed a curfew in the vicinity where no fishermen can go out of the village for any reason¹⁸.

¹⁸ Urgent Appeal Update: AHRC-UAU-029-2012

At risk of attack after being charged with blasphemy

Insan Dost Association (IDA) is a human rights organization working for the promotion and protection of the rights of bonded labourers and their families. Kiln factory owners with a nexus to the local administration have implicated IDA and workers from kilns in different criminal cases. When they could not come up with suitable charges they accused the officers from IDA in the blasphemy charging them with converting Christian workers to Islam and using abusive language against the last prophet of Islam (peace be upon him). Those who have been accused of blasphemy are; Mr. Anjum Raza Mattu, Executive Director IDA, Imran Anjum, (a Christian by faith) Program Officer, Miss Shazia Parveen, Secretary IDA and Miss Najma Khalil, assistant program officer. Before the accusation of blasphemy these people with other staff and kiln workers were implicated in the case of attempted murder after they were beaten by the owners of the kiln and their lawyers including their henchmen in the court premises in the presence of police. During this incident one lady worker, Khadija, suffered fracture to two fingers.

The kiln owners and their association of two districts namely, Pakpattan and Sahiwal, are refusing to implement the wage increase of brick makers which were increased in 2011 by the Punjab Wage board with the rate of Rupees 517 for manufacturing 1000 bricks. The local administrations of both the districts, instead of forcing kiln owners to implement the wage board award, are using tactics of intimidation and coercions. The administrations have filed many cases against the staff of IDA and kiln workers. After seeing that again there has been an increment in the wages, which was announced by the Punjab board in June 2012, from Rupees 517 to Rs 665 per 1000 bricks, the administrations are using heavy handed methods against the kiln workers and the IDA¹⁹.

Human Rights Defenders Tortured

Prominent human rights defenders, Mr. Baba Jan, a socio-political activist, chief of the Progressive Youth Movement, Mr. Ifthikar Hussain, and Mr. Ameer Khan along with two more activists of the Pakistan Labour Party, were brutally tortured by the police and military intelligence, the ISI, while in custody. Baba Jan and his colleagues were arrested during the agitation against the killings of a father and his son by the police officials, including the direct shooting by a high official, the deputy superintendent of Police, Mr. Babar during a protest on August 11, 2011 on the issue of settlement of the victims of the Attabad lake when the chief minister of Gilgit and Baltistan was visiting the place²⁰.

Recently, the jail authorities had taken the initiative to shift Baba Jan and his four comrades to Gigit sub jail which is located at the top of a mountain where the temperature is almost constantly below freezing. The reason behind shifting Baba Jan and his comrades was that some of the other accused persons in the jail who were involved in the sectarian killings of Shiites and others were lodged in the Gilgit district jail and they were intentionally mixed with the normal prisoners. They were spreading sectarian hatred within

¹⁹ See details of case at Urgent Appeal Case: AHRC-UAC-139-2012. & AHRC-UAC-070-2012

²⁰ <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-149-2011>

the jail with the patronage of the jail authorities. Baba Jan and his comrades were resisting the sectarian division within the prison and on many occasions succeeded in preventing the killings of persons from other sects. This put out of favour with the jail authorities and local administration of Gilgit. Also the government was not happy with the actions of the activists of the Labour Party and its youth organization for agitating against the increasing interests of the USA in the area which is near the border with the Peoples Republic of China.

Rangers abduct subordinate to settle wife's harassment case against senior officers²¹

The officers of the Pakistan Rangers (Sindh) have been continuously harassing the wife of a subordinate officer with ill intention for three years. In the latest development, high officials of the Pakistan Rangers abducted her husband and his whereabouts are presently unknown. The Pakistan Rangers wanted to have an out of court settlement on the constitutional petition filed by his wife for the harassment she endured. He was abducted twice during the last 24 hours and managed to escape the first attempt. He was illegally detained last night for 12 hours in three different police stations without any charge and in the early hours of this morning (13 April), 12 intelligence personnel from the intelligence wing under the leadership of the Wing Commander of 50 Sachal Sarmast Wing, abducted him from the police station. He was also tortured in three different police stations to urge his wife to withdraw the cases against the high officials of the Rangers.

The victim's wife was prevented by Rangers officials from entering her residence where her children are trapped. She filed different petitions in the Sindh High Court against the high officials of Pakistan rangers stationed at Karachi in which she alleged that the officers were trying to harass her with ill-intentions and that her husband has been victimized because she refused to have intimate relations with one of the high officials.

Mrs. Nasreen Iqbal, the wife of Sub-Inspector Muhammad Iqbal (SI) of the Pakistan Rangers, was a teacher and running a school with the name Excellence Grammar in Sector No. 6, Surjani Town Karachi, Sindh Province. Her husband has been in the Pakistan Rangers (Sindh) for almost nine years. In 2008 he was posted to Karachi and applied for family accommodation which was allotted in November 2008.

Wing Commander, Lieutenant Colonel Mehmood Shah was the former Commander of Wing-60 at Baldia Town, Karachi, where the harassment was initiated. The Commander started to sexually harass Mrs. Nasreen Iqbal by calling her on her phone at different times and frequently in the late evening. SI Iqbal, on many occasions requested him to cease this unacceptable behaviour but the Wing Commander further victimized Mrs. Iqbal by transferring her husband from one area to another and throwing the family out of the official residence. After finding no option she filed cases in the High Court for remedy.

²¹ Urgent Appeal Case: AHRC-UAC-060-2012

During the court proceedings it was observed that the court would deliver decisions in her favour and provided her relief from the harassment.

G. Freedom of the Press

Freedom of expression in Pakistan is defined in several ways and tunes in Pakistan. Every stakeholder has a different lens and interest box to define this term. For example, for a professional journalist, freedom of expression means peoples access to right information, news and story or video clip or photo.

Owners have defined their own designed freedom of expression boxes. They have already assumed that if they write on judiciary, military, and so called national security issues including ideology of Pakistan and nuclear capabilities etc, blasphemy, against religious groups and terrorist outfits, they will be screwed well by the agencies or other pressure groups.

They give excuse that they have to follow press rules defined by PEMRA. Those reporters who write on these issues are either tortured and sometimes killed by these factors or expelled from their media houses on the pretext that media houses can't sustain the pressure of the governments and parties. So the situation is rather dim and vulnerable, despite the fact that Pakistani media exposed so many evils. Still, media can't touch the holy cows and so called national interest discourses. Dummy culture is another offensive used. Agencies and government try to manipulate dummy newspaper to promote their agenda and to marginalize the mainstream media coverage. Un-checked advertisement goes to these pro-status-qua media club.

Eighty-eight journalists have been killed in Pakistan during last decade out of which 36 were shot dead in target killings. In 2012, ten journalists including one TV channel driver were killed in three provinces, Balochistan, Sindh and Khyber Pakhtunkhwa, as impunity against Pakistani media has risen to unacceptable levels. According to the figures compiled by the Rural Media Network Pakistan (RMNP), twenty six journalists have been killed in Balochistan province in the last five years, and Khuzdar district had been declared as one of the most dangerous places for working journalist by the Reporters without Borders (RSF). Up to November 18, this year, four journalists have been shot dead in Balochistan province.

The biggest challenge, apart from direct threat to the life of journalists in Pakistan, is a culture of impunity. The killers of not a single of the 88 journalists killed in Pakistan, excluding US journalist Daniel Pearl, have been arrested, tried and convicted. This has promoted impunity and allowed anyone to threaten and target journalists, because they know they can get away with murder. Journalists often complain about receiving threats, including from the country's intelligence agencies, which can lead to violent attacks against them. Investigations, when commissioned, tend to lack credibility and recent case of GEO TV

channel reporter Wali Khan Baber who was shot dead in Karachi in January, 2011, saw the murder of all six witnesses who were willing to testify against the five dependants.

The areas bordering Afghanistan-FATA Khyber Pakhtunkhwa and Balochistan are the most dangerous areas for journalists. Journalists hailing from Balochistan province face violence and threats from ethnic, sectarian and separatist groups as well as from security forces and intelligence agencies. Tribal leaders, militants, district administrations, political agents and security agencies ask journalists in FATA, Balochistan and Khyber Pakhtunkhwa to get clearance from them before filing their news to both print and electronic media.

The situation in the country's biggest province, Punjab, is not much better. A young female journalist Seemab bibi committed suicide by jumping from the fourth storey of a hotel in the provincial capital Lahore on August 15 this year over non-payment of her several months salary, while many anchorpersons and senior journalists were threatened by law enforcement and intelligence agencies. Similarly, in small towns, a large number of journalists have been detained, injured, threatened, and implicated in false cases due to their reporting.

Journalists Killed in 2012 in Pakistan

1.	18 November 2012	Rehmatllah Abid
2.	3 October 2012	Musthaq Khand
3.	29 September 2012	Abdul Haq Baloch
4.	21 September 2012	Aamir Liaquat (TV Channel Driver)
5.	28 May 2012	Abdul Qadir Hijazi
6.	19 May 2012	Abdul Razzak Gul
7.	10 May 2012	Aurangzeb Tunio
8.	8 May 2012	Tariq Kamal
9.	19 April 2012	Murtaza Razvi
10.	17 January 2012	Mukarram Khan Atif



Pakistan, once a relatively conducive land for press coverage and journalism has now been turning into a violent and dangerous place to write, cover or broadcast. Killing of journalists in war or conflict zones is a universal phenomenon, and brave and bold journalists don't hesitate to take challenging assignment and lose their lives. But for the last couple of years a new trend of kidnapping, disappearance, and target killing has surfaced in Pakistan. Government secret agencies, urban tourist groups, Taliban, and separatists have been targetting journalists to influence public opinion.

Target Killing of GEO journalist Wali Babar in Karachi, Rehmatullah Abid of Dunya News TV in Panjgur, Syed Saleem Shahzad in Islamabad and Mukarram Khan Atif of Voice of America broadcasting suggest that Pakistan is no more just a perilous place for journalists. We have been labeled the most dangerous country in the world for a few years running now. All indications suggest that the coming year too will be a bad year for Pakistani journalists.

Many journalists are killed in the midst of a difficult situation during coverage, riots, and militant attacks; most journalists are brutally murdered by the perpetrators of the crime they are covering. There have been overwhelming speculations against the state organs involvement in the killings of many significant names, which has worsened the condition on impunity in Pakistan.

According to the Committee to Protect Journalists (CPJ) and International Federation of Journalists (IFJ), Pakistan has turned in to an epicenter of attacks on journalists, the most dangerous place for journalists in the world, for two consecutive years. This year the UNSECO published a report saying Pakistan is the second most dangerous place.

Endemic violence, targeted attacks and threats against journalists in Pakistan have contributed to a ranking of 151 out of 179 countries worldwide on the 2011-2012 Press Freedom Index issued by Reporters without Borders. Journalists in Pakistan are victims of target killings and are under constant threat from the Taliban and other terrorist groups contributing to its fast growing reputation as one of the "world's deadliest country for journalists.

Pakistan (151) was the world's deadliest country for journalists for the second year running. Such is the security situation in Pakistan, that it is sandwiched between Afghanistan (150) and Iraq (152). Somalia, a country that has been at war for 20 years, was ranked at 164, proving to be an incredibly dangerous location for members of the press. Iran, well-known for its persecution of the media, was ranked at 175 on the index. India was ranked 131 on the index. Pakistan ranks 10th on CPJ's global Impunity Index²², which identifies countries where journalists are murdered regularly and governments fail to solve the crimes.

World is no more a safe place for the journalists, as so far in the current year record, 119 journalists have already been killed in different parts of the world, including 36 in Syria and 16 in Somalia. Mexico, Pakistan and Philippines are other major countries where many journalists are killed.

²² <http://cpj.org/reports/2012/04/impunity-index-2012.php>



During a seminar on the International Day to End Impunity for Violence against Journalists, organised by the Pakistan Press Foundation (PPF) in November, 2012 at Karachi Press Club (KPC) a report 'Murder of Pakistani Journalists from January 2002 to November 2012' was released which says that during last 10 years 48 journalists; 14 from KPK, 12 from Balochistan, 9 from Sindh, 8 from FATA, 3 from Punjab and 2 from Islamabad, have been killed in the line of duty, 35 of them murdered in targeted actions.

In 2011, at least 17 journalists and media workers were killed in Pakistan. This toll is rising to an alarming level to 29 in 2012. And in running year (2012) record 14 killings have been reported, mostly from Balochistan, but sadly the killers and patrons still seem enjoying full impunity. And the lack of strong deterrents causing rise in violence against journalists in Pakistan.



Such violence will continue till the perpetrators are properly tried and convicted. It is the matter of great concern that no serious action has yet been taken against the tormentors of media professionals. And more so if a government functionary or police official is found involved in violence against journalists, no proper action leading to conviction is taken against him and after a temporary suspension, these officials were again restored on their duties.

It is exceedingly unfortunate that despite repeated assurances by the government to protect journalists, several journalists are being killed and community as a whole fee insecure, vulnerable and unprotected.

To end the impunity all stakeholders, including government, media organisations and civil society, has to ensure that such cases are properly tried and convictions in these crimes made certain. In Pakistan, the situation regarding the safety of journalists is not satisfactory. Several journalists have been injured while discharging their professional responsibilities; however, there is lack of action to prove these important cases and convict the culprits.

The media organisations should give a long-term coverage to the cases of violence against media people. He said there should be proper safety training and ethical training of media to ensure safety of working journalists. Due to silence of journalists themselves the killers of media men enjoy impunity.

Journalist community and civil society still expects that authorities should show more resolve in protecting journalists and tracking down their killers. The government must realise that if it has tried anything to ensure protection for journalists, it clearly has not worked. It is not entirely unreasonable for journalists to question the government's commitment to protecting them in view of its failure to bring to justice the killers of even one of the many journalists killed during its tenure.

Every year, we celebrates days of the fundamental principles of press freedom; to evaluate press freedom around the world, to defend the media from attacks on their independence and to pay tribute to journalists who have lost their lives in the exercise of their profession.

Every year we celebrate these days as an occasion to inform citizens of violations of press freedom – a reminder that in dozens of countries around the world, publications are censored, fined, suspended and closed down, while journalists, editors and publishers are harassed, attacked, detained and even murdered — as significant dates to encourage and develop initiatives in favour of press freedom, and to assess the state of press freedom worldwide.

It also serves as a reminder to governments of the need to respect their commitment to press freedom and is also a day of reflection among media professionals about issues of press freedom and professional ethics. Just as importantly, World Press Freedom Day is a day of support for media which are targets for the restraint, or abolition, of press freedom. It is also a day of remembrance for those journalists who lost their lives in the exercise of their profession.

But these celebrations shall be ceremonial and for the sack of photo session. We must resolve to fulfill our commitments. Free press means citizen's basic right to correct and free flow of information for a better society. Freedom of the press and freedom of expression are fundamental human rights.

In the case of Pakistan, as the general elections are approaching fast all stakeholders should join hands to devise proper mechanisms for a safe coverage of polls, adding proper SOPs should be made in this regard.

Case Study: Sindh (Rural)

Qambar Sindhi TV Channel Kawaish Television Network (KTN) reporter Aurangzeb Tunio, his brother Rustam Tunio, and a friend Deedar Khaskheli, were shot dead on May 11, 2012 in the village of of Lalu Ranwa of Qambar district in Sindh province.

All above mentioned slain were present in the journalist's office when a group of armed persons entered and opened indiscriminate firing. Aurengzeb's colleagues alleged that the attacks were retaliation for his reporting, which had angered certain local tribal groups.

It is pertinent to mention that the bodies of Tariq Kamal, a 35-year-old reporter with a local Sindhi-language newspaper, and his friend Fawad Shaikh, 31, were found by police two days back in the provincial capital, Karachi. The following day, Aurangzeb Tunio, a reporter with the Sindhi-language television station Kawaish Television Network, was killed in the Qambar Shahdadkot district, together with his brother and a friend. According to monitoring of the Rural Media Network Pakistan, four journalists have been killed during the current year in Pakistan.



Case Study: Sindh (Karachi Urban)

In Karachi, a trail of death and impunity in Babar case²³



Murders of journalists such as Wali Khan Babar give Pakistani journalists plenty of reason to fear.

Haider Ali, an eyewitness to the 2011 murder of Geo TV reporter Wali Khan Babar, was gunned down²⁴ on Sunday, two days before he was set to testify in the trial of five suspects. The murder sent shockwaves across Pakistan – one of the deadliest countries in the world for journalists and one of the worst in bringing the killers to justice. According to the prosecutor in the case, Ali had identified several suspects as being involved in Babar's murder in a recent statement before a judicial magistrate. His killing was the latest in a series of murders that have targeted people linked to the Babar investigation. Five others – including eyewitnesses, police officers, an informant, and a family member of an investigator – have also been murdered²⁵.

In response, the Sindh High Court ordered that security be provided to lawyers and witnesses in the case. That security has not actually been deployed, however, according to local media reports²⁶. "The point is that the government doesn't provide protection to witnesses, even in such important cases," said Azhar Abbas, managing director of Geo TV. "Ali was moved to a different location within Karachi – a dangerous city as is. That simply is not enough. He was provided no security personnel."

²³ Article by Sumit Galotra, reproduced in full, which appeared on the Committee to Protect Journalists blog, & can be accessed here: <http://cpj.org/blog/2012/11/karachi-trail-death-impunity-in-babar.php#more>

²⁴ <http://tribune.com.pk/story/464753/wali-babar-case-slain-eyewitness-had-to-testify-today/>

²⁵ <http://tribune.com.pk/story/150237/wali-khan-babar-murder-one-by-one-4-men-linked-to-investigations-bumped-off/>

²⁶ <http://tribune.com.pk/story/460383/wali-babar-murder-case-no-security-for-prosecution-despite-court-orders/>



Last month, the Sindh High Court called for the trial to be concluded in 45 days. "The confessional statements [made by the accused] are quite strong and there will be pressure on the court for a conviction," according a Karachi-based journalist who spoke to CPJ on condition of anonymity. But this most recent murder casts further doubt on whether justice will be served. Other witnesses have already backed down from testifying, the journalists said.

Convictions would send a message that Pakistani authorities are serious about prosecuting the killers of journalists. But there is much reason to believe that authorities will never get to the bottom of this case, never identify or prosecute the architects of Babar's murder. The murders of witnesses and investigators "proves that there is an organized group or party involved in the murder of Wali Khan Babar. It seems that the government and law enforcement agencies are too scared to come forward and say who is behind these killings," Abbas told CPJ.

Others argue that even if nominal justice is delivered, it comes too late for any real change. "A conviction will not change anything. Fear has already set in--particularly among young journalists," the Karachi-based journalist told CPJ. Babar, 29, an ethnic Pashtun, reported on the clashes between various political parties, extortion, drug dealing and land grabbing in the crime-ridden city of Karachi. In January 2011, at least two assailants intercepted the journalist's car in Karachi's Liaquatabad area, shooting him four times in the head and once in the neck.

The suspects in custody have been charged with murder with common intent and under Section 7 of Pakistan's Anti-Terrorism Act. That means the hearing is taking place in one of Pakistan's anti-terrorism courts, as it did in the case of murdered *Wall Street Journal* reporter Daniel Pearl. By law²⁷ such proceedings should be wrapped up within seven working days. But such technicalities are usually overlooked in a country where courts are overburdened²⁸ and judicial proceedings move at a seemingly glacial pace.

The high-profile killing of reporter Daniel Pearl in Pakistan is the only known journalist murder case in which some justice was carried out. A recent report by the Center for Public Integrity, however, reveals that there was only partial justice in the case. Only four of the 27 men allegedly involved in the kidnapping and murder were charged and convicted.

There has not been a single conviction in any of the subsequent killings of Pakistani journalists. Babar's case presents Pakistani authorities with an opportunity to improve their terrible record of impunity. But do they have any real desire to do so? Their past promises only go so far.

²⁷ <http://www.fia.gov.pk/ata.htm>

²⁸ <http://tribune.com.pk/story/432686/the-trials-and-tribulations-of-karachis-anti-terrorism-courts/>

Journalist Saleem Shazad's killers are at large



Shahzad, a reporter for the Hong Kong-based Asia Times Online and for Italian News Agency Adnkronos International, disappeared from central Islamabad on the evening of May 29, 2011. His body, bearing visible signs of torture, was discovered on May 31, near Mandi Bahauddin, 130 kilometers southeast of the capital. The circumstances of the abduction raised concerns that the military's feared Inter-Services Intelligence (ISI) agency was responsible. In June 2011, the Supreme Court, at the request of the government, instituted a commission of inquiry into the killing. No one has been

yet arrested after the findings of the commission on his mysterious disappearance and killing.

"The commission's failure to get to the bottom of the Shahzad killing illustrates the ability of the ISI to remain beyond the reach of Pakistan's criminal justice system," said Brad Adams, Asia director at Human Rights Watch, commenting on the case. According to Mr. Adams, "The government still has the responsibility to identify those responsible for Shahzad's death and hold them accountable, no matter where the evidence leads."

The ISI has a long and well-documented history of abductions, torture, and extrajudicial killings of critics of the military and others. Those abducted are routinely beaten and threatened, their relatives told not to worry or complain as release would be imminent, and if they are lucky to be released are done so with the threat of further abuse if the ordeal is made public. Pakistani and international human rights organizations, including Human Rights Watch, have extensively documented the ISI's intimidation, torture, enforced disappearances, and killings, including of many journalists.

Case Study – Balochistan

Unidentified gunmen shot dead General Secretary of Khuzdar Press Club on September 29th, 2012, Saturday night. Abdul Haq Zehri, General Secretary of Khuzdar Press Club, was on his way home after discharging his professional duties when unidentified masked armed men opened indiscriminate fire on him, said Abdul Hafeez, a police official.



Haq received multiple bullet wounds and died immediately. The assailants fled from the scene soon after committing the crime. Police rushed to the site after the incident and moved the body to nearby state-run hospital for medico-legal formalities. “The attackers had already taken positions and the preliminary reports suggested it was targeted killing,” police said.

Abdul Haq Baloch, affiliated with a private news channel, was one of the renowned journalists of Khuzdar district. Dozens of media persons and relatives of deceased rushed to the hospital as they heard the murder news of Haq. It merits mentioning here that journalists of Khuzdar were threatened of dire consequences some time back.

Five journalists, including two presidents of Khuzdar Press Club have been killed in targeted killing incidents during the past two years while 24 journalists have been killed across Balochistan so far in different targeted killing and bomb blast incidents.

Meanwhile, Balochistan Union of Journalists (BUJ) has strongly condemned the killing of Abdul Haq Baloch and demanded formation of a high level investigation team and arrest of killers. BUJ in its statement said despite killing of so many journalists the culprits were still at large.

Case Study: PKP²⁹



Gunmen on January 16th, 2012, Tuesday shot dead a Pakistani journalist working with the Voice of America’s Pashto language radio service as he prayed at a mosque in the northwest of the country, police said. Mukarram Khan Aatif, a 43-year-old correspondent with Deewa radio, was attacked at a mosque near his home in Shabqadar town, Khyber Pakhtunkhwa province, 30 kilometers north of Peshawar.

²⁹ Courtesy AFP & Dawn Newspaper, January 17, 2012, <http://dawn.com/2012/01/17/pakistani-journalist-working-for-us-media-shot-dead/>

“The two attackers came on a motorbike, fired bullets at Aatif in the mosque and escaped. He suffered bullet wounds to the head,” local police officer Zahir Shah told AFP. Another police official confirmed the incident. “Aatif was hit in the head and rushed to a hospital in Peshawar. The prayer leader was also injured,” said district police chief Nisar Khan Marwat. Rahim Jan, a senior doctor at the Lady Reading Hospital in Peshawar said Aatif had succumbed to his injuries.

According to press watchdog Reporters Without Borders, Pakistan was the deadliest country for the media in 2011 with at least eight journalists killed in connection with their work.

Case Study: Punjab³⁰

Murder of Faisal Qureshi

Police have found the body of a journalist working for a London-based online news site in Lahore, police said Saturday. Faisal Qureshi, 28, who worked for Internet publication The London Post, was murdered early Friday, senior police officer Razzaq Cheema told AFP.

“His throat was slit and there were stab wounds on his body,” Cheema said, adding that Qureshi, a bachelor, lived alone in his family home where he was found, and no arrests had yet been made.

“The motive is not clear.”

His laptop and mobile phone were missing, another police officer said, adding that Qureshi had also been working for an IT firm in Lahore. One of his brothers, Zahid Ahmed, told police Qureshi had been “receiving threats” from unidentified people over some news reports in his paper.

“He was victim of targeted killing. My brother had been murdered because of stories he sent to his paper,” he said, but did not name any group or party thought to be responsible. The online publication is edited by his London-based older brother, Shahid Qureshi.

Another Pakistani journalist, Saleem Shahzad, was found dead on May 31 outside the capital in a killing blamed on his coverage of links between rogue navy officials and Al-Qaeda.

At the time, Reporters Without Borders said 16 journalists had been killed since the start of 2010 in Pakistan, which it ranks 151st out of 178 countries in its press freedom index.

³⁰ Article originally appeared on website of Dawn Newspaper: <http://dawn.com/2012/10/08/web-journalist-faisal-queshi-murdered-in-lahore/>

H. Still Flooded With Misery

2011 Floods in Pakistan, tragedy continues in 2012

Pakistan has witnessed its worst floods for two continuous years in 2010 and 2011. The disaster of the floods and rain stayed for 'short time' but left 'long term' negative impact on the lives, livelihoods, and basic rights of the affected communities, especially women and children.

Human casualties, injuries, damage to livelihood sources, natural resources, livestock, forced migration from flood-hit areas, closure of schools, lack of transportation, health, hygiene and sanitation facilities were order of the day for many months. Above all access to safe drinking water caused deaths of minor children and women and Pakistan's disaster management's poor performance and zero understanding of child care and women need added more to the pains of displaced communities living in temporary shelters and camps.



Photo by Daily Dawn

A large displacement took place and at the time of writing of these lines in December 2012, the government has no conducive and inclusive plan for the rehabilitation, alternate livelihood plan for thousands of affected people. A food secure country turned in to a food-scarce country due to bad governance to deal with the disaster because mostly the agriculture areas of Pakistan were affected, from where the food productivity comes to the rest of the country.

It did not happen over-night. Due to bad governance, corruption in distribution of relief items, poor disaster management policies and above all the lack of political will on the part of the government, thousands of people are still un-settled and living miserable lives in temporary shelters and camps provided by international donors, relief agencies and local NGO networks. It highlighted, among other things, the collaborative efforts of the NGOs, local community, military and international organisations.

Unlike the floods of 2010, this time the government worked at the initial stage only, and the NGOs and certain international donors had helped bear the burden of the disaster.

Man-Made Disaster:

THE wrong rain forecasts, faulty design of the Left Bank Outfall Drain (LBOD), the failure of the provincial disaster management authority and the Sindh government to invest in preventive measures, have proven to be disastrous for the people, land, and agriculture of the six main agro-based districts of the lower Sindh. The outcome was obvious. All water streams were overflowed by torrential rains, causing floods. The consistent heavy rains also made the coastal and downstream districts of Badin, Thatta and Tharparkar vulnerable. Badin was declared a calamity-hit area. A large number of villages were cut off from the rest of the country and thousands of people were marooned.

According to official reports and survey of the Sindh Chamber of Agriculture and Sindh Abadgar Board, the continuous heavy downpour led to breaches in the LBOD and canals affecting the Kharif crops of cotton and paddy and washed away standing crops of cotton, rice, chilly, onion, tomato, vegetables and fodder on thousands of acres in lower region of the province. The losses were enormous estimated at around \$10 billion. Over two million people were affected and at least 120,000 forced to vacate their homes. About 30 people lost their lives in the rains while 140 sustained injuries during floods. Some 15 people died in camps due to outbreak of waterborne diseases.

Hundreds of mud houses in villages were washed away and the displaced persons were facing severe shortage of safe drinking water, sufficient food and other livelihood items. Large migration was still taking place. Civil society organisations have expressed serious concern over the lackluster government response to the plight of the rain and flood affected people. Our visit and survey suggested that the recent floods were a manmade disaster that took place due to the failure of the government to repair and reconstruct the faulty drainage projects, which had created havoc in the coastal areas in the previous monsoon rains and floods.

The World Bank-funded LBOD has been criticised repeatedly for its faulty design that has caused massive destruction in the past as well, particularly in case of cyclones and floods. This year, breaches developed in the LBOD, the biggest saline Nala of Asia, at several places causing water flow to inundate more than 100 villages.

According to media reports, due to overflowing and reverse flows in the LBOD there is fear of more breaches and flooding in the area. This is not for the first time that the LBOD has affected and displaced the population of Badin. The 1999 cyclone, 2003 and 2006 monsoon rains had also caused overflows and breaches that displaced the population of Badin and adjacent areas causing loss of lives.

Critics have repeatedly pointed out technical faults in the designing of the tidal-link embankments and the Choleri Weir that makes the local communities vulnerable when heavy rainfall and high tides and sea storm coincide in the area.

The faulty drainage network has also badly affected the environment of the Indus Delta, restricting fresh water availability necessary for maintaining the ecological value of the delta, which in turn supports coastal forests and marine life.

The maintenance and management of Sim Nala also remained neglected due to corruption and capacity deficits of the Public Works and the Irrigation Departments of the province. The Sim Nalas demand extra care and maintenance since they serve the purpose of draining out effluents that weakens the drainage structures. There have been no serious efforts on the part of the government and the concerned departments to maintain the Nalas over the years.

Media reports indicate that prompt response by the government agencies, during and after the floods, was minimal. District officer (DO) Revenue Badin has admitted to the press that the district government had failed to provide even basic facilities to the DPs. The NDMA claims having distributed ration packets among 2,000 families in Badin, 1,000 in Tando Muhammad Khan, 1,000 in Hyderabad, 500 in Tando Allah Yar and 2,000 in Mirpurkhas. The support is not commensurate to the difficulties faced by the people.

People's suffering for the second consecutive year reflects state's failure to learn lessons from the last year's devastating floods that submerged a large part of the country. No prior warnings or evacuation efforts preceded the water overflow nor was there any preparedness in terms of relief for communities displaced by floods. The begging bowl approach continues with the government planning the issuance of relief assistance through Watan Cards that remained inadequately supplied during the last floods.

It is the responsibility of the government to immediately adopt measures to restore normal life in flood-affected districts unlike last year when the state did not make adequate efforts to drain out water from the inundated areas in Sindh and it remained submerged for several months after the floods. The government should take quick measures to drain out water and resettle the affected farmers with assistance for shelter and livelihood. Apart from immediate relief measures including supply of clean drinking water, food and healthcare, the state must work on long-term measures for the rehabilitation of the affected people.

Extending social security, asset distribution, right to shelter and livelihood and planned urban and rural development is critical to prevent future manmade disasters such as the recent floods and also to minimise loss of lives and property in case of natural disasters.

Marginalization of flood-hit minority communities:

Pakistan is a signatory to several international protocols and obligations which support people's access to their fundamental human needs without any discrimination. Regarding the devastating monsoon rains in Sindh, the spirit of all principles of the international charter and of our own Constitution has been severely violated.

Aid distribution, rescue and relief services of the government were discriminative. This observation is based on the author's frequent visits to each and every tehsil of flood-affected districts of lower Sindh from Tando Muhammad Khan to Tharparkar.

Many people have died due to the ravages of monsoon rains and breaches in the Left Bank Outfall Drain (LBOD) in the districts of Benazirabad, Sanghar, Mirpurkhas and Badin. Besides, it has resulted in the destruction of the means of livelihood for millions of people with the death of cattle and poultry and the inundation of crops.

The majority of the Hindu community living in the districts of Sindh, including Umerkot and Tharparkar, have remained lacking in food and water and shelter during the relief and rescue operation. Minority communities were the most badly hit. They have no alternative but to live under the open sky, facing the vagaries of weather. They were denied accommodation in relief camps where only Muslims were living. Humanitarian assistance was compromised by taboos, exhibiting maximum religious discrimination.

Although there were enough resources, the government distribution system was extremely defective as it was ignorant of the specific needs of women, children and minorities. They lacked the capacity and efficiency to deal with any sort of disaster. The provincial government's tall claims that 'we have enough to deliver' and the federal government's ban on NGO donors further added to the tragedy.

For a while, Sindh was deprived of those international organisations which are experts in dealing with disasters. This gap has provided great space to an abundance of intervention by religious organisations and relief networks. As the government's relief operations were initiated much later, the religious organisations got space to further divide the spirit of humanitarian assistance on the basis of religion.

All Hindu legislators, including seven Hindu ministers and advisers in the Sindh cabinet, also reportedly ignited the divide, supporting their specific community during the relief and rescue work. The spirit of the charter of human rights was badly violated. However, the role of our print, electronic and social media is praiseworthy. It highlighted this discrimination through their coverage and gave space to progressive people to play their respective role in removing this menace.

Although the state has the responsibility to protect the rights of all citizens without any discrimination, we also have a role to expose human rights' abuses through our efforts. We must discourage all kinds of discrimination through our practices.

On the eve of the International Human Rights Day 2011, UN Secretary-General Ban Ki-moon praised the role of the social media in highlighting the importance of human rights and its role in sensitising and mobilising people to demand their rights enshrined in the Universal Declaration of Human Rights, including justice, dignity, equality and participation.

What is to be done?

- People affected by the floods are still suffering great hardship; they need a full-fledged body to respond to rescue and rehabilitation needs. Strong infrastructure along the Indus river embankment and monitoring of channels and drains is much needed to avoid breach and floods. Though the rains of 2011 were unprecedented, that offered no excuse to the relevant quarters to justify their incompetence.
- The provincial disaster management expertise needed to be reorganised and equipped in terms of logistics, medicines and food. There is a need to understand the concept of custom-built villages at safer places.
- Rehabilitation is a long-term goal which could not be achieved in four or five years and relief and rehabilitation measures would be successful only if they were decentralised to have the process expedited with greater participation of people and aid agencies.
- The sufferings of people due to the floods had been terrible, but little had been learnt from that. The 2011 type floods did not come overnight Media had highlighted the flood phenomena in Sindh and Pakistan about two years back, but no one paid heed to the forecast.
- It is high time that attention should be paid to the predicted change of the Indus river course and that villages should be built in clusters instead of scattered.
- Planners and managers were ignorant of floods and disaster management response and a capable disaster management mechanism should be established on a priority basis.
- The deputy high commissioner of the United Kingdom at Karachi, Frances Campbell, said the book comprising write-ups and reports from over 60 contributors highlighted, among other things, the collaborative efforts of the NGOs, local community, military and international organisations.

I. Status of Religious Minorities in Pakistan

Religious intolerance, misuse of Blasphemy laws, persecution of religious minority groups, Shias & Ahmadis:

Like many other previous years, this time again the year 2012 proved a nightmare for the religious minorities in Pakistan. People from Hindu, Dalit, Christian and Ahmadiyya communities were persecuted by several state and non-state stakeholders. For a whole year men, women and children of religious minorities were targeted with a designed agenda to force people to quit the country.

More than twelve men from Ahmadiyya community were killed under blasphemy charge in the province of Punjab. Nineteen girls of Hindu minority and especially of Dalit community were kidnapped and forcefully converted to Islam. Several Christians were also targeted and were tortured and killed by arranged mobs and local police.

The law enforcing agencies, the local court system and above all the government institutions are failed to protect the lives and properties of religious minorities all around the country. Thus, this state of affairs clearly shows the vulnerability and marginalisation of religious minorities and mindset of the state to deal with their citizens. The Pakistan State came into being with the promise that protection of fundamental rights of all the citizens of Pakistan will be protected, irrespective their caste, creed, sectarian, ethnic and religious affiliations.

Islamic Extremists emerge as new power center:



Pakistan is a diverse society having different ethnic, sectarian and communal groups living under one umbrella – Muslim, Christian, Sikh, Hindu, Bahai and other groups. There was a time when we used to witness religious, communal, and sectarian harmony among the people of different religion groups.

For the last many years the growth of intolerance in our society has injured that culture and we are every day becoming more hostile, aggressive and antagonistic towards the religions of others.

In the post-9/11 world, the debate on clash of civilisations and war against terror has further destroyed the progressive and secular spirit of the majority people of the state as our security establishment has superseded the democratic and elected governments and has taken over the major decisions of the state.

Before this dent, prolonged military interventions, authoritarian democratic rule and the use of jihad as a tool of extension of their illegal and unconstitutional martial laws, the dictators have freely used religious sentiments and interpreted law and the Constitution as per their own `demand or necessity`.

The Constitution of Pakistan was altered to persecute religious groups in the country and later on the term `minority` was deliberately introduced to disenfranchise Christian, Sikh, Hindu, Bahai and other groups from the mainstream, though they were equally law-abiding and tax-paying citizens of the Islamic Republic of Pakistan.

The extremists and the right-wing media, particularly some TV channels of the country, have been portraying other religions as exotic and obscurantist. On the other hand, the same right-wing media of the West have been calling Islam a backward and extremist form of faith. There is a need to promote inter-faith dialogue to reduce the rapidly growing hatred and abhorrence.

Pakistan is known in the international community and declared in the country's Constitution as an Islamic nation where Islam is glorified as the superb religion and its followers are pious Muslims. There is no doubt that Islam teaches tolerance, love, respect for other religions, and that life and death are in the hands of Allah. The killing of any human being is forbidden and in the Quran it is the highest form of sin.

But how Islam is defined in practice is yet a big question in Pakistani society. In the absence of any clear definition about the implementation of Islam, a strong perception has been spread that it can be implemented only through violence and exemplary punishment to those who do not properly follow its precepts. Saudi Arabia, being the role model of Shariah and a real Islamic country, demonstrates its commitment every Friday by handing down death sentences that are then carried out by beheading. At the same time thieves have their hands removed.

The Muslim fundamentalists, their militant organisations, the military governments and right wing political parties of Pakistan have been trying to replicate the Islamic model of Saudi Arabia which has generated an atmosphere of intolerance and violence by punishing ordinary people in the name of Islam. The gross misuse of blasphemy laws is one of the reasons society is turning into a killing field. Virtual anarchy rules in the country and total chaos is not far behind.

The absence of the rule of law and a weak criminal justice system allows the increasing religious intolerance where the religious groups, with the help of the mushrooming growth of seminaries (Madressas) and mosques are enforcing their own tailored Islamic laws by killing, attacking, forcibly converting non-Muslims to Islam and implicating any person who stands in their way in blasphemy cases.

The Ahmadis, belong to a sect that believes in Islam and claims to be an ardent follower of it. But, they have been declared as non-Muslim under Pakistani legislation. Evidently, the Government of Pakistan has not only confiscated their freedom to faith, belief and practice, but also proactively victimised them socially, economically and educationally.



The declaration goes against the very fundamental tenets of democracy which accords all the citizens of the country their fundamental rights and freedom, of which freedom to faith is an integral part. It is to this effect that the United Nations has provided a declaration on human rights and there are international civil rights which provide the basic traits of a democracy. Pakistan had proclaimed to be a democracy four years ago and it was in this context that everyone hoped that its government will soon fulfill all criteria essential for being recognized as a democratic State.

However, even today, there is a substantive portion of the citizenry of Pakistan who have been deprived of their voting rights and there are many others who can only vote as members of minority groups and use their vote strictly within their own minority.

Ahmadis are one such group which is denied their right to vote; they cannot register as a voter in Pakistan. It is a most shameful and horrifying fact that all Muslims in Pakistan in order to get their I.D cards which are essential for registering as a voter, have to make a mandatory declaration pronouncing the Founder of the Ahmadiyya Community as an imposter and a liar. No civil society in the modern times can tolerate such arrogance of a country towards its own nationals.

Journalist beaten-up by religious fanatics for watching television programmes

Mr. Zainul Abedin, son of Khalid Bin Abdul Qadir, resident of A-305, block 2, Gulsha-e-Iqbal, Karachi, the op-ed editor of The News, was attacked and beaten on August 27, at around 11 pm, by four persons when he was in his own house relaxing with his younger sister. He heard noises outside his house and noticed four men kicking at the gate and hurling abuse. As he opened the gate to talk to them he was surrounded and grabbed, with one of the men saying: "You are very fond of watching television and Qawalis, (a mystic and religious song), but you will not be so after today". When he enquired who they were and why they should have a problem with how he lives in his own house unless it affected them in any way, one of them said they do have a problem with these things particularly about the mystic songs and then they threatened that they will teach him a lesson for not following their instructions.³¹

Barbarity in the name of religion is at its height

On November 8, a group of Islamic extremists arrived at a Hindu temple on the outskirts of one of the country's largest cities, Karachi, shouting, "Kill the Hindus, kill the children of the Hindus." The group, which was armed with pistols, destroyed the temple fittings and ripped off the golden bangles worn by the women. The men and women were beaten indiscriminately and the attackers were so sure of their impunity from any action from the authorities they did not even bother to conceal their identities or cover their faces. This was not an isolated case; indeed, it was the second time this particular temple has been

³¹ <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAG-166-2012/>

attacked, and there have been many such incidents reported. Even Muslims who speak out in public in defence and support of Hindus leave themselves open to attack.

Marvi Sirmed is an outspoken defender of democracy and human rights. She has particularly spoken out on the rights of minorities such as the Hindus, Christians and Shias. Marvi had been receiving threats from rightwing and extremist groups for several months now and for her own security has had to change her place of residence. On November 3, unidentified gunmen opened fire on the car in which Marvi Sirmed was traveling but fortunately she and her driver escaped unharmed. The attack took place in the Pakistani capital, Islamabad. The police announced that they have started an investigation into the attack but, perhaps not surprisingly, no results have been forthcoming. More recently, Marvi Sirmed was instrumental in the recent campaign to free Rimsha Masih, a Christian girl who was wrongly accused of blasphemy after a Muslim cleric planted evidence against her.

Another area of concern which involves members of the Hindu and Christian minorities is that of forced marriage and conversion. Typically a Hindu girl goes missing and when she next contacts her family they find that she has been married to a Muslim boy. There have been numerous court hearings in several cases to determine whether the conversion was voluntary and in each case students from nearby madrassas attend court to intimidate the judges by chanting demands that the conversion be confirmed. An NGO worker said that in the 100 cases that he had personally worked on only one girl had been safely returned to her family. The government's policy of appeasement also finds its way into the courts. Pakistan is known in the international community and declared in the country's Constitution as an Islamic nation where Islam is glorified as the superb religion and its followers are pious Muslims. There is no doubt that Islam teaches tolerance, love, respect for other religions, and that life and death are in the hands of Allah. The killing of any human being is forbidden and in the Quran it is the highest form of sin.

The absence of the rule of law and a weak criminal justice system allows the increasing religious intolerance where the religious groups, with the help of the mushrooming growth of seminaries (Madressas) and mosques are enforcing their own tailored Islamic laws by killing, attacking, forcibly converting non-Muslims to Islam and implicating any person who stands in their way in blasphemy cases.

The barbaric incidents of the Muslim fundamentalists can be seen in the following cases in which the state remains a silent spectator. The Asian Human Rights Commission has collected cases of killings, sectarian violence, lynching and false implication of blasphemy charges during the eight months of this year. Most of the cases were taken from the Urgent Appeals of the Asian Human Rights Commission and research compilations by Mr. Nafees Mohammad based on news clippings from the Daily Express Tribune, Daily Dawn, Daily Time and Daily The News.

On August 27, 2012, three more persons from the Hazara Shia community were shot dead and two were injured³². The deceased were identified as Zamin Ali, Mustafa and Muhammad Ali. The injured were Ghulam Raza and Zahir Shah. Police said that a pick-up, which had been on its way to Marriabad from

³² <http://www.humanrights.asia/news/abrc-news/AHRC-STM-165-2012>

Hazara Town, Quetta, the capital of Balochistan province, came under attack on the Spini Road.

Also during August more than 35 Shiites were killed by assailants in military uniform. During this period around 150 Shiites were killed in different attacks. The attackers claim to be followers of the Wahabi sect, a Saudi Arabian sect, which itself is a minority in Pakistan and number even fewer in comparison to Shia sect. On August 16, in the early morning, four buses, carrying passengers from Gilgit to Rawalpindi, a city of Punjab, were halted by around 50 men in military uniforms at Babusar Top in Kaghan valley, Mansehra district. All the passengers were asked to alight from the busses and show their national identity cards, after identifying 25 persons as Shia Muslims. Their hands were tied and more than a dozen assailants opened fire at them, killing all 25. After the shooting they marched away in military style shouting Allah-ho-Akbar.

The Shias from Hazara tribe of Balochistan were killed in those areas which were under the strict control of the Pakistan army and its unit, the Frontier Corp. the places of killings were barely three to 500 meters from the military check posts³³.

On August 18, eleven persons, from the Sunni sect, were killed in sectarian violence in District Central, Karachi. Ten people lost their lives in overnight killings that took place in a span of two hours, while another man was killed at noon. Police suspect the wave of violence was in retaliation to attacks on the Shia community. The first attack occurred in Gulberg locality, where motorcyclists fired on Qari Asif and Qari Shakirullah while they were sitting in their office. At around 1:20 am, the second target were three friends: Maulana Muhammad Yahya, 32, Faizan Ilyas, 27 and Mujahid Aleem, 26. Twenty minutes later, a similar incident occurred near Masjid-o-Madrassa Quba, just two kilometres from Masjid-o-Madrassa Yasinul Quran. Assailants sprayed people sitting at Café Green with bullets, killing five people and injuring another. One of the men killed, Hafiz Sharjeel Ali, was associated with the Tableeghi Jamaat. Witnesses and acquaintances claimed the five men were targeted because they were Deobandi, a sect belonging to the Sunni. The fourth such incident occurred at a two-kilometre distance from where the funeral prayers for the Gulberg victims were being offered – another Deobandi, Qari Ahsan, 30, was gunned down when he was returning home from Friday prayers.

On August 17, a day after a horrific massacre of 19 Shias in Mansehra, a bus carrying young Shia men was targeted by a bomb in Karachi. Two of them were killed and 13 others were injured. The bomb was planted at a footpath near the main gate of Safari Park, close to an electric substation. The bus was carrying activists of the Imamia Student Organisation (ISO) who boarded the bus at Karachi University.

On August 16, a minor Christian girl, Miss Ramsha, 11, with Down syndrome, was arrested on the charges of blasphemy when she burned some copies of newspapers which were collected from the garbage. The

³³ <http://www.humanrights.asia/news/abrc-news/AHRC-STM-038-2012>
<http://www.humanrights.asia/news/abrc-news/AHRC-STM-124-2011>
<http://www.humanrights.asia/news/abrc-news/AHRC-STM-136-2012>
<http://www.humanrights.asia/news/forwarded-news/AHRC-FOL-015-2011>
<http://www.humanrights.asia/news/forwarded-news/AHRC-FAT-008-2012>

Muslim population of the slum area attacked her house and beat her mother and sister and also burned some houses of Christians. The police arrested the mother and her two daughters and immediately sent Ramsha to Adiala prison illegally, as according to law, minors below the age of 15 years cannot be sent to prison or detained in police lock-up. After her arrest, police took the custody of her mother and sister and their whereabouts are unknown. Police say that both mother and daughter are in the protective custody because of the apprehension of their killing by the Muslim activists. However, the Christian community suspect that they were handed over the Muslim activists and that their lives may be in serious danger³⁴.

In August, more than 200 Hindu families migrated to India because of continuous abduction for ransom, forced conversion to Islam after kidnapping, attack on their places of worship and houses, displacement, accusation of blasphemy and general persecution by the Muslim seminaries. Hindus, sizeable populations of whom live in all the districts of Sindh, have been facing continued incidence of violence compelling them to live under insecurity. The trend has continued for many years now.

On July 4, in Bahawalpur, Southern Punjab, there was a harrowing incident of mob justice, when hundreds of people accused a 'deranged' man of sacrilege, mercilessly beat him, and burnt him alive. The incident took place in Chanighot area of Bahawalpur. Residents saw a man allegedly throwing pages from the Holy Quran onto the street. Local police took him into custody and put him in the lockup. Soon a frenzied mob gathered outside the Chanighot police station baying for blood. Police couldn't stand up to the furious and violent crowd who got hold of the alleged blasphemer, described by one police official as deranged, and brutally tortured him. Nine police officers, including SHO Gujjar and DSP were injured while trying – though unsuccessfully – to rescue the man. The mob burnt down several police vehicles, including DSP Mumtaz's four-wheeler, before getting hold of the man, who has not been identified.

On July 19, Karachi, a devout senior Ahmadi Muslim, Mr Naeem Ahmad Gondal, was shot in the head by two motorcyclists and died on the spot. He was an elite Ahmadi Muslim and also holding the high position of Assistant Director in the State Bank of Pakistan. He was an active member of the Ahmadiyya Muslim Community and had been the President of the Ahmadiyya Muslim Community in Korangi town, Karachi, for the past 11 years. Mr Naeem was the seventh Ahmadi Muslim killed in Karachi for his faith and belief since the beginning of the year, and the world is aware of the hundreds of other Ahmadi Muslims who have been killed in Pakistan so far just for being Ahmadi and being devoted to their faith and belief³⁵.

On July 1st, in Faisalabad mob rule trumped the law when an infuriated crowd severely beat a man accused of blasphemy, within the jurisdiction of the Ghulam Muhammad Abad police station. According to the police, Faryad allegedly committed some blasphemous acts over which the residents of Marzi Pura caught him and severely thrashed and tortured him. After this, the police registered an FIR on the complaint of Abdus Sattar, a resident of Marzipura, and started an investigation.

³⁴ <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAG-146-2012>

³⁵ <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-154-2012>

On July 6th, Khanpur, a barber, was sent to jail after he was arrested on charge of defiling pages of the Holy Quran. Rafiq Ahmed, a resident of Basti Ghazipur, was accused by Abdur Rasheed, the prayer leader of Ayesha Siddiqah Masjid, of using pages of the Holy Quran to clean some mirrors at his shop. Ahmed later said that he was illiterate and had no idea whether the papers he had used had verses of the Holy Quran written on them.

On June 28th, at least 13 pilgrims were martyred and several others injured in a bomb blast on Zaireen's bus in Hazar Ganji, Quetta, the capital of Balochistan, where the city remains under the tight control of the Frontier Corp (FC), a unit of the Pakistan Army. In the city it is not possible for anyone to move without being body searched by the FC and other law enforcement agencies yet the militants pass freely. The reports say that a police officer was also killed in the attack. In June alone, 31 Shiites were killed in the Quetta and Mand areas of Balochistan.

On June 24th, Rekha alias Pubi (14) was working at a factory for the manufacturing of bottles for beverages at Gadap Karachi. She was abducted by gangsters and forcibly converted to Islam. When a police case was filed against the abductors, the girl was produced before a Magistrate's Court by the gangsters to record a statement that she has embraced Islam as her religion. The irony of the judicial process is that the judicial magistrate has accepted her subsequent marriage as legal in spite of the Pakistan law which does not allow the marriage of girls below the age of 16 years. The irony of the case is that the Chief Justice has with his own technique of law allowed the forced marriage and conversion to Islam as an Islamic victory. The next Friday, after the prayers, the Chief Justice met with Naveed Shah and congratulated him on success on converting a Hindu girl to Islam.

On June 16th, a mob attacked a police station in Quetta on Saturday, demanding a man, detained for allegedly desecrating the Quran, be handed over. The attack left at least two children dead, and 19 individuals with gunshot wounds. Violence erupted after police arrested a "mentally retarded" man said to have burnt pages of the holy book in Kuchlak, about 16 kilometres (10 miles) north of Quetta, senior administration official Qambar Dashti told AFP. The clash left two children dead and 19 people wounded including eight policemen, he said. "All the wounded people have bullet injuries," he added. "The man appeared to be mentally retarded, we have taken him into custody and ordered an investigation," Wajid said, adding that control had been restored.

On June 7, in Quetta, in targeted killings, two brothers belonging to the Hazara Shia community were gunned down outside the regional passport office near Joint Road. The victims had come to the post office to get their passports made and were attacked outside the main gate of the office.

In May 2012, an 82 year old man was shot dead by the complainant in Sheikhpura after his release from prison after acquittal by a court on being proved innocent in a blasphemy case. Iqbal Butt was on his way home on a rickshaw when he was shot dead in the city's Farooqabad locality. Two men, including his accuser Maulvi Waqas and an unidentified accomplice, chased him on a motorcycle and opened fire, resulting in his death. Javed Butt, a stepson of Iqbal Butt, said that Maulvi Waqas accused his father of blasphemy just to settle a score with him after they exchanged harsh words during an argument earlier on.



On May 30th, in Quetta, a Hazara was shot dead. The victim has been identified as Ali Muhammad, and was traveling on his bicycle after having lunch in a restaurant on Joint Road, when unknown armed men opened fire. Later, Lashkar-e-Jhangvi in a phone call to Quetta Press Club claimed responsibility.

On May 6th, in Quetta, a Hazara Shiite was killed by unknown gunmen. He was working at his tyre shop in Dasht area of Mastung, when unknown armed men riding on a bike opened fire and killed him at the spot. The victim is identified as Muhammad Ali.

On May 4th, policemen scratched out Quranic verses written on the walls of an Ahmadi place of worship and ordered them to cover up short minarets at the entrance as they made the place look like a mosque. After receiving a complaint about the place of worship in Sultanpura, Kachhupura, a large contingent of Misri Shah police visited it and told the Ahmadis they had a day to make the place look less like a mosque, failing which a case would be registered against them under the 'Anti-Islamic Activities of Qadiani Group, Lahori Group, and Ahmadis (Prohibition and Punishment) Ordinance' of 1984.

On May 4th, clerics in Sultanpura, Lahore, who complained that an Ahmadi place of worship looked too much like a mosque were unsatisfied with changes made to the building's facade and demanded that the building's dome be demolished, reported *The Express Tribune*. The administration of Baitul Hamd, the worship place, covered the chhatri (flattened dome) at the entrance by installing a hoarding in front of it on May 4. A day earlier, Misri Shah Police had removed some tiles with the Kalma and Quranic verses from the building entrance.

In the month of May a Hindu lawyer, Mr. Mohan Lal Meghwar, son of Karo Mal, resident of village Bhadisindhu, Chachro, district Tharparkar, Sindh province, was released by his abductors after paying millions of rupees. On December 30, 2011 he was abducted again when he was on way to Sindh high court, Hyderabad bench, 56 kilometers away from his residence to attend the court proceedings³⁶.

On April 18, the decision in the cases of Ms. Haleema alias Asha Kumari, Ms. Hafza alias Dr. Lata, and Ms. Faryal alias Rinkle Kumari, who were forced to convert to Islam after abduction, has proved that that the highest court is a biased Muslim court rather than an institution of justice. The judgment concerning this issue has worried the religious minorities who already face an existential threat, demographically but also due to rising religious intolerance in the society.

On April 15th, in Quetta, at least eight members of the Shia Hazara community and a policeman were killed in three attacks. After the attacks and subsequent violence, the administration called out Frontier Corps in the city. The paramilitaries started taking up positions at important places in the evening. Seven people were killed in firing on two vehicles on Brewery Road and Subzal Road. Saturday's killings took the number of Hazara Shias killed in Quetta and its vicinity during the past fortnight to 26.

³⁶ <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAG-252-2011/>

On April 3, Mr. Abdul Qudoos Ahmad (43), a well respected school teacher, belonging to the Ahmadiyya sect was tortured to death while in police custody in Chenab Nagar (the Ahmadi community refers to it by its old name of Rabwah), Punjab province. He was taken into custody by the police on 10 February 2012 and was kept in a private torture cell of the police until 26 March when his condition deteriorated due to the severe torture he endured. He remained in police custody for 35 days with any charges being laid against him and was not officially arrested. He was forced to confess to the murder of one, Muhammad Yousuf, a stamp-paper seller from the Nusrat Abad area who was murdered a few months earlier. During the illegal detention Mr. Qudoos was deprived from access to any the legal assistance was not provided³⁷.

On March 15, the Khushab district police officer had sought assistance from the Muttahida Ulema Board Punjab in a blasphemy case against two Shia clerics. The particulars of the FIR, a compact disc with recordings of allegedly blasphemous lectures by a Shia zakir, and the legal opinion of the district public prosecutor have been sent to the board, Ghulam Murtaza, personal staff officer to the DPO, told *The Express Tribune*. Murtaza said the matter was referred to the board to ensure that the prosecution was in accordance with the law. The DPO's reader said that in his written opinion the district public prosecutor had supported the insertion of Section 295 C (use of derogatory remarks, etc, in respect of the Holy Prophet) of the Pakistan Penal Code in the FIR registered on March 15 against Gorot resident Shuja Abbas and Multan resident Nasir Multani.

On February 23, Ms. Rinkle Kumari, (17), a Hindu girl living in Mirpur Mathelo; a small city of Sindh province and the daughter of a school teacher, was abducted on the night of 23 February by notorious gangsters of the area with the help of a member of the National Assembly from the ruling party and local Muslim fundamentalist groups. Following her abduction she was forced to embrace Islam. According to the information received, Naveed Shah, a member of a famous criminal group of Hassam Kalwarh, along with more than dozen persons abducted Kumari from her house on 23 February. They kidnapped her at gunpoint and took her to the resident of Mian Abdul Haq, alias Mian Mithhu, the member of the National Assembly from the ruling party, the Pakistan Peoples' Party. She was then taken to a famous Madressa at Dargah Aalia Qadria Bharchoondi Sharif where she had forced to sign the marriage certificate (Nikkah Nama) and married with Naveed Shah, a street gangster. The Madressa is famous for converting Hindu girls in the province which claims that it has the target to convert 2000 Hindus every year to Islam³⁸.

On January 29, a big gathering of more than 5000 persons, mainly from Madressas (Islamic seminaries) was held outside the place where members of Ahmadiyya community have their Mosque and other places like a hospital and library. The place of the protest gathering was not far away from the General Head Quarters of Pakistan and was addressed by none other than the leaders of the banned religious organizations who were declared as terrorist organizations. The leaders from Jamaat-ud-Dawa, Lashkar-e-Taiba, and Sipah Sahaba, addressed the rally. The rally was held to protest alleged land 'encroachment'; the speakers used the occasion to demand that Ahmadis must stop religious activities such as proselytizing

³⁷ <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-057-2012/>

³⁸ <http://www.humanrights.asia/news/abrc-news/AHRC-STM-165-2012>

and worshipping. Participants carried flags of different religious parties, including some banned ones, and portraits of the self-confessed assassin, Mumtaz Qadri, who killed former Punjab governor Salmaan Taseer³⁹.

On January 26, five men were arrested for allegedly using offensive language against the companions of the Holy Prophet (PBUH) in Kotri. According to the on-duty officer, the men wrote derogatory remarks on the walls of six bogies of Sukkur Express when it was at Kotri. Abid Hussain, Mohammad Hussain, Tasawar Hussain, Asghar Abbas and Mirza Hussain were brought to Karachi and arrested. According to the police, a score of members of the Ahle Sunnat wal Jamaat gathered at Cantt Station and staged a sit-in.

There have been stories aplenty about extremist elements publicly punishing men who groom their facial hair in the far-flung tribal badlands of Pakistan. However, the practice has now been reported a little closer to home: at a school in Peshawar, on January 27th, where the institution's administration suspended a student for trimming his beard too fine – or, to be more precise, for getting an "English cut".

On January 7, in a mockery of the Blasphemy Law: a man wrote that his name was 'Jew Jurian' on his national identity card form. The data entry clerk then assumed he was a Jew. Thus, for the first time in the history of Computerised National Identity Cards (CNIC), a Pakistani was officially declared a Jew. The problem was that he was a Christian. The bigger problem for Jurian, as he narrated to *The Express Tribune*, was that he was accused of being a Jew – and subsequently, through the twisted logic of twisted souls, of blasphemy. After thorough investigations, Jurian was released by the police, along with three others, in May 2003. Almost nine years later, he and his family still face death threats. His two other friends have been shot dead by fundamentalists and he is in hiding.

On January 3, the car owned by Mahesh Kumar, the former President of Press Club Hyderabad was attacked by three motor-cyclists while Mahesh was inside the club building. This is second time that Mahesh's vehicle has been attacked by unknown people. From the pattern of the attacks, it seems this is the second warning issued to the journalist, and this time the level of threat is higher than before. Mahesh' colleagues believe that this might be the last warning for Mahesh Kumar before he will be personally harmed. Eight bullets holes were found at different places on the body of the car⁴⁰.

These cases, are all well reflected in Pakistani society, particularly after the promulgation of section 295 (B) and 295 (C) of the blasphemy law, in the 1980's during the military dictator, General Zia-ul-Haq's regime.

Case of Forced Conversion of Hindu girls into Islam:

For 2012, the theme for International Women's Day was 'Connecting girls, inspiring futures' and the entire world was promising to follow the theme. But on the other hand, unfortunately, girls and women of

³⁹ <http://www.humanrights.asia/news/abrc-news/AHRC-STM-025-2012/>

⁴⁰ <http://www.humanrights.asia/news/forwarded-news/AHRC-FPR-001-2012/>

religious minorities in Pakistan, especially Hindu girls in Sindh, feel disconnected from the main-stream, humiliated with no hope. In the last couple of days in Sindh, four Hindu girls (Lata Kumari from Karachi, Rinkal Kumari from Mirpur Mathelo, Aamna Kohli from Tando Bago – the constituency of the woman speaker of National Assembly of Pakistan, Dr Fehmida Mirza – and Aasha Kumari from Jacobabad – a fiefdom of tribal chiefs in Sindh) were kidnapped and converted to Islam allegedly at gunpoint.

Such crime has stopped the Hindu community from even celebrating their scared festivals. In the last couple of weeks, more than a dozen minor children, traders, shopkeepers and businessmen of the Hindu community were reportedly kidnapped for ransom and several families have migrated due to insecure and unsafe future of their families and businesses.

Registration of fake cases and pressure of local influential are a routine threat to them. Extortion is another crime happening and the Hindus are bound to pay this amount in different parts of the province. More than 700 families have reportedly migrated to India and Southeast Asian countries in a few months.

The Hindu community has done a lot to develop the socio-economic landscape of Sindh and Pakistan, and all their hopes are attached with the land. Today, hundreds of thousands from this patriotic community feel alienated and like strangers in their homeland. No religion has allowed its followers to convert others by force; even Islam does not allow it. Then how can its followers indulge in such wrong conduct?



The case of Rinkal Kumari:

A Hindu girl was kidnapped by a Muslim boy and forcefully converted to Islam against her wish. Later on this case went to the Supreme Court and Chief Justice of the said court congratulated the bridegroom for converting an infidel into the folds of Islam. Scared and crying, the girl was taken into protection by a local legislator of the ruling PPP government, who is known for forcefully converting Hindu, Christian and dalit girls to Islam, and openly says that he is given funding by Deobandi school of thought (i.e. from Kuwait and Saudi Arabia) to get more people into Islam's fold.

Exploitation of Blasphemy Law – the Case of Mega Cities Karachi:

Karachi, the economic hub and financial capital of Pakistan used to be known as a city progressive and liberal. However, people here are now also under severe pressure under control of religious extremists and fundamentalists. Some recent cases of blasphemy have exposed the so-called culture of religious tolerance and liberal values of the city. The source of exploitation of blasphemy law was the use of social media in this corporate capital of the country. Now this trend is traveling from rural pockets to mainstream cities and business hubs of the country. On September 21st, 2012 an incident took place in Hyderabad, where some people had lodged a blasphemy case against a trader who had not closed his shop on the day of protest in favour of blasphemy law. This man was a Muslim and religious background but refused to shut-down his store and called the strike as anti-people and anti-business activity.

Earlier on August, 2012, a 14-year-old Christian girl, Rimsha Masih, had been accused of blasphemy by a cleric in a suburban neighbourhood of Islamabad. She was finally released by a court and had to be airlifted to an undisclosed location for security reasons.

Blasphemy Case in Karachi

With the case of Rimsha Masih still grabbing the headlines, another case of blasphemy was reported to police on Wednesday, October 10th, 2012. The setting this time was not in a slum but in a middle-class neighbourhood of Gulshan-i-Iqbal, after the house of the accused boy belonging to a religious minority community was ransacked and furniture was set on fire in a violent protest. The teenage Christian boy has been accused of sending text messages containing ‘blasphemous’ content to his area residents without reading it. The incident took place in the staff colony of the Sui Southern Gas Company (SSGC) located at the junction of University Road and Abul Hasan Ispahani Road. Daily DAWN reports that police were of the view that the boy was accused by the residents for sending text messages containing blasphemous content to the staffers and officers of the SSGC present at the residential-cum-office compound. As the SMS reportedly circulated among the residents of the colony comprising workers and officers, they eventually attacked the residential quarter of Ryan Stanten, 16, and his mother, Rubina Bryan, on Wednesday, police said. Ms Bryan worked as a superintendent at the SSGC, they added.

The SMS had been sent on Tuesday night. However, apparently after realising the gravity of the situation the family had abandoned the house, said a senior police officer of the area. “Had they not left the house, the situation could have been really bad,” the officer observed. On Wednesday, the enraged people ransacked the house and set fire to the household articles, including the bed, washing machine and fridge, after bringing them out on to the main University Road. The protesters also raised slogans against the family. The SMS was passed on by the accused teenager by his own cellphone on Tuesday. After receiving it, some people had gone to the boy asking him about it, he told them that he had forwarded the SMS after receiving it, said DIG (east) Shahid Hayat while speaking to the local press.

“Ryan told complainant Khursheed Alam and Pesh Imam Qari Ghulam Qadir of the SSGC Jamia Mosque that someone sent him this SMS and he forwarded it to all Muslim friends without reading it,” said the DIG. The official in charge of the SSGC security, an ex-serviceman, kept handling the situation, the police officer added. After the mayhem, police reached the scene and tried to appease the protesters assuring them that police would register the case. “We reached the scene and talked sense to some clerics who were leading the protest,” said a police officer of the area. The violent protest caused a severe traffic jam on Abul Hasan Ispahani Road and University Road.

A case (FIR No 432/2012) under Section 295-C (use of derogatory remarks, etc, in respect of the Holy Prophet) of the Pakistan Penal Code, Section 7 of the Anti-Terrorism Act and Section 25 of the Telegraph Act was later registered at the Mobina Town police station. A duty officer of the police station said the FIR was registered against Ryan Stanten, son of Ms Bryan, a resident of SSGC staff colony on a complaint of SSGC chief manager Khursheed Alam.

Human rights defenders condemned the trend as very dangerous, in which the Christians were also being targeted. HRCP and AHRC Pakistan volunteer said that people had become very scared. As per HRCP report at least 22 blasphemy cases have been reported in the country in 2012 alone, in which Muslim accused are more in number compared to the Christians.



Around 600 extremists attack the St. Francis Church

School set on fire in Lahore:

An angry mob set a school on fire in Lahore, alleging that the school gave a test that insulted Prophet Muhammad (PBUH). A Pakistani teacher at the centre of a blasphemy row was in hiding as her school management denied all responsibility for the “dirty act” and called for her to be punished.

A large number of students, their parents and other people on Wednesday protested against a school administration for distributing a blasphemous essay sheet among students. The protesters later set Farooqi Girls High School in Ravi Road area on fire. People in the area have been demanding police action against the teacher accused of blasphemy for the last couple of days.

On Wednesday, a student organisation and residents of the area demonstrated against the school administration. They later broke the school gate and set its building and principal's car on fire. Police reached the site and resorted to aerial firing to disperse the mob. A citizen was injured during the protest and was admitted to hospital.



Police also arrested school Principal Asim Farooqi and registered a case against teacher Irfa Iftikhar under section 295/C on the complaint of Qari Abdullah Saqib. Principal Asim Farooqi said that he has already dismissed Irfa Iftikhar and that he too regrets the “mistake”.

An angry mob set a school on fire in Lahore, alleging that the school gave a test that insulted Prophet Muhammad (PBUH). A Pakistani teacher at the centre of a blasphemy row was in hiding as her school management denied all responsibility for the “dirty act” and called for her to be punished.

Nobel Laureate Dr Abdu Salam disowned because he is an Ahmadi

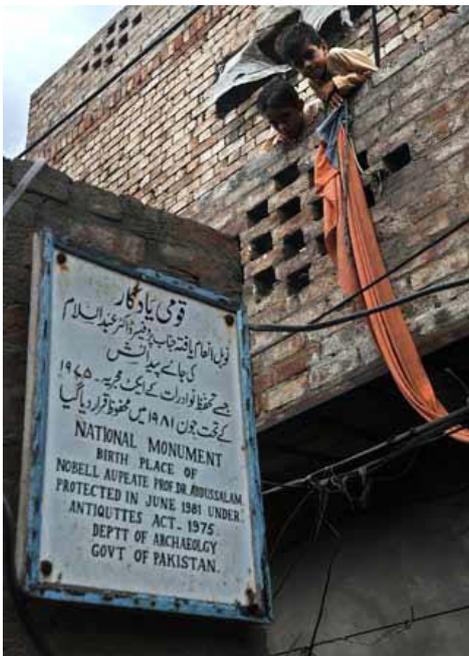
The government of Pakistan, the media and other organizations of the state has virtually disowned one of the greatest geniuses of our land Dr. Salam. The issue of Ahmadi's in Pakistan appears to be more important than honouring the life of the country's only Nobel Laureate.

Dr. Abdus Salam passed away on November 21, 1996 in England at the age of 70. He was the country's only Nobel Laureate and won the prize in 1979 for his work in theoretical physics and for his discovery of the 'God' particle. Dr. Salam was the first Pakistani and the first and only Muslim to receive a Nobel Prize in Physics. He contributed heavily to the rise of Pakistan to the physics community of the world.

Sadly, instead of honouring a son of the country the government is ignoring the call for tributes to appease the religious extremists because Dr. Salam was an Ahmadi.

His headstone was vandalized. It originally read: The first Muslim Nobel Laureate Dr. Abdus Salam. After the vandals were finished it now reads only: Dr. Abdus Salam. The pity of this is that the government shows no reaction whatsoever to the actions of the extremists to belittle his work. There has been no investigation into the vandalism and to be honest, none is expected. This speaks to the apathy of civil society and the institutes of higher learning in that no one has taken notice of this. Does this mean that the country looks upon Dr. Salam as an award winning scientist or as an Ahmadi? Should they not, in fact, be looking upon him as a great man of science who worked for the betterment of his society?

It is a shameful situation in that Pakistan has shown no willingness to respect the scientific achievements of one of its own citizens. Indeed, Dr. Salam's community has contributed more to the creation of Pakistan than any other religious sect or group. The only heroes of the country are the soldiers that are supposed to be guardians of its sovereignty, the Jihadist that operate with the full knowledge of the government to protect the 'purity' of Islam, there is no time for the scientists who work to enlighten society and who wish to run the country on scientific knowledge. They are treated as nothing and when their usefulness is over they are thrown on the rubbish tip.



Dr. Salam has been treated as persona non grata. With regard to the silence of the Pakistan government in the matter of Dr. Salam it is the organs of the state that are allowing this to happen. If the government would cease its policy of appeasement towards the religious extremists and the armed forces there would be more respect shown by all to the true heroes of the country. These heroes are not the Jihadists and hate mongers, they are the people who have worked and continue to work for the betterment of the people and humanity in general.

(photo left: Residence of Dr Salam which was declared national heritage and later on the title was surrendered due to the pressure of religious extremists. There were several attempts to set the house on fire)



A vendor sells snacks outside a state-run school where Professor Abdus Salam received his early education in the town of Jhang. Photo of Dr Salam was removed from the main assembly hall of the building due to pressure of religious parties so that their children shall not have the 'influence' of an Ahmadi.

Today the coalition government in Islamabad, and its Constitutional Reforms Committee, has a historic opportunity to amend all the discriminatory laws that were made to maltreat Christian, Sikh, Hindu, Bahai, Ahmadis and others, and which are against the spirit of democratic and progressive values of a state.

A six year old Hindu girl was raped:



A six years old minor girl from the Dalit (untouchable) and student of class 1, Wijenti Meghwar was raped in Umerkot district of Sindh province, a city at the Indian border where a sizeable population from the Hindu religion lives. The rapist belongs to a political party which has close connection with the military. She was found close to the house of former town council chairman of Pithoro. Her father, Manohar Meghwar says that his daughter was playing outside the house when she was abducted. At the time of recovery she was found in a pool of blood and could not move. She was brought to the district hospital where there was no doctor to attend to her. She was then taken to the civil hospital

Mirpurkhas district, 60 kilometers away from her home where she remains in critical condition. Despite the fact that the police know the identity of the rapist they have failed to arrest him.

The military of Pakistan demolishes the Hindu temple:



The Military Estate Office, which assisted a private builder in the demolition of a Hindu temple and houses in Karachi's Soldier Bazaar, on December 2, insists that the Hindu community has encroached on the precious land for commercial building. Despite debris lying over the compound, the president's notice and the angry protests by the Hindu community the Director of Military Lands and Cantonment Zeenat Ahmed was adamant to acknowledge that the Shri Rama Pir Mandir had not been damaged. She says that her people have told her that the

deities were all in sound condition. In her attempt to humiliate the Hindu community she said that "the people who had deities in their homes had deliberately put them in front of the debris of the damaged houses. This was done to present a wrong picture that the temple was destroyed." She was referring to the photo graphs printed in the newspapers and the video clips of different electronic channels. She also confessed that military did the operation when a builder approached him and the temple was already in bad condition.

Ahmadis graveyards desecrated:



15 gunmen attacked the Ahmadiyya Graveyard in Model Town, Lahore on December 3, desecrating more than 120 graves of Ahmadi community. They also tortured the watchman and caretakers in a bid to start a new phase of intimidation against Ahmadis, a minority sect which was declared by the constitution as the non-Muslims.

The Ahmadiyya community in Pakistan has been under attack for last several years and in this latest incident, 15 masked and armed men attacked the graveyard and shattered the tombstones and headstones of more than 120 graves.

According to police, eyewitnesses, watchmen and locals of the area, at around 1:30 am (after midnight) the attackers entered the graveyard through a seven foot high wall and tied up the watchman. The watchman was able to call his seniors and when he did this the attackers snatched his phone and tortured him. The attackers told him that they were from the banned Muslim religious organizations, the Lashkare Tayba and the Taliban.

J. No Place to be a Woman



Although the Pakistani Parliament has passed many laws for the defense of women's rights, no significant changes are visible for the betterment of women in society. Women are still being raped in custody; cases of honour killings are still a worryingly high; abuses are taking place in the open; exchange of minor girls to settle tribal disputes is still prevalent; holding of jirga against women is still occurring, and, in general, women are not treated as equal citizens.

A law against domestic violence is still pending in the Parliament since 2009, and the main reason for this is due to the fact that most of the parliamentarians are from feudal and tribal backgrounds, who do not believe in criminalizing domestic violence. The mindset of the Courts is also still biased when cases concerning women occur. Judges mainly decide on the basis of the 1400 year old Shariah (Islamic laws), which does not guarantee equal treatment to women.

Under this point of view, it can be stated that women in Pakistan are still living in the medieval times, if we consider their limited access to employment, social security, respect, and recognition. The situation becomes worse in cases of women from religious minority groups who are poorly treated, like slaves. The question of education does not garner its importance, because of the domination of fundamentalist religious groups who represent one of the power centers in the country. They dictate society on their terms, and in their opinion, women are not entitled to equal rights. Fundamentalist groups dictate and push for a society where women should not be participating in social life at all. Furthermore, they are accustomed to beat and flog women, and kill them in open places with the intent of scaring other women at large.

However, the year 2012 has noted a couple of extremely important events, which represent two important steps forward in the attempt to change the traditional mind-set and give courage to the civil society to stop the violence against women. Although these were episodes not intentionally conducted, they have definitely given a chance to protest and show the government that the civil society is concerned and is interested in changing the situation.

The patriarchal and often conservative mind-set of the Pakistani society, together with a persistent religious fundamentalism, has led to gender-based discriminations which affect the female population since the day women come to this world. In other words, the violation of fundamental human rights enormously affects the respect and the protection of little girls too, whose physical, mental, social and cultural development is seriously compromised. The strict interpretation of the Islamic law can be

definitely included among those facts which heavily compromise the analysis of circumstances and the objective approach to situations.

Ramsha, a mentally retarded minor arrested on the charge of blasphemy



The case of Ramsha, an 11 year old Christian girl affected by mental retardation, can indubitably offer a clear example of extreme bigotry in the name of dogmatism. This year in August, she was arrested on the charge of blasphemy because falsely accused by a Muslim neighbor of burning pages of the Holy Quran. The truth is that she was collecting used papers from the garbage, since the Christian community in Islamabad lives in quite poor conditions and they actually rely on burning for cooking and heating.

Nevertheless, a crowd of Muslims was attracted by the loud accusations of the woman, gathered outside the girl's house and started to attack Ramsha, her mother, her sister and other members of the Christian community, who were trying to intervene and stop the cruelty taking place.

The police filed the case, yet not in favour of young Ramsha instead confirming her blasphemy charge. She was then taken to a security prison and separated from her mother and sister, while the Muslim community had already started to attack other Christian houses, as they were disapproving that Christians could live together with Muslims. As a result, many Christian families living in the slums of the capital city started planning to leave as they were in fear of being attacked. However, it must also be reported that a strong social mobilization arose in the name of freedom of religion, respect of religious minorities, and especially against the rigorosity of the blasphemy law in Pakistan.

Not only the national Christian community, but also the international civil society became deeply concerned that Ramsha could face the death sentence. The Asian Evangelic Alliance in particular, supported by other international church organizations, appealed directly to the President of the Islamic Republic of Pakistan, Mr. Asif Ali Zardari, and to the Government of Pakistan in order to save the girl and release her from jail. In addition, they also advocated a revision of those national laws that discriminate and punish people on the basis of religion and gender⁴¹.

⁴¹ The original AHRC appeal. <http://www.humanrights.asia/news/forwarded-news/AHRC-FOL-011-2012>

Still, at the end of August, Ramsha continued to be kept in jail, in a tiny cell and with no allowance to see her parents. Such circumstances aggravated the state of her shock and her vulnerability. The judge refused to recognize the medical report provided by the lawyer about the mental problems of the girl and her low level of literacy, proving therefore, that no intention of insulting Islam could have been meant.

The concern of the civil society about the severity of the blasphemy law increased, especially because the unawareness and the defenseless of the girl were not being taken into account. In the meantime, more petitions and appeals were sent to the attention of the Pakistani President and his Government, strongly inviting them to take charge of this matter in order to finally end Ramsha's unfair imprisonment.

She was finally freed on bail after she spent a few weeks in a high security prison, and the blasphemy charge against her dropped. The robust and energetic mobilization of the civil society has definitely proved that the Pakistani society is trying very hard to make its voice heard and to fight for the overcoming of conservative and intransigent religious laws, which claim to guarantee justice but, on the contrary, severely undermine people's fundamental rights. Civil society has stood behind another victim of Islamic fundamentalism and has fought for stalling and stopping her execution, as in the case of Asia Masah, a Christian lady who was unfortunately sentenced to death on the charge of blasphemy.

Another case which confirms the increasing involvement of the Pakistani community into the violation of human rights is provided by the story of Malala, which also received a considerable attention by the international community, exposing again extremist groups to the condemnation and the blame of the entire world.

Malala the silence breaker— not the silence broker

October 9, 2012, is the day that has witnessed the unanimous indignation of the world because of the infamous attack suffered by Malala Yousafzai, who was shot in her head and neck in an assassination attempt by Taliban militants, while she was going back home from school on a bus full of other young students. Malala is a 14 year old school student and known activist for girl's rights in the Swat Valley, the region in the north of Pakistan where Taliban extremists have been trying to take control and rule. Among the plans of these extremists, there is also the attempt to banish girls from attending school, as well as the



prohibition of music, television and other forms of amusement considered against morality. Malala's father, Mr. Ziauddin Yousafzai, is a poet, school owner and an educational activist himself, and has always encouraged his daughter to study and pursue education. She started to become known to the local authorities in 2009, when she joined the District Child Assembly Swat as chairperson, while also starting a blog and giving interviews to local televisions. Her international celebrity was accredited in 2011, when she received the nomination for the International Children's

Prize and when later on that year she was awarded of the Pakistan's first National Youth Peace Prize⁴². Even the CNN wanted to interview her⁴³.

After trying to discourage her activism with several forms of threats throughout the preceding months, last October the Taliban leaders decided it was the time to stop what they considered an obscenity and they planned to physically eliminate her. The confusion and the astonishment of that moment are reported by one of Malala's friends, who was partly injured on that day and who was also interviewed by the CNN⁴⁴.

After being treated in emergency at the military hospital in Peshawar, she was flown to the United Kingdom, where the Queen Elisabeth Hospital of Birmingham offered to treat her. At the present day, she is still in the U.K. and she is slowly recovering. Her assassination attempt received prompt international media coverage and has led to a sincere feeling of empathy shared worldwide by many sectors of society, even by some very famous actors and pop stars.

Protests against the shooting took place in several Pakistani cities the day after the attack and within a few days the entire international community compelled the Pakistani Government to take immediate action in support of Malala and her activism for the right of girls to access education. Malala has become the symbol of courage, demand of justice and pursuit of improvement and development, not only for girls and young women in Pakistan, but for the global female population experiencing the same deprivations and negations all around the world.

A few days after she was shot, the world celebrated the first International Day of the Girl Child. It was October 15, and in the light of the fresh happenings, Malala received a strong and global encouragement and celebration by the entire international community, reminding everyone how much still needs to be done for the protection and the empowerment of the girls of today, who will be the women of tomorrow. Education is a fundamental human right, essential for the personal development and social advancement of young generations. It is also included in the Millennium Development Goals set by the United Nations in 2000. Yet, many girls in many countries around the world still experience the denial of this elementary right. Poverty can be surely considered a fact that highly compromises the possibility of families to provide education to their children, alongside with other elements such as the significant distance between where schools are located and where families are based. The fear of kidnapping and harassment on the way there or back, highly discourages parents to send their children to school especially their young daughters. However, poverty is not to be blamed alone. The common feeling among many societies around the world is that daughters have a "transitory" status in their original family, since they are supposed and expected to get married at a young age, becoming then concern of their husband. Parents therefore do not see the necessity, the importance or the urge to guarantee proper education to their girls. On the contrary they consider the education of their sons an important issue for the future. Girls are basically perceived as an inferior type of children and as a burden for the family, which has to "give them away" as soon as possible.

⁴² Malala Yousafzai Wikipedia Page. Online: http://en.wikipedia.org/wiki/Malala_Yousafzai

⁴³ <http://edition.cnn.com/video/#/video/world/2012/10/10/sayab-2011-interview-malala-yousufzai.cnn?iref=allsearch>

⁴⁴ http://edition.cnn.com/2012/10/17/world/asia/pakistan-teen-attack/index.html?iid=article_sidebar

The nexus between the high rate of dropout from school among teenage girls and early marriages becomes then obvious.

The celebration of first International Day of the Girl Child, together with the episode of Malala, have contributed to advocate for the elimination of all those economic, political, religious, social and cultural barriers that prevent the proper fulfillment of women and girls' rights. On November 10, Mr. Gordon Brown, UN Special Envoy for Global Education, met the Pakistani President Asif Ali Zardari and launched the global day of action in support of Malala and the right for girls to access education, while also presenting him more than a million signatures supporting the petition aiming at guaranteeing the opportunity for girls to attend school⁴⁵.

J.1 Women in the international human rights framework

The Universal Declaration of Human Rights, adopted in 1948, represents the universal foundation for the recognition of dignity and equality of every human being. Human rights are considered inherent to the human kind and inalienable, which means that they cannot be denied. Furthermore, human rights are seen as universal, *“without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”*⁴⁶

Women rights are human rights. However, due to the patriarchal kind of society still featuring several countries, alongside with conservative mind-sets, religious fundamentalism, rooted false beliefs based on gender which often lead to harmful traditional practices, many women around the world are not in the position to enjoy their inalienable human rights yet, in terms of freedom of expression and movement, right to vote and stand for election, access to education, food and health assistance, equal treatment in the family, at the work place and before the law.

Aware of the still existing disparities between men and women, in 1979 the United Nations also adopted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)⁴⁷, as a further tool to specifically ensure the enforcement of women human rights. As stated on the official website of the UN Division for the Advancement of Women,

*“By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:
to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;*

⁴⁵ <http://www.humanrights.asia/news/abrc-news/AHRC-ART-113-2012/>

⁴⁶ Article 2, The Universal Declaration of Human Rights. Online source: <http://www.un.org/en/documents/udhr/index.shtml>

⁴⁷ Online: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.

A part from a small Reservation (paragraph 1 of Article 29), the Islamic Republic of Pakistan conformed the Convention in 1996.⁴⁸ Nevertheless, there is still a lot to be done in this country in order to guarantee an adequate fulfillment of the commitment engaged with the international community.

J.2 Legal framework for Women's Rights in Pakistan

Some important legal instruments for the defense of women's rights have been ratified by the Pakistani Government in the past few years. These responses have aimed at a better fulfillment of women's rights starting with the Criminal Law Amendment Act (2004) facilitating the prosecution and punishment of honor killings, and the Protection of Women Act (2006) which criminalizes violations of women's and girls' human rights. Furthermore, there have been encouraging improvements in the national Penal Code given by a better definition of sexual abuse and the enactment of specific laws regarding a higher severity of the sentences for the offenders as well as the punishment of sexual harassment at the work place.⁴⁹

This year, in particular, a "historic gain" has occurred, as reported by the United Nations Entity for Gender Equality and the Empowerment of Women.

"On 2 February 2012, the Pakistan Senate unanimously approved the "National Commission on the Status of Women Bill 2012" to protect women's rights against every kind of discrimination. The new bill replaces the National Commission on the Status of Women Ordinance from 2000 and strengthens the Commission by giving it financial and administrative autonomy through an independent Secretariat."⁵⁰

The revision of the old ordinance followed by the placement of the Secretariat of the new Commission in the Ministry of Women's Development, represents indeed a big achievement. National activists are confident that the effectiveness of the investigations on women's rights violations can be better performed thanks to the financial and administrative autonomy of the Commission. Moreover, as further documented on the UN Women website, between 2010 and 2011 additional "pro-women legislation" has successfully been ratified. In particular, The Acid Control and Acid Crime Prevention (Amendment) Bill, passed in December 2011, the Protection Against Sexual Harassment of Women at Workplace Act and the Domestic Violence (Prevention and Protection) Act, passed in 2010 and 2011 respectively.⁵¹

⁴⁸ Reservations status as on 15-11-2012 http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en#EndDec

⁴⁹ *The State of Human Rights in Ten Asian Nations- 2011-Asian Human Rights Commission, page 343.*

⁵⁰ See <http://www.unwomen.org/2012/02/historic-gain-for-women-in-pakistan-as-womens-commission-gains-autonomous-status/>

⁵¹ See <http://www.unwomen.org/2012/03/pro-women-laws-take-hold-in-pakistan/>

There is no doubt that these legal measures represent an encouraging commitment proven by the Pakistani Government in order to ensure that women's empowerment can be guaranteed at every level. Unfortunately, despite of all the above described steps forward, for 2012 it is not possible to report significant improvements in the status of women in Pakistan.

J.3 Women's Rights in Pakistan



The enforcement of the above listed legislation still appears quite inadequate; the implementation of further domestic polices and internal guidelines are still very limited. The universal principle of non-discrimination is not taken into consideration, which is a fact that deeply compromises the justice system. The police do not systematically intervene in all circumstances and do not operate in the same way for everyone, as would be expected in the name of equality.

Serious problems of uncontrolled violence persist through the reiteration of so-called harmful traditional practices. These include: honour killings, acid attacks and other forms of burning, rape and sexual harassment, domestic violence, early marriages, bullying, abusive language offences, abductions followed by forced religious conversion or induction into prostitution or human trafficking. The cruelty of such customs to the detriment of girls and women causes consequences such as depression, a sense of loneliness and isolation, extreme insecurity and lacks in self-esteem, low attachment to brothers, fathers, husbands and other male family members. The ultimate feeling is a sense of neglect, both by family members and institutions, which carry out instead several forms of physical and emotional abuse in the forms mentioned above.

Negative societal attitudes towards women and girls often lead to the blame and the stigmatization of the victim rather than to their understanding and support. Victims are often judged as being the "false accuser". As a result, lodging complaints is discouraged and impunity is wide spread. Many cases of violence are not reported and when they are, police do not act effectively with the consequence that perpetrators hardly receive indulgent or token punishments.

Pakistan still ranks among the most difficult countries in the world to be respected as a woman. Dangers that the female population has to face since a very early age range from sexual violence to neglect, from health threats to blasphemy charges. Beside the strict patriarchal mindset, which influences several spheres of society preventing women from respect and development, the fundamentalist interpretation of the Islamic law also provides justification for the perpetuation of violence and discriminations against women. Cruelty, coercion and unfairness seem to be the norm and at the moment several institutions are hostile and highly corrupted.

J.4 Flaws in Criminal Justice System, to the Detriment of Women

Pakistani citizens have to confront themselves with an untrustworthy justice system. Women in particular, have to deal with corrupted police staff members and other foul justice officers, who do not fulfill their duties in an ethical manner. Investigations on rape and other forms of violence against women are often faulty and intentionally carried out with feebleness. Police are also reluctant to file cases, as often those responsible of the reported crimes are influential people. Therefore, victims are “invited” to withdraw their complaint under the suggestion of settlement offers. Furthermore, many times it is also the case of police officers who accept bribes from the accused parties in order to highly discourage victims to report violence. In doing so, they become themselves big culprits of the offense.

Uzma Ayub, a rape victim, gives birth to baby girl

At the beginning of 2012, Uzma gave birth to a child conceived as a result of physical abuses carried out unrelentingly over a period of one year by several men, including some police officers. When she managed to escape from the place where she was held in captivity, she was six months pregnant. The involvement of police officials in the kidnapping and in the perpetuation of the abuses made the report of the case a serious issue. The circumstances became even more serious when Uzma’s brother, who had been strongly seeking justice for his sister, was shot dead a few weeks before she gave birth.⁵²

The High Court decisions and the civil society organizations have been in support of Uzma so far, but some concerns remain about the real chances that institutions can be able to provide her justice. In fact, stories are often given a new or some negative turn, through intentional destruction of evidence and consequent burying of the case.

It is fundamental to strengthen the national legislative framework while also ensuring that laws are properly implemented and respected at all legislative levels. It is unacceptable that victims of violence cannot rely on just, honest and independent police forces which are on their citizens’ side. A coordination mechanism between all territorial authorities involved in the fulfillment of women’s rights should also include a higher involvement of representatives of the civil society such as local and international NGOs, in particular those focusing on gender-based issues. As a matter of priority, investigation and documentation of violence, abuses and other harmful practices should become more systematic and officially reported. Furthermore, perpetrators have to be unfailingly brought to justice, whereas victims should be provided with adequate help to guarantee their physical and psychological recovery. Professional figures such as doctors, psychologists, counselors are not available or are not included into any sort of assistance program for the victims’ relief.

⁵² AHRC, Contributors: Farzana Ali Khan. Online: <http://www.humanrights.asia/news/abrc-news/AHRC-ART-001-2012/>

A young woman abused, raped and sold

The case of Ms. Parveen Bibi⁵³, 19 years old, is a story of poverty, trafficking, induction to prostitution, police corruption and of course impunity. After moving from her rural area to the city of Karachi in order to support her family with a better paid job, she was engaged into sex labor under the deceptively promise of more money. When she tried to escape the brothel where she was kept, she was stopped by the armed watchman. Every time she tried to resist, she was forced to drink alcohol or to ingest sleeping pills. She was then sold to a pimp, who regularly sold her off to several men. In the meantime, Parveen's family had reported her disappearance but the police, after showing reluctance to file the case, did not put much effort into the investigation. The family eventually received a phone call from Parveen, who was forced to ensure them that she was fine, married on her own will and that therefore there was no more need to keep questioning possible suspects. The police also invited the family to withdraw the complaint on her disappearance, suggesting them to "let it go".

Later on, the family found out that the people involved into Parveen's abduction and sexual exploitation belong to a very powerful network, who rely on the tacit complicit of police and on strong contacts with other influential people.

In Pakistani society, women are unfortunately seen as a commodity, which can be treated, used and then sold as a product. This way of treating women is widespread in rural areas, but it stretches also in urban areas, where a great number of women in search of better opportunities, have to face exploitation, violence and abuses. Women are perceived as the "second class" citizen and therefore not eligible for respect, protection or judiciary defense. Cases of forced abduction with purposes of abuses and trafficking are becoming more systematic and frequent, with still a scarce number of perpetrators condemned as culprits. Apparently, a huge market for selling off women or minor women to other Asian countries is growing.

18 year old girl, abused and kept in captivity by step-father

Sonia Rani (18) reported at the local police district (Punjab Province) abuses carried out by her step-father, over a period of five years. The victim also reported the disappearance of her mother, who had been missing for a period of ten months and on the top of everything that her step-father had been repeatedly threatening to kill both mother and daughter in case of complaint. Despite the gravity of the abuses reported, the police pressed the victim to reach a settlement with the man and to withdraw the complaint against him. Furthermore, the same officers took advantage of the situation and assaulted the victim in turn⁵⁴.

⁵³ <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-029-2012/>

⁵⁴ <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-059-2012/>



Complainant on 14-year-old girl's gang-rape case murdered

The gang-rape against Zulekha occurred in 2010 and after two years the police have arrested only one person. This is because the perpetrators enjoy the protection of the police and of some influential members of the National Assembly affiliated to the ruling party, the Pakistan People's Party. The victim's uncle had been pressured many times to withdraw the case and a few days before finally being killed, he had also been injured as a way to strongly intimidate him. The case of Zulekha's uncle had been a further occasion in which close relatives of gang rape victims seeking for justice, have been gunned down by the same perpetrators in order to stop for good their pursuit of legality⁵⁵.

J.5 Forced conversions to Islam of women belonging to religious minority groups

The frequency of forced conversion to Islam still remains an alarming issue, especially in terms of internal harmony which gets heavily threatened by these acts of repression. The religious communities which count the highest number of victims are Christians and Hindu, who are mainly concentrated in the south-eastern part of the country, i.e. Sindh province. People belonging to these minorities are not treated equally and even their access to the job market is limited. As a matter of fact, religious minorities are among the poorest groups of the country and live mainly in slums, which expose them to higher risks of abuse and injustice. Perpetrators of abduction and consequent forced conversion of young girls are members of the Muslim fundamentalist groups or parties, who target religious minorities in order to diminish their number within the country and make Pakistan a homogeneous Islamic nation. Their repressive actions are also meant to force these groups to leave the country for good. Many Hindu and Christian families live in the extreme fear that their daughters could be the next victims. It is actually estimated that around 20 to 25 forced conversions take place every month in Sindh province alone.

17 year old Hindu girl kidnapped and forced to embrace Islam.

Ms. Rinkle Kumari, (17) from the Sindh province was abducted by notorious gangsters of the area with the support of members of the National Assembly and the Pakistan Peoples' Party. After her abduction, she was taken to a local Madressa where she was forced to sign a marriage certificate which legally married her to a member of the gang. The Madressa where this coercion took place seems to be a famous location where Hindu girls of the province are taken and forcibly converted to Islam. The police agreed to register a FIR (First Information Report) about the case only because of the insistent pressure from the Hindu Community. When young Rinkle was presented before the Civil Court, she spoke the truth confirming that she had been forced to convert and then to get married. While reporting so, she also desperately asked the Court to be back to her family. However, not only she was slapped in front of everyone by a member of the National Assembly because of her wish to be back to her parents, but the Judge also declared that the

⁵⁵ <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAU-013-2012/>

home of a freshly married woman is her husband's home. By favoring the perpetrators, justice surrendered one more time to crime and impunity. Furthermore, the family of the girl was threatened and forced to accept the decision of the Court without additional complaints⁵⁶.

The Hindu community throughout the country laments resentment, bitterness and exasperation because of all cases of abduction and forced conversion to Islam of Hindu girls carried out by powerful and untouchable fundamentalist Islamic groups. Providing adequate protection measures to girls who want to resist forced conversions and marriages or want to report their abuses is a matter of extreme importance. Perpetrators must be prosecuted and severely punished, without preferences of social status or political affiliation. Courts also must become more sensitive to gender based abuses and violations of minorities' rights. Judges and other officers are highly expected to change negative traditional attitudes towards women, regardless their religious faith, in order to discourage gender based discrimination and promote universal justice.

J.6 Violence against women & vindictive actions against family members

Girls and young women carry on themselves the burden of the honour of the entire family. Abusing the daughter of a political opponent, or the wife of a subordinated officer, is a way to humiliate all members of that family, whose honour is then considered irremediably outraged by the rest of the community. Due to the deeply patriarchal mindset heavily influenced by strict religious dictates, investigation, support and justice are easily replaced by one-way blame.

For a woman who has been raped, it is mainly the case of proving her innocence, rather than being listened to and being in the position to discuss the state's evidence. Laws are made by men, police officers are men, and Courts are mainly made up by men. Many judges tend to adopt sexist behaviors during trials, for instance by requiring the victims to provide the Court intimate details about the way in which the sexual harassment was conducted. Such lack of delicacy and empathy, regarding the violation of women's rights, leads to double humiliation and disgrace for victims. Judges, police staff members and other public officials definitely need to be sensitized on gender issues, through gender-sensitive training, better education and awareness programs.

The plight of an entire family for the rape of their 14 year old daughter

Miss Nadia Rasool (18), was abducted in a van against her will by a group of five, including two policemen, a government employee, and a member of the Pakistan rangers She was taken to a remote area, gang-raped and left on the road later on that evening. When her family experienced the happening, the reaction was

⁵⁶ <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-042-2012/>



blame and disappointment on her. The case was taken to Court, but the family of the girl was heavily pressured from the police and other local influential people in order to withdraw the case and accept compensation. Furthermore, since the rape occurred, all members of the Rasool family have been facing social hostility and financial issues.

Nadia's father and brother lost their job and her cousin was brutally beaten to compel the family to accept the compensation settlement. In addition, her sister was forced to leave school as her school teachers had been forced by the perpetrators to consider her a filthy woman, due to the rape occurred in the family. Constant threats from the accused parties, the ineptly of the legal system and social pressure from relatives and neighbors are making life very difficult, both for the relief of the victim and the prosperity of her family⁵⁷.

Wife of a subordinate officer's continuously abused by higher officers of the Pakistan Rangers (Sindh)

Mrs. Nasreen Iqbal, the wife of a Sub-Inspector (SI) of the Pakistan Rangers, was progressively harassed by the Wing Commander of the Karachi Rangers. Because of her strong resistance against the assaults suffered, her husband was intentionally relocated to a different area, and the whole family was thrown out of the official residence previously allotted. After she appealed to the High Court, the Rangers abducted and tortured her husband, as a way to teach her a lesson. She was also instructed to stop contacting the media or human rights organizations. The application for a new family accommodation was also denied, while Ms. Iqbal continued being harassed. When she tried to file a police complaint, the Rangers used their power to desist the police department from investigating the case. She then lodged a Constitution Petition at the High Court against the officers of Pakistan Rangers, but despite the Court Orders to the Rangers for the defense of the petitioner and her family, threats against Mr. Iqbal and assaults to the detriment of his wife, continued. Mrs. Iqbal then lodged a further application complaining about the violations of the Courts Orders and the persistence of conspiracy against her husband's professional development, as well as the insistency of episodes of assaults against her⁵⁸.

⁵⁷ <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAG-133-2012>

⁵⁸ <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAG-060-2012>

J.7 Dowry violence

Violence against women is a global issue. Women have always been oppressed and abused intellectually, emotionally, physically and spiritually. It would be too naïve to reject any violent practices in our homeland. Gender-based violence is one of the burning agenda items for social activists as it relates to condition, situation and position of men and women constituting the society.

Pakistan, the land of the pure, is characterized by regrettably low scores of development indicators, constant political instability, and cultural heritage and traditions reflecting centuries old patriarchy and selective male-friendly application of the dominant religion-Islam. For being part of the male-dominated belt, the family in Pakistan is patriarchal. Traditionally, father is the breadwinner and mother is the housekeeper. The disreputable mother-in-law is an advocate of superiority of her son in marriage. However, this cannot be generalized. In fact, there is not a homogenous Pakistan in this respect. There is an urban Pakistan and a rural Pakistan. There is a Pakistan of masses and there is a Pakistan of classes. Considering the diversity of Pakistani society, female plight and predicament has different interpretations for women from different strata. They do suffer similarly in different ways. Institutional and individual violence are not unknown phenomena for all Pakistani women.

Like all others, Pakistani society is governed by cultural institutions, beliefs, norms and practices. The contemporary culture, in spite of undergoing transition, mirrors images of centuries old civilizations and indigenous cultures. One such cultural heritage which has been adopted as a cultural institution is Dowry or *Jahez*. This practice makes a girl-child less welcome than a male child. Even today, a girl is perceived to be a burden and a boy to be a blessing. No wonder there are 79 million missing women only in South Asia and Pakistan, is one of those very few countries where male to female ratio is reverse.

Dowry: Crime or Custom?

What is dowry? Encyclopedias, thesaurus and dictionaries have explained it beautifully and simplistically. To me it is a form of culturally sanctioned and socially acceptable violence not only against women but men too. Despite relatively uninformed and unprepared acceptance of globalization as a way of life, it appears rather strange that the institution of marriage is still intact in Pakistan. Marriage is an important event in the life of a Pakistani woman. Getting married early is being lucky.

Obligatory Jahez takes a heavy toll on the family of dulhan - the bride. Dowry is a multi-faceted deep-rooted gender issue with social, economic and health consequences. In spite of a consensus on disliking the practice, only a few have the courage to disown it. According to renowned Indian writer Shri Sharma the “evolution” of dowry is originally from a gift creating expectation leading to demands and greed. A large dowry can be an important attribute of status to both men and women. Dowry, which is popularly considered as a Hindu custom, has visibly migrated, escalated and embraced in all the areas of the present day Pakistan. It has become an active tradition, norm and religious practice for those who believe that

there is an absence of such custom and tradition in their faith. The implication of this convenient forgetfulness is inattentiveness to dowry-related violence.

There are certain other factors that ensure the continuity of the practice of Dowry such as:

- It is considered an incentive to lure a more suitable match
- It is submission to the demand of a perceived **suitable match**
- It is used as **an excuse for denial of inheritance to women** (the expenses on dowry and wedding are unilaterally decided by the men folk of the family as transfer of inheritance by other means)
- It is considered a good support mechanism to help the new couple so that they have a convenient start in practical life
- It has become a socially forced fait accompli that is followed and executed 'with a smile' notwithstanding, how painful it could be to the family.

Estimates of the percentage of women, who experience domestic violence in Pakistan range from 70 - 90%. According to the Human Rights Commission of Pakistan (HRCP), the extreme form it took included driving a woman to suicide or engineering an accident through infamous "Stove burning" usually when the husband, often in collaboration with his side of the family, felt (or was made to believe) that the dowry or other gifts he had expected from his in-laws were not forthcoming or/and he wanted to marry again or he expected an inheritance from the death of his wife. During 1997, the Lahore press reported an average of more than four local cases of women being burnt weekly, three of the four fatally. Police follow-up to these cases was negligible, with only six suspects taken into custody out of 215 cases reported in Lahore newspapers during the year. In 1997, there was not a single conviction in a "stove-death" case in the country.

HRCP reported only one case of dowry-related violence in 2001. In that case the victim was burnt to death by her in-laws for not bringing sufficient dowry. A research study conducted by Sachet (a CSO) on gender-based violence as reported in the print media also confirmed this statistic. Does this mean that in reality also, only one woman fell victim to dowry death? I sent one of our research officers to find some clues. Here is her back-to-office report.

"I met Ms. Naheeda Mahboob Illahi, advocate Supreme Court on 9th Jan'2002. According to her, everyday a large number of cases of dowry-related violence are received but are mostly registered as Domestic Disputes. The details of only three cases of dowry-related violence were provided-2 cases in the year 2000 and one in 1997. In all these cases the victims were tortured mentally and physically by their husbands and in-laws, for not bringing sufficient dowry with them."

It remains a mystery for the social science researchers that why stoves burst in susrals only and why the victim is always a **bahu**? Ironically, in spite of very high frequency of domestic violence and frequent cases of stove deaths, dowry-related violence is neither perceived nor recognized as an accepted form of violence nor documented in social science literature. Therefore, unfortunately it is not a popular theme or priority

agenda item for organizations working on women issues. There could be three possible reasons for this convenient forgetfulness. One is the spiral of silence and sharam, which implies that woman, related issues must not be taken out of the premises of home for the sake of honor. Second is the ironical fact that attention to the role of dowry in our marriage system has not gained deserved attention of international donors. Therefore, the hype stirred by comparable social problems like child labor or environment overshadowed a traditional area like dowry and related issues. Thirdly, the Ministry of women development in Pakistan has yet to acknowledge dowry and dowry-violence as gender issues.

J.8 Interventions

Pakistan is a signatory to the International Conference on Population and Development (ICPD), Beijing plan of Action and Convention on the Elimination of all forms of discrimination against Women (CEDAW). In terms of implementation, the ideals of all such treaties are yet to be realized to cast an impact. Empowerment, access to equal rights and emancipation are yet only distant dreams for a vast majority of women.

However, there are a number of efforts now underway in Pakistan to promote the empowerment of women, such as attempts to refine the National Plan of Action, develop micro credit plans and enhance Khushhali (prosperity) bank, implement UN-Conventions and develop positive and productive partnerships with civil society, the CSOs and the private sector.

Personally, I am convinced that there is growing attention being given by the government to gender issues including violence, and there is some movement in this direction. But there is no obvious, focused and concentrated effort geared to the understanding of a complex and common issue like dowry. This is valid for all service delivery, advocacy, research and communication interventions.

Interventions in Pakistan

Efforts made by mushrooming CSO sector in connection with dowry can be summed up as Disappointing. There had been localized and limited efforts by small-scale welfare societies in the 1960s and 1970s aiming at raising awareness and motivation campaigns to convince people at the mohalla level to resist the mindless following of dowry demands. However, with the advent of international donors in the 1980s, the CSOs in Pakistan have either undertook campaigns against other more visibly anti-women oppressive mechanisms like hudood ordinance or political marginalization under the Zia regime. Later too, the CSOs have taken up issues of expressed violence thus being symptomatic and not delving into the deep rooted causes of violence against women, dowry being one primary cause.

Taking notice of the visible exclusion of dowry as a gender issue from the agenda and aims of development CSOs and self-acclaimed gender experts, I initiated fight against dowry (fad) through the platform of SACHET, which I co founded nearly five years back. FAD has been shaped into a project in Jan`02. The

main objective of this project, rather a movement is to Eradicate (institution and practice of) Dowry in Pakistan. The key strategies to achieve this aim are research and communication. The activity spectrum ranges from surveys, signature campaigns, e-petitions, youth-parent consultations, legal advice, and amendments in the existing law, lobbying, TV programs to anything possible under the sun.

The Government of Mr. Nawaz Sharif in mid-1990s had introduced an ordinance banning grand wedding receptions (an implicit upshot of dowry). However, it was enforced for short time only, but is now losing its spirit. Right now, commission of Law and Justice, has drafted a new law in connection with wedding expenses and dowry. The consultation on the draft version is in progress.

J.9 Challenges, no Conclusions

Rather than suggestions, the following are some of the challenges connected with the gruesome practice, of dowry and the accompanying violence:

- How may dowry be made a high priority agenda to create a critical mass to combat this institutional violence?
- Are we ready to adopt this extremely critical gender issue as a passion?
- Is our mass media mature enough to advocate and sensitize all stakeholders?
- Do we have any political commitment in this regard and how far our governments are ready to go in this respect?