

Human Rights Commission of Pakistan - Annual Report Highlights

Introduction

For a better part of the year 2007 the state of Pakistan was only half alive. That naturally reduced its capacity, never rated high, to guarantee the people's human rights. Thus, from the point of view of the people's entitlements, their needs as well as their rights, 2007 proved to be one of the worst years in Pakistan's history, if not the worst.

The country's ordeal began in March 2007 with the establishment's attempt to remove the Chief Justice and humiliate him with unprecedented crassness. His restoration in July offered the state an opportunity to return to the path of constitutionalism but then General Musharraf's determination to secure a new term as President without shedding his army uniform and his insistence that everybody, especially the judiciary, should have ignored the constitutional bar to his ambition deepened the crisis of the state. At the beginning of November re-imposition of martial law under the guise of emergency plunged the country back into absolute rule. A massive purge of the superior courts deprived the people of guarantees of their human rights, justice and democracy.

The leaders of the lawyers' movement for the independence of the judiciary were detained and a large number of other lawyers arrested and held for short periods on charges of terrorism. The judges removed from their offices were detained at their houses along with their families. In most cases these restrictions were eventually relaxed except for Chief Justice Iftikhar Mohammad Chaudhry whose detention, routinely denied by the authorities, continued into the New Year. After November 3 the lawyers, supported by civil society and student activists, launched an intense struggle for the restoration of judges which continued till the end of the year.

The revocation of emergency barely a fortnight before the close of the year did not return the country to status quo ante. On the contrary, the protection given to all extra-constitutional acts carried out under the emergency left human rights exposed to hazards of a permanent nature.

The emergency rule did not bring the people any relief from the conflict with militants. The latter were able to extend their control beyond the tribal areas, especially in the traditionally peaceful Swat valley where a fierce conflict raged for several weeks. A militant challenge developed in the heart of the federal capital itself. Radical clerics and armed militants took over the Lal Masjid and started replacing the writ of the state with their own. The government's vacillation and failure to act in time resulted in a bloody showdown that caused heavy casualties.

The year also saw a sharp increase in suicide bombings and daring attacks on security establishments and personnel. The most prominent victim of murderous attacks was Benazir Bhutto, Chairperson of the PPP and the front-running candidate for Prime

Ministership after the general election scheduled early in the new year. An attempt to liquidate her soon after her return on 18 October failed but a more elaborately planned plot on 27 December did not. Her killers remained unidentified and the government's rejection of demand for a UN probe tended to widen the area of suspicion. Also the prospect of a smooth transition to democracy after the general election suffered considerable erosion.

The large scale purge of the judiciary, a dangerous rise in militancy, the ravages of the emergency, Ms Bhutto's assassination and systematic assaults on the media dwarfed the routine human rights violations. But while the justice system remained largely paralysed and the channels of redress were blocked the traditional agents of human rights abuse were by no means inactive.

At least 636 women were killed for their lords' honour and at least 731 were gangraped / raped; the NGOs working for girls' education and women welfare remained under attack, especially in northern parts of the country; infant mortality remained high, and Pakistan lagged behind in meeting MDG obligations; the presence of over two thousand juveniles in prisons betrayed a failure to enforce a rational system of juvenile justice; the jails remained crowded with 67% of the detainees being undertrials; the police dealt with lawyers and other protestors with unprecedented savagery, at least 66 deaths in custody were reported, a minimum of 927 people were killed in suicide blasts, and sectarian violence claimed at least 580 lives.

All of which meant that the country's human rights agenda was unlikely to be lightened in 2008, and that there was no alternative to constant vigilance.

Najam U Din

Saira Ansari

HIGHLIGHTS

Laws and law-making

- ⌘ During six weeks of Emergency, a Provisional Constitution Order, two constitution amendment orders, four Presidents' Orders, and seven Ordinances were issued.
- ⌘ 70 ordinances were issued during 2007, a number of them only a day before the National Assembly was due to meet.
- ⌘ Two laws tightened official control on the media and another reduced Bar Councils' powers to proceed against lawyers.

- ⌘ The Council of Islamic Ideology called for a thorough revision of the Hudood Ordinances.

Administration of justice

- ⌘ 55 of the 95 superior courts judges, including the CJ and 12 judges of the SC and the Chief Justices of SHC and PHC were taken off the list of judges on November 3 after an unprecedented use of Emergency.
- ⌘ The Supreme Court completed the hearing of a 2003 petition against the election of 68 legislators on certificates from religious seminaries but November 3 events pre-empted a judgment.
- ⌘ The new Supreme Court validated the Proclamation of Emergency and authorized Gen. Musharraf to amend the constitution. The new SC also dismissed legal challenges to Musharraf's eligibility as president.
- ⌘ Former Premier Nawaz Sharif and his family were stopped from returning to Pakistan and forcibly packed off to Saudi Arabia despite an SC order. A month later, he was allowed back in Pakistan at the Saudi king's initiative.
- ⌘ The SC found several top officials in the Islamabad administration guilty of gross incompetence and indulging in physical assault on the chief justice. Their jail terms were set aside after November 3.
- ⌘ Hearings into cases of disappearance led to a number of them being traced and some of them being released.
- ⌘ The SC directed the Election Commission to enrol as voters all those whose names had been left out for not having computerized identity cards.
- ⌘ A large number of lawyers hauled up during their nationwide agitation were charged under the Anti-Terrorism Act while some were charged with sedition. Many lawyers and judges were subjected to illegal restraints on them including house-arrest.
- ⌘ The Federal Shariat Court ruled on gender equality in claims to citizenship by spouses of Pakistani nationals.

Law and order

- ⌘ A shooting-suicide bomb blast killed Benazir Bhutto after a public gathering on Dec 27. Thirty other people were killed. Earlier on October 19, 170 people were killed in twin suicide bombings targeting Benazir Bhutto's convey in Karachi.
- ⌘ In February 2007, the interior ministry acknowledged a 20 percent surge in crime countrywide over 2006.
- ⌘ Special security measures and hordes of police guards for ministers and VVIPs were largely believed to be at the expense of the common man. In March, 6,000 out of Karachi's total 29,000 police were guarding the city's 'elite'.

- ✍ The government made a specific arrangement for the security of Chinese nationals in Pakistan. Other embassies in Islamabad demanded similar arrangements.
- ✍ Despite elaborate security arrangements, Prime Minister Shaukat Aziz preferred to inaugurate development projects at his secretariat instead of the project sites.
- ✍ At least 927 people were killed in 71 suicide blasts.
- ✍ 147 cases of torture and 65 cases of death in police custody were reported.
- ✍ 36 people were killed in 29 landmine explosions across Pakistan. The use of landmines, IEDs, hand grenades and rocket launchers in private feuds was not rare.
- ✍ 234 people were killed in police 'encounters' in Punjab alone.
- ✍ By July, families had paid ransom in 41 abduction cases in Gujranwala police range alone, one of the nine regional police divisions in Punjab. By September, there had been 55 abductions for ransom in Karachi.
- ✍ Musharraf rejected demands for an independent inquiry into the May 12 killings of around 40 people in Karachi for which a party supporting him was widely blamed.
- ✍ An armed standoff between seminary students and government troops in the heart of Islamabad left at least 100 people dead.

Jails, prisoners and 'disappearances'

- ✍ Prisons housed 95,016 detainees as against an authorized capacity of 40,825.
- ✍ Across Pakistan, 67% of the prisoners were awaiting trial.
- ✍ 134 convicts were executed and 309 awarded death sentence. There were more than 7,000 prisoners on the death row.
- ✍ The number of 'missing' persons in lists before the Supreme Court swelled to over 400 before the November 3 judicial purge abruptly ended hearings. Ninety-nine out of 198 missing persons on HRCP's list before SC had been traced before November 3.

Political participation

- ✍ Police routinely and systematically tear-gassed and beat up peaceful protestors apparently to suppress political opposition to the government.
- ✍ 88 of NA's 342 members resigned in protest against Musharraf's re-election bid in uniform.
- ✍ 107 members did not say a single word on the floor of the NA during 4th parliamentary year.
- ✍ The National Assembly (NA) passed 51 bills / ordinances in five years, compared to 134 ordinances promulgated by the president.

- ✍ The NA completing its full five-year term was seen as self-serving exercise by Gen Musharraf to get re-elected. It twice elected in its one term a serving military general as president.
- ✍ Draft voters lists in June 2007 contained only 52.1 million voters instead of the projected 82 million. The ratio of religious minorities and women among omitted voters was very high. The 'final list' in October swelled to 80.4 million.

Freedom of movement

- ✍ Political leaders, judges, lawyers, activists and many others were subjected to curbs on their movement throughout the year, and more intensely after the declaration of emergency. Section 144 was widely used by the government as the legal cover for such restriction.
- ✍ The deposed Chief Justice, and his family, were under house arrest for the most of the year even though the government did not officially announce or admit it.
- ✍ Names appeared on and were taken off the Exit Control List (ECL) without any reason given and cases were constantly challenged by many on the list, which contained hundreds of names.

Freedom of thought, conscience and religion

- ✍ Sectarian violence claimed 580 lives and wounded 1,120 others.
- ✍ The militants entrenched themselves in parts of NWFP and the tribal areas, taking over several towns and implementing their version of Sharia. They also targeted girls' schools and CD shops and threatened religious minorities to convert to Islam or leave the area.
- ✍ The Shia community remained the main target of sectarian attacks.
- ✍ 5 Ahmadies were murdered in 2007 while 36 faced prosecution in faith-related cases.
- ✍ Places of worship and graveyards remained a target of land grabbing mafia.

Freedom of Expression

- ✍ Unprecedented curbs were placed on electronic and print media following the government's attack on the judiciary and imposition of emergency.
- ✍ By the year's end, the government decided to monitor 21 national Urdu and English language newspapers to ensure implementation of the new law.
- ✍ At least 7 journalists were killed. Seventy-three were injured, mostly by police.
- ✍ Security forces arrested 250 reporters, for covering anti-government protests or for demonstrating against restrictions on the media.

- ✍ Pakistan's standing in terms of press freedom over the last five years plummeted to 152, in rankings maintained by an international media watchdog. Another US-based media supervisory organization included Pakistan among the 10 worst countries for press freedom

Freedom of assembly

- ✍ Political and religious gatherings, rallies and demonstrations were usually banned across the country under the excuse that these increased security risks. However law enforcement agencies failed to apply this rule to government-favoured party and group rallies.
- ✍ Thousands of people from all social sectors, who came out to express their grievances or support certain causes, were baton-charged, tear-gassed and arrested. These included the arrest of minors also.
- ✍ Women protestors were beaten and manhandled by male law enforcement agents on many occasions.
- ✍ Use of violence was also reported on rallies for missing persons, cyclone victims, and against load shedding, water shortages and other basic issues.
- ✍ People were barred from traveling to different cities to participate in rallies.

Freedom of association

- ✍ All those who were associated with protesting bodies were brutalised by law enforcement agencies throughout the year. Lawyers, activists, students and members of civil society members were beaten and arrested at various public and private gatherings. The government acknowledged the arrest of more than 5000 people in November alone.
- ✍ Students at many educational institutions were warned of expulsion if they showed interest in any protest.
- ✍ Various NGOs working for women's rights, awareness and family planning were forced to shutdown or relocate from the Northern Areas after bomb threats from militants.
- ✍ The Government tried to tighten its hold around NGOs by formulating an NGO Code of Conduct, under the pretext of regularising NGO performance and transparency, but faced extreme criticism for its closed and faulty modus operandi.

Women

- ⌘ Number of violations against women remained high and there were countless reports of brutal attacks on women in all parts of the country. HRCP recorded 1,202 killings - of which honour killing crimes were 636 -, 755 cases of sexual harassment - of which 377 victims were raped (166 minors) and 354 victims were gang-raped (92 minors) -, 736 kidnappings, 143 attacks by burning and many other abuses against women.
- ⌘ The assassination of Zille Huma, Punjab Minister for Women Development, in February and PPP chairperson Benazir Bhutto in December marked 2007 as a deadly year for female politicians.
- ⌘ The voter's list was changed twice and it was observed that those suffering from the huge discrepancies in number were women. One report said that some 90,000 women were missing from the new lists. In many parts of the country, women were barred from participating in the upcoming elections.
- ⌘ Female students and teachers received numerous threats to their lives and were told to observe *pardah*. The ensuing bomb scares and blasts at girls' educational institutes badly affected the attendance and enrolment of girls in schools.

Children

- ⌘ Child healthcare continued to be poor and inadequate resulting in the spread of disease and high mortality rates. Pakistan's under-5 mortality rate was recorded at 99 out of every 1,000 live births - higher than that of Bangladesh.
- ⌘ 38% of children in Pakistan were reported to be moderately or severely malnourished.
- ⌘ Children, especially minor girls, continued to be the victims of widespread sexual and physical abuse. At least 258 cases of rape and gang-rape and 138 deaths by killing were reported.
- ⌘ There were 2,038 juveniles in jails in Pakistan awaiting trial.
- ⌘ Children in the earthquake and refugee camps, as well as those in IDP camps for flood victims, were particularly vulnerable to harsh weather conditions, disease, contaminated water and lack of extensive medical attention.
- ⌘ Child labour and trafficking remained rampant across the country. Increasing numbers of street children were also reported to have become drug addicts with almost 83% of street children between the ages of 8 and 19 reportedly sniffing glue.

Labour

- ✍ Unemployment and financial constraints forced many people to take desperate measures - HRCP recorded 339 suicides and 189 attempted suicides due to these reasons.
- ✍ Female representation in the labour force continued to be low despite the fact that many more women sought employment due to financial needs and other reasons. Females constituted 25% of the labour force, with 80.36% of this force belonging to the rural areas.
- ✍ Bonded labour was prevalent across the country with the number of bonded labourers in Pakistan recorded at 17 million, indicating that the problem was far from solved.
- ✍ Child labour was also widespread with reports stating that more than 3.6million children under the age of 14 were working under hazardous and exploitative conditions
- ✍ Labour laws were largely ignored and working conditions and salaries were in gross violation of basic workers' rights. Physical abuse of labourers was also recorded in many cases.

Education

- ✍ Pakistan was placed at 144th in the world literacy ranking. The education sector was plagued by corruption, misuse of funds and resources and inconsistencies in the implementation of education reforms. Pakistan was put at a low EFA Development Index (EDI).
- ✍ As many as 70,000 schools in the country were without the basic facilities of water, electricity, lavatories and boundary walls.
- ✍ An estimated Rs 2,594 million out of a total of Rs 7,016 million provided to provinces for improvement of school facilities such as buildings, electricity, drinkable water, etc had gone unaccounted for during the fiscal periods 2001-2006
- ✍ The adult female illiteracy rate in the country is twice as high as for males. The illiteracy rate was 23.3% for males and 46.9% for females. Girls' education suffered much more extensively in the Northern Areas where schools received numerous threats from militants.
- ✍ Private schools continued to become more expensive, leaving only the financially strong to benefit from quality education.
- ✍ Tensions arose when the curriculum was brought under scrutiny, with Balochistan and NWFP wanting to introduce their own textbooks with enhanced religious teachings.
- ✍ Cases of plagiarism by professors of the Punjab University caused a furore in the country and embarrassment at the international level.

Health

- ⌘ Pakistan's budget allocation for health remained one of the lowest in the world, even after a 25% increase from the previous year.
- ⌘ Reports stated that 2,400 public health centres facilities all over Pakistan were lying non-functional.
- ⌘ Lack of preventative measures meant that curable and avertable diseases continued to strike many people, often killing them. 16 cases of polio were reported from across the country - eight in Sindh, five in NWFP, two in Balochistan and one in Punjab. The overall prevalence of hepatitis A, B, C, D and E was as high as 10-15%.
- ⌘ Sporadic outbreaks of bird-flu and dengue claimed lots of lives and caused widespread alarm.
- ⌘ The government took up issues of unorganised organ transplantation and its illegal trade and the 'Human Organs and Tissues Transplant Ordinance 2007' was passed to discourage this activity.
- ⌘ Balochistan had the highest infant mortality rate as well as the lowest number of health workers available to the people. Maternal mortality ratio (MMR) was 650 per 100,000 live births - nearly two times the national average.

Housing

- ⌘ Last year's Economic Survey estimated the backlog of houses at 6.19 million, the latest Economic Survey omitted any mention of housing.
- ⌘ Displacement of 0.4 million people by floods, tens of thousands of people fleeing troubled Swat in NWFP and inadequate shelter for at least 60,000 families rendered homeless by the October 2005 earthquake contributed to the housing crisis.
- ⌘ At least 1,650 houses built on State land were demolished in various instances and the residents forcibly evicted.
- ⌘ Ahead of the general elections, the Punjab government hurriedly gifted property rights to thousands of slum-dwelling families encroaching on State land.

Environment

- ⌘ The state of Pakistan's environment deteriorated with environmental laws not been implemented and the government turning a blind eye to many issues.
- ⌘ More than 300,000 people were displaced and more than 2.5 million others affected in the 2007 floods in Sindh and Balochistan.
- ⌘ Water and air pollution problems were not tackled and trees continued to be chopped down by the hundreds, especially for development purposes in urban

- centres. Around 8,000 trees were uprooted in 2007 for the construction of housing schemes, underpasses, etc.
- ✍ Toxic industrial emissions into the air and water created hazardous conditions for people. Vehicles were responsible for 45% of the environmental pollution. Safe drinking water was still unavailable to a majority of the citizens. As much as 99% of industrial effluent and 92% of urban wastewater was discharged untreated into rivers and the sea

Refugees

- ✍ A 15-week exercise registered 2,153,088 Afghans refugees in Pakistan.
- ✍ 364,476 Afghans returned home from Pakistan during 2007 with UNHCR assistance.
- ✍ Natural disasters and armed conflict in various parts of the country displaced over 1.5 million people during 2007.
- ✍ At least 443,000 people were likely to be displaced by new development projects.