

PAKISTAN

Country Has Turned into a Killing Field

Introduction

Pakistan's criminal justice system is deeply flawed, inefficient, and corrupt. It is not independent, and investigators and prosecutors lack the resources, training, and security for successful prosecutions. Every time the criminal justice system is circumvented, it becomes weaker and irrelevant, and the culture of impunity that thrives in its place fuels further cycles of consequence-free violence and crime.

Law-enforcement agencies are not equipped to gather forensics and other evidence, while intimidation and political intervention make guilty verdicts a rarity. As a result of this ineffective criminal justice system's failure to end the culture of impunity, Pakistanis remain at the mercy of those state and non-state actors who resort to violence as a means to secure power.

Violations are widespread due to failings and lack of reform in the country's institutional framework, in particular key institutions of the rule of law - the police, prosecution and judiciary. This is compounded by persisting impunity enjoyed by Pakistan's military and intelligence agencies. Unproductive investigations and ineffective prosecutions, in the rare cases where alleged perpetrators are brought to court, result in violations going unpunished, especially where those responsible are state agents or members of powerful groups. The Government of Pakistan has failed to implement recommendations to ensure fair trials, punish abuse by security forces and ensure victims' access to protection and redress.

Absence of a functioning criminal justice framework has also allowed, or even caused torture in custody and extrajudicial executions to increase rapidly this year. Every police station has its own private torture centre, in addition to its lock ups. Every cantonment of the armed forces runs at least one torture centre and the Inter-Services Intelligence (ISI) offices have their 'safe houses'. The Asian Human Rights Commission (AHRC) has documented numerous cases in which these centres have been positively identified. These have been published and sent to the authorities.

In 2013, hundreds of incidents of sectarian violence, targeted killings, terrorist attacks, and suicide bombings were witnessed, as well as killings conducted by armed forces and intelligence agencies and those via US un-manned drone attacks. In these incidents at least 7,200 persons have been killed and 8,792 injured. In drone attacks this year, 188 people including civilians and foreign terrorists have been killed, whereas 6,982 persons have been killed in sectarian violence and other incidents of targeted killings and bombings.

It was a busy year for Pakistan in many ways. The nation faced the promulgation of draconian laws and the merger of the Ministry of Human Rights with the ministry of Law and Justice. It also witnessed judicial corruption, impunity of supra-constitutional forces, absence of the rule of law, killing of persons from Muslim minority sects, honour killing, trafficking of women and children, torture in custody, disappearance after arrest, extrajudicial execution by the police and armed forces, suicide attacks on religious sites, churches, and Ahmadi mosques, persecution of the Ahmadiis, forced conversion to Islam, forced marriages, jirgas, assassination and harassment of journalists, enslavement of children and women, unequal water distribution among provinces, poor industrial working and health conditions, inadequate housing and educational facilities, poverty levels rising to 34%, and power blackouts that brought industrial and commercial activities to a standstill.

The year 2013 also witnessed, for the first time in Pakistani history, peaceful transfer of power from one civil government to another following a general election. Although every political party, including that which won the elections with a two-third majority, complained about gross vote rigging in the May 2013 election.

The new government, on assuming power, immediately began acting on its distaste for human rights. It merged the Ministry of Human Rights with the Ministry of Law and Justice and thus denying the people opportunity for redress for human rights abuses. The previous Parliament, in May 2012, enacted a new law creating an independent National Commission for Human Rights (NCHR) in accordance with Paris Principles. However, the government has taken no initiative to complete the process of creating the NCHR. The government has conspicuously not constituted its members and chairpersons at the federal and provincial levels. In fact, the government has turned a blind eye to the arrogance of the police and armed forces in its blatant refusal to comply with the orders of the courts.

The second round of setbacks from the new government, within a few days of taking power, was the lifting of the moratorium on death sentences. Its ministers and party workers were briefed that death sentences are in accord with Islamic teaching and should be continued. Fundamentalist groups were also used for this purpose. However, the European Union stopped trade relation with Pakistan as a result, and the government had to restore the moratorium on death sentences.

The government, in attempt to limit freedom of expression, freedom of movement, constitutional protection from arbitrary arrest, security of individuals, right to property, and civil liberty promulgated ordinances by providing law enforcement and security agencies unlimited powers to search houses without warrants, shoot suspects on sight, confiscate property, and established a parallel judiciary by creating special courts and special prosecution under new ordinances. These ordinances were promulgated to bypass both Parliament and open debate.

Balochistan remains in a grave situation. Thousands of people are missing after arrest and human rights abuses continue. Military checkpoints are a common sight in Balochistan, even in educational institutions. The government has imposed authoritarian rule in the province and handed over control and the power of policing to the Frontier Corps (FC). With this power the FC has brutalized the people: torture, disappearances, and arbitrary arrest are

frequent as a result. Extrajudicial executions eliminate evidence of disappeared persons. Since July, 2010, over 730 bodies of missing persons have been found in Balochistan. To date around 200 women are missing and Balochi nationalist groups claim that more than 100 children are being illegally detained by the military. Cabinet members from the area live in Islamabad and only rarely visit the province and the government has constituted two commissions to investigate causes behind extrajudicial execution and enforced disappearance in Balochistan. One commission assigned to complete a report within three months has still not presented it while the other was formed but has failed to conclude its investigation.

In the Khyber Pakhtoonkhwa (KPK) province, over 1,000 people are missing who were suspected to be members of Al Qaida and the Taliban. The same in Sindh province, where more than 600 activists of nationalist groups are missing after their arrest by law enforcement agencies and paramilitary forces. In Pakistan-held Kashmir, the nationalists struggling for independence of both Kashmiri sections disappear constantly.

Disappearances, as previously mentioned, are associated with torture in custody and extrajudicial killings. In 2013, 180 bodies of formerly missing persons were dumped on the road-side as a result of apparent extrajudicial execution during their undocumented detention. The killing of Baloch people also continued in the Irani province of Siestan, bordering Pakistan including 16 Baloch political prisoners who were executed in Iran in an act of revenge for an attack on Iranian border security forces. It was alleged that the Baloch prisoners crossed the border from Pakistan and were executed after an encounter with Mersad, an Iranian paramilitary group and another armed group. Public prosecutor Mohammad Marziyeh announced that 16 rebels linked to groups hostile to the regime were hanged in the prison of Zahedan in response to the death of border guards in Saravan, Iran.

There are hundreds of missing person complaints before the higher courts, including the Supreme Court of Pakistan, notably concerning alleged abductions by state intelligence agencies. However, the military and intelligence agencies brazenly ignore Supreme Court orders to produce the victims. Two judicial commissions established to probe cases of disappearances have been unable to get explanations from the intelligence agencies, and their recommendations have been ignored.

The government has ratified the International Convention on Civil and Political Rights (ICCPR), the United Nations Convention Against Torture (UNCAT), the International Convention on Economic, Social, and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC). However, the country has not enacted legislation that would let these international human rights commitments become justiciable rights with remedies in Pakistan. As a consequence, many groups remain unprotected, especially women and children who are treated as beasts of burden across the country.

YouTube and over 1,000 other websites remain banned in Pakistan. During the year, nine journalists have been killed in targeted attacks, bombings, and in while in custody of law enforcement agencies.

Appeasement for hardliners means religious minorities are harassed and killed daily. Leaders and spokesmen from banned organisations, some internationally wanted, are allowed to make hate fueled speeches in public. The government has arrested thousands of alleged extremists over the past four years, but there have been no successful prosecutions due to lack of proper witness protection and half-hearted attempts by the prosecutors. These criminal elements now utilize the weaknesses of the law to their own benefit and collect public donations but are not arrested for fear of upsetting extremist groups.

In spite of the constitutional guarantee of freedom of religion, minority groups are not protected. Targeted attacks of the Shiites take place in daylight and on public roads in the presence of uniformed personnel; every year, around 200 Shiites are killed in this manner. The groups that claim responsibility for these killings move freely and even have offices in major cities. The Ahmadis are also frequently targeted for their belief, their places of worship are attacked and they are not allowed to carry out their religious observances.

Religious fanatics who rape and abuse Christians and Hindus with no fear of consequence or reprisal consider the women of these communities free game. Harassment, forced marriage, and forced conversions of both Christian and Hindu women to Islam is common. When victims do manage to reach the courts, judges rule in favour of their abductors, who are equally supported by religious fundamentalists. This Religious discrimination is forcing native Pakistani Hindus to flee their homeland.

Pakistan ranks third in the Global Slavery Index. It is estimated that there are 2,000,000 – 2,200,000 people involved in various forms of modern slavery in Pakistan. Often children working in brick kilns and construction sectors are not paid but remunerated with food, once a day. There are also reports that over 2,000,000 children have gone missing and possibly been trafficked.

The new government lifted the moratorium on death sentences in June 2013 but, after finding strong reaction from civil society and international donors, restored the moratorium. The government is of the opinion that death sentences are in accord with Islam and should be used. It is believed that the government also wishes to continue with death sentences on the pretext of the war against terrorism.

While there have been only two official executions of death row prisoners in Pakistan in four years, more than 8,000 convicts are on death row. Muslim political parties have been exerting pressure on the government to retain the death sentence and the government is aware it requires their support in forthcoming elections.

The economic conditions of the country have been deteriorating and the government has to borrow money from the market to cover daily expenses. Foreign debt has ballooned to \$ USD 45 billion, which is 42% of the annual budget. This has directly hit the budgets on education, health, and poverty elimination. Yet the defence budget never fails to increase; up to 29% from 23% of the budget; thus development allocation has to be slashed to fulfill the demands of the powerful armed forces so ‘democracy’ does not suffer. Additionally, prices of essential items increased in 2013, up 13% compared to last year. The reason is said to be the renewal of contract with the IMF consortium.

Killing Field

Absence of the rule of law and the impotency of the courts has made Pakistan a killing field where militants (the Taliban and Muslim fundamentalists among others), and the security forces operate with impunity. Neither these factions nor the civilian rulers have any sense of dignity, respect for life, or desire for justice. Innocent Pakistanis are seen as mere cannon fodder; the right to life has lost all meaning in the ruling political circles elected by the people they are now failing to protect.

Since the rise of militancy in Pakistan not a month goes by without innocent people being sacrificed to the war on terror. The court, prosecution, and the investigation authorities are so afraid of the militants that they turn a blind eye to the killings while enjoying and demanding increases in their budgetary allowances to maintain their offices. In this situation the state has shown itself to be unwilling in protecting the lives of the people they have sworn to protect. The only response by the President, the Prime Minister, and other officials is predictably nothing more than empty expressions of condolence to the victims and their families in an effort to mollify them. The lives of women and children are of no importance to these functionaries that are happy to quote the increased numbers of killings in order to get foreign aid and public money in the guise of providing protection.

The state, as the saying goes, has gone to the dogs, and the militants are enjoying unopposed power in legal and judicial affairs. This is a catastrophic failure in the criminal justice system and until the civilian government of Prime Minister Nawaz Shareef reestablishes the system the mayhem will continue. However, it is apparent from their lack of action that the government has no political will to control militancy throughout the country. It is also apparent that the government is using militancy to cover up their incompetence in dealing with the growing economic crisis facing the country. The absence of democratic rule and regard for due process has been the major contributing factor to the rise of communal tensions in Pakistan that bears an eerie resemblance to numerous cases of burgeoning dictatorships throughout history.

Killing by Numbers

Data compiled by AHRC (from January to November 28, 2013):

Sectarian Violence & Target Killings

Total Attacks: 491

Killed: 2350

Injured: 3786

Terrorist Attacks

Total Attacks: 250

Killed: 2286
Injured: 1609

Killings by Armed forces & Intelligence Agencies

Killed: 1526
Injured: 1746

Suicide Attacks

Total Attacks: 38
Killed: 820
Injured: 1445

Drone Attacks

Total Attacks: 25
Killed: 188
Injured: 160

Total Attack Incidents & Killings

Total incidents: 804
Total killings: 7170
Total injuries: 8746

Documented in the rest of the report are a fraction of these cases, each used to illustrate the complex and interconnected problems that Pakistan faces in regards to human rights. It is worth remembering that as terrible as these cases are, they are only the tip of the iceberg; many more occur every day.

Torture

Torture in custody is common in Pakistan, there is no law in the country that can stop it. Pakistan ratified UNCAT and the ICCPR in 2010 and despite the prohibition of torture in the Constitution of Pakistan under the article 14 (2), police and other law enforcement agencies run detention centres and torture cells across the country. The Parliament of Pakistan needs to enact laws that criminalize torture: the government must respect all international treaties and ratify the optional protocol on torture. But, instead the government and powerful vested interests, including the armed forces, police, and Muslim fundamentalists, have opposed making a law against torture and ill-treatment. The government has also put forward reservations about making such a law, declaring that it would be against Shariah (Islamic teachings), when in fact, Shariah opposes torture in custody. This is further complicated because the implementation of any law in Pakistan wholly depends on the police and the

responsibility of the police has been to maintain rule of law, rather than rule by law (the judiciary is trying to play its role but it is still dependent on the police).

As noted in the introduction to this report, due to the absence of a functioning criminal justice framework, and as a result of feeble attempts at prosecution, torture in custody and extrajudicial executions has increased rapidly. Every police station has its own private torture centre, every cantonment area of the armed forces runs at least one torture centre (the Air Force and Navy operates their own torture cells), and the ISI offices have their 'safe houses'. Again, AHRC has documented many cases in which these centres have been identified and passed this information to the government to no avail.

In Pakistan, torture (as defined in the UNCAT) is endemic and deeply rooted. There are around 1,300 police stations in the country and everyday at least one person undergoes physical torture in every police station (to say nothing of psychological torture). Torture is thought of as the best way to control crime and a consensus exists that without torture no one would confess, which is the justification the police use to maintain private locations for the specific purpose of torturing suspects. They also use such private locations to avoid identification of police facilities in the event that a victim does make a claim. Given this police culture it would be unimaginable for a person who is arrested to be spared. Therefore, it is reasonable to assume that more than 1,300 persons are subjected to torture and ill-treatment in Pakistan every day. If we add the people tortured in the torture cells of the armed forces, this figure will be much higher.

Acting with greater disregard for consequences, the Pakistan Army is running 52 torture cells, many located in cantonment areas. The Pakistan Air Force has a number of torture cells in their bases, including one in its Islamabad headquarters. The Pakistan Navy is also running torture cells in Islamabad and Karachi, which includes Mehran Base, Karachi.

To make matters worse, torture and extortion go hand-in-hand. Torture is not only used to get information; it is also used to a threat to extort money from victims and their family. This can occur throughout the process as well: victims already being tortured will pay bribes in hopes of reducing the severity of future events. In other cases, after taking accused persons into custody, the police do not formally arrest him / her for several days. They ask for a bribe to file a case under a bailable offence and if the bribe is not paid, then the person is arrested under a heinous crime as punishment for not bribing the police.

To eradicate torture, there is a strong need for basic reform in the policing system. In Pakistan, no institution has ever thought about developing or reforming the present policing system into a modern civil policing system because the military and various politicians would have to abdicate their authoritarian power.

The essence of the criminal justice system in the country is torture and ill-treatment, which is a perfect system in the eyes of the government. It yields quick results and requires little process or support. Moreover, it is not politically disadvantageous as generally only poor people are tortured and most of the time powerful individuals (and even the middle class) can use the police (or pay them) to find other suspects. This is exacerbated by the culture,

mentioned previously, that believes confessions (or any useful data) are best or only obtainable through torture.

Torture also has a broad and deep effect on society as a whole: just as it is believed that torture is the best way to combat crime, it has increased intolerance and violence in society. To address this systemic problem the government must immediately make basic reforms and develop a criminal justice system: adoption of modern methods, including forensics techniques are necessary. A witness protection law must be developed, enforced and private torture cells run by the police and the armed forces must be closed, and rehabilitation centers must be established for torture victims as well. The judiciary's methods must be changed as well and prosecutors must receive appropriate training to deal with torture related cases.

At a societal level the subject of torture must be included in the school curriculum, so that children learn about its bad effects on society and begin building toward more humane alternatives. A strong effort from the government must be made to respect the inherent dignity of human beings and to help the public learn to do so as well.

Torture Cases

Police officers have been exonerated, by their own internal inquiry, from the charge of killing a young Christian, Adnan Masih, (18), resident of Sharaqpur Sharif District Sheikhpura, Punjab, who was tortured to death on 10 June 2013 while being illegally detained. After the killing, and in a bid to fool the Christian community, senior police officials announced that all police officers involved in the matter, including the Station Head Officer (SHO) had been arrested and suspended, and that an inquiry would be conducted. However, the officers were, in fact, never arrested and, after an internal inquiry, all of the perpetrators were exonerated from the charges of torture and death in police custody.

Iqra (24), a Christian by faith, daughter of Saddique Masih of Sohiwall Village, Toba Tek Singh, Punjab, was tortured by four policemen and a landlord. after a series of attempts to assault and rape her (described in detail in other sections of this report) the police officials broke into her family's home and started assaulting the girl by slapping her face, kicking her, and punching her before throwing her to the floor in the yard. The police warned her parents and family members not to intervene while Arif Gujjar tore off her clothes. Arif Gujjar and the police constables then threw her into the street. Naked, she was forced to run and hide elsewhere in the neighbourhood. No case has been filed against the police constables or the landlord.



A Christian, Rafiq Masih (40), was tortured in police custody for 12 days for information on his brother who married a Muslim girl, Shagufta Bibi. His younger brother, Patras Masih (25), married Shagufta in a civil court of Lahore. Upon marriage, they left the Lahore. Pressure from the bride's Muslim family resulted in the elder brother being detained illegally in the police station and tortured. He was released by order of the court. The victim did not file a case against police as he had witnessed a 70-year-old man brought to the police station tortured to death and then dumped in the garbage.

A tea vender, Mr. Aamir Baloch (19), was sodomised and poisoned by members of the police. He later died in hospital. Two days before he died, he identified four people, including policemen and local leaders of PML-N, the ruling party of Punjab province (Ali Arselan Chillar and Mazhar Iqbal) as his attackers. These individuals sodomised him, tortured him, left him to die on a muddy roadside one and a half kilometers from his house, where he was eventually found by a milk seller that returned him to his family. He died days later in the district head quarter hospital. But the police have still not made any arrests.¹

Mr. Khalid Shahzad (25), a day labourer, was arrested along with seven persons on 20 January 2013 from Gulberg Chowrangi, Federal B' Area, Karachi where they had to gathered to find jobs, as was their common practice. Police officials from Manghopir police station were passing by and sought bribes from those doing business on the roadside. When the labourers were unable to pay any amount, all of them were taken to the police station at Manghopir, (12 kilometers away) and thus violated the law, police regulations, and court procedures, that require them to consult the local station to arrest individuals outside of their jurisdiction.

A deal on payment of a huge amount was eventually settled at the police station and four of the workers were released on bail. The victim, Khalid Shahzad, however, was hanged upside down and beaten while the remaining three persons were forced to pay the bribe. Shahzad was left hanging, was denied food and water, and died next morning.

The police reacted to his death by attempting to dump his body at a garbage site, but several individuals witnessed the attempt. This compelled the police to take the body to the hospital. Members of the community came out onto the street after hearing about the incident and protested, blocking the main road. During the protest passing vehicles were burned, which attracted attention from the media. The police first responded with denial, then tried to claim the death was a suicide by hanging, and finally determined that it was a suicide by fall from the roof of the station (though they have no explanation as to how the victim would have gotten to the roof).²

On February 17, Mr. Muhammad Ali Murtaza (27) was making his way to a relative's home in Pakistani Kashmir near the Line of Control (LOC) Before he could reach the house he was picked up by an army unit from Chattar area in full view of numerous witnesses, the only apparent reason for his arrest was the fact that he passed by a military zone. and was immediately handed over to the ISI. During a bodily search, it was found that he held a Pakistani identity card, (i.e. not one from Pakistani Kashmir). He explained to his captors that he was working in Lahore with his elder brother who runs a business there.

Suspecting him to be an Indian agent, his captors transferred him to Jhelum city, on the Pakistani side of Punjab, which has one of the largest garrisons in the country where he was evidently tortured to death. His feet had apparently been nailed and the rest of his body showed signs of torture including marks from an electric drill. The military refused to hand

¹ See: AHRC-UAC-002-2013

² See: AHRC-UAC-014-2013

over the body to his family until they agreed not to accept the military's story that he died due to Indian firing at the Pakistan border and make no mention of torture. The military also promised that the victim could be buried with official protocol and given the rank of army captain posthumously as a condition of the family's cooperation.³

In a different case, a young man from the province of Punjab was tortured to death, and months after he died was requested to participate in an inquiry. Mr. Ali Usman, was abducted by five police informers on 9 July 2012 on the suspicion of his having an illicit relationship with the wife of Mr. Muhammad Yaqoob (one the perpetrators). He was held for nine days in a private torture cell while he was tortured with an electric drill on his legs and sexual organs in an attempt to obtain a confession. Ali Usman died five months after his ordeal which was doubtlessly a result of government hospital authorities that refusing to provide treatment for the injuries he sustained in spite of a direct appeal from a local authority. The local police had apparently demanded that the hospitals and their officials not admit him.

The chief minister secretariat of Punjab province eventually formed a medical board for Ali Usman's treatment and, in March 2013, sent a letter to his father asking the deceased to appear (3 months after he had died). The board has since determined the victim was tortured, however the people responsible for the abduction, the torture, and the denial of medical treatment remain free despite orders from the highest police officer of the district.⁴

Even family members of law enforcement are not fully safe from such methods. Mr. Tahir Naveed (18) (also known as "Sunny") died in police custody after being tortured for 13 days in a facility run by the police. His father Mr. Naveed Iqbal is an on-duty constable at the Investigation Wing of the Johar Town Police Station, Lahore but was unable to save his son; higher ranked officials prevented Naveed from meeting his son during the latter's detention. The case has been pending for two years before the High Court and the judge is reluctant to hear the petition filed by the mother of the victim, Dilshad Begum in spite of a postmortem report that confirms that the victim died as a result of severe torture which included the use of an electric drill and repeated threats to her family to drop the case. The higher ranked police officials of Lahore, Punjab, have exonerated the perpetrators in their inquiry reports with the excuse that no one saw the police officers committing the torture.⁵

Mr. Sabir, (26) of KPK province, was tortured and permanently injured by police officials of City Police Station, Haripur. Sabir was working as at his shop as an auto electrician on June 19, when he was forcibly detained by three policemen. The abductors had arrived demanding the victim fix the care of the SHO, and when he told them to return in the evening (as the repair would take considerable time) they arrested him. He was then taken to police station where he was tortured. The methods employed included dragging by his hair, being slammed into the ground with force, and various beating that left his legs partially paralyzed. When the policeman noticed the paralysis, they brought him to a women and children's hospital where he received treatment for the severe injuries that resulted from the torture. Although the

³ See: AHRC-UAC-026-2013

⁴ See: AHRC-UAC-065-2013

⁵ Please refer to: AHRC-STM-107-2013

doctors first refused to start treatment without registration of a First Incident Report (FIR), the police eventually secured treatment for the victim by threatening the hospital staff.⁶

Restriction on Freedom of Expression

Freedom of expression is under assault by the government, militant organizations, and self-censorship of media houses and the government is doing little to help fix the problem.

The Constitution of Pakistan mentions freedom of expression in Article 19, but at the same time permits the state to impose “reasonable restrictions.” Article 19 states:

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

With so many restrictions allowed by the Constitution itself, freedom of expression in the country is already at risk. Freedom of speech, expression, and thought are so limited that even people in private meetings try not to talk openly for fear of persecution. This has become especially true of issues that could be construed as blasphemy.

Blasphemy Charges

As a country that has an officially endorsed religion (i.e. Islam) Pakistan already has a limited scope for fundamental rights, such as freedom of thought. Education from the primary level teaches hatred against other ideas, especially those from science, alternative religious thoughts, and non-conforming versions of history. History taught in these schools is based on portraying Islamic rulers as righteous ones and that which comes into conflict with the Islamic way of life is considered un-Islamic or even blasphemy.

Blasphemy laws have become a powerful tool for suppression in the hands of the state and fundamentalists to suppress freedom of thought in society. If any person is accused of blasphemy, particularly on the charges of defiling the name of last prophet (PBUH), he or she has to face the death penalty from the law or state, and if not fundamentalists will murder him or her.

This is critical not just as a restriction to freedom of expression, but also as a tool of religious violence, and as a unique problem in its own right. Various aspects will be explored in other sections, but for now a brief introduction and some case examples should suffice to show its influence in eroding the right of expression.

In a case of two Christians who were sentenced under section 295 B and released by the High Court, the ruling by Mr. Justice Arif Bhatti stated that as they were scavengers and

⁶ See: AHRC-UAC-087-2013

cannot read a word they should be released. Upon release they left Pakistan to protect their lives. They survived. But Justice Bhatti was murdered for releasing them.

Likewise, a judge of the Session court had to leave the country when he sentenced to death the killer of former Governor of Punjab. He was declared by the fundamentalists as “liable to be killed” because he had punished to a hero of Islam. The Governor of Punjab had been murdered because he used his right of freedom of expression in support of Asia Bibi, who was sentenced on charges of blasphemy.

Fundamentalist and Jihadi groups who desire to force their beliefs and interpretations of Islam onto society often pressure the government to use these laws (or use them on their own authority) to attack their enemies. Successive governments have given great deference to these groups with the state and its policies patronizing fundamentalists. Consequently, religious debate (and questions of corruption) is all strongly discouraged.

The media is extremely careful about what it says regarding the religious extremists as it can expect no protection from the authorities or judiciary on this subject. This was evident in the cases of the assassinations of the governor of Punjab, Mr. Taseer, and the Federal Minister on Religious Minorities, Mr. Bhatti. The perpetrators of the violence have either gone unpunished or are being treated as heroes and the lawyers themselves, supposed to be protectors of the law, came out in support of the assassins, accusing the victims of blasphemy.

Similarly, in the Constitution, Ahmadis have been declared non-Muslim (more on that in the section on religious minorities). This is essentially a contradiction since the Constitution on one hand declares the freedom to practice religion of one’s choice, and on the other, places Ahmadis in a position that leaves them open to attack by fundamentalists. Any media house coming out in their support or criticising the fundamentalists is liable to the same degree of violence as the Ahmadis themselves.

Other Methods of Suppression

Pakistan has been declared, since its partition from India, as a national security state. This also contributes to restriction of freedom. No media groups or individuals are allowed to raise questions about the actions of the armed forces. If any soldier dies in a road accident, the soldier must be referred to as Shaheed (martyred), otherwise the person can be held to be anti-state. During the military regimes, more laws were imposed against the freedom of expression and these laws have been carried on by civilian governments as part of the legacy of military rule. The infamous Pakistan Electronic Media Regulatory Authority (PEMRA) was established by the military regime of General Musharraf and has been used by successive governments as an effective tool to curb freedom of media organizations.

Sadly the voices that really need to be heard, those of the peasant farmers, poverty-ridden people, and labourers in the industrial areas who are mostly ignored or even silenced by the media whose sole purpose is to gain advertising revenue. It is not a secret that the media groups are controlled by the armed forces through their Inter Services Public Relations office. The judiciary, which also remains under influence of the armed forces, has never really served the nation in this regard throughout its history. This has, however, earned them a great deal

of protection from the ruling powers (so long as they avoid risk of blasphemy, as mentioned before).

More than 1,000 websites are banned in the country by the Telecommunication Authority on the pretext of obscenity and anti-Islam material. One of the most well - examples is that YouTube was blocked by former Prime Minister Raja Pervez Ashraf in 2012. Since then, various segments of society have demanded restoration of access to the website. Ahraf had imposed the ban after YouTube refused to remove its website a film, *The Innocence of the Muslims*, considered blasphemous. The government said it was considering lifting the ban after Eidul Fitr (in October this year) but the ban has still not been lifted.

Even the website of *Al Jazeera* was unavailable for a couple of days in Pakistan at the time of the publication of the report of a commission of retired judges constituted to address the attack on the residence of Osama bin Laden in Pakistan's military zone. The commission's report contained sensitive information regarding the negligence of armed forces when USA marines violated Pakistani airspace and took away bin Laden's body after killing him. The report also placed responsibility for allowing bin Laden to stay in the country.

For two days, November 21 and 22, the International Movie Database (IMDb) website was blocked, to the considerable bewilderment of all, there being no official explanation for the block. IMDb is one of the most popular websites on the internet so there was speculation in the social media that the ban might be linked to the inclusion of the video that triggered the banning of YouTube but a search of IMDb reveals that the offending blasphemous video was not listed there.⁷

On Thursday, 3 October 2013, the Information Minister for Sindh province forwarded a summary to the Federal Ministry of Interior to impose a three-month blanket ban on instant messaging and VoIP services. The reason for the proposed ban was to combat terrorism and safeguard national security. The Sindh Information Minister said it was needed because the Sindh law enforcement agencies are unable to monitor VoIP services, which are increasingly being used by "criminal elements and terrorists." The proposed ban is a disproportionate and overly broad measure as it will curb the fundamental rights of people in Sindh province and undermine the use of widespread communication platforms for legitimate purposes. Instant messaging and VoIP services, such as Skype, Viber, Tango, and WhatsApp, are increasingly popular with Pakistani smart-phone users looking for affordable means of communication and now all of these services are now under threat of being suspended, though the Sindh authorities have not indicated how they will carry out this proposal: whether, for example, they will use filtering or blocking.

Other restrictions on freedom of expression stem from the citizens themselves. For instance, the government's decision to block 12 websites (including the popular blog site, *blogspot.com*) in 2006 was intended to satisfy Pakistani protesters who were outraged over cartoons of Muhammad that were circulating on the Internet (though the controversial cartoons were originally published in a French newspaper they quickly spread online).

⁷ Source: Express Tribune, November 24, 2013.

The entertainment industry has been under violent restrictions from certain citizen groups as well. Some religious conservatives who believe modern movies and music are immoral have been taking matters into their own hands as exemplified in June 2007 when there were more than 20 bomb attacks on movie and music businesses in Pakistan. The government also keeps tight watch over the entertainment industry and Indian TV channels and movies are routinely banned.

Journalists Killed in 2013

Nine journalists were murdered in 2013 either by bombings, targeted killings, or died after abduction by law enforcement agencies. A total of 55 journalists have been killed in the line of duty in Pakistan in the last ten years; 36 of them were deliberately targeted and murdered because of their work, according to the Pakistan Press Foundation (PPF). In its latest report, the PPF states that for every journalist deliberately targeted and murdered, there are many others who have been injured, threatened, and coerced into silence. Sadly, the perpetrators of violence against journalists and media workers enjoy almost absolute impunity in Pakistan. This is seriously hampering freedom of the press throughout the country.

The following journalists were killed performing their duty in 2013:

Salik Jaffery, (22), of Geo News was killed November 23 in a bombing at Incholi, Karachi. He was an Associate Producer of Geo News.

Mr Razzak, the Balochistan-based journalist (he was sub-editor of a Mastung-based publication in the province of Balochistan) had been missing since 24 March after being taken by members from a state intelligence agency while leaving his office. He was tortured to death and his body was found in Karachi, Sindh, in August. It took Mr Razzak's family 24 hours to identify his mutilated body because only his arms and legs were sufficiently intact to enable identification.

The BBC reported that Mirza Iqbal Hussain, a photographer for News Network International, a Pakistani independent news agency, died in a hospital from injuries sustained on January 10 in a bombing that occurred 10 minutes after an initial explosion near a billiards hall in Quetta, Baluchistan. According to NNI editor Tariq Nadeem and local news reports, the twin blasts killed dozens, including police, emergency workers, and journalists who rushed to the scene of the first explosion. The billiards hall is in a predominantly Shia area of Quetta. The bombings were part of a series of bomb attacks reported across Pakistan that day. Mr. Saif ur Rehman, a senior reporter for Samaa TV, died in a hospital from injuries he sustained in the same bomb blast. Mr. Imran Shaikh (35) a senior cameraman for Samaa TV, was also killed in the same blast. Shaikh's colleague, Saif ur Rehman, a senior reporter for Samaa TV, was severely injured in the blast as well and died a few hours later in a hospital.

On March 1, Mehmood Jan Afridi (48) of The Daily Intekhab (and head of the Kalat Press Club) was killed by armed men while heading to a local press club from his home in the city of Kalat, Balochistan.

On February 27, 2013, Mumtaz (48) was fired upon by unidentified men in a car with tinted windows as he drove to his home in Miran Shah, in the main city of North Waziristan. Mumtaz, a journalist for more than 20 years, had worked for Geo News television and the daily *News International* in both English and Urdu. He had been elected president of the regional press club shortly before his death. His most recent print stories included coverage of the general violence in North Waziristan and a report on the controversial issue related to the local polio vaccination program. (Health workers administering polio vaccines were killed in December by militants who called the program a cover for intelligence gathering activities.)

Disappearance & Extrajudicial Killings

Pakistan has the highest number of forced disappearances in the world, many carried out in remote areas affected by armed conflict. Disappearances continue in Balochistan, beset by the long-standing conflict between government forces and Balochi nationalist armed forces; Sindh province, where Sindhi nationalists are demanding autonomy over resources; KPK province, notably under counter-terrorism and 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. The AHRC has received information concerning hundreds of disappearances throughout these provinces since 2008.

The military government of General Musharraf introduced enforced disappearances following arrest by plain clothed people. After the fall of the Musharraf regime, state intelligence agencies under the command of the military replaced this system. They also introduced the system of extrajudicial killings of disappeared persons to eliminate the evidence of disappearances. From 2010 to date, at least 510 persons have been killed in this way with their bodies commonly dumped on road sides. The most damning indictment of the extra-legal activities of military intelligence agencies arrived when the chief justice said that the 'death squads' of the ISI and MI (intelligence agencies) should be abolished.

Similarly, the military establishment has faced tough resistance from secular Baloch nationalist groups for most of Pakistan's history. But that resistance turned into a province-wide insurgency after a leading Baloch leader, Akbar Bugti, was killed in a military operation in 2006. Instead of seeking a political solution, Pakistan's security establishment began a ruthless campaign of crushing dissidents and insurgents by any possible means. The government, however, has failed to introduce legislation to make enforced disappearances a crime and the police and armed forces continue to rely on such disappearance as an instrument of terror; as a result, disappearances have increased through the current four-year Universal Periodic Review.

Commission vs. Court = Stalemate

The Human Rights Commission of Pakistan (HRCP) has stated that Pakistan has been unable to move away from the illegal practice of enforced disappearance and it is entrenched in Balochistan, Khyber Pakhtunkhwa, and to a lesser degree in Sindh. The HRCP is of the opinion that impunity for the perpetrators in Balochistan is encouraging the spike in such

violations in other provinces as well and urges the government to sign, ratify and enforce the International Convention for the Protection of All Persons from Enforced Disappearance.⁸ Likewise, the International Commission of Jurists (ICJ) and Human Rights Watch have both urged the Pakistani government to affirm its commitment to end enforced disappearances by ratifying the International Convention for the Protection of All Persons from Enforced Disappearances.

On 18 May 2013, the Supreme Court disposed of, by means of a short order, the HRCP's constitutional petition regarding enforced disappearance of citizens that was filed in 2007. The Court observed that the petitioner could pursue the matter before a government Commission established to deal with the issue of missing persons. The HRCP is of the view that the short order did not address the grievances cited in the petition and has therefore filed a review petition. The HRCP has contended that the jurisdiction of the Supreme Court under Article 184 (3) could not be replaced by a Commission that is comprised of a majority of non-judicial authorities, especially since the matter raised is of public importance, and clearly involves violation of fundamental rights, the enforcement of which falls squarely within the jurisdiction of the Court. The HRCP has highlighted that 47 people on its list submitted to the Court were still untraced and their families have not been given any access to the Commission set up by the Government of Pakistan.⁹

Despite repeated denials by Pakistan's security agencies, the Supreme Court of Pakistan has acknowledged and human rights groups have documented evidence of the involvement of intelligence and security agencies in enforced disappearances. In July, Pakistan's Attorney General admitted that more than 500 disappeared persons are in the custody of security agencies.

Balochistan Province

As mentioned in the introduction, Balochistan is in a crisis, it has gotten bad enough that everyone is aware of the problem. The President of the Balochistan High Court Bar Association Mr. Hadi Shakeel told the Supreme Court in February 2011 that there were more than 5,000 cases of enforced disappearances pending in Balochistan. Authorities in Balochistan now confirm some 2,500 people in the province remain "missing" after arrest. They say that more than 590 mutilated bodies have been found in the province since 2010.¹⁰ While Baloch activists allege that more than 10,000 people, most of them sympathetic to separatists, have disappeared in unclear circumstances. The AHRC has collected information from the Voice of Baloch Missing Persons (VBMP), an organisation that compiles records of missing persons and extrajudicial killings, that indicates during the year 2013 alone 180 persons were extrajudicially killed after their abduction and 450 persons were abducted by security agencies.

⁸ Please refer to: HRC-FPR-048-2013

⁹ Please refer to: HRC-FPR-029-2013

¹⁰ Please refer to: AHRC-STM-171-2013

VBMP has also compiled a list of abductions and extrajudicial killings on a monthly basis, which illustrates the rising tide of violence. In the month of January this year, 53 people were abducted, one was recovered and nine were killed during military operations in different parts of the province. In February 54 people were abducted, five were recovered, eleven mutilated bodies were found and eight people were killed during military actions in different areas. In March, 61 people were abducted, among them five people were recovered, eleven mutilated bodies were found and the rest remain missing. Seven people were killed in military actions in different districts. In the month of April, 69 people were abducted, no one was recovered, six mutilated bodies were found and two people were killed in military actions. It must be noted that the bodies recovered may not refer to those abducted in the same month.¹¹

With the continuous acts of disappearances, extrajudicial killings, arbitrary arrests, military operations, bombings that occur with impunity, and other attacks on religious minority groups, a sense of deprivation has set in the minds of the population. Families have lost all confidence in the institutions of justice and have begun leaving the province.

Professionals are also at risk: according to the Pakistan Medical Association, Balochistan Chapter, 32 doctors are missing and 28 doctors have so far been killed. Likewise, dozens of lawyers are missing and many have been extrajudicially killed after being abducted. Additionally, two hundred professors of universities and medical colleges in the province have asked for and received transfers to other provinces. One political leader, Abdul Zahir Kasi, was abducted by unknown people and there has been no ransom demand. Various political circles claim that he was abducted by state intelligence agencies and detained in a military torture cell outside Balochistan province.

Moreover, banned organizations that have their bases in the Punjab province, under the patronage of the Punjab government, are allowed to operate freely in Balochistan. Every month they conduct bombings in the residential areas of the Shia community, or stop vehicles going on pilgrimage to Iran and kill passengers in areas controlled by military and paramilitary forces.

These disappearances are a result of the government using militaristic methods to 'solve' the Balochi political conflict. Legal and diplomatic methods are largely ignored and rule of law has been hounded into nonexistence by the military and intelligence agencies. The FC has been given police power to handle the long conflict, but there is no effort to reform the centuries-old criminal justice system. Balochistan is treated as a threat to law and order and not as a land with humans that are denied their fundamental rights, especially regarding their resources.

April 24 was a day where 23 bullet ridden bodies of activists were found in different parts of Balochistan and Punjab. According to the information received from Asansol News, in the Pashni area of Balochistan 21 bodies have been recovered, of which 18 Baloch political activists have been recognized. The Baloch nationalists whose mutilated bodies were found in interior Pashni are: Raza Khan, Arif Badami, Gulab Shambey, Khalid Dukan Wala, Meer

¹¹ Please refer to: AHRC-STM-110-2013



punished in unimaginable ways.

Zubair, Enzo Shahdad, Wasim Jamal, Yasin Meer Rahmat, Hafeez Karachi Wala, Siddique, Junaid, Ali, Janzaib, Zubair, Gaffar, Rauof, Salaam, Musadiq. The other three bodies have not been identified. These individuals were picked up by military and police raiders in the area when they were advocating a boycott of the election. They had terrorist charges leveled against them and, without being tried in any court of Pakistan, they were



Baloch, whose son was abducted by state agencies in 2009. His son's body was found in 2012. Throughout the route of the long march hundreds of people welcomed them and joined them and upon arriving in Karachi, the participants undertook a hunger strike in front of the Karachi Press Club.

In response to such brutality in Balochistan a long march for the recovery of missing persons has taken place. The march that began in Balochistan ended in Karachi, the capital of Sindh with relatives of missing persons travelling by foot for 730 kilometers. During the march, the participants received death threats by unknown persons intent on ending the march. A notable participant was the march leader, a 70 year old man named Mama Qadeer

Sindh Province

In recent times, law enforcement agencies operating in Balochistan have extended their jurisdiction to other provinces. Today Baloch citizens are being abducted from Karachi, the capital of Sindh province, where they go for higher education. The Baloch Students Organisation-Azad (BSO-A) is the target of supra constitutional forces. Students between ages of 16 to 24 are kidnapped by people dressed as civilians and members of the FC. Two of them were extrajudicially killed, two were recovered (with disabilities) after continuous torture, and two remain missing since January 2013.

In another case in April, two tortured and bullet riddled bodies were found in Khairpur Nathan Shah, Sindh. The deceased were identified as Sajjad Markhand and Amir Khuhawar. They had been abducted from Larkana and were known to be Jeay Sindh Mutehda Mahaz (JSMM) activists. The two had been picked up by the unknown members of the government and Rangers from Larkana on April 24, when they were preparing for a public meeting to mark the 18th death anniversary of G.M. Syed, the founder of Jeay Sindh movement, which espouses the cause of independent Sindh. The bodies of the two activists, bearing marks of grotesque torture, were found on Chokhandi link road near Khairpur Nathan Shah.¹²

¹² See: AHRC-UAC-067-2013

More complex incidents occurred on Independence Day, including an example of how even law enforcement officers can be victims of these tactics. On Independence Day nationalist groups observed a 'black day' by holding protests and several Sindh nationalists were shot dead in planned encounter. The chief minister of the province announced a reward of Rs two million for the shooting but the very next day the Station Head Officer (SHO), who was in charge of the police party, was suspended on the charge of killing a Deputy Superintendent of Police (DSP) in a planned encounter. An inquiry eventually found that the killing of the DSP was used to scapegoat protesters (and possibly as revenge for an unrelated incident), but the police have not withdrawn their reward.¹³

Additional examples include:



Mr. Zahid Pazeer son of Haji Pazeer Baloch, was abducted from Raees Goth Karachi on January 28. His mutilated body was found on March 10 along with that of another missing person, Abdul Rehman Baloch. Their internal organs, hearts, livers and kidneys had been surgically removed (harvested), most likely for sale on the black market.

Mr. Babu Iftekhhar Baloch, son of Mansoor Ahmed Baloch, a student, was also abducted from Raees Goth, Karachi, on January 28 by persons in uniform and plain clothes. He was a resident of Panjgur city, Balochistan. He was killed during the disappearance and his bullet-riddled and torture-marked body was found on March 6, 2013.



Mr. Ejaz Ghulam Baloch son of Ghulam Jan Baloch, a student, was abducted on January 24 from Dalmia, Karachi, by people in a jeep, generally used in Balochistan by agencies to abduct nationalists. Since then he has been missing and his whereabouts remain unknown. He was a resident of Panjgur, Balochistan.

Mr. Waseem Fazal Baloch, son of Fazal Kareem Baloch, a student, was abducted by agents of state intelligence from Raees Goth, Karachi, on January 28. His whereabouts remain unknown.



Mr. Aman Jan Baloch son of Sayyed Ahmed Baloch, a student, was abducted from Chitkan, Panjgur, Balochistan on February 22. He was kept in an unknown place in Karachi. He was eventually released by his captors but is paralysed and can no longer walk.

Mr. Shakir Baloch son of Mohammad Jan Baloch, a student, was abducted by plainclothed men in February, 2013 from Chitkan, Panjgur, Balochistan. He was kept in a torture cell in Karachi. He received injuries on different parts of his body and he also cannot walk properly anymore.

¹³ See: AHRC-UAC-112-2013 and AHRC-UAU-024-2013



Mr. Manzoor Ahmad Qalandarani was abducted from Gulshan-e-Iqbal, Karachi, midnight of February 8. He is a student of the Iqra University Karachi, and the son of a tribal leader Mushtaq Qalandarani. It is worth noting that 30 of his relatives have also been abducted. Among them, 15 have been released but 13 remain missing. Two of them have been extrajudicial killed.

The increase in human rights violations is linked to the election process. The supra-constitutional forces remained busy in their attempts to sabotage the general elections in 2013 as they feared that the citizens of Balochistan would join mainstream politics. The most recent abductions and extrajudicial killings are seen as a warning to Balochis, among others, to keep clear of the political arena and to deny them the fruits of democracy.

KPK Province

There are around 1,000 persons missing from KPK province, bordering Afghanistan. Many were arrested in Pakistan by the security forces for abetting Taliban/Al-Qaida fighters or providing logistical help. In addition, the army has taken 41 inmates from an Afghanistan jail and removed them to an unknown location. The whereabouts of all of these individuals remains unknown since their arrest.

The family members have approached higher courts, particularly Supreme Court and provincial high courts, and have learned that the missing persons are in the custody of army but neither the army nor the defence ministry appear in court or and their usual response it to deny that they have kept them in custody, instead they claim that such persons have joined Jihad against the USA and its allied forces.

The higher courts have taken notice of such statements and pressured the army and other law enforcement agencies for their recovery by directing the Ministry of Interior to provide information on these people by November 25. However the court's order was ignored by the Defence Ministry.

Families of Victims at Risk

Threats from law enforcement are also a common way to further victimize the families of those abducted, disappeared, or murdered, and there are many cases that serve as examples for this technique. One such example is that of Shahid Junejo, son of Muhammad Ibrahim Junejo; Zamir Hussain, son of Gulsher Khaskeli; and Asghar Jamali, son of Imam Bux Jamali, who are residents of Larkana, Meharh and Jamshoro districts, Sindh province

The three young men from Sindh province were taken into custody from Balochistan province by personnel from the security forces. Their arrest prompted continuous protests from Sindh nationalists following which ISI personnel informed their family members that they are detained in two different Cantonments in Sindh province. The ISI officials went on to say that if the families continued to protest their detention the families would receive their dead bodies. The detainees were Sindhi nationalists and belong to the Jeay Sindh Quomi Mahaz (JSQM) which is striving for greater autonomy for Sindh province.

On 13 September, the detainees left Karachi for Quetta in search of employment. On 16 September, many Sindhi language daily newspapers, specifically, Daily Kawish, Daily Awami Awaz, Daily Koshish, Daily Fatah, Daily Jeejal, and Daily Fast Times, published the news that the security forces had picked them up from Sorab Road, Quetta, the capital of Balochistan. The news of their arrests reached their families after two days and people of the province started agitating for their safe recovery and the news was widely covered in the local media.

After eight days of illegal detention, on 21 September, two people who introduced themselves as employees of Brigadier Qasim of Pakistan's notorious intelligence service, the ISI, told the families that two of the detainees, Shahid Junejo and Zamir Hussain were in Pano Aqil Cantonment, Sindh, and the third one, Asghar Jamali was being held in Malir Cantonment, Karachi, Sindh.

One of the Brigadier's employees introduced himself as Mr. Anwer whereas the other one kept quiet throughout the meeting. Anwer threatened the family and the lives of the detainees in order to stop them from providing news to the media and to impede the JSQM from holding any further protests. When the family member of Mr. Shahid Junejo tried to explain their position, Anwer simply announced that they had come to tell them the situation and not to enter into any discussion with them. After this both of them left immediately.¹⁴

Individuals Missing from Military Custody

There is also evidence that the Pakistani military is victimizing people turned over to them by foreign governments as well. For example, an application filed by the Justice Project Pakistan (JPP), saying that six Pakistani men, Hameed Ullah Khan, Sabeel Suleiman, Abdul Qadir Imran, Muhammed Riaz, Abdul Karim and Palak Jan, were originally detained by the United States at the Bagram prison in Afghanistan, handed over to Pakistani authorities and not been heard of since. A JPP representative told the court that Pakistani authorities were holding the men and that the men had no access to lawyers or their family members.

A representative of the Ministry of Foreign Affairs later confirmed their release but said the ministry had no knowledge of their whereabouts. The ministry's counsel told the court that it could only confirm release and transfer but did not know their whereabouts and status. The Interior Ministry and Foreign Ministry have no knowledge in this regard.

Justice Advocates at Risk

Advocates for such victims are also targeted by state in the same way. In doing so, due process is undermined. Perhaps the clearest case of such an attitude is that of Awais Sheikh, the lawyer of Indian terrorist Sarabjit Singh. The lawyer and his family received death threats and was abducted by state intelligence agencies after several days was recovered, though injured, near Sheikhpura three days after he and his son were abducted. Police said that there were signs of torture on his body when he was recovered 30 kilometers from Lahore. Officials claimed that there were four kidnappers who took the lawyer from his home and

¹⁴ See: AHRC-UAC-112-2013

later abandoned him on the highway, adding that Sheikh's son, Shahrugh, is still in captivity. The lawyer's client, Sarabjit Singh, died in April this year back in Lahore's Jinnah Hospital where he was under treatment after being beaten up by fellow inmates in Kot Lakhpat Jail. The Indian terrorist was sentenced to death for his role in a bomb blast in Pakistan which left many Pakistanis dead 23 years ago. What mattered to the perpetrators here was clearly not the verdict of the justice system as that was already on their side; the goal could only have been to reject due process and deter those who would support a strong justice system.

In a similar case Mr. Zaheer Ahmad Gondal, a lawyer from Punjab province that has been missing since July after he attended Supreme Court cases involving missing persons. Law enforcement agencies, however, deny that he is in their custody. And, in another case a lawyer of an Indian prisoner received death threats and was abducted by state intelligence agencies and released after several days.

Petty Disputes also Create Risk

Even where politics or other factors commonly associated with government conflict do not exist, the risk of disappearance or murder is still very real. A telling case is that of Tasif Ali, whose wife (Mrs. Abida Malik) claims that Major Haider of Military Intelligence took away her husband last year and has provided no information about him. Dr Aslam, father-in-law of the missing man, claims that he personally met Major Haider, who used to deal in timber with Tasif, but that the Major got annoyed over a business dispute. Abida Malik filed a petition under Article 204 of the Constitution, read with Contempt of Court Ordinance 2003. She has asserted that Defence Secretary Lt Gen (r) Asif Yasin, Chief of Army Staff General Ashfaq Pervez Kayani, Chief of General Staff Lt Gen Rashid Mehmood, and GHQ Military Secretary Lt Gen Mazhar Jameel all collectively impeded the process of investigation, which is itself an offence under the Pakistan Army Act. However, the appeal has not been successful so far.

Other Examples & Notable Cases



Mr. Afzal Panhwar, son of Munawar Ali Panhwar, a student of M.sc. Biochemistry, Sindh University, Jamshoro and resident of Allama I. I. Qazi hostel block, filed a constitutional petition, number 863 of 2011 on May 11, 2011, seeking the provision of all student facilities according to the catalogue and student's activities calendar 2011 (STAGS) and the expulsion of police personnel from the student hostels of the university. (He was a leader of the Jeay Sindh Student Federation (JSSF) affiliated with the JSMM, a nationalist organization striving for the independence of the Sindh province from Pakistan.)¹⁵ He

¹⁵ See: AHRC-UAC-2013-2011 for details on Afzal Panhwar's disappearance in 2011.

was arrested and interrogated by the MI and the ISI for allegedly placing bombs on the railway track. He was arrested on the same charges again on August 15, 2013 and within hours was shot dead by while in custody.¹⁶

Twenty-four activists from separatist groups were extrajudicial killed in Sindh and Balochistan provinces while they were campaigning against the general elections. Among the dead many bodies were found with bullet and torture marks. Most of the bodies were found on the same day though one activist's body was found several days before the major incident. The deceased were abducted by the police and rangers in uniform along with some in plain clothes that are likely agents of intelligence agencies.

According to the information received from Asansol News, at Pashni area of Balochistan 21 bodies have been recovered among which 18 Baloch political activists have been recognized. The names of the Baloch nationalists whose mutilated bodies are found in interior Pashni are:

Mr Raza Khan, Arif Badami, Gulab Shambey, Khalid Dukan Wala, Meer Zubair, Enzo Shahdad, Wasim Jamal, Yasin Meer Rahmat, Hafeez Karachi Wala, Siddique, Junaid, Ali. Janzaib, Zubair, Gaffar, Rauof, Salaam, and Musadiq. The names of three more were not identified.

These victims were from a separatist group of Balochistan who are fighting for the separate land from Pakistan who were campaigning against the general elections and telling people that if they participate in the elections Pakistani occupational forces will again exercise illegal power on the people of Balochistan.¹⁷

Potential Positive Developments

The Chief Justice of the Peshawar High Court, addressing the members of one of the Bar Associations of Khyber Pukhtoon Kha Province, claimed that 1,500 missing persons have been recovered and sent home as a result of steps taken by the judiciary, while a further 1,000 missing persons had been found to be in the custody of the security forces and are now allowed to meet with their families.

If this statement of the Chief Justice is taken at face value, it is inspiring that with the efforts of the higher court of a province, which remains under attack of Islamic militants and subsequent military actions, 1,500 missing persons have been found.

Even acknowledging the recent achievements of the High Court as a positive sign for the recovery of disappeared persons held in illegal detention by law enforcement agencies. However the Asian Human Rights Commission remains skeptical. The High Court or its

¹⁶ See: AHRC-UAU-024-2013 and AHRC-STM-212-2013

¹⁷ See: AHRC-UAC-067-2013

Chief Justice appears to still approve of the illegal acts of arrest and disappearance by security forces and encourages them to retain such persons in custody for further investigation.¹⁸

Women Wronged in Pakistan



Gender-based violence and sex discrimination remain a manifestation of patriarchal norms, values, and conventions in Pakistan. Future opportunities for development will hinge on how Pakistan resolves deep-seated gender and social inequities. Challenges need to be overcome so that women are able to exercise their basic rights. This requires a broad change in attitude as well as policy changes at the federal and provincial levels of government. To add to this difficult situation, implementation on the ground is often hampered by capacity gaps, a lack of awareness of people's rights, and negative social attitudes.

Women, being vulnerable and marginalized, continue to face hurdles in exercising basic human rights. This is compounded by socio-cultural norms which deny access to facilities and opportunities. Pakistan ranks among the lowest countries across the globe in human development, gender development, and equity.

Women & 2013 General Elections

Article 25 of the 1973 Constitution of Pakistan guarantees equal rights to all citizens without discrimination between men and women. Pakistan has adopted similar international legal obligations through the Universal Declaration of Human Rights (UDHR) and by acceding in 1996 to CEDAW. General Elections 2013 was the first in Pakistan since ratification in 2010 of the ICCPR, which protects freedoms related to elections, including the right "to take part in the conduct of public affairs, directly or through freely chosen representatives" (Article 25) without discrimination on the basis of sex (Article 2).

In addition to these legal obligations, female parliamentarians made more substantive contributions during the 13th National Assembly (2008-2013) than their male counterparts, in several respects. Women Members of the National Assembly (MNAs) were more active, assertive, and effective for their constituents than their male counterparts during the five years of the 13th National Assembly, which ended on March 16, 2013.

¹⁸ See: AHRC-UAC-125-2013

In a country where the political potentialities of women are underestimated and under-documented, the role of women parliamentarians sets a benchmark for their male counterparts to follow. Despite representing only 22% of the total number of legislators, including 18 elected on general seats and 60 on seats reserved for women, female MNAs accounted for more Questions, Calling Attention Notices (CANs), Private Members' Bills, Resolutions, Motions and Matters of Public Importance than male MNAs.

During the General Election Campaigns 2013, most political parties declared in their campaign rhetoric and manifestos a commitment to women's equality. Nevertheless, women continue to face challenges to full participation in political and electoral processes. Increasing women's participation in every aspect of Pakistan's elections – as candidates, voters, election officials, polling agents, security officials, and in every other role – is essential for meaningful elections that represent the will of the Pakistani people.

According to the official results announced by the Election Commission of Pakistan (ECP), 14 women were successful in the May 11 General Elections, winning six National and eleven provincial assembly seats. No woman succeeded in Khyber Pakhtunkhwa and Balochistan assemblies on general seats, however. According to the Election Commission of Pakistan and the UN, 516 women stood for elections this year on general seats – 161 for the National Assembly and 355 for the four provincial assemblies.

Election 2013 provided a hope for continued democracy in the 66-year-old country. But, women in Pakistan still face an uphill battle both as candidates and voters. Reserved seats for female candidates have always been a part of Pakistan's constitution. In the National Assembly, 60 of the 342 seats are reserved for women and most candidates contesting come from elite backgrounds.

Many women in urban areas were actively engaged in political discourse but the women in rural areas of Pakistan do not have the similar opportunity. In 8 districts of Khyber Pakhtoonkhwa, women were not allowed to cast their votes after the illegal and unconstitutional written pact of all political parties. The Election commission has determined that over 47,000 women were deprived of their right to cast vote.

According to Articles of the Constitution of Pakistan (37, 32, 10-A, 140-A, 10) “each province shall, by law, establish a local government system & devolve political, administrative & financial responsibility and authority to the elected representatives of the local governments” and “the state shall encourage Local Government institutions composed of elected representatives of the areas concerned & special representation will be given to peasants, workers and women.” This has had little real effect; new regulation in Punjab and Sindh had the effect of reducing women's representation in local government.¹⁹

Gender Inequality & Violence

Pakistan's international commitments on gender equality include the Beijing Platform for Action, adopted in 1995; CEDAW, ratified in 1996; CRC, ratified in 1990; Convention on the

¹⁹ Please refer to: <http://www.ncsw.gov.pk/news-archive.php>

Elimination of Racial Discrimination (CRD), ratified in 1966; and Millennium Development Goals (MDGs).

These commitments are expressed through the National Plan of Action for Women (adopted 1998); National Commission on the Status of Women (established 2000); National Policy for Development and Empowerment of Women (adopted 2002) as well as for the first time, in 2009, Women Parliamentarian Caucuses at national and provincial levels. The 18th Constitutional Amendment too has resulted in the devolution of the Ministry of Women's Development to the provincial level.

A report by Aurat Foundation on violence against women states that although the number of reported cases of violence against women has decreased, a sharp rise in several forms of extreme violence has been noted. The report further reveals an alarming rise in extreme violence - 144% increase in burning incidents, 89% rise in acid crime, 62% rise in domestic violence and 11% in murder.

However, all statistics in the report have been compiled from newspapers, with no additional research to crosscheck the figures or put them in perspective. Still, according to the figures, Punjab remained on top with 4,766 cases. This may be because women have easy access to law enforcement agencies, without accounting for the fact that Punjab is also the most populous province. Sindh had the second highest instances of violence against women with 1,628 reported cases, KPK stood third with 674 cases, while Islamabad was fourth with 281 cases, and Balochistan fifth with 167.

During the year, abduction was the most frequently reported crime against women with 1,607 cases, followed by 1,745 of murder, 989 of domestic violence, 828 of rape and gang rape, 575 of suicide, 432 of honour killing, 58 of sexual assault, 83 of acid throwing, 71 of burning, with 1,134 cases listed as 'miscellaneous'.

Last year, 7516 cases of violence against women were reported in Pakistan with 822 of them of the rape cases. And anyone familiar with the perverted concept of honor and shame knows that 822 is a sorry fraction of the actual number.

Rape cannot be prevented by forcing women to cover up; it can only be prevented by women empowerment, promotion of gender equality, and the eradication of antiquated myths that teach how women are the property of men who must keep a watch on them. When it is stated or implied that women are property and that men exercise superiority, it is enabling a culture that accepts rape. Thus, everyone who bears this double standard of modesty, the people who teach shame of one's body are responsible.

Throwing acid on the face, leaving the victim burned, maimed, and disfigured sadly happens often around the globe and the victims are almost always women. At least 150 acid attacks were reported in Pakistan last year and many more are not reported, because victims are instructed by their families and community to keep quiet. A new law gives acid burn survivors some legal recourse, but the scales of justice are often stacked against them. All forms of violence against women must not be considered a private matter and the government should take measures to address such carnage.

Child Marriage, Stealing Innocence

Pakistan is signatory to the CRC, which defines child marriage as marriage below the age of 18. Yet, the country allows marriages at age 16. The government of Pakistan is yet to prohibit the practice of child marriage and declare the legal age of marriage as 18 years for both males and females. In fact, the Child Marriage Restraint Act of 1929 says that the police cannot intervene directly in underage marriage, implying that Sharia law is to be consulted if the government needs to intervene. In the recent past the government of Pakistan passed the “Anti Women Practices Act 2011,” dealing with forced marriage, making the punishments for “wani” (a traditional tribal term for child marriage) harsher. Despite this, the tradition of “wani” lives strong. While legislation on child marriage can serve as a solid foundation for modifying the practice, even the strongest laws and policies are ineffective without adequate adherence and enforcement.

Child marriage devastates the lives of children (particularly girls), their families, and their communities. Millions of the girls in Pakistan are married before they turn 18 and girls as young as seven or eight become victim to this custom. This harmful practice is more common in poor, rural communities, and its consequences contribute to perpetuating the chronic cycle of poverty.

Often, child brides are pulled out of school, depriving them of education and meaningful careers. They suffer health risks associated with early sexual activity and childbearing, leading to high rates of maternal and child mortality as well as sexually transmitted infections, including HIV. They are more likely to be victims of domestic violence, sexual abuse, and social isolation.

The risk of death for pregnant girls under the age of 15 is five times higher than it is for women in their 20s. Taken together, the costs of this practice are catastrophic. Child marriage is not only violation of a girl’s rights; it also compromises efforts to reduce gender-based violence, advance education, overcome poverty, and improve health indicators for girls, women, children, and by extension society as a whole.

When a girl is pulled out from school and forced to marry young, her personal development is stunted. She is left with few, if any, social skills and therefore has limited ability to contribute or exercise decision-making power in her new household (assuming her opinion is respected). Because this means that many child brides are often uneducated and unskilled, they are therefore dependent on their husbands and in-laws to survive, rendering them vulnerable to various types of exploitation. In short, pulling girls out of school and forcing them into early marriage ensures that poverty will be handed down from a mother to her daughter, and family-to-family, for generations.

More than 60 million girls around the world were married under the age of 18 in 2012, out of which 24% were from rural Pakistan and 18% from urban Pakistan. Child marriage in Pakistan is rooted in poverty and in centuries-old patriarchal traditions, with devastating effects on girls that last lifetimes and generations.

Approximately 30% of girls in the country are married off as child brides. While the practice is widespread, the situation is worst in the interior of Sindh province. Girls living in rural areas of Pakistan are hardest hit by child marriage, with a prevalence rate of 37% as opposed to 21% for girls from most urban areas.

Forced Marriage

Child marriage is only part of the problem; forced marriage of women in general (especially those of religious minorities, as discussed later in this report) are also a prevailing problem. Free and Fair Election (FAFEN), in a recent report, has cited a high increase in forced marriages, with 324 cases being registered in February 2013 and 403 in May 2013. This represents an increase of 24%, with Faisalabad leading with 43 cases. Other districts high in “this crime” in May are Rahim Yar Khan (39 cases) and Vehari (31 cases). The FAFEN governance monitors visited 88 offices of district police officers in May, and reported a total of 985 FIRs of crimes relating to women, around one-fifth (219) of which were related to rape, up 46% compared to February, when 150 such cases were recorded. A total of 33,705 cases were recorded in 88 districts during the reporting month of May, with 21% being cases of attack on modesty, 3% honor killings, and 2% insult to modesty.

Subjugation by Sharia

The CII was also of the view that Islam has set procedures to determine cases of rape and said Islamic procedure should be adopted during investigation. This led to disappointment and alarm in Pakistan when the Council of Islamic Ideology (CII) declared that DNA test results are not acceptable as primary evidence in cases of rape (though it may still be possible to use such evidence in support of confirming the crime). The assertion is regressive: it helps the rapist and is exceptionally insensitive and abusive to rape victims. The CII recommendation refuses to take into account the rights of rape victims and the need to punish the criminals who are proven guilty beyond doubt. Such recommendations also demonstrate how dangerously conservative and out of touch with the times CII is today. It discredits the CII, and the country.

Women comprise more than 50% of Pakistan’s total population. But, on an average, the situation of Pakistani women vis-à-vis men is one of systemic gender subordination and The Global Gender Gap Report by the World Economic Forum has ranked Pakistan as the worst. Although there have been attempts by the government and enlightened groups to elevate their status in society, numerous Pakistani womenfolk, especially in the rural areas, still suffer atrocities, such as rape, acid attacks, honor killings, forced marriages, and forced prostitution.

Cases of Rape

Grown women remain vulnerable to abduction and sexual assault and the rapists find impunity through both common and Shariah law. Rapes occur across Pakistan for an array of reasons – for pure lust, for revenge, to avenge a rejected marriage proposal, for religious and ethnic reasons, or simply to satisfy a predatory man’s desire to exert unadulterated brutality and power. Even more horrifically, they also occur because HIV positive men believing they

can be cured through sex with a virgin. Adding to the unremitting horror, the social stigma surrounding rape frequently leads to the victim committing suicide, often aided and abetted by her own family, or in her being forcibly married to her attacker to preserve her family's "honor." In fact, rape is so common and under reported that the perpetrators in Pakistan are rarely arrested, let alone tried, convicted, and jailed.

Pakistan is especially stunted in attempts to address this problem because women are not secure even in the hands of those that should be providing them security like their parents, relatives, siblings, police, politicians, and the military. Instead of justice they are threatened with death. Religious leaders, instead of fighting to eradicate such crimes against women, are suggesting that even minor girls must wear veils in order to avoid sexual assault.

For instance, impunity has been granted to the perpetrators (from the ruling political party) who dragged a woman to the streets and tied her to a tree with the intention to hang her.²⁰ The police reached the scene just as the perpetrators were getting ready to hang her, but they demanded that the victim pay a bribe in order to file a case against her attackers. The policemen also threatened the journalists and human rights defenders who tried to aid the woman in her fight for justice, and case was filed against unknown persons for interfering in the official work of the police. The Station House Officer says that the journalists and human rights defenders protesting against the police and perpetrators would be booked in the "open FIR."

In another instance, two young sisters were gang raped in custody, and police officials threatened that if anyone complained they would rape every woman in the village.²¹ This was supposedly to solve a four-year old case of abduction for ransom. A member of the Sindh provincial assembly, also a member from the ruling party, is trying to get the rapists released as they helped him to win the elections. The SHO in charge of the police station threatened journalists reporting the case with strict punishment. One junior police officer filed a case against the perpetrators after pressure from government, civil society, and the media, but it appears that the FIR was meant to save the rapists. Consequently, the family members of the victims have left their houses and gone into hiding in another city because of continuous threats from the police and the provincial assembly member. The police are trying to negotiate with the victims and come to a settlement while the SHO is being treated like a VIP in the police lock up and as revealed through various electronic media.

Another incident that took place this year, which exposes the vulnerability of women in Pakistan, involves the gang rape of a poor minority woman in the Tharparker district of Sindh where the lady was raped by five men in front of her husband and three children. The police registered a case against the accused, who are supported by the Mr. Mahesh Kumar Malani, MPA representing the Pakistan People's Party (PPP) in Tharparker. The police of Chachro sub-division have arrested the five accused of committing the crime, but the remaining three are absconding. Medico-legal reports are not in favor of the victim. According to the reports, due to no sign of violence and marital status of the woman, it is not possible to ascertain gang

²⁰ See: AHRC-UAC-114-2013

²¹ See: AHRC-UAC-137-2013

rape though the victim's clothes have been sent to the chemical lab in Karachi for further analysis.²²

The gang rape of a Thari minority woman in Sindh Province who was raped in front of her family. In this case a political party leader has sided with the culprits.

A mother of three, Ms. Yasmin, was abducted by a gang and raped. This also took place in Sindh province.²³

In Peshawar, KPK province, two sisters were kidnapped and held captive in a house where they were repeatedly raped for five days. Later they were thrown unconscious on the road side.

Another girl was raped in Hafizabad by a man who called the girl to his house under the guise of offering her employment. However, after she entered the house of the accused he raped her and fled the scene.²⁴

Vulnerable Status

A different example of vulnerability may be witnessed in the case of a father selling his two minor daughters so that he could undertake a second marriage; the police have sided with the father. The police of two different stations are trying to arrest the first wife, who is hiding with her children, in order to hand over the two minors to their father, in spite of his intent to sell them. The male family members of the first wife have tried several times to lodge a criminal case against the perpetrator but the police refuse to assist them. The man has already murdered four people for not handing over a girl to be his wife and has terrorized witnesses in the case of these murders until they have left the village. The case is therefore pending before the court with little chance of a fair trial as the judge involved is incapable of providing protection to the witnesses.²⁵

Another tragic example is the case of a young woman stoned to death by her uncle and other relatives. Arifa, a mother of two, has been stoned to death on the orders of the panchayat (tribal court) after she was found to have a mobile phone.²⁶

A case that becomes a nexus for two target groups (i.e. women and religious minorities) involves Christian women attacked and paraded naked by a landlord and an armed mob with the support of the ruling party in the village of Kasur, Punjab province. This attack was supposedly provoked after a goat owned by the women's family entered the landlord's fields and that the goat damaged some crops. The mob, after the initial attack, started shouting to

²² See: AHRC-UAC-137-2013

²³ See: AHRC-UAC-119-2013

²⁴ Please refer to: AHRC-STM-178-2013

²⁵ See: AHRC-022-2013

²⁶ See: AHRC-UAC-114-2013

attract the attention of the people nearby to let them see the extent of the revenge and power of the landlord and brandished weapons to insure that no one would challenge them. As a consequence of the shouting, the victim's screaming, and a need to end the attack several elderly people of the village came out and put their turbans on the feet of the attackers (a sign of high respect and honour). After this, the attackers released the women but threatened the villagers that if they complained about the incident they will face more trouble and, using their influence in the ruling party (PML-N) had the local police filed a case against the victims. Conversely, they have not acted upon the complaint of physical abuse filed by the Christians.²⁷

In another case a police officer, with the help of his wife, kidnapped an 18 year old woman, raped her, and then declared her his second wife after having an illegal marriage. According to a report, additional Sessions Judge Tariq Javed ordered the Sadr SHO to register a case against SI Khalid Mehmood Ghuman, currently posted at Satellite Town Police Station, and his wife Sakeena Bibi, on charges of abduction and rape. Bushra Bibi, the mother of the victim, alleged that the accused couple came to her house on June 22 and took her 18-year-old daughter Sadia with them for shopping but her daughter did not return. When she made inquiries, the accused SI and his wife threatened to kill her. Later, her daughter told her the accused policeman had raped her and prepared fake marriage documents. The accused policeman had contracted several marriages and was also involved in the murder of one of his wives. The police claim they are “investigating.”

Forced Conversion

The Jihad to convert Hindu girls is continued unabated under the indifferent attitude of Pakistani authorities. In recent months, seven Hindu girls have been targeted in the conversion to Islam campaign. Of the seven, five have been abducted and converted by Muslim goons. One Hindu girl was abducted and forced to convert to Islam, but she has been subsequently recovered by the police. In another case, the attempted abduction was foiled by the passers-by.²⁸

A case that illustrates this (which also serves a nexus of victim status and related crimes) is that of a young Christian nurse and her family members that have been facing threats and harassment from a former assistant to a minister of Sindh province, an influential landlord, who is trying to forcibly and marry her convert her to Islam. The nurse has been threatened with a disfiguring acid attack, among other things, if she does not marry him and attempts have been made to abduct her from her workplace as well which has forced her to move from hospital to hospital in an effort to avoid these attacks. The severity of the situation has reached the point that the entire Catholic community in Sanghar district is living in fear, expecting an attack from a Muslim mob backed by the provincial government and police who are providing full protection to the perpetrator. As evidence: the Karachi police have also filed a case against the nurse and her parents for stealing cash and gold from the house of the perpetrator and the man has already kidnapped and raped several Hindu girls from nearby

²⁷ See: AHRC-UAC-085-2013

²⁸ Please refer to: AHRC-STM-136-2013

villages but, because of his influence on local police and magistrates, he has never been arrested or tried for these crimes.²⁹

Rape of Minors Rises

Statistics show that cases of child rape have risen from 668 in 2002 to 2,900 this year but rights groups caution that these statistics represent just a fraction of what's going on in the country. There are many cases not reported for fear of backlash from powerful persons and the police. Also, as with other cases of rape, and as alluded to earlier in this section, many instances have been buried and forgotten in hopes of preserving the victim family's honour.

On September 14 in Multan, Punjab, a seminarian who teaches the Quran to children tried to molest a 3-year-old girl; the cleric drugged the girl and took her to a nearby graveyard where he dug a hole for her. A grave digger saw the cleric taking his clothes off and when he approached he saw the child. The grave digger tried to grab the cleric and shouted for help. He later told the police that the cleric initially tried to undress but on seeing other men approach, left his clothes behind, and fled. The girl was taken to Nishtar Hospital, Multan, Punjab, where she was later said to be out of immediate danger.

Just a few days earlier a 5-year-old girl was abducted and raped by an unknown individual who later dumped her, unconscious, outside Ganga Ram hospital in Lahore. As usual, the police are busy doing their traditional "probe." This case was highlighted by the civil society and media, who stood for justice for the little victim but after more than a month, the police had failed to arrest the accused despite footage from several CCTV cameras present at the hospital.³⁰

Another case was reported on September 17 in Daily "The News" that a 6-year-old girl and daughter of a poor bricklayer, was kidnapped sexually assaulted, and left unconscious by an unknown man. The police are conducting an investigation but, as is usual, they have yet to arrest anyone.

On October 19, a 6-year-old girl was been victimized amid Eid celebrations in a densely populated locality in Nusrat Colony near Upper Mall Road Lahore when a man dragged the child into a room and raped her. The victim's mother, Shazia Shafiq, told police that she was visiting her parents on the occasion of Eid-ul-Azha, along with her four children.

In February, in Kot Mithan, Sanhgi, a 12-year-old girl went for Quran recitation, where the imam of mosque had the other children leave before he raped the girl. Later he physically tortured her before fleeing the scene and the girl had to be admitted to the hospital.

On 27 September, the body of 13-year-girl was found at Karachi beach. She had been missing since September 24. Before her death, she was raped by at least two persons.

²⁹ See: AHRC-UAC-109-2013

³⁰ Please refer to: AHRC-ART-108-2013

In month of June, a 12-year-old Hindu girl was raped by imam of a mosque. She was found in critical condition, and has been admitted to the hospital.

A 17-year-old girl from a poor Christian family, Miss S. was raped by three Muslim men in Faisalabad, on September 27. The incident came just weeks after a 10-year-old Christian girl was raped by a 60-year-old man in the same city on August 25. The case provides evidence of escalating abuse of children in Pakistan, especially of Christian minors, victimized by the weight of the country's social norms.

On January 5, 2013, a 15-year-old Christian girl, daughter of Malooka Masih of Village Rooda, District Kausar was undressed and raped returning from the fields after helping her father, by two Muslim men who imprisoned her in a room.

October 12, a six-year-old girl was reportedly raped by her cousin in Orangi Town area of Karachi. Her cousin was arrested after the girl told the police that he was the one responsible for the crime.

A similar incident was reported from Kotri, Jamshoro, Hyderabad, where a 7-year-old girl was allegedly raped by a young man. The girl's father said the victim was returning from tutoring class in the evening.

On September 14, a 10-year-old girl was kidnapped by unknown people and gang raped on her way to school in Faisalabad. The rapists then threw her body in the bushes and fled. She is struggling for life in Faisalabad's Allied hospital, following vaginal and anal tearing.

In June a 9-year-old girl was kidnapped and brutally gang-raped in Bahawalpur and need to be hospitalized. The girl's mother has named the abusers and while local police have launched a criminal case against seven men for the kidnap and rape.

The bullet-riddled bodies of two teenage girls, aged around 14 and 16 years, respectively, suspected to be raped, were recovered on August 6 from the side of a nallah in Gujranwala.

On July 20, a 12-year-old Christian girl in Gujar Khan was gang raped by a group of madrassa students. A teacher who reportedly witnessed the rape stated that they raped her while threatening that they would shoot her in the forehead if she screamed for help.

Naida, a 13-year-old of Swabi, KPK, was returning home when unidentified culprits raped her and then strangled her to death. Following this, they dumped her body in a maize field and fled.

On October 14, a senior police officer and two of his subordinates raped two teenage sisters. The incident took place at a police station in Ghotki district.

A 16-year-old Christian girl was also raped by three men on July 21 in Farooqabad. The three men, who work for the same Muslim employer as her father, overpowered her while she was at home.

In Faisalabad, a 13-year-old girl was kidnapped, raped, and buried alive in a remote muddy grave after the attackers assumed she had died. The girl managed to dig her way out and caught the attention of passers-by who helped her to a local medical centre.

Although this section focuses on crimes against women, it should be noted that girls are not only the victim of this heinous crime. A shocking case was reported about sexual abuse of little boys and they are not safe, even in educational institutions:

In July, a 4-year-old school boy was allegedly gang-raped by a school principal, watchman, and two others in Faisalabad. The father of the victim said that his son was subjected to the sexual and physical abuse and the boy has been suffered severe injuries.

In July, a 12-year-old boy from low class peasant family, was found sitting in a field next to a 16-year-old girl of a feudal family. The feudal lords of the area kidnapped the boy and raped him to punish him for associating with the girl.

Religious Minorities Strangled

Pakistan is a glaring example of extreme religious intolerance. Pakistani non-Muslims, even minority Muslims, are downtrodden and marginalized and their communities have to face brutality at every level – their faith being their only crime. They face increasing religious intolerance that successive governments have done nothing to halt.

Religions in the minority include Ahmadis (declared non-Muslim in the constitution), Christians, Hindus, and Shi'a. These religious groups, their neighborhoods, and their places of worship are targeted with under the pretext of laws designed to protect Islam, or with the use of accusations and mobs that perpetrated mass violence.

The motives behind these attacks are broad. The attacks are not just fueled by religious difference; they also included personal vendettas and property interests that are pursued with knowledge that government response ranges from apathy to support for the perpetrators. The public's response is likewise unsympathetic to the plight of the victims, or at least unhelpful, and leans towards support for the perpetrators. The combination of a variety of motives and an inability or unwillingness to protect these minorities means that the rights of religious minorities are threatened across the board, not just in the sphere of expression.

One common tool in religious violence is the use of blasphemy laws (which we will discuss in depth later). While the laws themselves are somewhat draconian, they are spelled out in an understandable and arguably equal way. However, the ways in which the laws are applied and enforced are unacceptable. Alleged incidents of blasphemy by religious minorities is often used to fuel mob violence, targeted sectarian killings, looting, burning of houses, burning of places of worship and holy books, land grabbing (particularly of Christian graveyards), churches, and properties belonging to Christians and Ahmadis. The Shi'a Islamic

sect has also been attacked by sectarian groups: dozens of Shias have been killed in the presence of the security forces.

Other problems confronting Pakistan are suicide attacks, bombings, and increasing terrorist action by the Taliban, Al Qaeda and others. Additionally, there are incidents of hate based violence against religious minorities, sexual harassment at the workplace against Christian and Hindu women, forced conversion to Islam after abduction, and other forms of degrading treatments by state and non-state actors.

Successive governments have preferred to appease or join forces with the fundamentalist groups and so these attacks, and to a greater degree the prejudices, religious intolerance, and discriminatory practices motivating them have the patronage of the state (as seen in the hate based curriculum in many schools). As a result, the number of killings of innocent citizens by political groups and banned terrorist organizations is alarming.

Religious minorities do not enjoy equal political participation. Political parties select certain non-Muslims political representatives just to buy their vote in the parliament. These so called political parties' representatives have no influence to address the challenges faced by the non-Muslims of Pakistan. These non-Muslim political puppets have no real power and wholeheartedly endorse and obey their parties' leaders, working and campaigning for their respective causes. The selection of token minority politicians in this manner is unconstitutional and is political disenfranchisement of non-Muslim citizens of Pakistan. The non-Muslim citizens of Pakistan are thus unrepresented and virtually leaderless which, in turn, leads to unfairness and frustration. These citizens are suffering because of so-called politicians as they are not capable of raising their concerns in the parliament.

The US Commission on International Religious Freedom (USCIRF) recently published a fact sheet on religious communities in Pakistan, covering the last 18 months. Since January 2012, the Shia community was reportedly attacked 77 times, with 635 members killed and 834 injured. They also suffered 18 bombings and witnessed 46 targeted shootings.

Christians, the second biggest religious community in Pakistan, were attacked 37 times: 11 persons were killed and 36 injured. They were also attacked in targeted shootings that claimed three lives. Five Christian girls were raped. Ahmadis witnessed 54 attacks, including one bombing, 26 incidents of targeted shootings in which 22 Ahmadis were killed and 39 injured.

According to the report, Pakistani Hindus suffered the most in terms of rape. In 18 months, the rapes of at least seven Hindu girls were reported. Two Hindus died and four were injured in 16 attacks. Three Hindus were killed in targeted shootings.

Pakistani Sikhs, a minority within a minority, were attacked three times with one fatality. Smaller minority groups were attacked 16 times, resulting in 46 deaths and 195 injured victims. Pakistani minorities have very few friends in Islamic society. At government levels, they are practically voiceless. The electoral system has few advantages for minorities and their own MPs are not capable of speaking up for them or are under pressure from Government or extremists not to do so.

Christians



Blasphemy laws are undoubtedly a fundamental tool, if not the root cause, of persecution against Christians and other religious minorities, and these groups will continue to be insecure in Pakistan until these laws have been suitably amended. According to some reports, over 1,200 people were charged under blasphemy laws between 1986 and 2012. The number is much higher for those who are accused (not charged) and punished through mob violence and vigilantism. Of the estimated 1,200, at least half are minorities. This is disproportionately high; minorities make up only 5% of the 180 million people living in Pakistan. Christians see themselves as the main targets as they have experienced more attacks on their churches, villages, and members than any other religious minority.

The newly democratic government has failed to curb against the uprising militancy and unable to maintain law and order, let alone due process, in all the four provinces. The government's failure is allowing, and in a sense causing violence against Christians, as seen in Joseph Colony, Lahore, and the Twin Suicide attack on All Saints Church Kohati Gate, Peshawar.



The two deadly suicide attacks on the All Saints Church in Peshawar, the capital city of Khyber Pakhtunkhwa province killed 106 innocent Christians and injured a further 175 persons attending service on September 22. Among those killed were 41 women and eight children. A wing of the Pakistani Taliban, Jindullah Hafsa, has accepted responsibility for the suicide attacks. A spokesperson claimed that the organisation will continue to attack foreigners and Christians until the USA halts its drone attacks on Pakistani soil. He went on to say that Christians are the enemies of Islam and therefore they will continue to kill them, suggesting that the violence will continue regardless. The government, however, has not taken any significant steps against the perpetrators for these attacks.

According to the details, around 500 people attended the Sunday service. At 11:40 a.m. as the priest ended the service and the



parishioners were about to leave, two suicide bombers entered the Church and detonated their bombs. There were two explosions which left the dead and dying across the floor of the Church. The force of the explosions left gaping holes in the walls. Appallingly, delays in the emergency services provided by local authorities resulted in more casualties.³¹

The burning of Joseph Colony was also responsible for eroding the security of Pakistani Christians. St. Francis Church Kot Lakhpat Church Lahore, Oblates of Mary Immaculate Church, Convent, School and Bishop's house in Quetta, Balochistan province, were also attacked and Christian Pastors and Missionaries have been threatened with violence, further attacks, and death. One example from November 4, 2013, is a Christian Colony of more than 150 households located at Wasan Pura, Raiwind Road, Lahore, was threatened through a pamphlet. The residents were warned that if the colony was not abandoned willingly they would be burnt and killed.³²



Similarly, ransacking, looting and burning of 180 Christian houses in Lahore, the capital of Punjab province occurred, likely at the behest of the government of Punjab and land grabbers.

The incident began as an alcohol fueled quarrel between three Christian and Muslim friends. The dispute happened on Tuesday, March 5 but after three days local authorities pressured the Muslim involved in the initial dispute, a friend of a Christian alleged to be a blasphemer, to lodge a FIR with the

police station on Friday, March 8 which they then used to incite a mob to attack the settlement and inevitably to appropriate the land and property owned by the Christians.

On March 8, during the Friday prayers, it was announced through the mosque loud speaker that a man named Masih committed blasphemy by passing remarks against the last prophet of Islam. The police who were already prepared arrested Masih when a crowd attacked the community under the leadership of Imran. In the ensuing incident they beat Masih's father seriously. The police asked the community to vacate the area as there were chances of further attacks, totally ignoring their responsibility to protect members of the religious community. The police left the area thereby providing a perfect opportunity for the attackers to return the next day, March 9. It is unconscionable that among the attackers were members of the assembly and even one from the national assembly, Mr. Riaz Malik. There was also one member of the Punjab provincial assembly,



³¹ Please refer to: AHRC-STM-172-2013

³² See: AHRC-UAC-085-2013

Mr. Asad Ashraf. Both of these men are from the ruling party of the province, the PML-N.

The three Christian women who were severely beaten and paraded naked by armed men and a local landlord over the alleged crimes of their goat (as previously detailed in the section on women's rights) is another case where religion played a role.³³

The case of Adnan Masih, previously mentioned in the section on torture, is also an example of religious discord. After his death, and in a bid to fool the Christian community, senior police officials announced that all police officers involved in the matter, including the SHO, had been arrested and suspended, and that an inquiry would be conducted. The inquiry was purely internal and quickly exonerated the officers without any acceptable explanation.

A member of the Punjab assembly, Mr. Asghar Munda (who is from the ruling party) urged the police to release a Muslim man who allegedly abducted a Muslim girl, telling the police to punish someone from the Christian community instead, a request the police complied with. Senior police officers are continuously intimidating the family members of the victim, telling them to withdraw the charges against the police. The senior officers have threatened that, if charges are not withdrawn, the family will face severe consequences. The police officers demonstrated their hate against Christians during the boy's illegal detention. They said that such young people need exemplary punishment when they dare to have friendships with Muslim girls.³⁴

A Christian, Sajjad Masih was sentenced for life imprisonment in a blasphemy case in Toba Tek Singh. A Christian couple was blamed for sending blasphemous text messages and a blasphemy case FIR No. 407/13 offence under section 295-C of the Pakistan Penal Code (PPC) was registered at police station Gojra City. Christian Pastor Asif Pervaiz based Lahore was likewise accused of sending blasphemous text messages and a blasphemy case FIR No. 675/13 offence under section 295-A, 295-B & 295-C of the Pakistan Penal Code (PPC) was registered at the police station Township, Lahore. Three Christian men namely Mushtaq Masih, Irfan Masih and Adnan Masih falsely accused for writing derogatory remarks against Prophet Muhammad and blasphemy case FIR No. 678/13 offence under section 295-A, 295-B & 295-C Pakistan Penal Code (PPC) was registered at the police station Green Town, Lahore. A Christian woman namely Martha Bibi fled from Pakistan to Sri Lanka, after she was booked in a false blasphemy case FIR offence under section 295-B of the Pakistan Penal Code (PPC). Victim Younis Masih, also accused of blasphemy was acquitted by the honorable Lahore High Court, after 8 years of imprisonment and degrading treatment, when no evidence related with the blasphemy was found against him.

Iqra (24), a Christian from to a poor family (mentioned in the section on torture) was also denied justice. Iqra, in an effort to help her father, was working as a housemaid at the house of Arif Gujjar, an agriculture land owner from the same locality. After working there for several days Iqra noticed that Arif Gujjar was looking at her with evil intentions.

³³ See: AHRC-UAC-085-2013

³⁴ See: AHRC-UAC-099-2013

Iqra's parents informed Arif's family of the problem and at the same time told them that she would not continue her job. On July 28, 2013 Arif Gujjar learned that Iqra was leaving and attempted to rape her. The attempt failed, but he kidnapped her and held her at his Dera: a place usually used to store livestock and agricultural articles. He then called four police personnel and suggested that they all rape the girl. Fortunately, Iqra managed to escape and narrated story to the parents before they could assault her.

Arif Gujjar was infuriated at his failure to rape the girl and at her escape, and shortly thereafter the four police constables raided her home. After breaking in through the main entrance the police officials started assaulting the girl by slapping her face, kicking her, and punching her before throwing her to the floor in the yard. The police warned her parents and family members not to intervene while Arif Gujjar tore off her clothes. Arif Gujjar and the police constables then threw her into the street where she was forced to run naked and take shelter in the neighbourhood. No case has been filed against the perpetrators.

Ahmadis

Ahmadi Muslims in Pakistan continued to be persecuted, prosecuted, humiliated, harassed, tortured and subjected to target killings. In the very recent past hundreds of Ahmadis have been murdered for their faith and belief and this horrifying brutality continues.

It is a fundamental tenet of democracy that all citizens have certain rights and freedoms, of which freedom of faith is an integral part. In Pakistan, however, the Ahmadis, a sect that claims to be an ardent follower of Islam, has been declared as non-Muslim by national law, are excluded from the electoral system on account of their faith and beliefs. They cannot register as a voter because all Muslims in Pakistan, have to make a mandatory declaration pronouncing the Founder of the Ahmadiyya Community as an imposter and a liar in order to get their I.D cards which are essential for registering as a voter.

These devious, and frankly unacceptable, procedures have usurped the fundamental rights of Ahmadis for decades and prevents them from standing as candidates for any assembly, national, provincial or even district. Ahmadis have no representation even in the town council of their own town Rabwah, Nasim Nagar, Punjab, where they make up 95% of the population. The Government of Pakistan thus has not only denied them their freedom to faith, belief and practice, but also proactively victimizes them socially, economically, and educationally.

Since the promulgation of the anti-Ahmadi Ordinance XX (No. 20) of 1984, at least 231 Ahmadis have been murdered because of their faith. 51 of these casualties were in Sindh, including 21 in Karachi. Most of the victims in Karachi were well-known professionals in their fields. Not a single killer of Ahmadis has ever been arrested, which shows that Pakistani authorities are colluding with the killers. But even where the persecution against Ahmadis does not result in murder, there are countless ways in which the local authorities, or even the public, can intimidate, marginalize, and abuse this minority.

Mr. Bashir Ahmad Kiyani (70), was shot dead while on his way to Friday Prayer Services at the nearby Mosque in Korangi, Karachi. This was the culmination of the previous three months when both Mr. Kiyani's son and son-in-law were also killed by Muslim fundamentalists. This happened in spite of his good reputation in the community and had no apparent personal disputes with anyone. Instead, it appears he was killed purely and simply for his faith as an Ahmadi.

On September 4, Ijaz Ahmad (36) left his house in Karachi for work as usual in the morning and on the way two unidentified motorcyclists approached and shot him at point blank range; the bullet struck him in the head and he died while being transported to the hospital. His brother-in-law, Mr Muhammad Nawaz, was also killed in Orangi Town last year for the same reason. The only motivating factor in both deaths appears to be that they were Ahmadi.

On August 31, an Ahmadi homeopathy doctor, Syed Tahir Ahmad, was murdered as he was working in his clinic by an individual pretending to be a patient. As with the previous cases, no motive other than religious hatred has been found.

On August 21 another Ahmadi, Zahoor Ahmad Kiyani, was gunned down outside his house by two unidentified motorcyclists at 11.30 in the morning, the victim of an apparent target killing on the grounds of religious hatred in Karachi.



Assailants killed Mr. Jawad Kareem, an Ahmadi, at his home because of his faith. Kareem, a resident of Green Town, was coming downstairs to go to meet his wife at her clinic, when unknown assailants entered his house and shot him. The bullet hit him in the chest. On hearing the noise from the attack, his elder brother, who lives on the ground floor, came out. The assailants fired a few shots in the air, and told him, "Next, it is your turn."



Mr. Hamid Sami (48), a chartered accountant, was shot dead in the afternoon on a busy road on June 11, 2013. He was in a car on his way home from work with a friend and a business colleague accompanied him in the car when unidentified men on motorcycles approached his car and shot him at least 6 times, killing him on the spot. On June 11, 2013, Mr. Naveed Ahmad, son of Rasheed Ahmad, was shot by three unknown men, who came to his shop on a motorbike. They originally had asked for water, but when they came inside the first one pointed a gun at him and when he resisted he was shot in the face and the liver.

On May 31, in Pasroor, Sialkot district, Punjab, Ahmadis offered their congregational Friday prayers at the residence of the local missionary, as they do not have their own mosque as authorities do not allow Ahmadis to build a place for worship. A police inspector arrived there while Ahmadis were during the ceremony and told the Ahmadis they were not allowed to offer prayers there. The Ahmadis explained their position to him and the inspector demanded an NOC (a No Objection Certificate that relates to certain types of cross-border business practice) authorizing the practice. When he was told that there is no need for an NOC, the inspector said, "They are offering prayers in the mosques and you are offering it in a

house, so you need permission. I need to enforce this in view of the law and order situation." Ahmadis then went to a senior police official for help, but he told the Ahmadis not to say their Friday prayers until he had spoken to the Mullahs (who by law and custom regard Ahmadis as non-Islamic and would certainly not help them).

A religious fundamentalist, Muhammad Yaqub, filed an application with the police to register a case under the blasphemy law against the Ahmadi editor and publisher of the weekly '*Lahore*' paper (along with two other people) for the production and distribution of 'objectionable' material. He also approached a local judge to order the police to register the case. The move was supplemented by a vigil by the Khatme Nabuwwat activists against the office of the weekly publication. In the face of this threat, the editor, Yasser Zeervi, had to stop going to his office, and the publication of the weekly paper came to a stop. On June 13 2013, at around midnight, a group of policemen, accompanied by 3 Mullahs, broke the locks, went inside the office where they collected various books and publications. The presence of the Mullahs with the police party is intriguing, and raises serious questions as to the control local religious leaders exert on law enforcement. Mr. Hamid Hussain, an Additional Sessions Judge, ordered the police to register a case under the Ahmadi-specific clause PPC 298C. The case is registered in FIR 282/2013 in the Mazang Police Station, Lahore.

Another example of religious leaders using law enforcement against Ahmadis occurred on June 26: two policemen and one man in civilian clothing came to a large Ahmadiyya mosque in Shaikhupura, Punjab, and told the management that a Mulim fundamentalist, Maulvi Manzoor Vattoo, had filed an application against the Kalima (Islamic creed) written outside the Ahmadiyya mosque and demanded its removal. The management told the visitors that it was not Ahmadiyya practice to remove the Kalima and they also would not allow a private party to do so (as to do so would be considered blasphemy). Thereafter, four officials from the CID (Criminal Investigation Department) visited the site in the evening and repeated the mullah's demand and were given the same reply. Then, at around 10:30 p.m., police officers arrived in two vans led by a District Superintendent of Police (DSP) and an inspector and four constables came to the mosque gate, climbed up, and defaced the Kalima.

In a similar case another fanatic, Mullah Rana Muhammad Tufail, lodged a complaint in the Model Town Police Station that the Ahmadis had inscribed Quranic verses on their graves at Model Town. He insisted that the epigraphs containing these texts should be removed. Hassan Mavia was a witness in the case, the trial of which has been ongoing for a long time. Then in January 2013, unknown miscreants entered the graveyard, desecrated the graves and demolished the epigraphs containing holy verses. It is believed that Hassan Mavia was the person behind this incident.

On June 14, the police came to Chak 107 RB Sharqi village and forbade local Ahmadis to proceed with the construction of a mosque that was being built inside an Ahmadi's house and was near completion (as mentioned in the introduction to this section, it is illegal for Ahmadis to construct mosques). The president of the local Ahmadiyya community, Mr. Munawwar Ahmad, was called to the police station where the DSP and the SHO pressured the Ahmadis into promising to demolish the mosque by June 16. The Ahmadis claimed that they only agreed because they are trying to resolve this matter peacefully as they feared that the

government would get help from miscreants to attack locations where Ahmadis assemble for worship and arrest Ahmadis *en masse* for such violation of laws.

The police raided the workshop of a book-binder, Syed Altaf Hussain, and arrested him, his son, and his workers on February 22. Although they were not Ahmadi themselves, they were charged with binding books for others that were Ahmadi. Two days later, the police released four of the detainees but kept Syed Hussain in detention at Old Anarkali police station. Mr. Asmatullah, an Ahmadi, who was also implicated in the Black Arrow case, had been granted bail in that case but was not released because he was also involved in this case. Syed Hussain and Asmatullah are still behind bars. The court heard their pleas for bail but rejected them sending a clear signal that merely assisting Ahmadis is also considered a crime.

On April 10, the police registered a case against the editor, Mr. Abdul Sami Khan, and the printer, Mr. Tahir Mehdi Imtiaz Ahmad, of the daily *Al-Fazl*, as well as four others, under the Anti-Terrorism Act and Ordinance XX (which is widely considered anti-Ahmadi). The latter four accused are Mr. Khalid Ashfaq, Mr. Tahir Ahmad, Mr. Faisal Ahmad and Mr. Azhar Zareef, and they were arrested in Lahore by the Islampura police. On May 7, the judge granted bail to two of victims, Mr. Azhar Zareef and Mr. Faisal Ahmad, and denied bail to the other two, Mr. Khalid Ashfaq and Mr. Tahir Ahmad who remain behind bars. Lahore High Court heard their pleas for bail on June 6 and rejected them.

On April 28, 2013, Muhammad Hassan Mavia, a known religious leader of the area along with his associates targeted a prayer center in Gulshan-e-Ravi. He registered a complaint with the help of his followers who live adjacent to the prayer center; they would later claim that an unknown person had broken into a follower's house, ran away, and was hiding in the prayer center. Hassan Mavia came on the scene with his mob, forcibly entered the building, searched the premises (in the presence of the police who did nothing to prevent them), collected books from the library, and arrested seven men, a woman, and a twelve-year-old child who were then taken to the Gulshan-e-Ravi Police Station. The woman and child were released at 3 p.m. but a report was registered against the arrested persons on based on the fictional allegations and the police sealed the Prayer Center and the arrested persons were transferred to the Central Jail.³⁵

In another incident, on April 10, an Ahmadi boy named Khalid Ashfaq was delivering an Ahmadi Newspaper, ALFAZL to the house of a member of the Jamaat when Hassan Mavia along with members of his mob seized the boy, tortured him and confiscated the newspapers. Later a case was registered against the boy under 295-B, 298-C of the Pakistan Penal Code (PPC) and Section 11 of the Anti Terrorism Act.

A previous incident incited by Hassan Mavia occurred in January 2013 the attack was on the house of the president of the Ahmadiya Community, Garhi Sahhu, Mr. Abid Chughtai. The names of Allah were removed from the walls of his house, allegedly by the followers of Hassan Mavia.

³⁵ Please refer to: AHRC-STM-086-2013

Hassan Mavia's harassment continued in the same month when he lodged a complaint under charge sheet 298-B of the PPC against a 16-year-old boy, named Atif Ahmad, in Samanabad Police Station. The case was registered for keeping religious books by the young boy. Later he was arrested and due to the threats by the plaintiff the family was forced to flee to a safer location.

On March 25, a crowd of more than 60 people attacked the house of Mr. Malik Maqsood Ahmed Anjum, a resident of Shamsabad, sub district, Choonia, district Qasoor, Punjab. The family members (including women and children) locked themselves inside for their protection but the crowd broke open the doors and dragged all of them out. Anjum was beaten by the crowd with iron rods, sticks and fists and kicked before the family, and forced to convert to "Islam" and leave the Ahmadi sect. When he fell unconscious, the attackers left him on the road thinking that he was dead. The attack was witnessed by at least 10 policemen present at the scene but none of them intervened to prevent the violence. After the incident a police party from Chooni police station finally arrived and rather than providing assistance to the victim, they assumed he was dead and threw him in a police jeep. The police then took him to the district hospital of Choonia and, when Anjum was found to be still alive, the police left instead of investigating or gathering evidence and testimony. In response to this incident, the local authorities have announced that all the Ahmadis should immediately leave their houses and vacate Shamsabad village as the local people do not want Ahmadis in their village.³⁶

These are tragic incidents which have become the fate of Ahmadis in Pakistan. The Government authorities intentionally deny Ahmadis any protection or security. The judiciary too takes no notice of Ahmadi cases and Ahmadis are discriminated against in every sector of life. The dissemination of anti-Ahmadiyya hate literature is also constantly on the rise. The government can stop this but they are consciously ignoring it so that a religious fanaticism can be promoted.

Hindus

Hindus are the largest minority community in Pakistan. They make up about 2% of the population of 180 million and most of them live in Sindh province. The members of the Hindu community also remain victims of persecution by Islamic fundamentalist groups. As addressed in the section on women's rights, girls and women are abducted, forcibly converted to Islam (often after being raped), Hindu businessmen are abducted for ransom and only released after paying huge sums of money, and their houses are attacked and ransacked in an effort to drive them away. In essence, Muslim fundamentalists have launched a Jihad (holy war) against Hindus and treat them as Indian not Pakistani even though they have been living in the border areas of Sindh and Punjab provinces for centuries.

The Jihad to convert Hindu girls has continued unabated under the indifferent attitude of Pakistani authorities (as alluded to in the section on women's rights). It has been alleged by the Hindu community that girls are sold to the Taliban after they are converted to Islam.

³⁶ See: AHRC-UAC-050-2013

In the course of several months, seven Hindu girls have been targeted in a conversion campaign. Of the seven, five have been kidnapped and converted by Muslim abductors (though one girl has subsequently been recovered by the police). In one case, the attempted abduction was foiled by passers-by.

The Muslim abductors have also begun using new modus operandi. In one case, a Muslim man first became the "brother" of a Hindu girl, and also observed the *Rakhi Bandhan*, a custom cementing the bond between brothers and sisters. Later, the same 'brother' abducted his 'sister' after which, he marries her. Local religious zealots encourage this by emphasizing that such men will be rewarded after death for converting someone to Islam. This thinking was evident in the decision of the Supreme Court in the case of Rinkle Kumari and Dr. Lata. The Court decided in favour of perpetrators hailing from a notorious seminary that abducted and converted Rinkle Kumari to Islam. The Chief Justice himself met the abductor of Rinkle Kumar during Friday prayers and congratulated him for converting a Hindu girl to Islam.

This case illustrates how abductions are music to the ears of Muslim fundamentalists and powerful local elements that operate freely within and around the local administration. Furthermore, these incidents do not appear to be a concern of the provincial governments, especially in Sindh. In fact, there is evidence to suggest they are even complicit in some of the cases.

According to advocate Veerji Kolhi, President of Progressive Hindu Alliance and Council for the Defense of Bonded Laborers, two Hindu sisters belonging to a low Hindu caste were abducted on 7 July 2013 by armed men from their village Kohli Vairi, located in Nangar Parka Taluka, Tharparkar District, Sindh. The girls, Ms. Tarki (16) and Ms. Beena (14), daughters of Vanoon Kohli, were abducted by Hanif Nohri, Inayat Nohri, Majnoon Nohri, Jamal Nohri and Ismail Khoso, residents of Bado and Jud'dan villages located in the same taluka and district. They forcibly entered the house of the Kohli family in the night at 8 p.m. Mrs. Savarian Kohli, mother to the girls, was taking dinner with her children when the armed men entered her house. The abductors are alleged to be henchmen of the former chief minister of Sindh who has now joined the ruling party, the PML-N. Mrs. Kohli fears that her daughters will be moved to another location, converted to Islam forcibly, and/or killed by her abductors, as they are powerful and have great influence in the area. Demonstrators also appealed to the authorities to search the madressas for the recovery of the girls.

According to the Internationally Unity for Equality (IUFEE), on 28 June 2013, a Hindu girl Ms. Rekha was abducted by Mr. Yaseem Lashari when she was on her way home from her work place. Rekha and her mother, Naavi, work in the factory where they met with Yameen Lashari. He made Rekha his sister and Rekha tied him a Rakhi (thread cementing bond between brother and sister, tied on the Hindu festival of Raksha bandhan by a girl around the wrist of boy, making them both brother and sister). Lashari became close to the family. He often visited their home. One day Rekha didn't come back home from work and on the same day Lashari was also absent from the work place. Navvi realized that her daughter had been abducted by Yameen. She filed a case of kidnapping against Yameen Lahari. On the day of the hearing the couple came to court and Naavi tried to meet with her daughter, but Lashari did not allow them to meet and talk. He abused and insulted Navvi and told her to get out of the court. Navvi informed the police about the incident but police didn't take any action. Later,

one day, Lashari informed the mother through a messenger that he and Rekha have gotten married and there is no need for her to follow them.

Jamna Kumari (12), was abducted by influential persons from village Arbab Rind, located near Bhit Shah, Hyderabad. According to the father of the girl Altaf Rind, Pathan Rind, Wazir Rind along with their companions entered his house, looted cash, gold, and other valuable things. After looting, the men dragged out and took away his daughter Kumari. He filed a FIR against the criminals and the Bhit Shah police arrested the men, but after taking bribes, the police released them. The perpetrators are said to be from a religious seminary. The whereabouts of Jamna is still unknown. Her Hindu family fears that the girl will be sold to the Taliban in Peshawar, the capital of Khyber Pakhtunkhwa, after her forced conversion to Islam.

Likewise, the kidnapping of a Hindu girl, Manisha Kumari (14), from Jacobabad in Sindh on August 7 sparked widespread concern in the minority community.

In March 2013, Ganga (18), daughter to gold trader Ashok Kumar, was abducted at dawn from her home located Jhanjhri Street, Sarafa Bazaar, in the limits of the City Police Station, Jacobabad. Mr. Asif Ali, the son of another gold trader Bahadur Ali Surhio, converted the abducted girl to Islam and married her. The marriage ceremony took place at the Amrot Sharif shrine. A FIR was lodged by the parents of the girl against Asif Ali, Bahadur Ali Surhio, and Miran Bukhsh. This abduction occurred at the time of the election of the Hindu Panchayat, which was postponed until this incident could be resolved. A big protest was organized against the alleged abduction and forced conversion. The protestors demanded protection of Hindu girls and Hindu people. They demanded the reunion of Ganga with her family.³⁷

Such cases are so prevalent that, according to the Hindu Panchayat, every month around 20 girls are abducted and forcibly converted to Islam. The role of officials in the police and in the Courts is clearly questionable in these cases and the general view is if they were to act in accordance with the laws of the country, they would stand to lose the reward awaiting them after death for such a conversion. Furthermore, there is fear that the majority Muslim society, especially the more fundamentalist sects, will retaliate against them, declaring them as infidels or agents of India.

The Hindu community has protested that even after forcibly converting the girls to Islam and marrying the girls, the perpetrators never allow the girls to meet with their parents. In many such cases even the courts have not allowed the girls to meet their parents. In the case of Rinkle Kumari and Dr. Lata the Supreme Court did not allow such a meeting to take place for fear that the real story would be told. As a result the two following cases stand out as being unusually successful.

On April 6, six people riding motorbikes tried to abduct a Hindu woman from a bus near Toban Shakh, in Kanri, Sindh. The bike riders stopped the passenger bus and tried to drag out

³⁷ See: www.sociableinfo.com/hindus-protest-after-woman-converted-to-islam-in-pakistan/#.UeY5sG2bFVU and www.awamiawaz.net/jacobabad-protest-4

a married Hindu woman, Ms. Tarri, from the bus. When they were pulling her, she cried and shouted loudly for help. Other passengers and bystanders near the bus came to her aid and the perpetrators ran away. The Hindu community tried to file a first information report at the Kinri police station, but even after six hours of making the complainants wait, the police refused to file a case because, according to the police, the incident took place outside the limits of the Kinri police station.

The *Daily Awami Aawaz* has recently reported that the case of Hindu Girl from Tendo Jam village who was kidnapped on the pretext of a “love marriage” has been solved. Police have arrested a man, Mr. Mohammad Ali Machi, along with a woman, said to be his sister. There was an emotional scene in the police station as the girl, upon seeing her father Lilaram and mother Laxmibai, embraced her mother and started crying. In her statement the girl said that she came to Korti with her maternal uncle. She visited a dargah to seek blessings, after which she proceeded to the Md. Ali Machi residence where she was forcibly taken to Kinri, converted to Islam, and married to Md. Ali Machi. She pleaded to be handed over to her parents. After recording the statement of the girl, the police arrested Md. Ali Machi, along with his sister Zarina. A case of kidnapping has been registered against them.

In the absence of fair trial, the Hindu community continues to fall prey to “Islamic Justice” often as it is defined by the perpetrators. The role of higher judiciary is dubious in dealing with forced conversion of Hindu girls. The courts particularly Supreme Court, has given the impunity to the perpetrators of abductors of Hindu girls.

Additionally, there are many Islamic seminaries (Madressas) operating freely and provide shelter to the abductors and victims. Some seminaries are running under the political leaders. The media and right based organizations have several times pointed out the places which are involved in such business but authorities did not take action.

To avoid these abductions Hindu families have begun trying to keep their girls in their house (which, as some of the aforementioned cases illustrate, is not always enough). Others take advantage of religious festivals in India and use them as an excuse to Pakistan altogether and gain asylum status in the neighboring country. This includes at least 600 Hindu families including one member of the provincial assembly, Mr. Pervani so far. Another impetus for this is that the Hindu community feels that Pakistan is determined to exist as an Islamic state, comprising only of Sunni Muslims. The policy of the government is to subject the minorities to terror attacks and push them to wall, allow terror to sink in enough to cause a general exodus, mainly towards India.

The Hindu Panchayat of Pakistan also revealed that Hindu community in Mirpurkhas, Sindh, bordering with India and its surrounding areas are being targeted by criminals and that Police pay no attention to their plight. Hindu families are consequently left with no option but to leave Pakistan. Evidence of this is, the homes of 70 Hindu families in Mirpurkhas and nearby areas were burgled in a short period of time, two youths were killed for not paying extortion money, and two kidnapped businessmen were freed after they paid millions of rupees as ransom. However, following the reports of the exodus, Pakistani immigration authorities stopped 250 Hindu pilgrims on their way to India at the Wagah

border, last year. The Hindus were allowed to travel to India after leaders of the community assured the government that they would return to Pakistan after the pilgrimage.

With no let up in the incidents in which Hindus were targeted, members of the Hindu Panchayat sent letters to the Indian High Commission and the US embassy, seeking their help. Perwani, a former member of the Sindh Assembly, said the step of writing to foreign missions was taken after the police and politicians did not address their grievances.

Kidnapping for dispute or for ransom is also rampant here as elsewhere. Members of the Hindu community, especially traders and professionals like doctors, have been the target of kidnapping for ransom and extortion demands in the restive southwestern Balochistan province. A three-year-old Hindu girl in Pakistan was rescued by police here in an operation during which her four captors were killed. Mahi Suchdev, daughter of Sunil Sachdev was kidnapped in July from the hospital where both of her parents worked and a ransom of Rs. 50 million was demanded by her kidnappers.

Mohan Meghwar, a student of Mehran Engineering University, Jamshoro was kidnapped by Pakistani law enforcement agencies.

Ramesh Kumar, the finance secretary of JSMM is on close watch of the ISI, the agency is believed to be involved in extra-judicial killings of the Hindus to pursue their vendetta (The Megh Samaj has been facing special hatred from the Islamists for their one time influence over Sindh) by labeling them as political activists whom they then brutally kill. The frustrated Islamists have thus started treating the Hindus as third class citizens and the Megh Samaj are treated worse yet.

The rape of Vijyanti Meghwar (5) from Hyderabad this year is a dark example of this scenario. After a couple of weeks the same Islamists brutally mutilated and beheaded a Meghwar boy in the same area only because a Muslim girl loved him. The JSMM and JSQM protested this killing.

Sikhs

The Sikh Community protested over the desecration of their holy book Guru Granth Sahib across cities of Interior Sindh as Dal Darbar in Panu Aqil, Guru Nanak Darbar in Mehar Taluka of Dadu District, Samadha Ashram, Sajal Sher Jhooleylal Darbar and Khatwari Darbar in Shikarpur. Since, as mentioned blasphemy laws are written to be fair, this should be punishable in much the same way that accusations of blasphemy against Islam are. However, these cases are largely ignored by the government and Muslim majority of the public.

A Sikh namely Mahinder Singh, resident of Khyber Agency was kidnapped in 2012 by a militant group and in January 2013 his beheaded and chopped dead body packed into a sack and dumped at Zakhakhel Bazaar in Khyber Agency. The motivation appears to be religious hatred.

Shia

As usual the year 2013 was dark year for the Shia Muslim religious community which remained prey to the militant and sectarian groups of Sunni majority, just as the previously mentioned minorities have. The year 2012 ended with the killing of Shia and the new year of 2013 started with the killing of Shia in Balochistan province (as noted in the section of this report dedicated to killings) which has been under the control of security agencies since 2000. In 2012 more than 325 Shias were killed in targeted attacks, bombings and suicide attacks that took place across the country. This continued as, in the first two months of this year alone, 225 were killed in bombings in Quetta, the capital of Balochistan province. The first one took place on January 10, and killed 90 people. Then in the short space of just one month and seven days, another blast occurred which cost the lives of 107 people. In both incidents more than 500 people were injured. The second bombing took place despite the presence of the army, the FC, and more than three intelligence agencies working under the military command.

After the first blast on January 10, the government suspended the assembly of the province and imposed Governor's Rule in a bid to control the sectarian terrorism. However the efforts seem futile as the root of the issue has not been properly addressed. In a similar manner acts of bloody terrorism have been ongoing in different parts of the country for more than a decade. They are carried out by well known and identified militant groups, particularly in Karachi and in many parts of the Khyber Pakhtoon Kha province.



Various terrorist groups view the Shia community as an easy target since sectarian groups have safe havens in Punjab province where the government has provided them political patronage. The ruling party in the Punjab province and federal governments have allotted party tickets or made alliance on 50 candidates in the general elections of May 2013. Because of alliance the ruling party was able to get majority and defeated secular parties. The Shia community blames the ruling party and its ministers for providing offices and training centers to the banned sectarian parties which are routinely victimizing the Shia.

In this decade alone, more than 2000 members of Hazara community have been mercilessly targeted and killed (with over 2000 children have killed or wounded) in the southwestern town of Quetta of Pakistan's turbulent Balochistan province, though Many more Shia Muslims have been killed in northern areas of Pakistan such as Gilgit, Baltistan, Parachinar and Chelas as well. The non-state militias i.e. Lashkar-e-Taiba, Jaish-e-Muhammad, Sunni Tehreek, Ahle Sunnat wal Jammaat, etc., throughout Pakistan all claim their goals are based in Islamic Sharia. and often, with support from the military establishment (especially after 2010), they engage in mass killings of Shias and other minorities reminiscent of the holocaust in the 1930s and 40s in Nazi Germany. These organizations though proponents of dissenting sects have never clashed on sectarian lines, instead they find common ground by actively targeting unpopular political parties, Shias, and other disenfranchised groups.

Near the end of November, after clashes between Shia and Sunni sects in Rawalpindi, garrison city, that left hundreds dead, the prime minister instructed the authorities to adhere to a 2004 ban of using mosque loudspeakers for anything other than prayer in hopes of preventing their use in stirring further violence and hatred. Nevertheless, banned organizations are holding public meeting and using loudspeakers with impunity throughout the country, as well as graffiti blaming Shias as the Infidels and inciting people to kill them and many of the banned sectarian parties that perpetrate this violence have been allowed to collect funds openly in the streets

The role of the Supreme Court in the deterioration of justice is also a cause for alarm. To date the judiciary has acquitted more than 900 militants. The judiciary's pliant sympathy for fundamentalists and other extremist organizations is a matter of public record.

On November 22, two bomb blasts hit a Shia based community, the Ancholi, Karachi, where 8 people died on spot. The Tehreek-e-Taliban Pakistan (TTP) claimed the responsibility and announced that killing of Shia will continue.

On November 15, at least 11 people were killed and 50 wounded when gunmen opened fire on a Shia Muslim religious procession in Pakistan as it passed a Sunni seminary which lead to violent clashes. The police, who were conspicuously absent during the battle, responded with a four day curfew.

In November, 18 people were injured in two separate blast near Shia mosques in Karachi as Pakistan was on high alert ahead of street processions for Muharram, the mostly Shia Muslim gathering that begins for mourning. In a separate attack the next evening, a grenade was thrown at a police check point near another Shia mosque injuring two policemen, according to Amir Farooqi, a senior superintendent of Karachi police.

The police in of Gujranwala killed six men believed to be from Lashkar-e-Jhangvi, a Sunni sectarian group, suspected of planning a suicide attack on the main Shia procession.

On November 1, heavily-armed militants shot and killed six Shia Muslims in Mach, in Pakistan's troubled southwestern province of Balochistan. Security sources said the attackers managed to flee the scene before policemen cordoned off the area. No groups or people have yet claimed responsibility for the deadly attack, but pro-Taliban militant groups have been blamed for such attacks in the past.

On November 11, a Shia Muslim was shot and killed and his Sunni co-worker was injured when LeJ's terrorists of Sipah-e-Sahaba stormed into their shop in North Nazimabad, Karachi and fire at them. Asif Rizvi and his Sunni co-worker Ashraf were sitting in their shop in Mianwali Colony. The terrorists stormed into the shop and opened fire. In the aftermath the victims were rushed to hospital in critical condition where Asif Rizvi succumbed to his wounds.

On November 4 in Karachi 5 Shias were among 7 people killed in sectarian attacks in the city. In one of the incidents of violence, a Shia doctor was gunned down by unidentified armed men, riding motorcycles near Liberty Chowk, Tariq Road. while standing near his

apartment; he died instantly. Separately, a medical technician at the Leprosy Hospital in Manghopir was killed in Garam Chashma area. The victim, identified as Sher Ali, was going to drop his children to a nearby school on his motorcycle when unidentified armed men on motorcycles intercepted him and opened fire. Initial investigation suggests it was a sectarian attack and an outlawed organisation was behind the attack.

In Karachi, a tailor from the Shia community was gunned down along with his friend while three others were also injured in the attack. The tailor was identified as Nadeem Raza, his slain friend Shoaib and the injured Mohsin, Sohail and Imran. They were present inside Nadeem's shop when at least four armed men, riding two motorcycles, opened fire on them and escaped. Another Shia man was shot dead in the Gulshan-e-Iqbal area. According to police, the deceased was identified as Muhammad Shan. He was walking in the area along with the Zuljinah when armed motorcyclists opened fire, killing both Shan and Zuljinah on the spot.

Separately, a man, Mansoor, was shot dead near Dabba Mor in Orangi Town while the bullet-riddled body of a man, Abdul Rasool Baloch, was found in Baldia Town. Following the killings, hundreds of Shias staged protests in Shia-dominated areas, including Ancholi and Abbas Town. Shia leaders also condemned the killings and declared it failure of the government and law enforcers.

Shias are not immune to persecution by blasphemy law either. Mr. Hamid Hussain (25) was arrested and taken from his house at 2.30 A.M. on 21 March 2012 in a FIR which was lodged on December 29, 2011 on the charge of blasphemy under sections of 285-A, 298 A and 34 of Pakistan Penal Code (PPC) for publishing and distributing a booklet against the holy personages and companions (Sahaba) of the Holy Prophet (PBUH).

A young Shia, Hamid Hussain, is facing trial on blasphemy charges because he did not pay a bribe to the police and a judge of the anti-terrorism court (ATC). The witnesses in the case have not identified him as accused defendant and even the sketches made by the investigators did not resemble him. In fact, Hamid Hussain's name was not mentioned in the FIR and nor did the three accused persons at any time of the investigation give his name. However, being a person from the Shia Muslim sect the police implicated him presumably for the purpose of extortion (they solicited bribes for police officers). As is common there appears to be no motive other than religious differences. Indeed, he was arrested on the basis that a phone stolen from him 5 years prior had its number displayed on a booklet that was picked up as evidence in the case. This case is unique, however, in that the victim is the nephew of a popular anchorperson of a television channel, who preaches Islam. The preacher refused to help him fearing that he too would be accused of being a Shia and lose his position, much in the same way that advocates for other at risk groups are persecuted. The victim was also tortured at the police station and two different prisons and eventually forced to confess that he was involved in publishing the booklet.³⁸

³⁸ See: AHRC-UAC-063-2013

Death Sentence

Despite over 150 countries officially abolishing the death penalty, Pakistan continues to hold on to this archaic form of punishment. Most would agree that there is no easy way to address the devastatingly high crime rates in the country, but the government killing its own citizens is not the answer as studies have yet conclusively proven that the death penalty is a deterrent for violent crime. Addressing failures within the government, including corruption, impunity, and bribery would be a more productive approach. The pressure of the death penalty stay has also affected the mental health of these prisoners, many of whom have been waiting for years in limbo to know their fate.

In 2010, Pakistan ratified the International Covenant on Civil and Political Rights, Article 6 (1) of which states: *Every human being has the inherent right to life. This right shall be protected by law...*"

On October 3, the Government of Pakistan made a move back towards respecting human rights and announced its decision to renew the moratorium on the death penalty. This decision came in response to a great international pressure from NGOs and media outlets calling on Pakistan to respect the right to life. The moratorium had been in place since 2008 when the PPP took office, and expired on June 30, 2013. In an attempt to crackdown on criminal activity and terrorism, the new leadership under the Pakistan Muslim League-N (PML-N) was set to begin executions in August of this year. For the time being, the decision to reinstate the moratorium has saved the lives of over 8,000 inmates currently on death row. It is a positive step by the government to make recognizable changes in regard to protecting human rights. Yet, 27 different crimes still qualify for the death penalty under Pakistani Law including treason, terrorism, apostasy, and adultery the definitions of which are also vague and leave room for interpretation.. The most common crimes receiving the death penalty are terrorism, murder, and aggravated murder. The death penalty is often the result of the absence of fair trial, something that plagues Pakistan. Pakistan cannot even minimally guarantee the right to fair trial and due process as prescribed under Article 10A of the Constitution of Pakistan and Article 14 of the ICCPR

In March of 2011, the Asian Human Rights Commission reported on 'the saga of the prisoners waiting in death row', and stated that although the number of death row inmates has increased from 5,447 in 2005 to 8,300 today, and 300 more are sentenced yearly. Prison capacity has not been increased to hold them, leaving them to subsist in inhuman and inadequate living conditions.

Even in most countries widely held to have a fair trial process, the death penalty has been abolished in light of the possibility that innocent people could be put to death. It is dangerous to allow the death penalty to continue under a judicial system that cannot guarantee its people a fair and impartial trial

Corruption and bribery still play a significant role in Pakistan and all too often the wealthy are able to buy their way out of trouble while the poor, often innocent of the charges they face, are left to their fate. Pakistan fails to meet the basic requirements of guaranteeing an

impartial trial, adequate legal representation, and independence of the judiciary from outside influence, including pressure from the government itself. The Qisas and Diyat Ordinance, which allows for families of victims to accept “blood money” further muddles the judicial process as criminals with money are able to pay their way out of crimes such as murder.

Poor living conditions and the corrupt monopoly run by the prison guards only serve to increase recidivism and criminal behavior, even within the jails themselves. Networks of criminal gangs operate in and outside of the prisons, exemplified by the most recent storming of Dera Ismail Khan Jail in Punjab. The Taliban conducted a fourteen hour raid on the jail, freeing 248 and killing 13, including Shiite prisoners. Of the freed prisoners, 6 were on death row.

The PPP has called on the new government to review the list of crimes punishable by death which include blasphemy, sex outside of marriage, smuggling of drugs, and sabotage of the railway system. These crimes extend far beyond the scope of 'most serious crimes' under which the death penalty can be awarded according to ICCPR Article 6(2).

To cement its commitment to respecting the lives of its citizens and to keep in step with international human rights norms, Pakistan must draft formal legislation abolishing the death penalty in all cases. In 2008, the government made an attempt to do this, but settled for a moratorium due to political opposition to the move. A temporary stay of the death penalty is a laudable step but not enough to fortify Pakistan's position as an advocate and supporter of international human rights.

Should Pakistan resume executions, as they tried to do earlier this year, it will face serious economic repercussions, especially in regard to free trade agreements with the EU under the Generalized Scheme of Preferences, which allows developing economies access to European markets tariff-free. GSP is only granted to countries that, amongst other criteria, ratify and implement international human rights and labour standards. It is not given to any country that allows for the death penalty.

The government must also commute its current death sentence cases to sentences of life imprisonment. It is degrading for current death-row prisoners to continually face uncertainty regarding their fate. The death penalty directly contradicts the second protocol of the ICCPR and violates the Right to Life as prescribed in the Universal Declaration of Human Rights. Killing prisoners will only serve to perpetuate violence and increases the risk of retaliation by militant groups and religious fundamentalists.

Blasphemy Law

Blasphemy law, is meant to prevent desecration of the Prophet Mohammad (PBUH), but can easily be turned against individuals or groups by vested interests as we have detailed in previous sections. The Council of Islamic Ideology in Pakistan held a meeting on May 29. The meeting was led by Maulana Sherani. The Council threatened that if blasphemy laws are amended, the country's minorities will be in danger. The council has been working to make

Pakistan a pure Islamic state which is something that has been on the agenda for a number of religious political organisations since Pakistan came into being. The hazards associated with the blasphemy laws are cannot be overstated, particularly for the innocent, as you have already learned in numerous previous section of this report. The subject still needs to be addressed more closely, and to that end we require strict scrutiny of existing procedures.

The following are relevant sections of the blasphemy law, under the Pakistan Penal Code (PPC):

295-B: Defiling, etc, of copy of Holy Quran. Whoever will fully defiles, damages or desecrates a copy of the Holy Quran or of an extract therefrom or uses it in any derogatory manner or for any unlawful purpose shall be punishable for imprisonment for life.

295-C: Use of derogatory remarks, etc; in respect of the Holy Prophet. Whoever by words, either spoken or written or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Mohammed (PBUH) shall be punished with death, or imprisonment for life, and shall also be liable to fine.

298-A: Use of derogatory remarks, etc..., in respect of holy personages. Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo or insinuation, directly or indirectly defiles a sacred name of any wife (Ummul Mumineen), or members of the family (Ahle-bait), of the Holy Prophet (PBUH), or any of the righteous caliphs (Khulafa-e-Rashideen) or companions (Sahaaba) of the Holy Prophet description for a term which may extend to three years, or with fine, or with both.

298-B: Misuse of epithet, descriptions and titles, etc. Reserved for certain holy personages or places.

Any person of the Qadiani group or the Lahori group (who call themselves Ahmadis or by any other name) who by words, either spoken or written or by visible representation:

refers to or addresses, any person, other than a Caliph or companion of the Holy Prophet Mohammad (PBUH), as "Ameerul Momneen", "Khalifat-ul-Momneen", "Khalifat-ul-Muslimeen", "Sahaabi" or "Razi Allah Anho"; refers to or addresses, any person, other than a wife of the Holy Prophet Mohammed (PBUH), as Ummul-Mumineen; refers to, or addresses, any person, other than a member of the family (Ahle-Bait) of the Holy Prophet Mohammed (PBUH), as Ahle-Bait; or refers to, or addresses, any person, other than a member of the family (Ahle-Bait) of the Holy Prophet Mohammed (PBUH), as Ahle-Bait; or refers to, or names, or calls, his place of worship as Masjid; shall be punished with imprisonment or either description for a term which may extend to three years, and shall also be liable to fine. Any person of the Qadiani group or Lahore group, (who call themselves Ahmadis or by any other names), who by words, either spoken or written, or by visible representations, refers to the mode or from of call to prayers followed by his faith as "Azan" or redites Azan as used by the Muslims, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

298-C: Persons of Qadiani group, etc, calling himself a Muslim or preaching or propagating his faith. Any person of the Qadiani group or the Lahori group (who call themselves Ahmadis or any other name), who directly or indirectly, poses himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written,

or by visible representation or in any manner whatsoever outrages the religious feelings of Muslims, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

This law has become an overpowering tool of oppression in the hands of the state and fundamentalist Muslim groups. Hate-based syllabi at the primary education level has made the majority of the population believe that Pakistan is only meant for specific views Islam and other religious communities do not have a right to live in the country. Christians, Hindus, and other are forced to study selective Islamic teachings and are denied their own religious education. Examination copies of the students are not confidential either, which puts religious minority students at a disadvantage and singles them out as targets. By the same token, Muslim students are declared blasphemers for independent thought and views when it comes to religion.

Blasphemy law is used for land grabbing, the drug business, persecution, and forced conversion to Islam (as shown earlier). No political party or government has had the courage, or the political will to address this abuse and. the few individuals with authority that have proposed amendments, such as Punjab Governor Salman Taseer (a Muslim) and Minorities Minister Shahbaz Bhatti (a Catholic), have been murdered.

According to data collected by the Episcopal Commission for Justice and Peace of Pakistan (NCJP), at least 964 people have been charged under the law from 1986 to August 2009. They include 479 Muslims, 119 Christians, 340 Ahmadis, 14 Hindus, and 10 of unknown religion.

Since the law was adopted, more than 40 extra-judicial killings have been carried out in mob / individual attacks against innocent people, all in the name blasphemy of Islam.

The statistics mention that since 1990, 52 people have been extrajudicially murdered, for being implicated in blasphemy charges. Among these were 25 Muslims, 15 Christians, five Ahmadis, one Buddhist and one Hindu.

According to different reports, more than 1,000 people have been charged in Pakistan for committing offences against blasphemy laws. Among them are young, old, and children belonging to all faiths and creeds. Some of them are mentally challenged, physically impaired, or illiterate, even to the point that they are incapable of having committed the alleged acts.

No other law in the country has ever been the cause of so many controversies. The objective of the law, say its supporters, is to discourage people from taking the law into their hands. But the opponents of it say that it only served the interests of radicals and that it has been abused in a major way to target religious minorities by whipping up religious sentiments of the people, often creating the very thing it seeks to protect against. For example, The blasphemy case that triggered a mob of around 2,000 Muslims to run riot in the Joseph Colony of the Christian community in Lahore (as detailed in the section on religious minorities) was a cause of disgrace and remorse for the country and its leadership. The incident took place on 10 March 2013 when a row between two drunken Muslim and Christian friends set off blasphemy allegations that later turned into chaos. A frenzied mob

took the law into its own hands and torched more than 150 houses of poor Christians in the area.

Events like this have caused minorities to suffer since these laws were introduced by General Zia Ul Haq in 1986. Education is the key to changing Pakistan: to reduce religious intolerance, and to promote harmony and peace in society. Based on this assumption, the Commission "Justice and Peace" of the Episcopal Conference submitted to the new Prime Minister, Nawaz Sharif – (engaged in the formation of a new government) the topic of religious discrimination in textbooks taught at school. In a note sent to Fides Agency, the Commission also noted that non-Muslim students, enrolled in public school, are forced to follow Islamic studies and this is a violation of their inalienable rights. Furthermore, in its published study the Commission "Justice for Peace" it notes that 55 chapters in 22 textbooks used in Sindh and Punjab contain false, offensive, and discriminatory statements against religious minorities. Peter Jacob, executive director of the Commission, in writing to Fides Agency has stated that, paradoxically, the dilemma is between "education or spreading hatred", given that the texts report distorted historical facts and create prejudice in boys and girls and feed intolerance towards religious minorities. According to Jacob, "this approach is visibly discriminatory against non-Muslim citizens of Pakistan and in violation of Articles 18, 20, 22 and 25 of the Constitution."

The Commission has stated that discriminatory comments have increased over the years: in 2009, there were 45 cases reported related to textbooks, while the number rose to 122 in 2013. Political parties and institutions, notes Jacob, are called to intervene, given that the issue touches the human rights sphere, religious freedom, and the education system. The Commission suggests that the new government should review the education policy. It has called for action to remove "discriminatory lessons against minorities."

To do this an independent Commission of scholars and historians should be established. Non-Muslim students should be allowed not to follow Islamic study classes but can study their respective religions or alternative studies.

Additional Cases

A Christian boy named Mard-e-Khuda (19), resident of Tehsil Haroonabad, District Bahawalpur, was barbarically assassinated in January 2013 after he was falsely accused of having an affair with a Muslim girl. Local Muslims had threatened him and proclaimed openly that they would kill him. The attack was executed by three Muslim men named Muhammad Shafique, Illyas (Eidoo), and Sufiyan, who broke into the victim's house, held him down, hit his head with an axe, and stabbed him with a dagger, retreating only when the victim's father woke up and began shouting.

Mr. Patras, a factory worker was the victim of attempted murder on January 15, 2013, in Eid-UI-Muladul Nabi. While on holiday at home with his family members several Muslim drug sellers, passed in front of his door and began firing at him when they saw him come out.. He was able to escape, and when he mentioned this incident to other Christians. he was told to inform other respectable Muslims and the attackers parents so that they would stop them from doing such dangerous activities. However, while attempting to do this they were

all fired on forced them to stand in a row, and threatened that if any of them submitted with the incident to the police they would be killed. They attackers said, "You are Christians insects and have no power to do anything against us".

On April 3, 2013, Christians of Francis Abad, Gujranwala, were attacked in their village leaving one dead and two injured. It seems that a personal rivalry turned to religious violence when an angry Muslim mob attacked Christians houses, and gunfire was exchanged. Police responded promptly and the injured were taken to the hospital. Lazarus Allah Rakha and Rana Adnan, representatives of World Vision in Progress, have said that the gunfire exchange started when Christians were attacked and one of them (named Samuel) was seriously injured requiring hospitalization.

Another Christian community in Pakistan was attacked by an angry Muslim mob on 26 April 2013 in a village near Khanewal, Multan (southern Punjab).

On July 13, the Gojra Additional Sessions Court convicted Masih of committing blasphemy under Section 295-C of the Pakistan Penal Code, by insulting Muhammad. Masih had been accused of sending blasphemous text messages in a case first lodged in December 2011. In spite of the facts that the SIM card was registered to a different person, neither the card nor the phone were found in his possession, and there was no other evidence found that would implicate him, Masih was found guilty and sentence. According to some analysts it is likely that the lower court judges, who are provided little security in Pakistan, conceded to pressure from religious groups in blasphemy cases and convict the accused as has been well documented in the past (and elsewhere in this report).

In September Boota Masih (58), a Christian goldsmith and head of his family, was killed and falsely accused of blasphemy. It appears, a business rival (also a gold scavenger) was behind the murder, but when the family reported it the police initially refused to investigate and still are making little effort to arrest or investigate the perpetrator who remains free and unpunished. Meanwhile, armed men have threatened the victim's family, telling them to convert to Islam or face death (the police, however, have arrested three of these men). The details of the case are best summed up by the words of the victim's son, George Masih "We were told that Asif kept shouting that my father was an infidel and had spoken derogatory words against Prophet Muhammad (PBUH) as he mercilessly stabbed him and then slit his throat with a dagger," Masih said. "A large number of people, including four policemen and private security guards of the market, witnessed the entire scene, but no one tried to stop the killer, who walked away waving the dagger in his hand." Another friend added: "I was not present at the crime scene, but all of us are sure that Masih was not a blasphemer," Faraz said. "Asif was apparently jealous of Masih because most jewellers only allowed the Christian to scavenge gold particles from their shops. He was a humble man and liked by everyone, which probably provoked Asif to kill him. We condemn the killing of an innocent man in the name of our Holy Prophet (PBUH)." George Masih said the family has registered case No. 226/13 with the Liaqatabad Police Station.³⁹

³⁹ See: <http://www.pakistantoday.com.pk/2013/09/20/news/national/christian-slaughtered-in-karachi-over-blasphemy-charges/#sthash.gG0fB5IV.dpuf>

Human Rights Defenders Under Attack

Human rights defenders live the most precarious lives in the country. They are prey to the police, security agencies, and influential people. Rights defenders have also been subjected to targeted killings by non-state actors opposed to their work. While these are crimes in domestic law, under international human rights law the state bears responsibility if it does not exercise diligence, that is, if it fails to prevent such abuse and fails to ensure that the perpetrators are brought to justice.

As you may have noticed in several cases in previous sections, human rights defenders – be they journalists investigating and documenting the wrongdoings of state agents, lawyers representing victims of human rights abuse in court, or human rights activists campaigning to end violations – have been subject to a range of rights violations themselves. They have been harassed, arbitrarily arrested and detained, subjected to enforced disappearance, tortured, and extrajudicially executed. Contrary to the spirit of the UN Declaration on Human Rights Defenders, state agents are committing such violations at an increased rate and with continued impunity. This crackdown on human rights defenders is occurring at a time when violations are being reported at an ever increasing rate, making the role of human rights defenders in supporting victims, campaigning for legal redress, and working to end abuses more essential than ever.

The violence against rights defenders, civil society organizations, and journalists by state actors and Muslim groups is rising. It indicates failure of the government to honour its obligation to protect defenders.

The UN Declaration on Human Rights Defenders specifies obligations of States to guarantee and protect the rights of human rights defenders. Pakistan also has a duty to protect all human rights established in the Universal Declaration of Human Rights (Article 2), the ICCPR (Article 2), and CEDAW (Article 3). Activists such as Farida Afridi, who, despite threat to their lives, work tirelessly to promote the rights of women and girls as enshrined in Pakistan's obligations under CEDAW, must be protected by the government and justice conferred if violations occur.

The United Nations Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, took note of violations against human rights defenders working on women's rights and gender in Pakistan, pointing out in her December 2010 report that six communications had been sent to the Pakistan Government on the matter between 2004 and 2009. In her August 2010 report, she stated, "... all violations of the rights of defenders should be investigated promptly and impartially and perpetrators prosecuted. Fighting impunity for violations committed against defenders is crucial in order to enable defenders to work in a safe and conducive environment."

The UN Special Rapporteur on violence against women, Rashida Manjoo, urged the Pakistani government to investigate Afridi's murder and promptly ensure the perpetrators are held accountable. She stated that women human rights defenders "... are commonly perceived as challenging accepted socio-cultural norms, traditions, perceptions and

stereotypes about femininity and the role and status of women in society, while reclaiming their rights or the rights of their communities." Manjoo also stated that the killing of women is indeed a State crime when tolerated by public institutions and officials.

Additionally, in the June 2008 report of the Working Group on the Universal Periodic Review of Pakistan, Pakistan was called upon to "... combat impunity for attacks on human rights defenders by effectively investigating allegations and by prosecuting those responsible."

Perveen Rehman:

Tragically, the well-known social worker, educationist, and development expert Parveen Rehman was shot dead in Karachi on 13 March, 2013. She had been working hard for the emancipation of the poor and marginalized in Pakistan, for more than two decades and had more recently been documenting the situation in villages (Goths) around Karachi that are many centuries old, and now virtually under the control of land grabbers, Muslim extremist groups like the Taliban, and the police. Ms. Rehman was murdered close to her office as she arrived in a car by armed men riding two motorcycles who opened fire on her. She was struck twice in the face and once in the neck, was rushed to the Abbasi Shaheed Hospital, and died of her wounds while being treated. It is believed that she was assassinated by Deobandi militants of Ahle Sunnat Wal Jamat (ASWJ) who are said to be the same militants responsible for the deaths of four female anti-polio workers, and for the attack on Malala Yusufzai. She had apparently been receiving death threats for some time.⁴⁰



Abdul Waheed Khan:



On May 13, a well known human rights defender, social activist, and educationist, was assassinated, allegedly by religious extremists suspected to be members of the Taliban. Mr. Abdul Waheed Khan (35), was running a co-educational school, the Naunehal Academy under the Bright Educational Society, in the Qasba Colony, Karachi. He was also running a pharmacy providing free medicines to the poor and had started the Bright Educational Society in the late 1990s. He was shot dead by three men in front of his house when he was with his one-year-old daughter and his brother who were both injured as well. The killers also threw a powerful and loud fire cracker at his body after killing him in an effort to deter pursuit. This was foreshadowed when one year earlier, his elder brother, Mujeeb, and Abdul Waheed's close associate, were shot and injured as they refused to stop educating girls and boys with "modern education." Abdul Waheed had been receiving threats for more than a year.

Sardar Arif Shahid:

A prominent human rights defender and active writer from the Pakistani part of Kashmir, Sardar Arif Shahid (chairman of the National Liberation Conference (NLC) and the All Parties

⁴⁰ Please refer to: AHRC-STM-061-2013

National Alliance (APNA)), was gunned down in front of his house in the garrison city of Rawalpindi. Before his murder, he had been arrested and released when he visited his native town along with some Kashmiri non Muslim visitors from the Jammu part of Indian Kashmir. Mr. Sardar was a vocal critic of Pakistan's alleged role of sending militants to fight a "proxy war" against India in Indian-administered Kashmir. He also criticised Pakistan's policy of treating Kashmir as its "colony" and was opposed to the occupation of Pakistan in Kashmir and Gilgit-Baltistan. The Pakistani government banned him from travelling abroad in 2009, and later confiscated his passport and other identification documents placing him on the exit control list. The High Court had given him relief in December 2012. It is believed that he was assassinated by the ISI who had been repeatedly threatening him.



Judges and Lawyers Targeted

The Asian Human Rights Commission has documented cases of armed attacks, killings and kidnappings of judges and lawyers in Pakistan. In 2013, judges and lawyers were targeted in attacks in which ten lawyers were killed and three were kidnapped. Only three of them survived the deadly attacks. Most were killed in sectarian violence. The whereabouts of kidnapped lawyers still remains unknown. Law enforcement agencies have failed to provide security to lawyers and have taken no steps to counter notorious acts of violence against innocent citizens of Pakistan.

Justice Maqbool Baqir:



On June 6, 2013, the convoy of a senior most judge of the Sindh High Court Justice Maqbool Baqir and present Chief Justice of Sindh High Court was bombed when on Burns Road, Karachi. Nine people were killed and 15 received serious injuries. Justice Baqir sustained injuries to his head, hit by the debris and glass of the car in which he was travelling. The spokesperson of the banned outfit, Tehrik-e-Taliban, admitted responsibility for the attack and alleged that the judge was on the hit list due to his anti-Taliban and anti-Mujahideen decisions. The militant organization further threatened to continue targeting the judiciary. Justice Baqir has served as a Judge in special anti-terrorism courts and has awarded sentences to convict terrorists. He is reputed for his honesty and competence.⁴¹

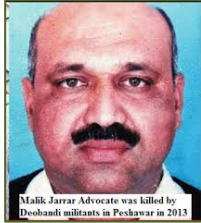
Syed Ahtesham Ali:

On January 1, 2013, Mr. Syed Ahtesham Ali, Additional District & Sessions Judge in Peshawar and his wife, a Civil Judge in Peshawar, survived an attack. The injured judge is a resident of Kohat District and is son of former Chief Justice of Peshawar High Court, retired Justice Syed Ibne Ali (1995 to 1997). The couple was returning home from the Judicial Complex, Peshawar. Attackers opened fire on their vehicle near Ghani Bagh Phase II, Hayatabad, Peshawar. Mr. Syed Ahtesham Ali is a Shia Muslim. The Taliban claimed responsibility for the shots fired.

⁴¹ Please refer to: AHRC-STM-121-2013

Lawyers Killed

Mian Muhammad Tariq:



On February 8, 2013, a senior lawyer of Sindh High Court, Mian Muhammad Tariq (55), was shot dead by an unknown assailant in Karachi. He was a prominent human rights defender and was former officer of the HRCP. The deceased was parking his car at Haroon Royal City near his residence located at Gulistan-i-Jauhar, Karachi. He was fatally injured after a single shot hit him in the back. The assassin escaped after the shooting. The deceased was immediately shifted to a private hospital nearby. He belonged to the Shia Muslim community as well which, as we have show previously, put him at even greater risk.

Malik Jarar Hussain:

On February 08, 2013 Malik Jarar Hussain Advocate; a Supreme Court lawyer; resident of Asad Anwar Colony, Gulbahar, Peshawar; and a Shia was shot dead when two motorcyclists attacked his car while he was dropping his children off at school. He was known human rights activist and was serving as Council Member and had previously served as Vice-Chairperson of the HRCP Khyber Pakhtoon Khawa Chapter. He was killed instantly and his attackers managed to eluded capture.

Saqlain Kousar:

On May 28, 2013, a senior lawyer, and Zakir of the Shia Community, Saqlain Kousar, along with his sons, Aoun Abbas (15) and Muhammad Abbas (12) were gunned down at Mauripur Road, Karachi, by unknown assailants. The attackers were riding a motorbike. He was killed while driving to drop his two sons off at school. His sons died on the spot, Saqlain Kousar sustained severe injuries. He succumbed to his wounds in hospital. It was a sectarian killing. An investigation is under way.

Syed Zaheer Abbas Naqvi:

In March 2013, a Peshawar based senior lawyer Syed Zaheer Abbas Naqvi was gunned down by armed militants when he was on his way to the Court of Sessions, Peshawar. The deceased sustained bullet injuries and was shifted to a private hospital but died from loss of blood. Later, the police found that the deceased belongs to Shia community and was advocating cases of Shia prisoners across Pakistan.

Mir Muhammad Kohala:

On March 28, 2013 a senior lawyer Mir Muhammad Kohala, Advocate of the Supreme Court of Pakistan was shot dead by unidentified assailants near Fauji Foundation Hospital, Rawalpindi, Punjab province. Mr. Khan served as the president of Lahore High Court Bar (Rawalpindi Bench) and was a senior lawyer of the Supreme Court. The attackers fired at his car, killed him on the spot, and fled after the killing. He was a human rights defender.

Chaudhary Zulfiqar Ali:



On May 6, 2013, Chaudhary Zulfiqar Ali, a prominent lawyer and state prosecutor for the Federal Investigation Agency (FIA) was shot dead, while driving towards court in Islamabad. He was investigating the killing of the former Prime Minister, Ms. Benazir Bhutto, and also prosecuting former military dictator, General Pervaiz Musharraf. He had been appearing in a case which had involved the arrest of Pervaiz Musharraf. He had argued for refusal of the bail application of Pervaiz Musharraf and pleaded as state prosecutor before the honorable court that Musharraf should not be allowed bail in the case where Musharraf was accused for conspiring in the murder of Ms. Bhutto. His bullet-ridden body was rushed to the hospital he did not survive.

Shakeel Ahmed Jan Bangash:

On May 06, 2013 Mr. Shakeel Ahmed Jan Bangash Advocate of Sindh High Court, and his father, Advocate Ahmad Jan, were shot dead in Karachi. They belonged to the Shia Community. The police have registered a murder case against unidentified people.

Zaman Khan Marri:

On September 06, 2013 the bullet-ridden body of an Advocate of the Balochistan High Court Zaman Khan Marri was found in Ghuncha Dhori, Mastung. His body was shifted to the hospital for identification. Later the brother of deceased Zaman Khan Marri, was able to identify the body. According to the family and the paramilitary, the deceased was kidnapped by unknown assailants.

Raja Omer:

On July 04, 2013, Raja Omer, senior lawyer and member of the District Bar Association Rawalpindi, was attacked while he was on his way to home. The moment he stopped to refuel his car, two armed motorcyclists attacked him and leaving him with critical injuries. He was rushed to Holy Family Hospital Rawalpindi and managed to survived. The police have registered a case against the unidentified attackers, though the cause of the attack is in question; does the lawyer have any personal disputes nor is he pursuing high-profile cases, according to the police.

Lawyer Activists Kidnapped

Mir Salahuddin Mengal:



On April 03, 2013, Mir Salahuddin Mengal, Advocate Supreme Court of Pakistan, and former Advocate General Balochistan, was kidnapped outside his residence. On the day of the kidnapping he, along with his brother, was on his way home to Siryab Road, Quetta. According to news reports, the kidnapped lawyer later returned home on May 21, 2013. The kidnapping still

remains unsolved. He was an activist in a lawyer's movement in Balochistan province.

Basharat Ullaha:

On April 21, 2013, an activist of the lawyer's movement and an advocate of the High Court, was kidnapped near his residence at the Defense Housing Authority, Rawalpindi, Punjab. He was physically assaulted by unknown assailants for several hours. Later the assailants dropped him at a CNG Station near Rawat, G.T Road, near Rawalpindi. The reason for his kidnapping was revealed to be his active role in the lawyer's movement against former military dictator Pervaiz Musharraf.

Mujeeb-ur-Rehman Kiani:

On April 30, 2013 an experienced lawyer, Mujeeb-ur-Rehman Kiani, Member of Punjab Bar Council, and resident of Rawalpindi, was on his way to meet a friend. He was kidnapped that morning from Sector I-8, Islamabad. He was thrashed into critical condition by the kidnapers. Later, his kidnapers released him on the main G.T Road, Rawalpindi. He was a figure in the lawyer's movement against former military dictator Pervaiz Musharraf.

Mr. Mushtaq Gill:

A Christian lawyer, Mr. Mushtaq Gill, has received death threats from militants. If he continues to provide legal assistance to the three Christian women who were stripped naked and paraded on the street by henchmen of the ruling party he will face dire consequences, according to the threats (this case was discussed in a previous section). Mr. Gill is the director of the National Director of Legal Evangelical Association Development (LEAD). He has been raising his voice for the Christian minority, as militants often violate their rights.⁴²

Health Workers Killed, Abducted

As mentioned prior, six polio health workers, including female health workers, have been killed while facilitating the anti-polio campaign. Additionally, news about the kidnapping of health workers, doctors, and NGOs staff have often been broadcast by national media. The frequency of such violent incidents has damaged the work those who are engaged in social and economic development of the poor and marginalized people in the country. Frequent violent incidents against pro-development actors clearly indicate that federal and provincial governments have failed to provide protection to those working for betterment of society.⁴³

On another occasion, eleven teachers carrying out polio vaccination in Bara division of Khyber Agency were kidnapped when they were preparing to set out for a vaccination drive. A political administration official confirmed that the teachers had been abducted from a school in the Sipah area of Bara Khyber Agency where they had gathered to administer polio vaccinations as part of a three-day polio drive which started on November 20. The abductions

⁴² Please refer to: AHRC-STM-114-2013

⁴³ Please refer to: AHRC-ART-030-2013

occurred on November 23, during an extension of the campaign designed to cover denial cases and the remaining children who had not been vaccinated.

Khyber Agency is one of the most volatile areas for the polio virus. At least 16 cases have been reported from there in 2013 and Bara has been leading in number of polio affected because children have missed out on the campaign due to violence and unrest.

Women's Rights Defenders Suffer

Shamim Akhter:

Ms. Shamim Akhter (50), a women's rights defender has been killed by her husband, who acted with the assistance of a police head constable. The local police held an internal inquiry and exonerated the police constable, going so far as to say that there was no such murder. The woman's body was chopped up and her eyes were gouged out, but police have not even examined how she was killed, instead asserting she was not murdered. The victim's sister and her nephew have been declared to be mentally ill persons and have received threats. The husband is hiding after the incident though the police have not made any attempt to find him.⁴⁴ Tragically, Shamim's younger sister, Ms. Tasleem Akhter, who was pursuing the murder case against the police and her deceased sister's husband, was murdered by three people riding a motor bike less than a month after her sister's death. Within 25 days, both sisters have been murdered by an official and his henchmen from the same police station. The police refuse to investigate this case too.⁴⁵

Sahib Khatoon:

A young female activist, Ms. Sahib Khatoon, was allegedly brutally murdered by her husband, acousin she was forced to marry (neither were happy with the arrangement) while returning home from her job in an NGO. It seems she was killed because she was working to raise awareness on human rights and when her own right to marry the person of her choice was violated she protested which was embarrassed her husband. He first confessed that he murdered his wife but after one night at the station, he retracted his confession, and the police, who allegedly received a bribe, are now calling the case an honour killing.⁴⁶

Sikandar Bhutto:

A journalist and human rights defender has been implicated in an honour killing by a powerful tribe to punish him for raising the domestic abuse and murder of a woman, who had been declared Kari (black woman / bad character). The victim is in hiding while perpetrators are raiding his and his relatives' houses to find him and murder him. The police have conspicuously refused to file a criminal case against the perpetrators on the application

⁴⁴ See: AHRC-UAC-092-2013

⁴⁵ See: AHRC-UAU-020-2013

⁴⁶ See: AHRC-UAC-126-2013

of the victim. The Sindh High Court has directed the high-ranking police officials to intervene in the case of murder threats to the journalist and to report to the court, but police refuse to comply with the court order. The woman's killers are from the ruling Pakistan People's Party and the tribal chief has remained as chief of the union council on his party's ticket, using police influence on the people of the district.⁴⁷

A human rights organization working on women and children's issues has been banned by the government of Gilgit-Baltistan, in the Northern area of Pakistan, due to the pressure from Muslim extremist groups. The government, through a notification, asked the AGHE to immediately close down all the organization's activities, including imparting education to girls. The orders regarding banning all the activities of AGHE was not delivered to the organization nor was it verbally informed. But a letter was issued to all the deputy commissioners and police officers of various districts. The letter, written two years ago, was issued on February 25, 2013. This represents a shameful act for the civilian and elected government of Gilgit-Baltistan, which has followed the footsteps of military governments to appease Muslim fundamentalist and sectarian organisations.⁴⁸

Sardar Mushtaq Gill:



On 2 November 2013, gunshots were fired in the street outside the home of human rights defender Mr Sardar Mushtaq Gill in Pattoki Tehsil, Kasur District, Punjab Province. The victim had been the subject of threats and other methods of intimidation at the time, and in this instance was instructed by his wife via SMS to not return to his home. Sardar Mustaq Gill's brother reportedly found bullet shells on the street later. On 3 November, the human rights defender told his brother to make a complaint at a local police station. Sardar Mustaq Gill, as mentioned in a case previously, is the National Director of LEAD, a non-government organisation that provides legal aid to marginalised people and defends the rights of religious minorities in Pakistan. He is currently living in a secure location for fear of his life.

No Rights for Children

In Pakistan, where corruption is rife, and the country suffers unemployment, inefficiency, incompetence, terrorism, and natural disasters, a large proportion of the population lives in deprivation, particularly in the rural areas. In Pakistan about one third of the population lives below the "poverty line" and in such circumstances women and children are especially affected. While many of the topics contained in this section have been addressed in other areas of this report, it is useful to view those and previously unaddressed complications within the scope of rights of children.

⁴⁷ See: AHRC-UAC-007-2013

⁴⁸ See: AHRC-UAC-032-2013

Many parents are unable to provide their children quality food, clean drinking water, safe and healthy living space, primary education, and opportunities to develop their talents. Millions of children are out of school and thousands do not complete primary education. Parents prefer, or are forced, to send their children to work – to contribute to the financial support of the family. Unfortunately, once grown up, these uneducated children become illiterate adults with no prospects to improve their living condition, hence fueling the circle of poverty across generations.

Child labor is persistent all over South Asia, with a worrying concentration in Pakistan. It is exacerbated by large family sizes and the absence of strictly enforced laws, especially regarding the minimum age for work. The majority of child laborers work full-time, having no chance to attend classes or engage in any educational activity which can contribute towards their future betterment and development of essential skills. Furthermore, the majority of them do not have access to basic health care, or vaccinations, resulting in their having poor health.

In urban centers like Karachi and Islamabad, a number of children are engaged in minimally paid or totally unpaid domestic work in private households, sometimes up to fifteen hours per day. A majority of children working as domestic servants are girls, often victims of abuse and sexual exploitation at the hands of their employers. In urban areas, many children are also employed, mainly on daily wages, in grocery stores, mechanic and flower shops, and factories, especially in manufacturing activities. Many of them also sell different items in markets or are ultimately forced into begging in the street. The number of street children has grown in recent decades because of urbanization, unemployment in rural areas, poverty, family disintegration and large family size, and natural disasters which destroy entire villages and crops. Domestic violence, mistreatment, and neglect are also among the reasons compelling children to leave for good their homes at a young age and seek work in big cities.

Child labour connects to modern forms of slavery, which is unfortunately widespread in Pakistan. The Global Slavery Index 2013, the first index of its kind, found slavery in Pakistan to be the worst in the region. By pure numbers, instigating factors, and concentration, modern slavery in Pakistan is abominable. Primary industries (brick kilns especially), manufacturing, commercial sexual exploitation, forced begging, and domestic servitude are reported as the areas in which slavery concentrates. In terms of geography, bonded labour, is particularly prevalent in the Sindh and Punjab provinces. The combination of poverty and illiteracy affects many children, who are abused in several and extensive manners.

Children involved in any sort of labour are exposed to exploitation and abuse, including offensive language, ill treatment and sexual abuse. The link between poverty, child labour and violence against children is well established. Children living in poverty are at the greater risk of violence, especially at their work place. It becomes difficult for them to find support and lodge a complaint in a police station.

Altogether, children are an extremely vulnerable sector of society and they face high risk of abuse and violence at home, at school, in public places and even in religious settings. In September, a five-year-old girl was found unconscious and in critical condition near a

crowded hospital in Lahore. Later, a medical examination confirmed that the girl had been raped; a happening which shocked the country and has again ignited the public debate about violence against children and the lack of safety they suffer. Rapists, pedophiles, and others who abuse children can be members of the law enforcement agencies (such as policemen), parents, relatives, teachers, school staff, as well as religious leaders.

Pakistani children are victims, intended or accidental, of numerous systemic flaws. The effect of the flaws is pervasive in lives, across social groups. The government has failed to find remedy, and in many cases has contributed to further undermining systems designed to protect and provide for children.

Poverty has a compounding effect on children; lack of funds often leaves them with inadequate food and shelter which, in turn, can cause other problems (discussed below). Necessities are ostensibly the obligation of the parents. However, the CRC makes it clear that government also has an obligation to help provide these necessities.

Recent data shows that the percentage of people living in poverty in Pakistan has increased significantly in the last years. While it is more prevalent in rural areas, it is a threat in urban areas as well.⁴⁹ Poverty in Pakistan leads to child labor, which interferes with the children's educational opportunities and creates a risk of continuing cycles across generations. Children of varying ages work a variety of jobs to help pay for their family's needs. Many of these children are forced to forgo formal education, including the education required by Article 28 of the CRC. The government has not conducted a survey to address child labor since 1996 (where the estimate was 3.3 million children being exploited) and current NGO estimates range from just under 10 million, to as much as 12 million.⁵⁰

Violence against children (some of which has been discussed in other sections of this report) is a risk of child labor, though it is not exclusive to it. Numerous cases where children are abused, both physically and emotionally by employers abound. In July, it became known that a 13-year-old boy was pressed into service and eventually killed his employers.⁵¹ Likewise, society fails to protect children even outside their place of work. A mother killed her own daughter with acid because she had looked at a boy. It appears the mother's defense of "it was in her fate to die this way" will be held sufficient.⁵² This is exacerbated in cases where there is a confluence of 'at risk' groups (e.g. minors who are female, Christian, etc.) who are often ignored or even victimized by the government. Children were among those killed in the attack on the All Saints Church.⁵³ Ahmadi children have been subject to kidnapping attempts in Peshwar.⁵⁴ In so many such instances involving religious minorities,

⁴⁹ Please refer to: AHRC-ART-073-2013

⁵⁰ Please refer to: AHRC-FST-027-2013

⁵¹ Please refer to: AHRC-FST-029-2013

⁵² Please refer to: AHRC-ART-061-2013

⁵³ Please refer to: AHRC-ETC-034-2013

⁵⁴ Please refer to: AHRC-FPR-008-2013

the government is unhelpful. This has led to under reporting and, according to estimates, a significant increase in violence towards children.⁵⁵ This is highlighted by the tragic rape of a 5-year-old in Lahore in September.⁵⁶

Even outside the risks of exploitation and intentional violence, children in Pakistan are neglected with fatal results. The WHO has reported that over 300 children died from measles (a very preventable disease) in 2012 alone, with more deaths in the Punjab in 2013⁵⁷. While physical abuse and malnourishment (often a result of poverty) can contribute to making victims more vulnerable, the direct and indirect effects of disease (as indicated by the number of victims from below the poverty line), the lack of proper medical care, especially vaccines, are often crucial.

It has been argued that “Pakistani health care ... is sliding downward... due to lack of direction and resources.”⁵⁸ Again, ineffectiveness or absence of government response is a significant factor; many blame corruption and lack of awareness (a possible result of poor education) as reasons why proactive measures are unavailable. This is especially true of measles and polio, diseases easily preventable with readily available vaccines that have been eradicated in most countries. However, Pakistani society as a whole also bears some responsibility, as evidenced by reports of attacks on health workers dedicated to fighting polio (mentioned in previous parts of this report).⁵⁹ Additionally, the views that lead to those attacks are held not just by the undereducated or the religious elite, but also by the media which has published arguments against such vaccines.⁶⁰

Pakistani society’s obstruction of medical workers is not an accident: various sectors have railed against vaccines as poisons, as violations of religion, and as vast foreign conspiracies among others, and this is reflected in educational materials. Thus, even when children are able to overcome other obstacles to their schooling, when they go to class they are often met with classes that focus on ideological indoctrination, as shown by a syllabus obtained by the AHRC.⁶¹ This type of education was clearly not what the authors of the CRC Art. 28(a) (1) had in mind. This type of education fails to provide children with a practical knowledge to better their lives and drives them to deny assistance from those that wish to help. Alternative education is often undermined as well. For example in Rabwah authorities allowed the mullahs to prevent Ahmadi children from attending their schools.⁶² In short, education is no longer a means to overcome the obstacles that children face; it has become an obstacle itself.

⁵⁵ Please refer to: AHRC-ART-108-2013

⁵⁶ *Ibid.*

⁵⁷ Please refer to: AHRC-ETC-018-2013

⁵⁸ Please refer to: AHRC-ART-003-2013

⁵⁹ Please refer to: AHRC-FAT-011-2013

⁶⁰ *Ibid.*

⁶¹ Please refer to: AHRC-STM-185-2013

⁶² Please refer to: AHRC-FPR-008-2013



Consequently, the children of Pakistan seem to be assailed from every angle with problems compounding upon others. Poverty leaves them malnourished and forces them into abusive jobs, limiting their education and their health; their limited education prevents them from rising above poverty and avoiding debilitating but avoidable illness; poor health and abuse can prevent them from pursuing an education and may even lead to preventable death; the education they can obtain is focused on ideological studies that undermine attempts to help, perpetuating the poor conditions that lead to these problems; and the little practical support that is offered is obstructed or even actively denied. The rights guaranteed to children in Pakistan through the CRC are eroded to the point that nothing at all remains.

Due to their vulnerability, whether they are street children, orphans, labourers, or survivors of violence, children should be guaranteed a safe environment which facilitates and fulfils basic needs. Allocation of apt resources is what the national government, together with provincial social welfare departments and child protection authorities, should promptly undertake. Legislators need to develop better child protection policies and intensify the punishment for those who abuse children in any way.