

# HUMAN RIGHTS IN PAKISTAN

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The entrenched security crisis in the country was underscored by the inability or unwillingness of military and civilian institutions to cope with attacks on the population by militant groups. Islamist militant groups continued to target and kill hundreds of Shia Muslims particularly from the Hazara community with impunity. The sectarian massacre has continued under successive governments since 2008 and the persistent failure to apprehend the perpetrators and attackers suggest incompetence of the authorities at both provincial and national level<sup>i</sup>. There has been a breakdown of law enforcement in the face of politically motivated attacks particularly throughout the province of Balochistan and targeted killings in Karachi. As per the media reports, at least 22 polio vaccination workers were killed, and 14 wounded in 2012 and 2013 in attacks for which the Taliban claimed responsibility. Police and other security forces have been responsible for numerous abuses, including, torture and other ill-treatment of criminal suspects, extra judicial killings, and unresolved enforced disappearances of terrorism suspects. In September 2013, the Christian community experienced the deadly attack on its members in Pakistan's history when 80 precious lives were killed in a twin church blast in Peshawar<sup>ii</sup>. The country also faced economic problems, exemplified in 2013 by growing electricity shortages and rising food and fuel prices, which hit the country's poor stability.

2014 had also seen various forms of turbulences in terms of political instability, law and order, peace and security situation. Sectarian attacks continued with impunity, military operation "Zarb e Azab" in North Waziristan resulted in displacement of more than one million people, and massive floods wrought devastation in Sindh and Punjab provinces. No significant development pertaining to improving the human rights situation in Pakistan was seen during the year rather it remained plagued and crippled with similar situation of human rights violations as seen during 2013. The prisons in Pakistan remained overcrowded, with no prison reforms to bail out the masses apprehended in petty crimes, human trafficking also haunted the state without any effective and stern implementation and conviction to prevent this vice, and extrajudicial killings had been on the rise particularly during 2014.

In August and September 2014, Political instability reached a crisis due to prolonged and violent opposition protests against the proclaimed rigging in May 2013 elections led by opposition leader Imran Khan. The protest is coupled with another protest led by religious Leader Dr. Tahir ul Qadri demanding the removal of Chief Minister Punjab Mian Shahbaz Sharif and resignation of Prime Minister Nawaz Sharif over the Model town Lahore incident where Police opened fire on protesting civilians and killed a large number including women<sup>iii</sup>. These protest when marched to Islamabad prompted violence by both protesters and the security forces that resulted in almost three deaths and hundreds of injuries. Police illegally detained hundreds of people and dozens of false cases were filled in order to pressurize and harass protestors. During the height of the crisis, the military intervened at the government's request, allowing it to dangerously reinsert itself into democratic political decision-making. The protest came to an end on 16<sup>th</sup> December 2014 when Army public school in Peshawar was hit by the most brutal and ferocious terrorist attack in Pakistan's history which killed 141 including 132 children and 9 staff members.

Violent attacks on religious minorities, fostered in part by the institutionalized discrimination of the "blasphemy laws," continued. Ongoing rights concerns in Balochistan province related to

enforced disappearances, extrajudicial killings, and torture remained unaddressed. In July, the government passed the Protection of Pakistan Act 2014 (PPA), an overly broad counterterrorism legislation that violates international human rights standards and creates a legal pretext for abuses by the security forces without accountability. The PPA violates the right to fair trial by shifting the onus of proof on the accused in certain circumstances, and granting powers of arbitrary arrest and preventive detention to the security forces.

Since 2008 onwards, the government of Pakistan has been struggling to improve the human rights situation in the country and has showed willingness by signing, ratifying and adopting to a number of international human rights instruments in order to provide a socially just and humane environment for its citizen. In May 2012, Islamic republic of Pakistan ratifies a new law creating an independent National Commission for Human Rights (NCHR)<sup>iv</sup> in light with Paris Principles<sup>v</sup>. A sequence of Human rights legislation comprises Acid Control and Acid Crime Prevention Bill 2010<sup>vi</sup>, Domestic Violence (Prevention and Protection) Bill<sup>vii</sup>, laws on sexual harassment and Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011. In order to ensure adequate representation of minorities in federal and provincial legislatures, seats have been reserved for minorities in the National Assembly, Senate and Provincial Assemblies, with addition to that government has fixed 5% allocation for minorities in all federal level services<sup>viii</sup>.

Another improvement in situation, the media in Pakistan is relatively free and flourishing. At the same time, social media has emerged as a powerful and influential medium. It's one of forward step to strengthen the promotion and protection of Human Rights. Moving ahead with international commitments, Pakistan signed the international Covenant on Civil and Political Rights (ICCPR) on 17 April 2008<sup>ix</sup> which also contains obligations related to democratic Elections. Pakistan endorsed the ICCPR and Convention against Torture (CAT) in June 2010. In August 2011, Pakistan ratified the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography<sup>x</sup>. Pakistan has now ratified seven out of nine core international human rights treaties<sup>xi</sup>. Parliament has passed some very significant constitutional amendments to prompt and consolidate democratic values in the country. In 2010-12, parliament unanimously passed the 18th Amendment to the Constitution, addressing many imbalances of power. The Right to Education (Article 25A), Right to Information (Article 19A) and Right to Fair Trial (Article 10A) are now recognized as fundamental rights, which cannot be suspended<sup>xii</sup>. Moreover, changes were made to administrative governance in the Federally Administered Tribal Areas (FATA); whereby, the arbitrary powers of the local administration to make arrests and detain the individuals were curtailed and prisoners have been given the right to bail.<sup>xiii</sup>

In the past ten years, terrorism and extremism have endangered national security and social structure. Counter terrorism response is in compliance with our obligations under international law. Operations are conducted on specific intelligence, and with all precautions to avoid civilian casualties. Pakistan has lost approximately seven thousand soldiers and other officer, Policemen, and over 50,000 civilians in the war against terrorism and the economic cost of this struggle has been around 80 billion dollars<sup>xiv</sup>. This has adversely impacted the economic strength of the country, its ability to finance projects in the social sector and slowed the pace in achieving Millennium Development Goals.

Pakistan extended invitation to the UN High Commissioner for Human Rights and a number of special procedures of the Human Rights Council to visit Pakistan. The High Commissioner for Human Rights visited Pakistan in June 2012. The Special Reporter on the Independence of Judges and Lawyers visited Pakistan from 19 to 29 May 2012, while the Working Group on Enforced or Involuntary Disappearances visited Pakistan from 10 to 20 September 2012. Pakistan has also extended an invitation to Special Reporter on the promotion and protection of the right to freedom of opinion and expression. Since 2008, Pakistan has taken a number of steps to restore the democratic nature of state institutions. Members of the superior judiciary were freed and reinstated. All political prisoners were released, civil liberties were restored, curbs against the media were lifted and legal proceedings against lawyers and human rights defenders were dropped.

Promotion and protection of human rights is a continuous process to which people of Pakistan remain committed. Pakistan is a democratic country however; Pakistan's government has a long way to go in translating these theoretical aspirations into practical realities. Political polarization, poor governance, nepotism, corruption in the lower judiciary, corporatization of media and other department are some of the powerful barriers which inhibit good intentions from translating into sustainable plan of action.

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<sup>i</sup> We are the Walking Dead, a Report published by Human rights watch in 2014

<sup>ii</sup> Twin church blast claims 80 lives in Peshawar – reported by Dawn News dated 22 September 2013

<sup>iii</sup> Model town tragedy: reported in The Express Tribune dated 20 May 2015.

<sup>iv</sup> NCHR Act 2012 available in the Gazette of Pakistan dated 5 June 2012

<sup>v</sup> Principles related to Status of national institutions available at

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>

<sup>vi</sup> Acid control and acid crime prevention bill and act available in the National Gazette of Pakistan dated 28 December 2011

<sup>vii</sup> Available in The Gazette of Pakistan dated 28 December 2011

<sup>viii</sup> Available in the Election Commission of Pakistan Notification – Islamabad 28 May 2013

<sup>ix</sup> Ratification of ICCPR by Pakistan available in United Nations Treaty Collection accessible at

<https://treaties.un.org/>

<sup>x</sup> Available in United Nations Treaties Collection accessible at <https://treaties.un.org/>

<sup>xi</sup> Available in United Nations Treaties Collection accessible at <https://treaties.un.org/>

<sup>xii</sup> Amendments available in The constitution of Islamic republic of Pakistan modified on 28 Feb 2012, accessible at [http://www.na.gov.pk/uploads/documents/1333523681\\_951.pdf](http://www.na.gov.pk/uploads/documents/1333523681_951.pdf)

<sup>xiii</sup> Governance Reforms in Federally Administered Tribal Areas (FATA) of Pakistan: The Past and Present - Published in Journal of Political studies volume 22

<sup>xiv</sup> 50000 killed, \$80 billion loss incurred in war on terror, NA told: published by The Express Tribune on 5 December 2014, accessible at <http://tribune.com.pk/story/802231/50000-killed-80b-loss-incurred-in-war-on-terror-na-told/>