

## Human Rights & Pakistan - An Overview

### The Journey towards Human Rights

While ideas and philosophies enshrining the various concepts of human rights have existed for centuries, the modern concept of human rights stems from the Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly in December 1948.

The document, which lays out a set of basic human rights to be protected universally, is considered a milestone in the history of human rights. It states that all people and all nations must aim to achieve certain goals and the same standards exist for all human beings across the globe. The UDHR remains the standard by which these rights are defined and framed.

Over the decades, awareness of these rights has grown in almost every country of the world. Today, success of nations in protecting human rights is measured in terms of their accomplishment in setting up mechanisms to safeguard human dignity; ensuring laws intended to protect people; and developing a relationship of trust between citizens and the state. As a general rule, democracies have succeeded better than dictatorships and developed economies better than underdeveloped or developing ones in securing rights for citizens.

Understanding of rights has altered through time, with civil and political rights and economic and social rights key areas of concern when the UDHR was formulated. This definition has since been expanded to cover areas such as the environment. The concept is not a static one and continues to evolve in response to developments in various spheres.

### State of Human Rights in Pakistan

Human rights violations of all hues are hardly rare in Pakistan. Newspapers, on a regular basis, publish accounts of police torture, extra-judicial executions, threats to journalists or incidents of women being beaten, burnt and subjected to all kinds of abuse. Violence against other vulnerable groups children, religious minorities, workers, refugees, internally displaced persons is just as common.

There are many factors which contribute to these. The prolonged periods of autocratic rule in the country has meant the culture of democracy has yet to develop. This has generated a series of problems of many kinds, and has played a part in the

disempowerment of people by depriving them of education, adequate access to healthcare and a lack of say over their own destinies. The deprivation is most acute for those who are also at risk on the basis of their gender, age, religious beliefs or their economic status and leaves them less able to defend themselves against various atrocities.

According to official figures less than sixty percent of the Pakistani people are literate<sup>1</sup>. This figure falls to a mere 20 percent in districts like Qila Saifullah in Balochistan, while in the Federally Administrative Tribal Areas (FATA) less than one percent of women are literate according to non-governmental organizations (NGOs) like Khwendo Kor, working for the empowerment and education of women. This regional and gender disparity further contributes to the suffering it inflicts.

Problems in the healthcare sector are well established and stem, for a large part, from the fact that Pakistan spends only 1.3 percent of its gross domestic product (GDP) on health. This is less than all other countries in the South Asian region and most nations in the world. This accounts for the poor facilities available at almost all government hospitals, the non-functioning of many Basic Health Units (BHUs) and Rural Health Centres (RHCs) and widespread reports of negligence in the sector.

Over recent years, as poverty has grown, it has caused a growth in human rights problems. According to the Islamabad-based Pakistan Poverty Alleviation Fund, a semi-autonomous, World Bank-funded organization, 32.6 percent of Pakistan's people live in poverty. This has brought terrible abuses.

Though Pakistan is a signatory to the UDHR, much of what the document lays down is not enforced. Indeed this is equally true of other international covenants signed by Pakistan such as the Covenant on the Rights of the Child (CRC), ratified in 1990, or the Covenant against Torture, signed by President Asif Ali Zardari in June 2010. In fact, many of the provisions of the CRC, including the right of children to education, are blatantly denied.

What is, however, more disturbing is the fact that the human rights situation has not improved significantly over the years. There is some argument to support the view that it has, in fact, worsened for most citizens, as poverty grows and threats to the security of life expand as a consequence of terrorism, crime, illiteracy and a decreased access to food.

<sup>1</sup> [http://www.unicef.org/infobycountry/pakistan\\_pakistan\\_statistics.html](http://www.unicef.org/infobycountry/pakistan_pakistan_statistics.html)

### Minority Report

The history of state-ordained discrimination against minorities is a long and painful one in Pakistan.

From 1985 to 2002, religious minorities suffered segregation through the system of separate electorates. Under this people were divided on the basis of religious beliefs into five groups: Muslims, Christians, Hindus, Sikhs, Buddhists, Parsis and Ahmadis. Electoral lists were separated on a sectarian basis and each religious group was able to vote only for members of its own community in the electoral process with minority groups pushed outside the political mainstream. Flaws in the manner in which the joint electorate was reintroduced, in January 2002, meant that in practical terms separate lists were maintained at polling stations, preventing an amalgamation of voters into a whole on the basis of citizenship.

The rights of religious minorities have also been adversely affected by discriminatory laws contained in the statute book. Today, such laws present possibly the most acute threat to human rights in the country, granting state cover to practices that effectively leave some citizens exposed to an abuse of their rights.

Constitutional provision that leaves the office of the president open only to a Muslim is another example of such discrimination. The 18<sup>th</sup> Amendment to the Constitution, passed by the Parliament in April 2010, left the office of Prime Minister open only to a Muslim as well, thereby further closing down space for non Muslims, who make up around three percent of the population, though estimates on this vary.

### Women Denied Rights

Minorities, however, are not the only group to face discrimination, and consequent marginalization, as a result of biased laws. Chiefly under General Zia ul Haq, but also at other times in history, laws that hold back the rights of women to equal status as citizens have been introduced. Those that still stand today mean that women cannot testify in all matters on the same basis as men with financial matters requiring testimony by two women as against a single man. The Qisas and Diyat Act of 1997 is discriminatory as it shifts responsibility from state to individual(s). The right to waive Qisas by any one of the legal heirs at any stage in the case of murder leaves open room for several kinds of abuse. In addition, there is an absence of mandatory provision for compensation to women victims of

violence.

In Pakistan, the prevailing laws also pave the way for 'honor' killing of women. According to the independent Human Rights Commission of Pakistan (HRCP), there were 388 such cases in 2009. Many others may have gone unreported. The Qisas and Diyat laws mean that in cases where a woman has been killed by family members, her 'Wali' or guardian can accept blood money for the hurt inflicted from the perpetrator of the crime. In practical terms, this means when an 'honor' crime is committed within a family, the brother of the victim takes responsibility for the killing. His father, also the heir of the woman, demands blood money, this never actually exchanges hands and in real terms, those behind the murder escape punishment.

There are of course factors beyond the law that lead to such crimes or other acts of violence against women to continue with impunity. Blind compliance to centuries old traditions and the lack of empowerment of women are key reasons why so many women fall victim to brutality. This often takes place within the home with police reluctant to act against husbands, or other members of a family who inflict it despite the passage in 2009 of specific laws against domestic violence.

### Children's Plight No Better

Along with women, children are some of the worst victims of an abuse of rights. According to the National Child Labour Survey conducted in 1996 by the Federal Bureau of Statistics, Ministry of Labour, Manpower and Overseas Pakistani, International Labour Organization (ILO) and International Programme on the Elimination of Child Labour (IPEC), 3.8 million children between the ages of 5 and 14 years, from a population of 40 million children in that age bracket, work. Unofficial estimates suggest the figure could be significantly higher. Though Pakistan is a signatory to the International Labour Organization's (ILO's) Convention on the Worst Forms of Child Labour, children continue to work in hazardous sectors such as mining and are also engaged in the sex industry. The failure to enforce laws such as the Juvenile Justice System Ordinance of 2000 means children continue to be held in jails alongside adults and remain at risk from the death penalty.

There are at least 1.7 million bonded laborers in Pakistan, most of them on agricultural estates in Sindh or in brick kilns in the Punjab. Conditions akin to slavery also exist in other sectors including the unregulated domestic work sector. Legal battles

continue to secure freedom for these persons, majority of whom comprise women and children.

### Freedoms Throttled

Pakistan, with its long history of military rule, has also seen prolonged periods during which the right to vote for representatives was denied or the political process manipulated by military dictators to suit their own purposes. These eras have often coincided with a crackdown on other fundamental freedoms, including that of expression, assembly, movement and association. The right to assemble peacefully by staging rallies, marches and other gatherings to draw attention to concerns was violently curbed during the dictatorships of General Zia ul Haq, from 1977 to 1988 and General Pervez Musharraf from 1999 to 2008. Under Musharraf's rule, lawyers and other civil activists faced the brunt of state violence after November 2007, when a state of emergency was declared, fundamental rights suspended and the Chief Justice of Pakistan dismissed.

Curbs on association have essentially involved the bar on student unions placed in 1984 and lifted in 2008, limitations on the rights of laborers and bars on employees of banks, the railways and other sectors which are otherwise deemed 'essential services' to form unions. This restriction was also placed on Pakistan International Airlines, the national carrier.

Curbs on movement have been used to prevent political figures from participating in rallies or clerics from entering certain towns, mainly during the months of sectarian sensitivity such as Muharram – the Muslim month of mourning most observed by the Shia sect. While this annual measure is intended to prevent sectarian unrest, little is done on the other hand to employ laws against the incitement of hatred, by either enforcing bans on sectarian groups or preventing the dissemination of material which promotes violence.

### Media in Military's Crosshairs

Perhaps the most acute suppression of fundamental freedoms has taken the form of press censorship. It first assumed grave proportions in April 1959, when Progressive Papers Ltd, a group of publications known for its pro-left views, was taken over under the regime of General Ayub Khan, Pakistan's first military dictator, as security personnel forcibly took over the offices of an English daily, The Pakistan Times. Since then there have been periods under General Zia ul Haq when blank spaces appeared

each day on the front pages of newspapers because tough censorship panels lifted out news items even remotely critical of the regime.

Attempts to control the media have occurred under democratic governments too. Threats to owners or individual journalists have been the tool used most often. In addition, the powerful lever of government advertising has been used by suspending advertisements that bring the most revenue to publications. Under Musharraf, the Geo television network, and for a shorter duration Aaj TV and the ARY network flickered on and off the airwaves triggering nationwide protests.

The introduction of independent electronic media in 2002, when licenses were granted to private companies, ended the monopoly of state-run television and radio channels and expanded free expression in the country. However, the lack of a law on adequate access to information prevents citizens from acquiring knowledge about the working of government and other state institutions.

### Militancy Magnified Violations

There are other, relatively recent factors that aggravate the human rights situation in Pakistan. The militant insurgency in tribal areas and other parts of the north that gained pace after the 2001 US invasion of Afghanistan transported grotesque violations across the border. These included public floggings, beheadings and shootings by the Taliban. The flogging of a young woman in Swat in a widely-circulated video that surfaced in April 2009 is one example. There are many others. Another video, allegedly showing the extra-judicial execution of six civilians in Swat by army personnel demonstrates the cycle of abuse that has been seen. The acts of terrorism carried out by militants at bazaars, mosques, Sufi shrines and elsewhere have claimed thousands of lives over the past few years.

This is not the only example of conflict. Through 2006, and the period after that, insurgency in Balochistan by nationalist elements intensified with the military launching an operation in the province. The killing, in August 2006, of Nawab Akbar Bugti, added to the unrest in the province where nationalist elements say over 4,000 people have gone 'missing' presumably picked up by agencies.

### On Deaf Ears

While Pakistan is signatory to a host of conventions intended to

protect human rights, including Universal Declaration of Human Rights (UDHR), Convention on the Rights of the Child (CRC), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), International Covenant on Civil and Political Rights (ICCPR), Convention Against Torture (CAT) and various ILO conventions intended to protect the rights of workers, the problem is that these instruments backed by provisions of Pakistan's own Constitution and law are extremely poorly implemented.

A lack of awareness and sensitivity within the police force, the administration, notably at the lower tiers, and also the lower judiciary is a key reason for this. As an example, police remains reluctant to intervene in cases involving violence within homes seeing this primarily as a domestic issue, to be sorted out within families.

A lack of adequate training means police management of protests and rallies is often based around the use of brutality and force. Worse still is the treatment of those held at police lock-ups or jails, where torture is endemic. Corruption and over-crowding in jails aggravates the problem for both inmates and staff.

There is also the fundamental issue of the will of the government. Offering people protection from abuse and safeguarding their rights means more than signing pieces of paper in international capitals. It needs to be backed by a genuine effort to translate the provisions of these documents into reality. The same holds true of Pakistan's own laws, which in theory offer fairly adequate protection in some cases e.g. to children, but remain poorly implemented. The provisions for universal, compulsory education, for instance, are frequently disregarded as is the ban on corporal punishment in schools.

There are exceptions to this rule. The Punjab government's Destitute and Neglected Children Act of 1984, under which a Child Welfare and Protection Bureau was set up in Lahore and then extended to other cities did play a part in taking children off streets, preventing parents from forcing them into work and raising awareness about their rights.

Others laws, no matter how poorly enforced, have a similar impact in at least placing issues before the public and raising knowledge and awareness about them. Human rights groups have also played an important role in creating such awareness with concrete results visible. More women, for instance, report rape than had previously been the case, letters complaining of

rights violations come in even from remote rural areas and once taboo issues, such as child abuse, have been raised in the parliament.

### **The Rights Solution**

These achievements, however small, need to be built upon. The expanding civil society groups operating to highlight issues of central concern have played a part in this. So has the media. All such efforts need to continue. What is perhaps most crucial of all is that democracy be strengthened as a means to ensure issues of all kinds, central to the rights of people, continue to be raised at assemblies. It is also important that groups based in civil society lobby for the rights of specific groups and ensure that they gain a voice.

Though this process has, to some degree, at least already begun, it needs to be expanded. This can happen only through the joint efforts of government, various groups operating in society, the media and individuals. It would be wrong to say that over the years no progress has been made. Many problems still exist, some new ones, undoubtedly have arisen. But we also have new laws, new awareness and a new determination by people to access their basic rights. The struggle will be a long one. But it will, inevitably, in time produce results we can be proud of.