



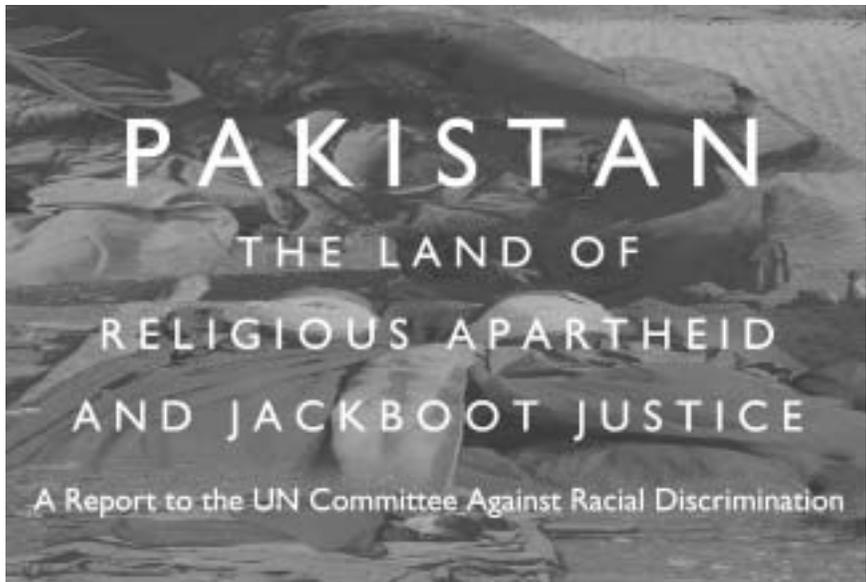
PAKISTAN

THE LAND OF
RELIGIOUS APARTHEID
AND JACKBOOT JUSTICE

A Report to the UN Committee Against Racial Discrimination



ASIAN CENTRE FOR HUMAN RIGHTS



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Pakistan : The Land of Religious Apartheid and Jackboot Justice
A Report to the UN Committee Against Racial Discrimination

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Introduction

In its ongoing 71st session from 30 July to 17 August 2007, the United Nations Committee on the International Convention Elimination of All Forms of Racial Discrimination (CERD Committee) is scheduled to consider the situation of Pakistan in absence of the periodic reports of the government of Pakistan. As Pakistan refused to cooperate with the CERD Committee since January 1998, the CERD Committee was left with no other option. Pakistan failed to submit five periodic reports - 15th to 19th - since 4 January 1998.

Asian Centre for Human Rights (ACHR) welcomes the decision of the UN CERD Committee.

In its last periodic report (CERD/C/299/Add.6) of 1996, Pakistan failed to provide adequate information relevant for consideration by the CERD Committee.

Nonetheless, in its periodic reports in 1996, Pakistan proudly proclaimed, *"Following the lifting of martial law, the Constitution has been restored fully. Measures introduced during the martial law period have been repealed and replaced by the rule of law as provided for under the Constitution."*

Since 1996, there have been major upheavals in Pakistan which have direct implications on the enjoyment of rights provided in the ICERD.

First, though there is no martial law, Pakistan is once again being ruled by a military General.

Second, in the post September 11th period, Pakistan has found itself in the forefront of the war against terror in which human rights and fundamental freedoms have been seldom respected. While the provinces bordering Afghanistan usually bring the images of the Al-Qaeda terrorists, beyond these images lie the jackboot justice introduced by the colonial British and perfected by the Pakistani authorities under the draconian Frontier Crime Regulation (FCR) of 1901. The systematic denial of the legal and judicial reforms in the Federally Administered Tribal Areas (FATA) indeed institutionalised Taleban style justice in the FATA region and the absence of

the edifice of the State structure or governance created the necessary conditions in which Pakistan has to engage in war.

Third, because of the denial of autonomy and development of the Balochis, Pakistan found itself at war in Balochistan which escalated since early 2005. There have been credible reports of discrimination against the Balochis which found manifestation in systematic disappearances, indiscriminate use of fire-arms and bombing by the Air Force against the civilians and engineering disaster for the internally displaced persons.

Fourth, in order to appease the religious hardliners, then General Ziaul Haq introduced Sharia law and the blasphemy laws in 1980s. While majority Muslims, especially the women, accused of adultery continue to struggle as to whether the Sharia-Law or common law will prevail, religious minorities have been targeted and victimised under the blasphemy laws.

Pakistan officially recognises only religious minorities and not the ethnic, linguistic or racial minorities. It sought to subsume the ethnic, linguistic or racial minorities under the rubric of Islam. The armed conflicts in Balochistan and the Federally Administered Tribal Areas show that Pakistan has miserably failed to subsume ethnic and racial identities of the Balochis and the tribals. Consequently, discrimination against the religious, ethnic, linguistic or racial minorities has come to the fore as never before.

Asian Centre for Human Rights hopes that this shadow report will help the CERD Committee to effectively examine the implementation of the ICERD in Pakistan and make appropriate recommendations.

Suhas Chakma
Director

CHAPTER 1

Executive summary and recommendations

Pakistan has failed to submit its periodic reports since January 1998. It is highly regrettable that Pakistan has chosen not to cooperate with the United Nations Committee on the Elimination of All Forms of Racial Discrimination. The last periodic report (CERD/C/299/Add.6) submitted by the government of Pakistan on 13 June 1996 also failed to provide adequate information relevant to the ICERD.

The key issues of concerns which are of relevant to the UN CERD Committee are summarised below:

Legalisation of religious apartheid:

Pakistan government in its policies, programmes and laws only recognises the religious minorities but not the ethnic, linguistic or racial minorities living in the country.

The Constitution of Pakistan segregates its citizens on the basis of religion; and provides preferential treatment to the Muslims. While Article 2 of the Constitution declares Islam as “the State religion of Pakistan” and the Holy Quran and Sunnah to be “the supreme law and source of guidance for legislation to be administered through laws enacted by the Parliament and Provincial Assemblies, and for policy making by the Government”, under Article 41(2) only a Muslim can become President. Further, Article 260 of the Constitution differentiates “Muslim” and “Non-Muslim” thereby facilitating and encouraging discrimination on the basis of religion.

The Constitution is so glued to providing preferential treatment to the majority Muslims that even a Hindu judge has to take oath of office in the name of “Allah”. On 24 March 2007, Justice Rana Bhagwandas, a Hindu, while being sworn in as Acting Chief Justice of Pakistan, being the senior most judge after the suspension of Chief Justice Iftikhar Muhammad Chaudhry, had to take oath with a Quranic prayer - “May Allah Almighty help and guide me, (A'meen)”.¹

Provisions of the Pakistan Penal Code, in particular, Section 295-A, Section

295-B, Section 295-C, Section 298-A, Section 298-B provide harsh punishment for alleged blasphemy. These blasphemy laws undermine some of the major provisions of the Constitution of Pakistan such as the fundamental right to “profess, practice and propagate his religion” (Article 20), equality before the law and equal protection of law to all citizens (Article 25), and safeguard the “legitimate rights and interests of minorities” (Article 36). The Apostasy Bill 2006 introduced by the Muttahida Majlis-e-Amal (MMA) in the National Assembly in May 2007 seeks, among others, to provide death sentence to any Muslim converting to other religions and imposes life imprisonment for women apostates.²

Teaching hatred in schools:

The Hindus and Hinduism have been allegedly maligned and hatred against them are propagated in the text books approved by the National Curriculum Wing of the Federal Ministry of Education. Among others, Hindus have been stated as “enemy of Islam” in the textbooks of Class V.³

Persecution under blasphemy laws:

Since Ahmadis have been declared as heretic, practicing their faith in public can be described as blasphemous and therefore, the dagger of blasphemy laws perennially hang over their heads. Blasphemy laws have been widely abused and mis-used to target the minorities and sometimes, to settle personal vendetta even among the Muslims. Between 1 January to 1 June 2007, at least 25 persons out of which 16 were Christians including 9 women were victimised under the blasphemy laws.⁴ In 2006, 90 cases of blasphemy were reported. Out of these, only 48 were registered with the police in which 27 accused were Muslims, 10 Christians and 11 Ahmadis.⁵ Considering that Christians, Hindus and Ahmadis constitute only slightly more than four percent of the total population of Pakistan, they have been disproportionate victims of the blasphemy laws. On 30 May 2007, Younis Masih, a Christian, was sentenced to death on charges of blasphemy by the Sessions Court in Lahore. He was charged on 10 September 2005 under Section 295-C of Pakistan Penal Code.⁶

Even the anti-terror laws are invoked against those accused of blasphemy and often the judiciary sanctifies the charges. On 8 June 2007, Mr. Saeed Ahmad, an Ahmadi, was arrested under Section 298-C of Pakistan Penal Code at Nakdar Police Station in Sargodha district (FIR No 73/2007). Later, the police added Clause 9 of the Anti-Terrorism Act to the charge sheet.⁷ Earlier on 25 November 2006, an Anti-Terrorism Court sentenced two Christians - James Masih (65) and Buta Masih (70) - to 10 years imprisonment

in addition to a fine of Rupees 25,000 for committing “blasphemy” against the Quran in October 2006 in Faisalabad district.⁸

Even children were not spared. On 26 January 2007, police reportedly registered cases against five Ahmadi children identified as 11-year-old Nusrat Jahan, daughter of Hakim Muhammad Sadiq of Ahmadabad Janoobi; 8-year-old Umair Ahmad, son of Ghulam Ahmad of Ahmadabad Janoobi; Ashfaq Ahmad, son of Muhammad Mumtaz of Khai Kalan; Rafi Ahmad, son of Muhammad Yousaf of Omerabad Majoka; and Abdul Sattar, son of Ahmad Hasan of Thathi Omerabad under Section 17 of the Maintenance of Public Order Ordinance in Chora Kalan police station in Khushab district for subscribing to Jamaat-e-Ahmadiya’s monthly children’s magazine *Tasheetul Azhan*.⁹

Those who faced blasphemy charges continued to live in fear even after acquittal by the courts. A Christian identified as Shahid Masih of Faisalabad had to go into hiding although he was released on bail on 17 January 2007 in a blasphemy case. Judge Muhammad Tanveer Akbar granted Shahid Masih bail on the ground that evidence against him was only “circumstantial”. Yet, he faced threats from the fundamentalists and had to go into hiding.¹⁰

Denial of government jobs:

The religious minorities have been denied proportional representation in government jobs. According to the 13th census of civil servants-2006, an overwhelming majority (97.51 per cent) of the federal civil servants are Muslims while only 250 civil servants (0.11 per cent) are Ahmadi, 499 civil servants (0.21 per cent) are Hindus, 23 civil servants are Buddhists, 4,731 (2.01 per cent) civil servants are Christians and 22 civil servants of “other” religions and 0.14 per cent whose religions have not been disclosed.¹¹ Minorities are often discriminated in government jobs on the basis of religious belief. On 15 May 2007, Mr. Amjad Mahmud was fired from service in the Atomic Energy Commission while 40 of his colleagues who were Muslims, were regularised in August 2006. He was allegedly fired for being an Ahmadi follower.¹² Earlier in April 2007, Mushtaq Masih, a Christian, who was employed as a sweeper by the municipal administration, was suspended from his job because of his arrest under suspicion of blasphemy.¹³

Denial of freedom of movement:

Since July 2003, Ahmadi travelling to Mecca for the Hajj must officially denounce in writing the founder of the Ahmadi faith, Mirza Ghulam Ahmad as a “cunning person and an imposter”.¹⁴ In March 2005, the government of Pakistan restored the discriminatory practice of making it mandatory to

include religious identity of individuals in all new passports. That requirement was earlier withdrawn in November 2004.¹⁵ On 12 February 2007, the daily *Khabrain* reported that the government made it necessary for an applicant to certify his/her faith in the 'End of Prophethood' in the application form for national identity card. The newly printed forms for the national identity card reportedly included the attestation concerning the End of Prophethood.¹⁶

Denial of freedom of expression:

The Ahmadis in particular have been denied freedom of expression and assembly. Since 1983 the Ahmadis have been denied permission to hold their religious annual conference.¹⁷ On 15 December 1989, the authorities booked the entire Ahmadi population of Rabwah (the headquarters of Ahmadis in Pakistan) in FIR 367/89 under Section 298C of Pakistan Penal Code. The FIR remains active to-date.¹⁸ Ahmadis are prohibited from holding any public conference or gathering.¹⁹

Ahmadi publications are banned from public sale. On 22 January 2007, the police raided the printing press of an Ahmadi proprietor, Tariq Mahmud Panipati at Lower Mall in Lahore and sealed the press.²⁰ Earlier, on 9 September 2006, the police raided the office of the daily *Alfazi* – published by the Ahmadiya community - at Chenab Nagar (Rabwah) in Punjab. Mr. Sultan Ahmad Dogar of *Alfazi* was arrested under Sections 298B and 298C of Pakistan Penal Code, Section 16 of Maintenance of Public Order and clause 9 of the Anti-Terrorism Act. Mr. Dogar was later released on bail.²¹

Violations of ESCR rights:

The minorities have been systematically denied economic, social and cultural rights. Their lands and properties including places of worship have been forcibly grabbed. Since July 2006 Hindus had been forcibly evicted from Panwal Das Compound area in Lyari in Karachi and Muslim butchers turned the Shiv Mandir of the Hindus into a slaughter house in connivance with the police.²² In another incident, following a notification from the Evacuee Trust Property Board of 9 March 2006, Krishna temple in Lahore was demolished to pave the way for construction of a commercial complex.²³ On 18 June 2006, the Lahore High Court stayed the construction of the commercial complex following a writ petition challenging the demolition of the temple.²⁴

The Christians' lands were illegally transferred to Muslims in Chawk Munda under Muzzafargarh district. On 1 November 2006, four Christian farmers namely Khurshid Mangta, Hadayat Masih, Gulzar and Nazir Pirandita were forcibly evicted from their lands and their crops were

destroyed. Each person lost 10 acres of cultivable land which was their only source of livelihood. The land was reportedly transferred through Revenue department by Mr. Haider Shah.²⁵

The Ahmadis too have not been allowed to maintain their own graveyards. On 22 April 2007, the Lahore police bulldozed the boundary wall of a 6-acre piece of land legally procured by the Ahamdi community to extend their graveyard. The hardliners opposed the extension.²⁶

Denial of equal treatment before the organs administering justice:

The minorities have been denied the right to equal treatment and protection by the law enforcement personnel. Often, the police refused to register cases filed by the non-Muslims. In the case of abduction and gang rape of a minor Christian girl identified as Cheena Bibi (12 years) on 8 April 2007 in Punjab, police did not act despite providing the details of one of the accused to the police by the brother of the victim, Munir Masih.²⁷ In the cases where the police arrested the Muslim accused, they are often let off without investigation.²⁸

Denial of protection against bodily harm:

The minorities are not provided security by the State against bodily harm and violation of the right to life. In March 2007, the Pakistan Hindu Council (PHC) appealed to President Musharraf to direct the authorities to provide protection and take measures to recover kidnapped Hindus from Sakrand, Kashmore and Jacobabad.²⁹ The Hindus reportedly have to pay “protection money” to the local Muslim gangs or influential persons in order to avoid getting kidnapped for ransom.³⁰ On 6 February 2007, kidnapped Hindu engineer Garish Kumar was found dead in the premises of a madrasa in industrial area of Kotri in Sindh.³¹ The deceased’s father, Saspal Das alleged that Garish was killed for being a Hindu.³²

It is a crime for the Hindus to have land and beautiful daughters. Kidnapping, raping and forcible marriage of Hindu girls is a common practice in Pakistan. In case of arrest, the accused produce a certificate issued by any Muslim seminary that the kidnapped girls have voluntarily adopted Islam and the accused have married the girls. The courts generally do not consider the fact that the most of the girls are minor and simply accept the certificate of conversion without any investigation.³³ On 31 December 2006, a Hindu girl named Deepa (17 years) was abducted by her tuition teacher, Ashraf Khaskheli, a Muslim in Madhwani Mohala in Tharparkar district and forcibly married and converted her to Islam. A certificate of marriage and conversion to Islam was reportedly issued by Ayube Jan Sarhandi, the head of the seminary and the police allegedly refused

to register the complaint filed by the girl's parents.³⁴

Many Christian families reportedly fled from their homes following a threatening letter received from Islamic militants at Charsada of North-West Frontier Province (NWFP) on 8 May 2007 asking them to convert to Islam within 10 days or face dire consequences.³⁵ In June 2007, Christians of Shantinagar village of Khanewal district in Punjab received similar threats to embrace Islam.³⁶ The police often failed to provide adequate protection.

Denial of the right to vote:

The religious minorities have been systematically excluded from the voters' list. On 12 June 2007, the Election Commission of Pakistan released a new voters' list for the upcoming general elections. Instead of a joint voter list, the Ahmadis were placed in a separate voters' list.³⁷ The Secretary of the Election Commission, Kunwar Dilshad Ahmed reportedly justified the separate list for the Ahmadis on the ground that a separate list for the community could help its members in checking the names and information of their members.³⁸

In July 2007, the All Pakistan Minorities Alliance claimed that 20 per cent of non-Muslim voters have been excluded from the new voters' list.³⁹ About 18 per cent eligible voters belonging to minorities have been struck out in the new voters' list in North West Frontier Province.⁴⁰ On 26 July 2007, the Supreme Court directed the Election Commission of Pakistan to ensure registration of all eligible voters in the new electoral rolls.⁴¹

Discrimination against the Balochis:

There have been reports of indiscriminate use of fire-arms and bombs by the Pakistan Army and Pakistan Air Force against the civilians while confronting the Baloch armed opposition groups. On the morning of 30 March 2007, thousands of Pakistan army soldiers entered and cordoned the Baloch villages of Lanju and Sagari in Sui area near Mazari goot on Balochistan-Punjab border from Punjab while fighter jets and gunship helicopters bombarded the villages in turns for several hours. At least 18 women, children and elderly persons were reportedly killed in the military action.⁴² Earlier on 14 June 2006, four members of a family including two women and two children aged 7 and 3 years reportedly died in bombings by Pakistani Air Force jet planes in Gazital areas, 20 Km east of Marri tribal capital Kahan.⁴³

On 1 August 2007, the Supreme Court issued *suo motu notices* to Chief Secretary and Provincial Police Officer of Balochistan on the rising number of disappearances.⁴⁴ Hundreds of Balochis have been arrested and disappeared.

While the Balochistan National Party-Mengal (BNP-M) claimed that around 4,000 Baloch youths, mainly political activists, were still in the custody of Pakistani intelligence agencies,⁴⁵ Human Rights Commission of Pakistan stated that out of 242 persons who were still missing as of 10 December 2006, 110 were from Balochistan, 70 from Sindh, 42 from Punjab and 20 from the North West Frontier Province.⁴⁶

Internally Displaced Persons (IDPs) of Balochistan have been living in inhospitable situations and the government created further obstacles. According to the United Nations agencies there were 84,000 IDPs in Balochistan of which 26,000 were women and 33,000 were children as of December 2006.⁴⁷ The government deliberately created the humanitarian crisis by not even recognizing the presence of IDPs in the province. When the government sought the intervention of the United Nations to avert the humanitarian crisis on 21 December 2006, it was too late.⁴⁸ Due to total blockade of Marri and Bugti areas by the Pakistani army, about 8,000 to 10,000 allegedly died due to malnourishment, lack of shelter and disease. The makeshift camps had no access to potable water, food, and other basic necessities. No medicine and medical facility, doctor and electricity or even fuel to run water pumps were not provided to these areas.⁴⁹ The government prevented journalists and aid groups to reach the affected areas⁵⁰ and therefore, the extent of the man made disaster could not be reported. Even the assistance from the UN was sought only for three districts of Naseerabad, Jaffarabad and Quetta and not for Sibi and Bolan districts. Besides, the UN was asked to carry out its relief operation under the supervision of local authorities.⁵¹

The Federally Administered Tribal Areas: The Dark, Dark Region

FATA remains the DARK, DARK region where there is no rule of law. It is not only because Taleban inspired armed groups seek to impose medieval practices but effectively Pakistan too practices the similar medieval legal practices under the Frontier Crime Regulation (FCR) of 1901. The entire region has been deprived of any semblance of legal reforms that took place elsewhere in Pakistan and these repressive measures have further strengthened the Al-Queda type practices.

People of FATA live at the mercy of the President of Pakistan. Under Article 247(3), no act of the Parliament shall apply to FATA or any part thereof unless the President so directs. As the FCR, which is antithetical to due process of law, governs the administration of justice and Pakistan kept the region in legal darkness.

First, the FCR provides for collective punishment to the family members or

blood relatives instead of punishing only the guilty.⁵²

Second, under Section 21 of the FCR, the political authorities like the Political Agents and Assistant Political Agents of the government enjoy unbridled powers⁵³ including the powers of a) seizure, wherever they may be found, of all or any of the members of such tribe and of all or any property belonging to them or any of them; b) detention in safe custody of any person or property so seized; c) confiscation of any such property and, with like sanction, by public proclamation; d) debarring all or any member of the tribe from all access into the (country); and e) prohibiting all or any person within the limits of British India from all interaction or communication of any kind whatsoever, or of any specified kind or kinds, with such tribe or any section or members thereof.⁵⁴

Third, FCR does not provide any fair trial. People suspected of having committed a criminal offence are tried by the tribal *jirga* or council which submits its recommendations regarding conviction or acquittal to the Political Agent who makes a decision regarding conviction or acquittal but is not bound by the *jirga*'s recommendations.⁵⁵ Moreover, the suspects are tried without legal representation.⁵⁶ There is no provision of appeal against conviction or punishment order by the Political Agents as the jurisdiction of Pakistan's higher judiciary is barred under Article 247(7) of the constitution from exercising its jurisdiction in the FATA.⁵⁷

Tribal prisoners in FATA regions reportedly served two or more sentences for the same crime. While hearing a jail writ petition of Rahimullah, a division bench of Peshawar High Court consisting of Chief Justice Tariq Pervaz Khan and Justice Qaim Jan Khan directed the Federally Administered Tribal Areas (FATA) security secretary to check the "unbridled" powers of political authorities and the human rights violations carried out by them. The Assistant Political Agent (APA) of Bara had sentenced Rahimullah under section 40 of the FCR on 15 December 2003 but before the completion of Rahimullah's first jail term, the APA passed another order on 14 January 2005 against him in the same crime. As if that was not enough, before the completion of Rahimullah's second illegal jail term, the APA passed a third conviction order on 25 May 2006, for another three years for the same crime.⁵⁸

In the war against Taleban and Al-Qaeda, the tribals of FATA have become victims of indiscriminate attacks by the Pakistani military. On 30 October 2006, 82 people including at least 12 children were reportedly killed in an air strike at a madrassa (Islamic religious school) in Damadola in Bajaur agency (bordering Afghanistan) in FATA.⁵⁹ The locals claimed that all those killed were Islamic teachers and students.

Recommendations:

In the light of the concerns expressed above, Asian Centre for Human Rights makes the following recommendations for consideration by the CERD Committee.

The Pakistan government should be urged to:

- Submit 15th to 20th periodic reports within one year and that it should provide comprehensive reports including about the concerns to be expressed by the CERD Committee;
- Provide equal rights to the religious minorities in all spheres of life;
- Religious freedom of those serving with the organs of the State be ensured and necessary measures be taken to enable them to take oath of office in the name of their own belief or religion;
- Remove all propaganda of hatred, religious superiority and defamation of religion from the text books approved by the National Curriculum Wing of the Federal Ministry of Education;
- Repeal all the blasphemy laws, in particular Section 295-A, Section 295-B, Section 295-C, Section 298-A and Section 298-B of the Pakistan Penal Code and that the State party be asked to provide information on the Apostasy Bill of 2006;
- Ensure that with regard to the alleged blasphemy cases against children, laws on juvenile justice prevail and children are not charged or tried under the laws applicable to the adults;
- Take affirmative action programmes and ensure proportional representation of the minorities in government jobs;
- Abolish the administrative measures which promote hatred including reference to any particular faith in the passport or national identity card and that Ahmadis be allowed to undertake religious pilgrimages to places of their choice;
- Ensure the right to freedom of expression of the religious minorities and withdraw ban on the Ahmadi publications;
- Ensure the economic, social and cultural rights of the religious minorities including the right to land and protect their places of worship from appropriation by the private individuals or groups and/or forcible evictions;
- Launch special programmes to sensitise the law enforcement personnel

on the rights of the minorities to ensure that the minorities have access to equal treatment and protection of the organs administering justice;

- Develop technical cooperation programmes with the Office of the High Commissioner for Human Rights for capacity building of the law enforcement personnel on the rights of the minorities;
- Take effective measures against the abduction and kidnapping of the minorities, in particular girls and women and their forcible conversion to Islam;
- Fully implement the judgment of the Supreme Court of Pakistan to ensure registration of all eligible voters, in particular minorities, in the new electoral rolls;
- Prohibit indiscriminate use of fire-arms and bombs against the civilians while confronting the armed opposition groups;
- Respond to the *suo motu* notice issued by the Supreme Court on 1 August 2007 on the rising number of disappearances in Balochistan, establish a judicial commission of inquiry into disappearances in Pakistan by a sitting judge of the Supreme Court and establish accountability for disappearances;
- Invite the UN Working Group on Enforced Disappearances to visit Pakistan;
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance;
- Provide unrestricted access to the United Nations and humanitarian agencies to the Internally Displaced Persons (IDPs) in Balochistan and elsewhere;
- Repeal the Frontier Crime Regulation of 1901 from the statute books; and
- Take effective measures to extend constitutional reforms to the FATA region.

CHAPTER 2

Applicability of the ICERD

Pakistan has historically been at the crossroads of peoples migration between South Asia and rest of the world from time immemorial, and the diversity is reflected from ethnic, linguistic and religious origins of the people.

With a population of 148.72 million based on a (March 2004) projection of population census of 1998, the linguistic diversity also helps to understand the ethnic diversities. Though Urdu is the national language, other regional languages spoken in Pakistan are Punjabi 48%, Sindhi 12%, Siraiki 10%, Pashtu 8%, Balochi 3%, Hindko 2%, Brahui 1%, English and others 8%.⁶⁰

The key ethnic groups in Pakistan are Punjabis (44.15% of the population) followed by Pakhtuns (15.42%), Sindhis (14.1%), Seraikis (10.53%), Muhajirs (7.57%) and Balochis (3.57%). The others smaller ethnic groups include Turwalis, Kafiristanis, Burusho, Hindko, Brahui, Kashmiris, Khowar, and Shina, and the Kalash etc. In addition, Pakistan had accommodated largest number of Afghan refugees comprising of the Pakhtuns, Tajiks, Uzbeks, Turkmen, Hazaras, etc and many of these refugees permanently settled in the country. A large number of Bengalis, Arabs, Burmese, and African Muslim refugees have also permanently settled in Karachi, whilst hundreds of thousands of Iranian migrants are scattered throughout the country.

Domination by particular linguistic groups who are closely identified with provinces they reside is a common phenomenon in Pakistan. Yet, Pakistan only recognises religious minorities, and not the ethnic, linguistic or racial minorities. It seeks to subsume ethnic/racial identities under the rubric of Islam. Therefore, the government of Pakistan repeatedly failed to take measures to extend provisions of the International Convention on the Elimination of All Forms of Racial Discrimination in the country.

Even on religious minorities, laws or propaganda based on ideas or theories of superiority of majority muslims are common in Pakistan. Hindus are allegedly depicted in bad taste including as “enemies of Islam” in the school text books approved by the National Curriculum Wing of the Federal Ministry of Education.⁶¹

These polilicies and pratices led to blatant violations of the provisions of ICERD as shown in this shadow report.

CHAPTER 3

Legal framework sanctioning discrimination

Though ICERD is applicable to Pakistan, the Constitution of Pakistan, Pakistan Penal Code and other specific laws legally sanction discrimination.

a. Constitution of Pakistan

The Constitution of Pakistan severely restricts the fundamental rights and freedoms of the religious minorities.

Article 2 of the Constitution declares Islam as “the State religion of Pakistan” and the Holy Quran and Sunnah to be “the supreme law and source of guidance for legislation to be administered through laws enacted by the Parliament and Provincial Assemblies, and for policy making by the Government.” Hence, the Constitution justifies Acts or Ordinances which are communal in nature like the “Anti-Islamic Activities of the Qadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance, 1984” promulgated by then President General Muhammad Zia-ul-Haq, which inserted draconian provisions such as Sections 298-B and 298-C in Pakistan’s Penal Code.

As State religion, Islam is given preferential treatment to the detriment of the other religions. Islam is highly protected from possible criticisms and among others, glorification of Islam remains one of the grounds for curtailing the right to freedom of speech and expression under Article 19. As if that is not enough, under Article 41(2) of the Constitution, any one otherwise competent, cannot become the President of Pakistan unless he/she is a Muslim. This is nothing but a plain denial of political rights to the non-Muslims in the country.

Further, Article 260 of the Constitution differentiates “Muslim” and “Non-Muslim” thereby facilitating and encouraging discrimination on the basis of religion. According to this Article, a non-Muslim is “a person who is not a Muslim and includes a person belonging to the Christian, Hindu, Sikh, Buddhist or Parsi community, a person of the Qadiani Group or the Lahori Group who call themselves ‘Ahmadis’ or by any other name or a Bahai, and a person belonging to any of the Scheduled Castes”.

On 24 March 2007, Hindu judge Justice Rana Bhagwandas was sworn in as Acting Chief Justice of Pakistan being the senior most judge after Iftikhar Muhammad Chaudhry who was suspended by President Musharraf on 9 March 2007.⁶² Although he is a devout Hindu, Justice Rana Bhagwandas reportedly had to take oath with a Quranic prayer as introduced by late military ruler Zia-ul-Haq in the 1973 Constitution through a special Presidential order in 1985. The text of oath ends with a Quranic prayer - "May Allah Almighty help and guide me, (A'meen)". Justice Rana Bhagwandas had reportedly taken a similar oath when he became the judge of Sindh High Court and later Supreme Court.⁶³ This is a clear violation of the religious freedom.

b. Pakistan Penal Code and the Hudood laws

In addition, there are numerous national laws which discriminate against religious minorities. Many provisions in the Pakistan Penal Code are fundamentally communal and target non-Muslims and Ahmadis.

In the Pakistan Penal Code (PPC), there are several provisions which deals with blasphemy.

Section 295-A of PPC punishes anyone with a maximum of 10 years imprisonment and fine for alleged insult of religion or religious beliefs by "words, either spoken or written, or by visible representations".

Section 295-B provides life imprisonment to anyone who "willfully defiles, damages or desecrates a copy of the Holy Qur'an or of an extract therefrom or uses it in any derogatory manner or for any unlawful purpose";

Section 298-A provides a maximum of three years imprisonment, or fine or both for use of derogatory remarks, etc., in respect of holy personages of Holy Prophet by "words, either spoken or written, or by visible representation, or by any imputation, innuendo or insinuation, directly or indirectly";

Section 298-B provides three years imprisonment and fine for misuse of epithets, descriptions and titles, etc. reserved for certain holy personages or places" by Ahmadis by "words, either spoken or written, or by visible representation".⁶⁴

The harshest of all such draconian provisions is section 295-C of the Pakistan Penal Code which states

"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 Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.”

Other laws such as Haddood Ordinance (pertaining to rape and adultery), Qisas-o-Diyat (Blood Money), Qanoon-e-Shahadat (Witness Law) etc are discriminatory against minorities and women. Section 299 (k) of Pakistan Penal Code defines “qisas” as “punishment by causing similar hurt at the same part of the body of the convict as he has caused to the victim or by causing his death if he has committed qatl-iamd in exercise of the right of the victim or a wali”.

c. Impact on the Ahmadis

Article 260 (3)(a) states “Muslim means a person who believes in the unity and oneness of Almighty Allah, in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him), the last of the prophets, and does not believe in, or recognize as a prophet or religious reformer, any person who claimed or claims to be a prophet, in any sense of the word or of any description whatsoever, after Muhammad (peace be upon him).”

Since Muhammad is considered as the last Prophet, Ahmadi, the Islamic sect founded by an Islamic religious figure from Qadian, India, Mirza Ghulam Ahmad who claimed to have fulfilled Christian and Islamic prophecies, and proclaimed himself the promised Messiah, the Mahdi, as well as the Mujaddid (Reformer) of the 14th Islamic century,⁶⁵ is considered as heretic and non-Islamic. Hence, professing of Ahmadi faith is considered as illegal and blasphemous. And under Section 295-C of the Pakistan Penal Code, the Ahmadis could be sentenced to death for simply professing their faith.

These provisions of the PPC are in stark contrast to some of the major provisions of the Constitution of Pakistan such as the fundamental right to “profess, practice and propagate his religion” (Article 20), equality before the law and equal protection of law to all citizens (Article 25), and safeguard the “legitimate rights and interests of minorities” (Article 36).

Pakistan has been seeking to introduce more draconian laws which will further curtail religious freedom. On 8 May 2007, the Apostasy Bill 2006 was introduced by the Muttahida Majlis-e-Amal (MMA) in the National Assembly and was sent to the Standing Committee on Law and Justice for consideration. The bill provides death sentence to any Muslim converting to other religions and imposes life imprisonment for women apostates. If passed, the bill will also force convicted persons to forfeit their property and

lose legal custody of any minor children. According to Section 4 of the bill, all that is necessary for conviction of the accused are the testimony of two adults about the accused's leaving of Islam or the confession of the accused.⁶⁶

CHAPTER 4

The practice and patterns of discrimination against “non-Muslims”

Pakistan is all about appeasing the majority Muslims at the costs of the religious minorities. The religious minorities like the Ahmadis, Christians and Hindus face systematic discrimination. Their political rights, including the right to vote, freedom of assembly, expression and movement are often violated. They are denied economic, social and cultural rights, including the right to land and properties and practice their own religions or even maintain their own graveyards. Whenever their rights are violated, they do not receive equal treatment before tribunals and other organs of administration of justice.

a. Blasphemy laws in practice: Discrimination based on faith

That the blasphemy laws have been misused against the non-Muslims as well as the Ahmedia sect is an open secret. The difference is only that while framing of Muslims by fellow Muslims could be out of personal vendetta, religious minorities have been disproportionately targeted simply because of their religions. According to law, any Ahmadi professing his faith could be booked for blasphemy.

The misuse of blasphemy laws has been acknowledged by Federal Religious Affairs Minister Ejazul Haq.⁶⁷ According to the Chairman of the All Pakistan Minorities Alliance (APMA), Shahbaz Bhatti, hundreds of innocent people had been imprisoned, forced to flee the country or killed by extremists under the pretext of punishing blasphemers.⁶⁸

According to National Commission for Justice and Peace (NCJP), at least 25 persons had been victimized under the blasphemy laws during 1 January 2007 - 1 June 2007 and 16 out of them were Christians which included nine women.⁶⁹ In 2006, 90 cases of blasphemy have been reported. Out of these, only 48 were registered with the police in which 27 accused were Muslims, 10 Christians and 11 Ahmadis.⁷⁰ The NCJP also stated that 746 cases of blasphemy were filed in 2005 against 107 persons. Of the accused, 55 percent were Muslim, 18 percent Ahmadi, nine percent Christian and six

percent Hindu.⁷¹ Between 1986 and 2004, 634 blasphemy cases had been registered of which 309 cases were registered against Muslims, 236 against Ahmadiyas, 81 against Christians and eight against Hindus. In 2004 alone, 23 blasphemy cases were registered - 14 cases against 55 Muslims, seven cases against 24 Ahmadis and two cases against three Christians.⁷² Given the fact that the religious minority communities constitute only slightly more than 4 per cent of the total population, they have been disproportionate victims of the blasphemy laws.

i. Ahmadis

According to law, Ahmadis practicing their faith can be booked for blasphemy. As a result, the dagger of blasphemy laws always hang on their heads. There have been numerous cases in which Ahmadis have been booked, arrested and sentenced on blasphemy charges. But for the sake of brevity, Asian Centre for Human Rights (ACHR) cites only a few recent cases to show the pattern of persecution of Ahmadis under the blasphemy laws.

On 8 June 2007, Mr. Saeed Ahmad, an Ahmadi, was booked under Section 298-C of PPC at Nakdar Police Station in Sargodha district (FIR No 73/2007), and was arrested. Later, the police added Clause 9 of the Anti-terrorism Act to the charge sheet.⁷³

On 2 June 2007, two Ahmadis identified as Messrs Shahid Mahmud Ansari and Amir Ahmad Ansari of Gulshan Sir Syed in Karachi were arrested under sections 298 C and 506 B of the PPC. They have been lodged in Landhi Jail.⁷⁴

Even children of the Ahmadi community have not been spared. On 26 January 2007, police reportedly registered cases against five Ahmadi children identified as 11-year-old Nusrat Jahan, daughter of Hakim Muhammad Sadiq of Ahmadabad Janoobi; 8-year-old Umair Ahmad, son of Ghulam Ahmad of Ahmadabad Janoobi; Ashfaq Ahmad, son of Muhammad Mumtaz of Khai Kalan; Rafi Ahmad, son of Muhammad Yousaf of Omerabad Majoka; and Abdul Sattar, son of Ahmad Hasan of Thathi Omerabad under Section 17 of the Maintenance of Public Order (MPO) Ordinance in Chora Kalan police station in Khushab district for subscribing to Jamaat-e-Ahmadiya's monthly children's magazine *Tasheetul Azhan*.⁷⁵

ii. Christians

Christians also have been targeted under the blasphemy laws. On 30 May 2007, Younis Masih, a Christian, was sentenced to death for blasphemy by the sessions court in Lahore. He was charged on 10 September 2005 under Section 295C of PPC.⁷⁶

On 29 May 2007, Additional Sessions Judge Abid Hussain Qureshi granted bail to an 84-year-old Christian man, Walter Fazal, a retired Section Officer, who was arrested on blasphemy charges. On 9 May 2007, the police registered a case against Walter Fazal under Section 295-B of PPC on the complaint of his Muslim driver, Raja Riaz, who claimed to have seen Khan burning pages of the Holy Quran in his house.⁷⁷ He was arrested by the police and sent to jail.⁷⁸

Internationally accepted principle of innocent until proven guilty does not apply to Christian suspects. On 13 April 2007, a mob of Muslims tortured a Catholic man named Sattar Masih in Kotri in Sindh province accusing him of writing blasphemous words against Prophet Muhammad. Instead of taking action against the accused, the police arrested the Christian victim and tortured him again in custody in order to extract a confession from him. Maulana Mohammad Umer, *imam* at a local mosque, filed a complaint against Masih under Section 295-A and 295-C of PPC. The police also arrested Sattar Masih's 60-year-old uncle, Mushtaq Masih, and his son, who was later released. Mushtaq Masih, who was employed as a sweeper by the municipal administration, was suspended from his job because of his arrest under suspicion of blasphemy.⁷⁹

On 4 April 2007, Raja Munawar Hussain, District Police Officer of Toba Tek Singh district in Punjab ordered an investigation by Superintendent of Police, Zaheer Ahmad Bajwa into the charges leveled against five Christians in a blasphemy case registered on 1 April 2007 under sections 295A, 295C, 452, 148 and 149 of PPC. Two of the accused - Salamat Maseeh and Baboo Maseeh were charged with forcibly removing a religious sticker from the pocket of Faisal Gulzar and allegedly trampling it under his feet. The other accused have been charged with attacking the house of Faisal Gulzar and torturing male and female members of his family. On 1 April 2007, Salamat Maseeh of Bakhshi Park locality was arrested.⁸⁰

On 23 March 2007, Amanat Masih, a resident of village Nabi Pur Virkan in Sheikhpura district, was booked under blasphemy law for allegedly burning Quranic papers. An investigation by Sharing Life Ministry Pakistan (SLMP) found that on 23 March 2007, about 150 Muslims attacked the victim's house and brutally tortured the victim on the charges that he had torn out papers from Quran and robbed Rs 50,000 from him which he had saved for his daughter's marriage. Afterwards, the Muslims handed Amanat Masih to the local police at Factory Area who immediately registered a case under section 295-B of PPC vide First Information Report No. 277 dated 23 March 2007. Amanat was sent to district Jail in Sheikhpura. His wife, Zohera Bibi told the SLMP team that their opponents were very influential

persons and appealed to SLMP not to visit her again as she and her family members faced threats from the local influential Muslim landlords.⁸¹

On 22 January 2007, a Christian woman identified as Martha Bibi, 40, who is a mother of six children, was arrested by the police in Kot Nanak Singh town under Kasur district and sent to jail on the charges of blasphemy. She was charged under section 295-C of Pakistan Penal Code which provides death penalty for insulting Islam. The complaint against Martha Bibi was reportedly lodged after she asked for money from Muslim men working in a Mosque for the material they rented from her husband's construction shop. The complainant Mohammad Dilbar named two of his acquaintances, Mohammad Aslam and Mohammad Ramzan, in the FIR as witnesses to the alleged crime of insulting Islam.⁸² Martha Bibi was released on bail on 3 May 2007 by the Lahore High Court against Rs.1,00,000 (US\$1,666).⁸³

On 19 January 2007, a Christian identified as Shahbaz Masih (28) was released after spending 6 years in jail under blasphemy laws. While hearing his case at the Lahore High Court, Justice Muhammad Ijaz Chaudhry overturned Shahbaz Masih's life sentence citing evidence that no one had seen Masih committing the alleged crime. Masih was arrested in June 2001 under sections 295 A and B of Pakistan's Penal Code following a complaint by Qari Rafique, the head of a mosque, alleging that Masih tore off pages from the Holy Quran.⁸⁴

On 25 November 2006, an Anti-Terrorism Court sentenced two Christian men identified as James Masih (65) and Buta Masih (70) to 10 years in prison for committing "blasphemy" against the Quran. Judge Muhammad Islam of Faisalabad's Anti-Terrorism Court also imposed a fine of 25,000 rupee (US\$414) to the accused. They had been accused to burning pages of the Quran on 8 October 2006 in Faisalabad's Munir Park district.⁸⁵

b. Denial of employment

The religious minorities have been denied proportionate representation in government jobs. According to the 13th census of civil servants-2006, an overwhelming majority (97.51 per cent) of the federal civil servants are Muslims while only 250 (0.11 per cent) are Ahmadis; 499 (0.21 per cent) are Hindus; 23 are Buddhists; 4,731 (2.01 per cent) are Christians; and 22 belong to "other" religions; and 0.14 per cent whose religions have not been disclosed.⁸⁶

The religious minorities can be dismissed from services because of their faith. On 15 May 2007, Mr. Amjad Mahmud was reportedly dismissed from service in the Atomic Energy Commission (AEC) for being an Ahmandi follower.

Mr. Mahmud was selected as a technician, initially as temporary, along with 40 others by the AEC on the basis of merit. Later, the Head of the Department with which Mr. Mahmud was employed came to know of Mr. Mahmud's religion and began to force him to quit the job. While Mr. Mahmud's other colleagues who were Muslims, were given the status of permanent employees in August 2006, Mr. Mahmud's service was terminated on 15 May 2007.⁸⁷

In April 2007, Mushtaq Masih of Kotri in Sindh province, who was employed as a sweeper by the municipal administration, was suspended from his job because of his arrest under suspicion of blasphemy.⁸⁸

c. Denial of freedom of movement

The Ahmadis have been specifically deprived from freedom of movement. Since July 2003, anyone wanting to travel on the Hajj must officially denounce in writing that the founder of the Ahmadiya faith Mirza Ghulam Ahmad as a "cunning person and an imposter".⁸⁹

The Ahmadis face further discrimination because of the mandatory disclosure of information about religion on passports and national identity documents.

In November 2004, the Government began issuing new machine-readable passports without the religion column. But following protests from radical Muslims, the Government in March 2005 restored the discriminatory practice of making it mandatory to include religious identity of individuals in all new passports. Muslims must swear a belief in the finality of the prophethood and denounce the Ahmadi movement's founder as a false prophet and his followers as non-Muslims.⁹⁰

On 12 February 2007, the daily *Khabrain* reported that the government has made it necessary that an applicant of national identity card must certify his faith in the 'End of Prophethood' in the application form. The newly printed forms for the national identity card reportedly include the attestation concerning the End of Prophethood.⁹¹ This was basically also to deny voting rights to the non-Muslims, in particular the Ahmadis since national identity card was made mandatory for inclusion in the new voters' list.

d. Violations of the right to freedom of expression

The Ahmadis have also been denied freedom of expression and assembly. On 15 December 1989, the authorities booked the entire Ahmadi population of Rabwah (the headquarters of Ahmadis in Pakistan) in Punjab in FIR 367/89 under Section 298C of Pakistan Penal Code. The FIR remains active

to-date.⁹² Ahmadis are prohibited from holding any public conference or gathering.⁹³

On 22 January 2007, the police raided the printing press of an Ahmadi proprietor Tariq Mahmud Panipati at Lower Mall in Lahore. They interrogated Tariq Mahmud Panipati and sealed the press. The police also took away some Ahmadi publications, pamphlets and other material from the press. The press used to print Ahmadi materials along with its regular printing activities.⁹⁴

Ahmadi publications are banned from public sale. On 9 September 2006, the police raided the office of the daily *Alfazi* – published by the Ahmadi community - at Chenab Nagar (Rabwah) in Punjab and searched for the editor, the publisher and the printer. Not finding them, they picked up Messrs Qasim Ahmad and Abdus Sattar who had nothing to do with the *Alfazi*. Mr. Sultan Ahmad Dogar of *Alfazi* was arrested from his residence. A case (FIR No. 480/06 dated 9 September 2006) was registered against Messers Agha Saifullah and Sultan Ahmad Dogar and ‘others’ with Chenab Nagar Police Station under Sections 298B and 298C of Pakistan Penal Code, 16 of Maintenance of Public Order and clause 9 of Anti-Terrorism Act. The FIR states that the *Alfazi* promotes hatred and injures the feelings of Muslims. On 27 November 2006, the authorities registered another case (No. 602/06) with Chenab Nagar Police Station against Messers Agha Saifullah and Sultan Ahmad Dogar and ‘others’ under Sections 298B and 298C of PPC. Later, Mr. Dogar was released on bail.⁹⁵

e. Violations of the ESCRs

The economic, social and cultural rights of the religious minorities are often violated by the persons belonging to majority Muslim and the State has systematically failed to take effective measures.

i. Ahmadis

Restrictions are imposed against Ahmadis even on their own land. On 22 April 2007, the Lahore police bulldozed the boundary wall of a 6-acre piece of land legally procured by the Ahamdiyya community to extend its graveyard. The demolition was done following directions by the district government and Wagah Town administration in the face of protests by the hard-line Islamic clerics and religious organisations that the fencing of the graveyard was an attempt to create a “mini Rabwah”. *The Daily Times* stated, “Several religious organisations had put up provocative banners and clerics were giving hate speeches in mosques urging to Muslims to wage a jihad against Ahamdis. The city police did not take action on the hate campaign.”⁹⁶

In early 2006, the Punjab Housing and Town Planning Agency, a public sector body, barred the Ahmadis from participating in bidding in an auction of plots for low-income earners in Jhang area. The bidders were required to sign an affidavit to testify their religion. This was primarily done to prevent the Ahmadis from buying land.⁹⁷

The Ahmadis are not permitted to use Muslim graveyards. On 8 June 2007, the body of a 60-year-old Ahmadi woman in Khuda Abad village in Badin district of Sindh had to be exhumed from a Muslim-Ahmadi graveyard after local clerics protested against the burial. The body was reburied in a local Ahmadi graveyard in the presence of district police.⁹⁸

Many Ahmadis have been killed for their faith. On 1 March 2007, Mr. Muhammad Ashraf, an Ahmadi, was shot dead by Assistant Sub Inspector (ASI) Riaz Gondal at a restaurant in Seerah in Mandi Bahauddin district. The accused surrendered before Qadirabad police after the killing. The Police Station House Officer, Nazir Ahmad said that the ASI told the police that he killed Ashraf for changing his faith from a Sunni Muslim to an Ahmadi and that he had done nothing wrong by killing an “apostasy”.⁹⁹

ii. Christians

The Christians also faced attacks as the majority Muslims seek to grab their lands. On 1 January 2007, a Christian woman identified as Stella, 50, and her two daughters Saba, 15, and Haqia, 16, were attacked by about 20 Muslim men and women at her home in Jahanian Mandi in Punjab. Both of her daughters were seriously injured and admitted to a local hospital. Police allegedly refused to register an FIR against the attack. An FIR could be lodged only after 10 days of the incident but the police soon quashed the FIR due to political pressure. The attack was believed to be launched in retaliation to Stella’s case filed in Civil Court Jahanian against one Bashir Ahmed from whom Stella had purchased a plot of land. Stella had purchased the plot in Chak 112/10R from Bashir Ahmed but Ahmed refused to give the possession of the land even after receiving the whole amount.¹⁰⁰

The lands of the Christians have been illegally occupied and/or transferred to Muslims. On 22 July 2007, a Muslim couple Aziz Baloch and Shehnaz Bibi attacked a Christian family - Yousaf Masih, his wife Majeedan Bibi, his mother Berkat Bibi (79) and daughter Rukhsana (12) in a bid to illegally occupy the remaining part of Yousaf Masih’s house at Jinazagha, Bajwa Colony in Sargodha. A part of Yousaf Masih’s house was forcibly occupied by the Muslim couple about three months earlier. Yousaf Masih stated that the Muslim couple had lodged fabricated cases against him to intimidate him and his family members to surrender their house silently.¹⁰¹

Lands of the Christians were illegally transferred to Muslims in Chawk Munda under Muzzafargarh district. On 19 June 2006, 30 acres of land belonging to Christian farmers identified as Lal Masih and Ms. Parveen James was illegally transferred to Atta Mulana, a Muslim, at Chawk Munda (Sarwar Shaheed) in Muzzafargarh district. The Christians who occupied the land in past 25 years were evicted by force. On 1 November 2006, four Christian farmers namely Khurshid Mangta, Hadayat Masih, Gulzar and Nazir Pirandita were forcibly evicted from their land and their crops were destroyed. Each person lost 10 acres of cultivated land which was their only source of livelihood. The land was transferred through Revenue department by Mr. Haider Shah. Similarly, the Christians in three villages of Chak no. 548, 584 and 587 in Thal Development Authority have reportedly been facing constant harassment from the local police and the Revenue Department who threatened to seize their land which the Christian families had been tilling for the last 30 years.¹⁰²

iii. Hindus

Hindus have been victims of forcible evictions and land grabbing. The Human Rights Commission of Pakistan (HRCP) stated that in October 2006 it conducted an on-the-spot inquiry into the illegal eviction of Hindus from Panwal Das Compound area in Lyari in Karachi where Muslim butchers turned the Shiv Mandir (Hindu temple) area into a slaughter house. The HRCP team found that the lands of the Hindus in the Panwal Das Compound area were being forcibly grabbed in connivance of the police. The land of Shiv Mandir had been forcibly grabbed by a Muslim. As a result, only 35 Hindu families were left there.¹⁰³

On 18 June 2006, the Lahore High Court stayed the construction of a commercial complex on the land belonging to Krishna temple in Lahore and sought a reply from the state-run Evacuee Trust Property Board on a writ challenging the demolition of the temple.¹⁰⁴ The Hindu temple was demolished following a notification from the Evacuee Trust Property Board issued on 9 March 2006. Although the Pakistan Government claimed that the Hindu temple was safe, the country's Minorities Welfare Council reportedly confirmed that the temple had been demolished to pave way for the commercial complex.¹⁰⁵

On 4 May 2007, police allegedly forcibly evicted 50 Hindu (Scheduled Caste) families in Naukot village in Thar district in Sindh ahead of General Musharraf's public meeting near Naukot village on 5 May 2007. The police reportedly raided the village at the order of the Chief Minister of Sindh.¹⁰⁶

f. Denial of the the right to equal treatment before the tribunals and all other organs administering justice

All religious minorities face problems to register their complaints. On 8 February 2005, 13-year-old Fozia Zafar, daughter of Zafar Masih, a Christian, of Mohalah Islamabad Muncher Road, in Alipur Chatta in Gujranwala district of Punjab was kidnapped by three Muslim boys named Imran, son of Taj Muhammad; Irfan, son of Muhammad Anwar Khokher; and Mukhtar alias Kalo, son of Sharif of the same locality while she was going to her uncle Munawar Masih's house in the same locality.¹⁰⁷ Despite eyewitness accounts and confessions of two of those involved, police refused to register a complaint. Fozia's father complained to the Gujranwala District Police Officer, who directed local officers to register the FIR and detain the two suspects. After filing the complaint, Masih was dismissed from his local government job. Local Muslims also put pressure on him to drop the complaint.¹⁰⁸

There have been attempts of forcible conversion of the Christians into Islam. On 8 May 2007, the Christians of Muslim Colony in Charsada of North-West Frontier Province (NWFP) received a letter from Islamic militants asking them to convert to Islam within 10 days or else leave the area. Since then, several Christian families have fled their homes. Those Christians who are still living in the area fear for their lives and have even stopped sending their children to schools. Christians alleged that the police have not been taking the threat seriously.¹⁰⁹

On 12 June 2007, Christians of Shantinagar village of Khanewal district in Punjab reportedly received letters by post from unknown people threatening them to convert to Islam or to leave the village. All the ten religious, political and social leaders of the predominantly Christian village received the letters. Security concerns of the Christians increased after Pastor Lamual Danial's son Abi Saloom received telephone calls on 18 June 2007 that the Christians should be ready to face the dire circumstances if they failed to embrace Islam.¹¹⁰

Violence against Christian women and inaction of police:

On 8 April 2007, on Easter Day, a Christian girl named Cheena Bibi (12) was kidnapped and gang raped by four Muslims in Punjab province. Munir Masih, brother of Cheena, told Sharing Life Ministry Pakistan (SLMP) that he informed the police of Nishter Colony Police Station about Cheena's abduction but police did not take any immediate action. On 9 April 2007, Munir Masih obtained information from the Mobilink Office (Mobile Phone connections Company) that the phone number 0300-4328501 from where

Cheena Bibi earlier called Munir belonged to one Mohammad Safdar. Munir thereafter informed police about the number and address of Mohammad Safdar which he got from the telephone exchange but police again did not take any action. On 10 April 2007, the kidnappers dropped Cheena Bibi near her house in critical conditions. She was bleeding heavily. She was immediately taken to General Hospital but a doctor refused her treatment by saying it was a police case. On 11 April 2007, police took Cheena formally to General Hospital for medical examination. The victim told SLMP investigating team, "They captivated me there (a warehouse) for two days. During these two days they gave me drugs forcibly and repeatedly raped me. I got unconscious for being sexually assaulted for many times, bleeding was not stopping then on 10th April 2007 they left me in the street near my house." The police arrested four men including Safdar on 11 April 2007, but released three rapists because they belonged to influential families.¹¹¹

On 14 May 2007, a Christian girl named Sumera (15) was raped in fields by Mohammad Asif, her employer in Nazam Pura Chack number 2, Sub-District Chuniyah of District Kasur in Punjab. The accused reportedly added some sedatives in tea of Sumera and her mother to make them unconscious and then took the teenage girl in fields and raped her. But the police initially refused to register a case of rape and a case could be registered only after five days on 19 May 2007 vide First Information Report No. 250/07 under section 370/337-J Pakistan Penal Code with police station City Patto Ki District Kasur. Her medical examination was conducted after about seven days of the occurrence. Police failed to arrest the accused as of 22 May 2007.¹¹²

On the night of 23 May 2007, a Christian girl named Miss Lunba (20) was reportedly gang raped by a group of Muslim youths in graveyard of Mughalpura in Lahore. The victim and her fiancé Nasir Masih alias Mochaha were passing by the graveyard when they were held and threatened by Mohammad Jajou Gujjar and six other Muslims at gunpoint. On the complaint of the victim, the police arrested the accused but soon let them free.¹¹³

g. The lack of security from the State against violence or bodily harm

The reports of attacks on the minorities by the persons belonging to majority Muslim are reported regularly. The bodily harm including murder, kidnapping and rape are reported extensively. The security agencies seldom provide necessary protection while the judiciary turns its blind eye.

i. Hindus

According to Pakistan Peoples Party's Member of Provincial Assembly, Mukesh Kumar, at least one Hindu kidnapping takes place each month. There

were three abductions in Kashmore alone over three months till 15 March 2007. In September 2006, a five-year-old girl Tanosha was kidnapped from Kashmore and a 28-year-old Hindu youth Pawan disappeared on March 9 2007.¹¹⁴ Another Hindu boy, Om Prakash of Jacobabad was kidnapped in the third week of March 2007. The Sindh Taraqqi-Pasand Party Chairman Dr Qadir Magsi accused the government of patronising the kidnapping.¹¹⁵

In March 2007, the Pakistan Hindu Council appealed to President Musharraf to direct the authorities to provide protection and take measures to recover kidnapped Hindus from Sakrand, Kashmore and Jacobabad. In a statement on 29 March 2007, Visharam Tharwani, General Secretary of the Pakistan Hindu Council stated that police have not registered a case into the kidnapping of a Hindu businessman, Ashok Kumar Kohistani recently.¹¹⁶

On 2 March 2007, the British Broadcasting Corporation (BBC) reported that many wealthy Hindus have to pay “protection money” regularly to local gangs or influential figures to avoid getting kidnapped. On the other hand, the police failed to provide sufficient protection to the Hindus.¹¹⁷ On 6 February 2007, the body of kidnapped Hindu engineer Girish Kumar was found by the police in a decomposed condition from the premises of a madrassa in industrial area of Kotri in Sindh. He was kidnapped by the Islamic militants on 17 August 2006.¹¹⁸ The deceased’s father, Saspal Das alleged that “We are targeted because we are Hindu. There is no other reason for kidnapping Girish”.¹¹⁹

Santosh Kumar, a rice trader from Larkana town in upper Sindh, and his two brothers were kidnapped in separate incidents in 2006. They were later released after paying a huge ransom. Another wealthy trader, Sundeep Kumar was kidnapped in Sukkur in Sindh in 2005 and released after paying a ransom of over a million rupees (\$16,000). Failure to pay ransom money often meant death of the victim. In August 2006, a Hindu youth named Ramesh Lal was kidnapped. As his relatives could not afford the ransom, he was killed. His body was later found at a police check post.¹²⁰

It is a crime for the Hindus to have pretty young daughters. It has been reported that kidnapping and then raping and forcibly marrying Hindu girls is a common practice in Pakistan. In the event where the police arrest the accused, they produce a certificate issued by any Muslim seminary that the kidnapped girls have voluntarily adopted Islam and they married the girls. The courts generally do not consider the fact that the most of the girls are minor and simply accept the certificate of conversion without any investigation. It has been reported that more than 15 families are forcibly converted from Hinduism to Islam in Sindh province every year. Often, young Hindu girls were kidnapped and forcibly married.¹²¹

On the night of 25 February 2007, three Hindu women were reportedly gang raped by unidentified armed men at Ghulam Ali Khawar village in Larkana tehsil in Sindh. A group of eight armed men reportedly broke into the house of a Hindu family, held the family at gunpoint and gang raped the three women of the family.¹²²

On 31 December 2006, a Hindu girl named Deepa (17) was abducted by her tutor Ashraf Khaskheli, a Muslim, in Madhwani Mohala in Tharparkar district. She was reportedly taken to the Khanqah Gulzar-e-Khalil Madrassa in Samaro town where she was allegedly forcibly converted to Islam and married to Ashraf. Ayube Jan Sarhandi, the head of the seminary, also issued a certificate of conversion of Deepa into Islam. The police allegedly refused to register the complaint regarding the case.¹²³

During the last a few years, the members of the Hindus are being kidnapped serially. According to Laljee Menghwar, a member of the Hindu Panchayat in Karachi, kidnapping of Hindu girls like has become a normal practice in Sindh. Often, the kidnapped girls are forced to sign stamp papers stating that they have become Muslims.¹²⁴

In December 2006, Sanao Menghwar of Jacobabad has had three of his daughters kidnapped, then forced to marry Muslim men. Despite frantically searching them for months together, three of his daughters remain untraced.¹²⁵

On 14 September 2005, four Muslim men kidnapped a young Hindu girl named Sapna, daughter of Gianchand of Jacobabad in Sindh. Hindus in Sindh and Balochistan strongly protested against the kidnapping and subsequent police inaction to recover the girl.¹²⁶ The girl was allegedly forcibly married to one of the kidnappers and converted to Islam. Her name was changed to Mehak. On 20 September 2005, she was produced in the court of civil judge in Jacobabad along with her Muslim husband Shamsuddin Dasti. However, in her statement recorded before the judicial magistrate, she stated that she had embraced Islam and got married with Shamsuddin voluntarily. She further stated that she was not kidnapped.¹²⁷ However, Hindus claimed that she was forced to convert to Islam during her one-week illegal confinement by her four kidnappers.¹²⁸

ii. Christians

Christians regularly face bodily harm including murder. Those who are accused of blasphemy face attacks even after acquittal by the courts.

On 12 November 2005, a Muslim mob burnt down several churches and

other buildings belonging to Christians in the town of Sangla Hill in Nankana Sahib District after charges of blasphemy were brought against a local Christian. A fact-finding team of Human Rights Commission of Pakistan found that on 11 November 2005, Yousaf Masih, the Christian accused of blasphemy, won a sum of around Rs 21,000 in a gambling bet. Kalu Sunaira, a Muslim, immediately lodged a blasphemy case under Section 295-B of the Pakistan Penal Code against Yousaf Masif when he refused to loan Kalu Sunaira some money. In no time, the clerics in several mosques of the city, without investigation, allegedly urged the Muslims to attack the Christians for desecrating the Holy Quran. On 12 November 2006, around 2,000 to 3,000 people attacked the churches and Christians in the presence of the police.¹²⁹ A judicial inquiry was ordered, but the report has not been made public.

On 28 June 2005, Muslim mobs attacked about 200 Christian homes in three areas near Peshawar after Yousaf Masih, a former sweeper in the army, was asked by an army major to burn a bag of papers which also allegedly contained pages from the Holy Koran. Yousaf Masih was illiterate and did not recognize the pages from the Holy Koran. But other workers saw him burning the pages of Holy Quran. Police arrested Yousaf Masih under the blasphemy laws on 29 June 2005.¹³⁰

Those who faced blasphemy charges continued to live in fear even after acquittal by the courts. A Christian identified as Shahid Masih, 17, in Faisalabad had to go into hiding although he was released on bail on 17 January 2007 in a blasphemy case. Faisalabad Judge Muhammad Tanveer Akbar granted Shahid Masih bail, saying that evidence against him was only “circumstantial”. Yet, he faced threats from the hard-line Muslims.¹³¹ Earlier, in January 2005, a Christian named Anwar Masih of Lahore had to remain in hiding to escape death threats from the Lashkar-e-Taiba after he was acquitted on charges of blasphemy by a court in December 2004. Masih had been arrested in July 2004 after a Christian convert to Islam allegedly reported to police that Masih insulted his Islamic beard.¹³²

iii. Ahmadis

Street justice is the law of the country as regards to punishing Ahmadis for alleged insulting of the Holy Quran. On 24 June 2006, a Muslim mob attacked the Ahmadi mosque, beat up Ahmadis, attacked their homes and set fire to their shops after someone spread the rumour that copies of Holy Quran was being burnt by the Ahmadis at Jhando Sahi village near Daska in Punjab. About 100 Ahmadis lived in the village which had a population of about 5,500. The police made no attempt to protect the Ahmadis. Instead they

arrested seven Ahmadis and charged four of them identified as Messrs Zaheer Ahmad, Waqar Ahmad, Shakil Ahmad and Fayyaz Ahmad under section 295-B of Pakistan Penal Code that prescribes imprisonment for life (FIR NO. 165/06 dated 24 June 2006 registered with Police Station Bambanwala). No action was taken against the rioters or their leaders. As a result, entire Ahmadi community of the village was forced to flee for fear and lack of protection from the authorities.¹³³

On 19 April 2005, angry mobs in Nowshera district in North-West Frontier Province reportedly chased Aasheq Nabi and shot him dead for allegedly burning the Holy Quran. The local police had already registered a case of blasphemy against the deceased.¹³⁴

Many Ahmadis were kidnapped and murdered because of their faith. On 21 May 2007, Sahibzada Ayub Ahmad, a trader and spiritual leader of local Ahmadis, was reportedly kidnapped by five armed men from his shop in the Shafi Market in Serai Naurang town in Lakki Marwat district of FATA. Earlier, local Taliban supporters had threatened Sahibzada Ayub Ahmad and other Ahmadis living in the Nar Sahibzada Khost area near Serai Naurang to leave the area if they did not “embrace Islam”.¹³⁵

On 8 April 2007, Chaudhry Habibullah Sial (82) was reportedly murdered at his home for being an Ahmadi at Adda Nur Pur Nehr in Qasur district. The deceased’s house was used by Ahmadis as prayer centre in the area. His legs were found tied up with ropes, arms tied up behind the back and blood came out of his nostrils and ears. The post-mortem indicated that his death could have occurred through suffocation. Earlier on 23 March 2007, activists of banned organizations like Lashkar-e-Taiba and Dawat-o-Irshad reportedly set on fire the prayer mats of Ahmadis.¹³⁶

h: Violations of political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage

The minorities have been systematically excluded from the voters’ list which denies them from exercising the right to franchise. On 12 June 2007, the Election Commission of Pakistan released a new voters’ list for the upcoming general elections. The minorities have been once again discriminated and deleted from the voters’ list.

First, the Ahmadis have been placed in a separate voters’ list. The Secretary of the Election Commission, Kunwar Dilshad Ahmed reportedly defended the separate list for the Ahmadis saying that a separate list for the community could help its members in checking the names and information of their

members.¹³⁷ Placing Ahmadis in a separate voters' list is discriminatory and against the claim of the government of Pakistan that it maintains a joint voters' list for all.

Secondly, the religious minorities have been systematically excluded from the new voters' list. All Pakistan Minorities Alliance has claimed that 20 per cent of non-Muslim voters have been excluded from the new voters' list.¹³⁸ In July 2007, the All Pakistan Minorities Alliance (APMA) NWFP President, Prince Javed stated that the names of about 18 per cent eligible voters belonging to minorities have been struck out in the new voters' list in NWFP. He alleged that the registration teams deputed by the Election Commission did not cover minorities' villages.¹³⁹

On 26 July 2007, the Supreme Court (SC) directed the Election Commission (EC) of Pakistan to ensure registration of all eligible voters in the new electoral rolls. The SC issued this order while hearing a constitutional petition filed by of Pakistan People's Party (PPP) Chairperson Benazir Bhutto. The PPP has accused the government of committing "institutionalized fraud" as over 22 million voters were missing from the new electoral rolls. In 2002 general elections there were 72 million voters but now only 52 million voters have been enlisted by the Election Commission.¹⁴⁰ Following the direction from the Supreme Court, on 1 August 2007 the Election Commission decided to do away with the condition of presenting the computerised national identity cards for voter registration and casting votes in the forthcoming general elections. The EC also decided to re-launch a door-to-door enumeration process to include the names of millions of missing voters in the computerised electoral rolls.¹⁴¹

Such blatant discrimination against the non-Muslims is nothing new. In early 2002, the government of Pakistan introduced a joint electorate system for all the voters in the country. But in reality separate lists were usually maintained for non-Muslims. In some cases, separate polling stations were allotted to the non-Muslims.¹⁴²

The system of joint electorate was short lived. In the Chief Executive's Order No. 15 of 2002 issued on 17 June 2002, Chief Executive of Pakistan, President General Pervez Musharraf placed Ahmadis on separate electoral list. The said order inserted two more Articles to the Conduct of General Elections Order, 2002 (Chief Executive's Order No. 7 of 2002), namely, Articles 7B and 7C.¹⁴³ While Article 7B reaffirmed that the status of Ahmadis (i.e. non-Muslims) will remain the same as provided in the Constitution of the Islamic Republic of Pakistan, 1973, Article 7C was more categorically discriminatory in nature.

Article 7C states, “7C. If a person has got himself enrolled as voter and objection is filed before the Revising Authority notified under the Electoral Rolls Act, 1974, within ten days from issuance of the Conduct of General Elections (Second Amendment) Order, 2002, that such a voter is not a Muslim, the Revising Authority shall issue a notice to him to appear before it within fifteen days and require him to sign a declaration regarding his belief about the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him) in Form-IV prescribed under the Electoral Rolls Rules, 1974. In case he refuses to sign the declaration as aforesaid, he shall be deemed to be a non-Muslim and his name shall be deleted from the joint electoral rolls and added to supplementary list of voters in the same electoral area as non-Muslim. In case the voter does not turn in spite of service of notice, an *ex parte* order may be passed against him.”

CHAPTER 5

Discrimination against the ethnic Balochis

Balochistan is the largest among Pakistan's four provinces, comprising 43 per cent of land area of the country. But only six per cent of Pakistan's population or around 8 million people inhabit Balochistan. Despite being the richest province in terms of energy and mineral resources, Balochistan is the most under-developed of all the four provinces. The ethnic Balochis therefore have long been demanding greater autonomy and a larger share of the dividend from natural resources. The Pakistan government also does not officially recognise the ethnic and linguistic minority status of the Balochis.

The denial of autonomy has been a major cause of the ongoing conflict. The 1973 Constitution provided that the concurrent list determining the quantum of provincial autonomy would be revised after every 10 years. This has never been done. Although the Balochistan crisis pre-dates General Parvez Musharraf's military regime, it still remained unaddressed.

Since January 2005, Balochistan has been facing increased conflicts over autonomy and resources.

a. Indiscriminate killings of the civilians

The Federal government has been using regular troops and paramilitary forces for "strengthening the federation (of Pakistan)". The region has been highly militarized. According to Sanaullah Baloch, Senator of Balochistan National party, some 35,000 paramilitary troops are stationed in Balochistan and roughly 15,000 rupees is being incurred on one paramilitary personnel per month while there are only about 12,000 teachers with an average monthly expenditure of 6000 rupees each.¹⁴⁴ It was reported that Pakistan has established one paramilitary post for every 500 people.¹⁴⁵ There were four mega military cantonments, 52 paramilitary cantonments, five naval bases including Jinnah naval base in Gwadar and six missile-testing ranges in Balochistan.¹⁴⁶

All the governments at the Centre have always favoured military solution instead of a political dialogue with the Balochs. The present government headed by President General Pervez Musharaff is not different. The killing of

76-year-old Jhamoori Watan Party chief and former Chief Minister of Balochistan, Nawab Akbar Bugti in a massive military operation in the Bhambore Hills on 26 August 2006¹⁴⁷ is the culmination of President Musharraf's military approach to Balochistan's problems.

The Pakistani army and paramilitary forces backed by air force jets and helicopter gunship carried out indiscriminate attacks against the Balochs. In January 2005, military operation was carried out to suppress the armed protests by the tribal militias, consisting mainly of tribesmen following the gang rape of a lady doctor, Shazia Khalid on 7 January 2005 allegedly by an army officer.¹⁴⁸ However, the Balochistan crisis intensified after Pakistan government launched full-scale military operations in December 2005 following a failed attempt at President Musharraf's life allegedly by Baloch rebels at a paramilitary base on the outskirts of the town of Kohlu. On 17 December 2005, paramilitary forces began aerial bombardment at Kohlu.¹⁴⁹ By mid-June 2006, about 400 to 500 innocent Baloch were reportedly killed in the army operations including in air raids, especially in Marri and Bugti areas.¹⁵⁰ About 80 to 85% of those either killed or injured were women and children.¹⁵¹

In January 2006, the Human Rights Commission of Pakistan (HRCP) headed by its Chairperson Ms Asma Jahangir undertook a field visit in Dera Bugti to inquire into the ongoing human rights violations. While visiting the area on 8 January 2006, HRCP's vehicle came under firing allegedly from Balochistan Liberation Army. The HRCP mission found that around 85 percent of the local population had already left Sui town. Sui had been shut off from the outside world since 17 December 2005.¹⁵²

In its fact-finding report released in January 2006, the HRCP found scores of cases of arbitrary arrests and detention, torture, extrajudicial executions, disappearances and use of excessive force by security and intelligence forces in Balochistan since early 2005. The victims included women, children and political activists. The findings of the HRCP report were further corroborated by Baloch activists and civil society organisations. According to a January 2006 statement by Senator Sanaullah Baloch, at least 180 people have died in bombings, 122 children have been killed by paramilitary troops and hundreds of people have been arrested since early 2005. On 8 December 2005, the federal Interior Minister stated that some 4,000 people had been arrested in Balochistan since January 2005. The human rights violations continued unabated. It has been alleged that 12 men who were arrested after an attack on a Frontier Corps unit on 11 January 2006 were allegedly extrajudicially executed in custody at the Dera Bugti camp of the Frontier Corps. Two elderly villagers sent to collect the bodies were also allegedly killed.¹⁵³

In July 2006, the Pakistani Air Force chief Tanwir Mahmood Ahmed stated that the air force would continue to be used whenever and wherever the government desired.¹⁵⁴ On 13 July 2006, Prime Minister Shaukat Aziz ruled out providing general amnesty for the Baloch rebels.¹⁵⁵ On 29 December 2006, troops launched a fresh operation in Toba Nokhani, Zin-Koh and Gundoi areas of the Dera Bugti district. The security forces used at least 10 helicopter gunships in its operation.¹⁵⁶

Some of the major killings of civilians in Balochistan by the security forces since 2005:

On 17 March 2005, at least 50 civilians, including women and children were reportedly killed by the Frontier Corps in Dera Bugti where military operations were launched against the Bugti tribesmen.¹⁵⁷

On 17 December 2005, at least 22 persons, mostly women and children, including infants, were reportedly killed in bombing, firing and shelling by armed forces in the Marri area of Jabbar and Pekal. The military offensive was reportedly launched in retaliation to the rocket attacks on 14 December 2005 on a paramilitary camp on the outskirts of Kohlu during a visit by President Musharraf and on 15 December 2005 on a helicopter carrying the Inspector General of the Frontier Corps.¹⁵⁸

On 13 June 2006, security forces allegedly killed at least 17 people including 12 women during clashes with armed Bugti tribesmen in the Bugti Hills. The deceased civilians were reportedly grazing cattle when 22 helicopter gunships and four jet fighters launched indiscriminate bombing and shelling on human settlements in the Bugti Hills. The government however denied killing of any civilian and claimed that those six killed during the raid were rebels.¹⁵⁹

On 26 August 2006, veteran Baloch nationalist leader and former Chief Minister of Balochistan, Nawab Akbar Khan Bugti was killed, along with 37 armed rebels, in a military operation in Chalgri area of Bhamboor hills of Dera Bugti district.¹⁶⁰

On 20 January 2007, Pakistani air force continued bombardment in Marri Baloch settlements in different areas of Kohlu district along the border of Sibi district which reportedly killed more than 20 persons including women and children. The helicopter gunships targeted the villages of Jalari, Babar Kach, Sangan and other areas and totally cordoned off Badra valley and indiscriminately bombarded all the villages in the area for several hours. At least 96 persons were also arrested during the military operation.¹⁶¹

On 29 May 2007, Nawabzada Talal Akbar Bugti, chief of the Jamhoori Watan

Party, alleged that the Pakistan Military Intelligence personnel killed four Bugti tribesmen in an ambush when they were going to his land in the Patfeeder area of Nasirabad district. He alleged that Major Nadeem of the Military Intelligence from Sibi and Major Ali from Sui were involved in the killings. He also charged the military personnel of attempting to forcefully occupy his family lands in Patfeeder areas with the help of criminals.¹⁶²

On the morning of 30 March 2007, thousands of Pakistan army soldiers entered and cordoned the Baloch villages of Lanju and Sagari in Sui area near Mazari goot on Balochistan-Punjab border from Punjab while fighter jets and gunship helicopters bombarded the villages in turns for several hours. After the air attacks, the military carried out heavy artillery actions on the villages. At least 18 of women, children and elderly were reportedly killed in the military action.¹⁶³

b. Disappearances as a direct consequence of arbitrary arrest, illegal detention and torture

On 1 August 2007, Chief Justice of Pakistan Iftikhar Muhammad Chaudhry issued *suo motu* notices to Chief Secretary and Provincial Police Officer of Balochistan on the rising number of disappearances of political activists in Balochistan. The next date of hearing of the case is 15 August 2007.¹⁶⁴ The Balochs have been targeted for raising their voices against discrimination and deprivation by the establishment in Islamabad. Arbitrary arrest, torture and disappearance of the Balochis have been reported extensively. The relatives of the nationalist leaders and political workers of Balochistan have been specifically targeted by the secret agencies.

Hundreds of Balochs are being held without being charged or produced before courts. On 12 December 2006, the Balochistan National Party-Mengal (BNP-M) in its report “*Waiting for Truth & Justice: Exploitation, Disappearances in Balochistan*” stated that around 4,000 Baloch youths, mainly political activists, were still in the custody of Pakistani intelligence agencies. They were allegedly being subjected to brutal torture including by electric shocks, cigarette and candle burns, blows to sensitive parts of the body and various other methods. The report further alleged that torture cells and illegal detention centres were run by the intelligence agencies.¹⁶⁵

In the first week of February 2007, security forces allegedly arrested 15 Baloch women and children in Badra-Jaldhi operation and 22 women and children in Marri-Bugti border area of Sia Koh.¹⁶⁶ On 4 April 2007, the HRCP accused the Frontier Corps (FC) of setting Baloch houses on fire and looting jewellery and cash during a search operation in Panjgur, Awaran and Gickh in Dera Bugti rendering 500 to 800 of families homeless.¹⁶⁷

According to Human Rights Commission of Pakistan, out of 242 persons who were still missing as of 10 December 2006, 110 were from Balochistan, 70 from Sindh, 42 from Punjab and 20 from the North West Frontier Province.¹⁶⁸ In a writ petition before the Supreme Court of Pakistan on 8 March 2007, HRCP submitted a list of 148 missing persons. In another habeas corpus petition, Amina Masood Janjua, who has been leading an effort to find the missing persons, including her own husband, presented another list of 59 missing persons to the Supreme Court. Admitting HRCP's petition along with similar other petitions, a full bench of the Supreme Court headed by Chief Justice Iftikhar Muhammad Chaudhry issued notices to the federal and provincial governments for further proceedings.¹⁶⁹ On 27 April 2007, Defence Secretary Kamran Rasool submitted before the bench that 56 out of 148 people identified by the HRCP had been traced. The bench rejected the prayer of one of the petitioners to form a commission to investigate the cases but it had decided to prepare policy guidelines to control the operational role of intelligence agencies until the government enforces a law or the parliament legislates on the matter.¹⁷⁰

The government also imposed severe restrictions on the freedom of movement of the Balochi leaders. On 1 May 2006, *The Dawn* reported that the Ministry of Interior had placed a number of Baloch nationalist leaders on the exit control list preventing them from traveling abroad. They included Balochistan National Party chief Akhtar Mengal, BNP Senator Sanaullah Baloch and MNA Abdul Rauf Mengal, Senator Agha Shahid Bugti of the Jamhoori Watan Party, JWP leader Amanullah Kanrani, Dera Bugti District Nazim Mohammad Kazim Bugti, Kohlu District Nazim Ali Gul Mari and Mir Sher Ali Mazari, nephew of Nawab Akbar Bugti.¹⁷¹

The Balochs were denied the right to peaceful protests against the government. Hundreds of Balochistan National Party (BNP) leaders and workers were arrested ahead of their proposed protest march from the coastal district of Gwadar in Balochistan on 30 November 2006 against the ongoing human rights violations and development projects and heavy militarization of the province. At least 200 BNP activists were reportedly arrested on 29 November 2006 alone. The police also put BNP Vice President Dr Jahanzaib Jamaldini and 20 other party leaders under house arrest.¹⁷²

c. Discrimination against the IDPs of Balochistan

According to United Nations estimates, there were 84,000 conflict induced Internally Displaced Persons (IDPs) in Balochistan of which 26,000 were women and 33,000 were children as of December 2006.¹⁷³ Earlier, the Human Rights Commission of Pakistan stated that about 50,000 people have fled

their villages and settlements from Dera Bugti as of July 2006. The authorities have discriminated against these IDPs and have not provided relief to them as they claimed that the people who have fled Dera Bugti were very well off.¹⁷⁴ In a report of June 2006, the Balochistan National Party claimed that 140,000 people had been displaced by the aggressive use of force against civilians in Dera Bugti and Kolu districts.¹⁷⁵ Due to total blockade of Marri and Bugti areas by the Pakistani army, about 8000 to 10,000 allegedly died due to exodus, malnourishment, lack of shelter and disease. They had been reportedly living in deplorable conditions in the makeshift camps with no access to potable water, food, and other basic necessities. No medicine and medical facility, doctor and electricity or even fuel to run water pumps were provided to these areas.¹⁷⁶ The government was reportedly offering 10 goats to those who have returned to their homes in order to make their ends meet.¹⁷⁷

Unfortunately the plight of the displaced has been overshadowed by the conflict in the region, which has been aggravated by the killing of Baloch chief Akbar Bugti in August 2006. The government of Pakistan had failed to hear the cries of the displaced people for help due to its occupation with military operations against the tribal militias. The government has deliberately created the humanitarian crisis by not even recognizing the presence of IDPs in the province. Although the government had sought the intervention of the United Nations to avert the humanitarian crisis on 21 December 2006, it was too late.¹⁷⁸ Besides, the situation further aggravated as the government prevented journalists and aid groups to reach the affected areas.¹⁷⁹ Even the assistance sought from the UN was alleged to be conditional as only three districts of Naseerabad, Jaffarabad and Quetta, which housed majority of the IDPs were given permission. The other districts Sibi and Bolan were not considered for UN aid. Besides, the UN was asked to carry out its relief operation through health facilities in the districts and under the supervision of local authorities.¹⁸⁰ The aid workers who had earlier visited the area alleged that military trucks rounded up displaced people and hid them ahead of their visits.¹⁸¹

There had been reports of severe malnutritional crisis among the IDPs. UNICEF in its internal assessment report on nutritional status of women and children among the IDPs revealed that 28 per cent children under the age of five were 'acutely undernourished', out of them, six per cent were in the state of 'severely acute malnutrition' and 80 per cent of the deaths among the IDPs were children under the age of five.¹⁸² Six percent of the children were so underfed that they would die without immediate medical attention.¹⁸³

In December 2006, the United Nations approved a \$1 million humanitarian

relief package for six months to address this crisis. The package included immediate setting up of 57 supplementary feeding centres and three therapeutic feeding centres in the three districts, provision of food, medicine and nutrition for children, blankets, water purification and sanitation equipment and technical assistance.¹⁸⁴ However, the relief package was a peanut considering the presence of large numbers of IDPs. Besides, development projects in the Gwadar area could also displace about 70,000 people. Given that those who have been displaced by previous development projects like Mangla Dam and the Tarbela Dam have not been rehabilitated, it is highly unlikely that those likely to be displaced would be adequately rehabilitated.¹⁸⁵

d. Muzzling of the Baloch media

Free media is not allowed in Balochistan. On 25 April 2006, the Pakistan Telecommunication Authority blocked four Baloch nationalist websites - balochvoice.com, baloch2000.org, balochfront.com and sanabaloch.com for allegedly carrying “misleading information.”¹⁸⁶

On 7 April 2006, Munir Mengal, the head of Baloch Voice, a Baluchi-language TV station based in the United Arab Emirates, went missing after he arrived in Karachi on a flight from Bahrain. His family alleged that Pakistani military intelligence officers arrested him at the airport.¹⁸⁷ His whereabouts are not known.

e. Root causes of the conflict: No autonomy and no development

Despite Balochistan being the richest province in terms of energy and mineral resources, it is the most under-developed of all the four provinces of Pakistan. This explains deprivation and discrimination of the Balochs.

i. No autonomy

The denial of autonomy has been a major cause of the ongoing conflict. The 1973 Constitution provided that the concurrent list determining the quantum of provincial autonomy would be revised after every 10 years. This has never been done. Although the Balochistan crisis pre-dates General Parvez Musharraf’s military regime, it still remained unaddressed. Upon assumption of Presidency in October 1999, General Pervez Musharraf promised to, among other things, work towards “strengthening the federation, removing inter-provincial disharmony and restoring national cohesion.” However, seven years later, Musharraf proved the saying “promises are made to be broken”.¹⁸⁸

On 29 September 2004, a Parliamentary Committee headed by President of Pakistan Muslim League, Chaudhry Shujaat Hussain was formed "to examine the current situation in Balochistan and make recommendations thereon." The committee was subsequently divided into two sub-committees – one headed by Wasim Sajjad mandated to examine the question of provincial autonomy and the other headed by Mushahid Hussain Sayed mandated to address the immediate crisis in the province.¹⁸⁹

In March 2005, the Parliamentary Sub-Committee on Balochistan headed by Wasim Sajjad recommended complete revision of the concurrent list, announcement of the National Finance Commission award before budget, biannual meetings of the Council of Common Interests and distribution of federal resources on the basis of poverty, backwardness, unemployment and development level of provinces instead of the existing criterion of population. These recommendations too have not been implemented, thereby creating impression that the federal government is not serious about politically accommodating the Balochs.¹⁹⁰

In its report in March 2005, the Parliamentary Sub-Committee on Balochistan headed by senator Mushahid Hussain Sayed, recommended increase in gas royalty and surcharge; maximum representation to the province on the boards of the oil and gas companies operating in the province; implementation of the job quota of the Baloch; shifting of the Gwadar Port Authority head office to Balochistan; seven per cent of the gross port revenue to go to the province; training of local youth for jobs; probing of allotment of lands by a judicial body; construction of highways; announcement of National Finance Commission; taking of Confidence Building Measures such as keeping the visibility of the armed forces low; not disbanding the levy forces; holding in abeyance the construction of cantonments at Gwadar, Dera Bugti and Kohlu; harnessing water resources; maintaining Baloch-Pakhtoon parity in every respect - in terms of population and the regions.¹⁹¹

On 13 July 2006, Prime Minister Shaukat Aziz after attending a meeting to review the status of implementation of the recommendations of the sub-committee on Balochistan led by Senator Mushahid Hussain Sayed stated that the government had started implementing 30 of the 35 recommendations made by the parliamentary sub-committee on Balochistan relating to political issues. However, he did not elaborate precisely which recommendations were being implemented.

In June 2007, Chaudhry Shujat Hussain, President of the ruling Pakistan Muslim League (PML) and Chairman of the Parliamentary Committee on

Balochistan, stated that the constitutional sub-committee headed by Senator Wasim Sajjad has finalized its proposals for maximum provincial autonomy, and a bill to this effect shall be presented in the next session of the National Assembly.¹⁹²

ii. No development

Several mega projects in Balochistan including Gwadar deep sea port, coastal highways between Karachi and Gwadar, Mirani and Subakzai dams, costing more than Rs.135 billion have been started.¹⁹³ However, the Balochs fear that most of the jobs being created by the new port city of Gwadar and Saindak copper mining project will be given to non-Balochs and they alleged that 75% of their lands have been acquired by serving military officers at throwaway prices.¹⁹⁴ Besides, the Baloch have not been benefiting from the huge reserves of mineral resources despite Balochistan producing about 36 percent of natural gas of Pakistan.¹⁹⁵ The Baloch have been protesting against discrimination by the government of Pakistan. On 28 August 2006, General Pervez Musharraf warned that the elements opposed to Balochistan's development would be crushed.¹⁹⁶

In social sectors also, Balochistan is much below the national average. Despite being rich in natural resources, Balochistan can hardly generate revenue of Rs.1.6 billion which is just enough to pay the monthly salary of government officials of Balochistan. The province, therefore, is dependent on Federal Government's grant of Rs. 27 billion, and thus has a deficit of Rs.15.5 billion. Only 20% of the population have access to drinking water as against 86% of Pakistan. Only 7% have access to sanitation and 47% of the population live below poverty line.¹⁹⁷ According to the provincial government of Balochistan, many health services in the province are "either non-functional or provide poor quality services". The estimated number of maternal deaths in Balochistan is 891 per year. Immunization coverage is as low as 13 %.¹⁹⁸ Balochistan also faces high illiteracy problem. Only 24 per cent of the population of Balochistan (above 10 years) is literate against the average national literacy rate of 43.92%. In contrast, 35.41% population is literate in NWPF, 46.56% in Punjab, 47.29% in Sindh and 72.4% in Islamabad.¹⁹⁹ Unemployment rate is the highest in Balochistan which is 33.48% in comparison to national unemployment rate of 19.68%, NWPF's 26.83%, Punjab's 19.10%, and Islamabad's 15.7%²⁰⁰

On 10 July 2006, the government of Pakistan signed a US\$ 22 million agreement with the World Bank for financing the Balochistan Education Support Program (BSEP) to improve access to quality primary education, in particular for girls.²⁰¹

Gwadar has only one intermediate college that has not been upgraded since last 15 years. There is no girls' college. In 2002, President Musharraf had announced establishment of a degree college and a technical institute, but he did not fulfill his promises.²⁰²

Jackboot justice: Discrimination against the people of the Federally Administered Tribal Areas

Under Article 247(1) of the Constitution of Islamic Republic of Pakistan, the executive authority of the Federation shall extend to the Federally Administered Tribal Areas (FATA). The President may from time to time give directions to the Governor who acts as his agent and is bound to comply with such directions. FATA is also represented in the National Assembly and the Senate through universal adult franchise. However, laws framed by the National Assembly do not apply to FATA unless so ordered by the President. Under Article 247(3), no act of the Parliament shall apply to FATA or any part thereof unless the President so directs. The tribal people of FATA are virtually at the mercy of the President.

a. Exclusion of the FATA from legal reforms and denial of justice

The bar - no act of the Parliament shall apply to FATA or any part thereof unless the President so directs as provided in Article 247(3) - has excluded the FATA region from all legal reforms that Pakistan has witnessed from 1947. During these six decades, whole of Pakistan has witnessed major developments economically, socially and in terms of education and hundreds of laws have been enacted to cope with the changing social needs. However, in view of Article 247(3), the people of FATA are continued to be denied of the benefits of these laws.²⁰³ The bar provided in Article 247(3) has been depriving the people of FATA from availing the legal and administrative reforms carried out in the rest parts of the country.

Despite Pakistan having civil and criminal laws, all civil and criminal cases in FATA are decided under the draconian colonial law viz. the Frontier Crime Regulation (FCR) of 1901 which was enacted by the British colonialists as an instrument of subjugation. Initially, the FCR was devised by the British colonialists during their occupation of the six Pakhtoon-inhabited Frontier districts in 1848. It was again enacted in 1873 and in 1876, with some changes. Finding that the regulation was inadequate, the Britishers extended the scope of the FCR by covering new acts and offences under it through the

promulgation of the Frontier Crime Regulations 1901.²⁰⁴ This has deprived the tribals of the FATA region from the benefits of the legal and judicial reforms carried out in other parts of Pakistan. For example, till the Peshawar High Court directions in Rahimullah's (a tribal petitioner who has been served three jail terms in the same crime) case, the tribal prisoners in the FATA region were not entitled to remissions in sentences while prisoners in other parts of Pakistan have been availing that benefit since long.²⁰⁵

Governing of FATA under the draconian FCR is discriminatory on the following grounds, among others:

First, the FCR provides for collective punishment to the family members or blood relatives instead of punishing only the guilty is still in operation in the FATA.²⁰⁶ Family members or blood relatives are handed a jail term for no crime of their own under. Innocent men, women and children become victims of this black law. Children as young as two years old have been convicted under it.²⁰⁷

Second, under Section 21 of the FCR, the political authorities like the Political Agents and Assistant Political Agents enjoy unbridled powers.²⁰⁸ This provision empowers the political authorities to order: - a) seizure, wherever they may be found, of all or any of the members of such tribe and of all or any property belonging to them or any of them; b) detention in safe custody of any person or property so seized; c) confiscation of any such property; and, with like sanction, by public proclamation; d) debarring all or any member of the tribe from all access into the (country); and e) prohibiting all or any person within the limits of British India from all interaction or communication of any kind whatsoever, or of any specified kind or kinds, with such tribe or any section or members thereof.²⁰⁹ Exercise of such arbitrary powers by the political authorities without adequate regulatory safeguards to check misuse often results in injustice and human rights violations. Tribal prisoners in FATA regions were reportedly served two or more sentences for the same crime. Most tribal prisoners complained that they remained in jails even after serving their jail terms because they were unable to furnish Rs.1 million in bail to political agents. While hearing a jail writ petition (JPW) by a tribal prisoner Rahimullah, a division bench of Peshawar High Court consisting of Chief Justice Tariq Pervaz Khan and Justice Qaim Jan Khan directed the Federally Administered Tribal Areas (FATA) Security Secretary to check the "unbridled" powers of political authorities and the human rights violations carried out by them. The Assistant Political Agent (APA) of Bara Agency had sentenced Rahimullah under section 40 of FCR on 15 December 2003 but before the completion of Rahimullah's first jail term, the APA passed another order on 14 January 2005

against him in the same crime. As if that was not enough, before the completion of Rahimullah's second illegal jail term, the APA passed a third conviction order on 25 May 2006, for another three years in the same crime.²¹⁰

Third, FCR does not ensure protection of human rights of the suspects and their relatives. People suspected of having committed a criminal offence are tried by the tribal jirga or council which submits its recommendations regarding conviction or acquittal to the Political Agent who makes a decision regarding conviction or acquittal but is not bound by the jirga's recommendations.²¹¹

Fourth, the suspects are tried without legal representation²¹² and there are no chances of appeal against conviction or punishment order of the Political Agents as the jurisdiction of Pakistan's higher judiciary is barred under Article 247(7) of the constitution from exercising its jurisdiction in the FATA.²¹³

The Government of FATA has officially admitted the miscarriage of justice by the jirga system of administration of justice. The FATA Government webpage provides, "Although the *jirga* mechanism enjoys widespread favour, corruption has begun to enter the system. It is reported that the poor and more vulnerable segments of society cannot afford to convene a jirga. There are a number of requirements for a jirga to be held, including hospitality, which is increasingly beyond the reach of most ordinary people. There is also the grievance, now voiced more frequently, that in most cases jirga decisions favours the richer or more influential party."²¹⁴

b. Exclusion from the safeguards and supervision of the higher judiciary

Article 247(7) of the Constitution of Pakistan provides: "Neither the Supreme Court nor a High Court shall exercise any jurisdiction under the Constitution in relation to a Tribal Area, unless Majlis-e-Shoora (Parliament) by law otherwise provides." This is absolutely discriminatory as the people of FATA cannot avail the various safeguards under the Code of Criminal Procedure of Pakistan and various rules governing the higher judiciary.

In view of this bar, a person convicted under the FCR cannot appeal before the Supreme Court or the High Court against their conviction by the Political Agent who whimsically invoked the provisions of the Pakistan Penal Code and Criminal Procedure Code along with the provisions of FCR against them.²¹⁵ The only and limited option available to them is to approach the higher judiciary through a constitutional writ challenging a decision issued under the 1901 Regulation.²¹⁶

However, whenever given a chance, the High Courts in Pakistan did not

hesitate in assailing the FCR. In 1979, the Balochistan High Court (the Shariat bench) held that the Frontier Crimes Regulation was discriminatory and un-Islamic. In July 2002, the Lahore High Court also echoed the views of the Balochistan High Court while hearing a petition filed by Qimat Gul of FATA that he was kept in “illegal detention” for about two-and-a-half years without any right to defend and proper adjudication before any competent judicial authority. The Political Agent of Bajore Agency had implicated him under the FCR and had detained him when he protested against forcibly grabbing of his land by some influential persons in the village.²¹⁷

On 29 June 2007, the Peshawar High Court ordered the Kurram Agency administration to immediately release 11 tribal maliks (elders) including Malik Janan, Malik Zahoor, Malik Mazda Jan who were arrested on the order of Lower Kurram Assistant Political Agent Dost Mohammad on 17 February 2007 under the FCR and threatened the administration to initiate contempt of court proceedings if it failed to release the tribal maliks. Earlier in May 2007, the High Court had directed the Kurram Agency administration but the authorities failed to release the detainees.²¹⁸

c. Human rights violations in the context of the war against terror

The civilians have been victims of killings by the security forces and the armed opposition groups.

i. Killings of the civilians

The tribals of FATA were victims of indiscriminate attacks by the Pakistani military in their war against terror. Between July 2005 and April 2006, the Pakistan military conducted at least 39 military operations in North Waziristan of FATA.²¹⁹ In a press statement on 29 April 2006, Major Gen. Akram Sahi, army commander for the tribal region, revealed that some 45,000 troops were deployed in North Waziristan. He stated that 324 militants, including 76 foreigners were killed by troops since his Golden Arrow army division launched operations in North Waziristan in July 2005.²²⁰ However, local people have challenged dubbing of most of the victims as “militants” by the security forces. The locals claimed that majority of the victims were in fact tribal people, including women and children, unconnected to any terrorist activities or groups.²²¹

On 30 October 2006, 82 people including at least 12 children were reportedly killed in an air strike at a madrassa (Islamic religious school) in Damadola in Bajaur agency (bordering Afghanistan) in FATA. Local residents claimed that the bombings were carried out by the US Drones. However, Pakistan owned up responsibility for the attacks and Pakistan’s military spokesman, Maj-Gen

Shaukat Sultan claimed that all those killed in the attack were “militants”. He stated that the operation was launched following intelligence reports that the madrasa was being used as a training centre for terrorist activities. Local people however maintained that the victims were clerics and students. Among those killed inside the seminary included its administrator Maulvi Liaqat Ali. Following the killings, no journalist was allowed entry into Bajaur and passengers entering the tribal region were asked to identify themselves.²²²

Earlier, on 13 January 2006, at least 18 people including women and children were killed in an air strike allegedly carried out by the aircrafts belonging to the United States at residential compounds in Damadola village in Bajaur Agency in FATA. Some of the victims were identified as Hussain Nawaz, a five-year-old child, 9-year-old Mehda Bibi, 10-year-old Sadiqa Bibi, 9-year-old Taib, seven-year-old Zahidullah, Amir Mohammad, Bibi Noor Pari, Shah Baden Bibi, Zahira Bibi, Qari Seedullah and Bekhtpur Khan.²²³

On 15 June 2006, four people were killed and one was injured when army personnel opened fire on tribesmen near Miramshah in North Waziristan Agency in FATA. The army personnel reportedly resorted to indiscriminate firing after their convoy was hit by an explosion in the Degan area.²²⁴

ii. Killings by the armed opposition groups

The tribals of FATA, especially Waziristan are being sandwiched between the security forces and the extremists, mostly Talebans. While numerous tribal civilians have been arrested, detained, killed or disappeared at the hands of the security forces a good number of them have also been extrajudicially executed by the armed opposition groups.²²⁵ On 11 March 2006, Interior Minister Aftab Ahmed Sherpao stated in the National Assembly that over 120 pro-government tribal elders had been killed since the latest battle with the militants had flared up on 3 March 2006.²²⁶

On 4 November 2006, Malik Zarwali, an elder of the Ahmadzai Wazir tribe of Shakai and member of a government-sponsored committee seeking the expulsion of foreign pro-Taleban elements, was killed by masked armed men near Wana in South Waziristan.²²⁷ On the same day, three other tribesmen were killed in North Waziristan.²²⁸

On 2 November 2006, the headless body of Muslim cleric, Maulana Salahuddin was found nearby with a note stating that he was a US spy.²²⁹ On 27 November 2006, authorities found the bullet-riddled body of Maulana Gul Thaheem, 47, in a ravine in Makeen, a village on the border with South Waziristan tribal district. A note found on the deceased's body said Thaheem

“spied for the Americans and he was a friend of Maulana Salah-ud-Din, and Maulana Hashim Khan.”²³⁰

d. Lack of economic development and basic services

In the FATA region, there are few livelihood opportunities available to the people. The local economy of the region is mostly pastoral, with agriculture practised in a few fertile valleys.²³¹ According to a land use data from 2003–04 of the FATA Government, only 7 per cent of the total geographic area of the region is under cultivation while more than 82 per cent of the land is not suited for cultivation.²³² Most households are engaged in primary-level economic activities such as subsistence agriculture and livestock rearing, or small-scale business conducted locally. A small section of the people is also involved in trade within the tribal belt or with down-country markets.²³³

In the absence of industries, there are few employment opportunities for the people of the region. Many are employed as short-term unskilled labourers in the mining sector which is limited and unorganized. Cross border trade with Afghanistan, although erratic, remains a major source of employment for the local population.²³⁴

Level of poverty in FATA is comparatively higher than the rest of Pakistan. FATA region is also at the lowest rank in literacy rate and availability of medical and health services. According to a comparative chart on these socio economic indicators, only 17.42% of FATA population is literate compared to Pakistan’s national literacy rate of 43.92% and North West Frontier Province (NWFP)’s 35.41%. The female literacy rate in FATA is only 3% compared to Pakistan’s national rate of 32.02% and 18.82% of NWFP. The people of FATA region have been denied access to adequate healthcare services. The number of doctors is limited and there is huge difference in the population per doctor in FATA and in other parts of Pakistan. The doctor-population ratio in FATA is 6 times more than the Pakistan’s national ration of 1,226 persons.²³⁵

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