

### Laws and law-making

- A total of 107 Acts were passed by Parliament and the provincial assemblies: six federal Acts and 101 provincial Acts. The Khyber Pakhtunkhwa (KP) Assembly passed 45 Acts – more than any other provincial assembly this year.
- Eleven presidential ordinances were rushed through Parliament, attracting widespread criticism from human rights observers. Mercifully, these ordinances were withdrawn by the government in November.
- The Senate Functional Committee on Human Rights unanimously passed a bill in January to amend the Child Marriage Restraint (Amendment) Act and raise the marriageable age to 18.
- In January, the Supreme Court of Pakistan held that the system of *jirgas* and *panchayats* was in violation of the country's international commitments, and that any order or decision issued by such bodies was illegal and unconstitutional.
- In April, the Zainab Alert, Recovery and Response Bill 2019 was sent to the National Assembly Standing Committee on Human Rights and presented to the house; as of December, it was still pending.

### Administration of justice

- By year end, there were close to 1.8 million cases pending in the judiciary, as against 1.9 million in 2018.
- In June, following the 2017 decision to establish model criminal trial courts to dispose of cases more swiftly, the Chief Justice of Pakistan approved the establishment of another 57 model courts at the tehsil level. However, observers have questioned their performance, especially in the context of the long-awaited reform of the criminal justice system.
- While the National Accountability Bureau (NAB) received over 51,000 complaints in 2019, with a total of 1,275 corruption references at different stages of hearing in the courts, its activities drew considerable criticism. It was seen as being selective and highhanded in dealing with cases pursued against members of the political opposition, while the National Commission for Human Rights held that NAB had violated the law by not allowing the former access to its detention centres.
- Rani Bibi, who was convicted wrongfully of murder when she was 14 and spent 19 years in prison, was acquitted by the Lahore High Court, but received no compensation for the miscarriage of justice.
- Six Counter-Terrorism Department officials implicated in the killing of a family in Sahiwal, Punjab, in a so-called police encounter, were acquitted by an anti-terrorism court in October.

## **The death penalty**

- The death penalty was awarded in at least 584 cases in 2019, while 15 people were executed, 12 of them in Punjab. As of December 2019, at least 17 people convicted of blasphemy were still on death row.
- In December, a Multan district and sessions court handed down a death sentence to academic Junaid Hafeez on charges of blasphemy. The decision dismayed human rights observers, given that Mr Hafeez has already spent six years in solitary confinement.
- According to a report submitted to the Law and Justice Commission, the Supreme Court had overturned the death penalty in 78 percent of 310 judgments between 2010 and 2018 – either acquitting the accused, commuting the sentence, or ordering a review.

## **Pakistan and international human rights mechanisms**

- In May, Pakistan submitted a delayed report to the United Nations (UN) Human Rights Committee, following the latter's concluding observations on the country's implementation of the International Covenant on Civil and Political Rights. The Committee deemed much of the report unsatisfactory, especially in the context of extrajudicial killings, enforced disappearances, and the use of the death penalty.
- Requests for country visits from UN Special Rapporteurs—on extrajudicial executions; the situation of human rights defenders; the promotion and protection of human rights while countering terrorism; freedom of religion or belief; and torture and other cruel, inhuman or degrading treatment or punishment—remain pending.
- Pakistan has ratified eight fundamental ILO conventions, but has yet to implement these effectively: the right to collective bargaining is poorly enforced and the country has yet to eliminate the worst forms of child labour, forced labour, and discrimination in employment.

## **Constitutional compliance**

- On 17 December, Pakistan witnessed the first-ever conviction of a former military ruler, General Pervez Musharraf, on the count of high treason under Article 6 of the Constitution.
- The Council of Common Interests held only one meeting instead of the four quarterly meetings envisaged under Article 154 (3).
- There was no tangible progress on the long overdue National Finance Commission Award under Article 160.
- Article 140-A has yet to be implemented effectively: although local governments completed their terms in Balochistan, KP and the cantonment boards, their tenure was cut short in Punjab and there has been a prolonged delay in holding local body elections.

## **National human rights institutions**

- The National Commission for Human Rights has been dysfunctional since May, pending the appointment of a new chairperson and six of its seven members.

- The post of chairperson of the National Commission on the Status of Women has lain vacant since 1 November 2019.

### **Law and order**

- As in previous years, there was a steady decline in conflict-related deaths, but the number of casualties of terrorist attacks and counter-terrorism operations in Pakistan is still significant at 1,444 compared to 2,333 in 2018.
- Reports of police extortion, refusal to register first information reports, and custodial torture emerged in all provinces. In a widely publicised case, Salahuddin Ayubi, died in police custody in Punjab – forensic reports suggested that he had been badly tortured.
- ‘Honour’ crimes continued unabated, with Punjab accounting for the highest proportion reported overall. Afzal Kohistani, a whistleblower in KP who had fought the legal battle for five young women killed for ‘honour’ in Kohistan in 2012, was gunned down in March.
- Investigators revealed that 629 women had been trafficked as brides to China between 2018 and early 2019.
- Child protection laws have yet to take effect in the areas of domestic labour and child marriage.
- Despite legislation, violence against the transgender community continued during the year. Local transgender community groups said that at least 65 transgender persons had been killed across KP since 2015.
- Cybercrime and online harassment across Pakistan rose exponentially. Cases of women being blackmailed with personal – and in many cases, fake – videos or photographs were reported through the year.

### **Jails and prisoners**

- Prisons in Pakistan remain appallingly overcrowded, with an occupancy rate of 133.8 percent.
- The proportion of pre-trial detainee/remand prisoners relative to the total prison population is 62.1 percent.
- Overcrowding, unhygienic conditions and poor medical facilities for prisoners remained constant concerns, increasing their vulnerability to tuberculosis, HIV/AIDS and hepatitis, among other diseases.
- In Punjab alone, an estimated 188 prisoners on death row suffer from mental illnesses.
- According to the Interior Ministry, close to 11,000 Pakistanis were in overseas jails in 2019.
- Internment centres remained operational even after the controversial KP Actions (In Aid of Civil Power) Ordinance 2019 had expired. The Supreme Court continued to hear petitions calling for these centres to be abolished, as well as government appeals against the Peshawar High Court ruling that these centres were unconstitutional.

## **Enforced disappearances**

- Pakistan has yet to criminalise enforced disappearances even after a commitment to this effect made by the incumbent government on several occasions.
- Since the inception of the Commission of Inquiry on Enforced Disappearances, KP has topped the list in the numbers of missing persons. At end December 2019, the total number of cases registered in KP stood at 2,472.
- People continued to be reported ‘missing’ during the year—either for their political or religious affiliations, or for their defence of human rights. In southern Punjab, Ahmad Mustafa Kanju, a political party worker, was abducted allegedly by state agencies in January. In KP, human rights activist Idris Khattak has been missing since November.
- The Commission of Inquiry on Enforced Disappearances falls short of being an effective agency to provide relief to the citizens, apportion responsibility and bring perpetrators to justice.

## **Democratic development**

- On 20 July, the first-ever elections were held for seats from the merged tribal districts in Khyber Pakhtunkhwa assembly, as stipulated in Article 106 (1A) of the 25th Constitutional Amendment.

## **Freedom of movement**

- The excessive and arbitrary use of the exit control list to prevent dissidents and members of the political opposition from traveling abroad continued to feature prominently in the news.
- Official restrictions on movement were imposed on people attending political and protest rallies.
- The visa-free Kartarpur Corridor connecting Gurdwara Darbar Sahib in Pakistani Punjab to Dera Baba Nanak in Indian Punjab was opened in November.

## **Freedom of assembly and association**

- Workers and supporters of social movements—including some with political affiliations—were subjected to intimidation or detention on charges of sedition and terrorism.
- Barriers to setting up trade unions, the creation of categories of workers prohibited from joining unions, limitations on and methods used to break up certain types of strikes, and the possibility of dismissal have discouraged the unionisation of labour at all levels. As a result, the space for collective bargaining for decent wages and safe working conditions remained limited.
- The Registrar of Trade Unions banned 62 labour unions in Balochistan, following a decision by the Balochistan High Court.
- After banning 18 international NGOs in 2018, the government continued to impose restrictions on NGO registration and made it more difficult to acquire NOCs. Increased harassment and investigations

made it difficult for local and international NGOs to carry out their work effectively and efficiently.

- Although some provincial assemblies announced that they would restore student unions, this longstanding issue remains pending.

### **Freedom of expression**

- Curbs on freedom of opinion and expression continued to escalate. Journalists in Balochistan and KP in particular reported that it had become even more difficult to speak or write openly – if at all – on ‘sensitive’ issues such as enforced disappearances, or to criticise state policy or security agencies in these areas.
- In October, Steve Butler of the Committee to Protect Journalists was denied entry to Pakistan to attend the Asma Jahangir Conference.
- After media organisations rejected a proposal to establish one regulatory authority across the media, the government announced that special tribunals would be set up to hear complaints against the media. Journalists’ bodies and human rights organisations condemned this as a means to gag the media further.
- Pakistan’s internet freedom ranking declined even further in 2019, attributed to a problematic cybercrime law, internet shutdowns, and cyber-attacks against political dissenters, justified on the grounds of national security.
- Strong-arm tactics employed allegedly by state agencies forced many journalists to resort to self-censorship or even resign from their posts.
- Several thousand media persons lost their jobs and a number of newspapers and magazines shut down, largely due to the financial squeeze imposed when government advertisements were withdrawn and previous dues withheld.
- Concerns over a concerted campaign against *Dawn* resurfaced when a mob besieged the newspaper’s offices in Karachi and Islamabad, chanting slogans in favour of an intelligence agency.
- The right-to-information laws have remained underused, without yielding the larger public good they were aimed at.

### **Religious minorities**

- Religious minorities remained unable to enjoy the freedom of religion or belief guaranteed to them under the constitution. For the Ahmadiyya community in Punjab, this included the desecration of several sites of worship.
- Both the Hindu and Christian communities in Sindh and Punjab continued to report cases of forced conversion. In Punjab, girls as young as 14 were forcibly converted and coerced into marriage. In Sindh, the case of two Hindu girls whose families claimed they had been kidnapped for marriage and converted forcibly, drew widespread attention when the Islamabad High Court ruled that the girls were not minors at the time of marriage and allowed them to return to their spouses.

- In January, the Supreme Court created a one-person commission to report on the implementation of the 2014 judgment on the protection of minorities' rights and promotion of a culture of religious and social tolerance.
- The 22-member parliamentary committee to protect minorities from forced conversions was finally notified in November and tasked with framing legislation against forced conversions.
- The job quota for religious minorities has yet to be implemented.
- The ordeal of Aasia Bibi, who was convicted of blasphemy in a high-profile case in 2010 and then acquitted in 2018, finally ended in January when the Supreme Court threw out a review petition against her acquittal. She left the country in May to be reunited with her family.

### **Women**

- In December, Pakistan was ranked at 151 out of 153 by the World Economic Forum on the Global Gender Gap Index.
- Despite the legislation enacted to protect and promote women's rights in recent years, violence against women has escalated.
- Women continued to face discrimination in employment, financial inclusion, political representation, and access to connectivity and education.
- In its second year, Aurat March gave women across Pakistan a public space to articulate their issues, but not without inviting undue criticism and harassment.
- Among numerous reports of sexual harassment at educational institutions and workplaces, women students at the University of Balochistan accused the administration of using CCTV cameras to film students in potentially compromising situations.
- As of June 2019, there were government-run women's shelters in all 36 districts in Punjab, as well as a violence against women centre in Multan. However, there were only five darul-amans in Sindh, five in KP, and only two in Balochistan.

### **Children**

- At least 2,846 cases of child abuse were documented, according to one estimate, although the number is likely higher. Incidents of child abuse ranged from reports of child labourers being sexually abused in mines in Balochistan to children as young as 13 being drugged and gang-raped in Sindh.
- In a case that spurred national outrage, ten-year-old Farishta was abducted and murdered in Islamabad; the police initially refused to register a case when she was reported missing by her family.
- Although the National Commission on the Rights of the Child Act was passed in 2017, the Commission has yet to be constituted.

- Despite legislation against the employment of minors, the practice persists in industries and homes; cases of abuse among child domestic workers continued to surface through the year.
- Only 4 percent of children in Pakistan receive a ‘minimally acceptable diet’, according to a UN report.
- The National Nutrition Survey reveals a high percentage of children who are stunted and suffer from wasting.

### **Labour**

- At least 160 mine-related deaths took place in 2019, even as mines continue to be operated by people who lack the financial resources and technological skills to provide for operational safety or to deal with emergencies. There is no evidence of progress in the implementation of safety and health standards in this sector.
- The implementation of labour laws is still deficient with virtually no site inspections or enforcement of fundamental health and safety measures, particularly in the case of informal labour.
- Only a small percentage of the labour force is unionised—an estimated 2 to 3 percent—and there is little pressure for the implementation of labour laws, living wages and decent working conditions.
- Although the Sindh Assembly passed the Sindh Home-Based Workers Act in 2018, progress on its implementation—as with many such laws—remained slow.

### **Education**

- According to UN estimates, Pakistan has the world’s second-highest number of out-of-school children, with an estimated 22.8 million children aged 5–16 not attending school, representing 44 percent of the total population in this age group.
- Disparities based on gender, socioeconomic status, and domicile are significant; in Sindh, 52 percent of the poorest children (58 percent girls) are out of school, and in Balochistan, 78 percent of girls are out of school.
- Budgetary allocations for education fell significantly during the year, both at the federal and provincial levels.
- Cases of corporal punishment continued to be reported across the country.

### **Health**

- The country’s spending on health is still less than 1 percent of its GDP, whereas the World Health Organization (WHO) recommends an allocation of about 6 percent.
- The unsatisfactory quality and coverage of public health services means there is high dependence on the more costly private sector, putting adequate healthcare out of reach for thousands of households.

As a result, many people are driven to consult unqualified medical practitioners, often with dire consequences.

- Depression rates have risen, according to the Pakistan Association for Mental Health. There is no evidence that Pakistan has developed a coordinated national strategy to achieve the objectives of WHO's comprehensive mental health action plan (2013–20).
- The control of communicable diseases remained cause for serious concern. Additionally, the incidence of non-communicable diseases—heart disease, stroke, diabetes, hypertension, and various cancers—has risen.
- Between April and June 2019, a total of 30,192 people in Larkana, Sindh, were screened for HIV, of which 876 were found positive; 82 percent were below the age of 15 years.
- At 135, the number of confirmed polio cases continued to rise and the main reason is said to be the refusal of parents to have their children immunised.

### **Environment**

- In September, people in more than 20 cities across the country took part in a climate march to demand that the government develop an action plan for climate change as early as possible.
- According to the World Air Quality Report for 2019, Pakistan is ranked second among the world's most polluted countries in terms of the presence of PM 2.5 in the atmosphere. In December, Lahore was among the world's ten cities with the worst air quality.
- Pakistan was ranked among the top ten countries most affected by climate change, with wide-ranging impacts on the population and economy due to extreme weather fluctuations over the last two decades.
- The lack of adequate planning, policies, and laws to protect the environment has left local communities in Gilgit-Baltistan particularly vulnerable to natural hazards, with scores of casualties reported during the year.
- Sindh witnessed acute water shortages linked to rapid urbanisation, poor water management, and climate change. In July, some 1,500 people marched from Kharo Chan to Thatta to demand that the government resolve the water crisis.