



PAKISTAN



Minority rights in Pakistan



PAKISTAN

COUNTRY PROFILE

- **Full name:** Islamic Republic of Pakistan
- **Government:** Federal Parliamentary Republic
- **Population:** 185 million (185,017,818)
- **Capital:** Islamabad
- **Largest city:** Karachi
- **Area:** 796,095 sq km (307,374 sq miles)
- **Major languages:** Urdu (national), English (official), Punjabi, Sindhi, Pashto, Balochi
- **Religion:** Muslim (official and predominantly Sunni) 178,135,155 (96.28%). Minorities: Hindu 2,960,285 (1.60%), Christians 2,923,281 (1.58%), Scheduled Castes (Hindu) 462,544 (0.25%), Ahmadiyya Muslim 407,039 (0.22%), others 129,512 (0.07%).
- **Ethnicities:** Punjabi 44.68%, Pashtun (Pathan) 15.42%, Sindhi 14.1%, Sariaki 8.38%, Muhajirs 7.57%, Balochi 3.57%, other 6.28%.
- **Life expectancy at birth:** 63 years for females and 62 years for males. (1)



International Obligations

Pakistan has acceded to the following human rights treaties: International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child (CRC), International Convention on the Elimination of All Forms of Racial Discrimination (CERD), and in 2010 it ratified the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment (CAT). Pakistan is not a party to the 1998 Rome Statute of the International Criminal Court.

The government of Pakistan made significant reservations to the CEDAW treaty declaring the supremacy of the Constitution of the Islamic Republic of Pakistan, and consequently Sharia law, over the dispositions of the treaty. This effectively goes against the entire spirit of CEDAW, which aims to preserve equal rights for women and men in society. In practice, human rights abuses that contravene these treaties are committed on a daily basis in Pakistan, with little or no official investigation or repercussions.



Introduction

Global Human Rights Defence (GHRD) collects information from various (local and international) human rights organisations and media sources to monitor the human rights of minorities and women in Pakistan. This report is the result of ongoing research and media monitoring activities undertaken at the head office in The Hague during the last quarter of 2010 and the first quarter of 2011 – during which time there have been many reports of human rights violations against women, religious and other ethnic and non-religious minorities. In this report we provide an overview of the current situation in Pakistan and highlight the most significant violations committed against these minority groups and women in the last six months.

In 2011, GHRD has decided to draw attention to the Pakistan controlled area of Azad Kashmir (located in the southernmost area within the Pakistan-administered part of the former princely state of Jammu and Kashmir), due to the human rights abuses occurring against minorities in the region, the lack of global attention, and a general lack of information available on the area. Azad Kashmir will therefore be a particular focus for our future reporting. To this end, this report will be structured into three key parts: (1) human rights violations against minorities, (2) human rights violations against women, and finally (3) human rights violations against minorities in the Azad Kashmir region.

A lack of political will and the government failure to implement legislative or policy measures to protect these marginalised groups makes the state the root cause of the problem. Religious extremism and repressive traditions and customs also contribute to the marginalised position of women and minorities.



Background

Prior to the foundation of the Islamic Republic of Pakistan in 1947, Pakistan was part of the British Raj (Indian Empire). Upon foundation, the country was divided into two parts: East and West Pakistan. East Pakistan later separated in 1971 and became the state of Bangladesh.

Over the past century, Pakistan has experienced a tumultuous and discordant history. From its inception, Pakistan's relations with India have been tense. The country's support of Muslim insurgents opposing the



Maharaja, who chose to annex the princely state Jammu and Kashmir to India, led to clashes in the region. The two states have since been involved in three wars over the disputed territory (in 1947-1948; 1965; and 1971).

Pakistan has also experienced a turbulent recent past with respect to domestic politics. In the period 1977-1988, Pakistan underwent an 'islamisation' process under General Zia-ul-Haq. The then government adopted a martial

law regime, which included several ordinances consistent with Sharia law, such as, the blasphemy laws (which marginalise non – Muslims) and the Hudood Ordinances (which marginalise women). These ordinances remain in force today. For almost ten years, Pakistan was ruled by the military dictatorship of General Pervez Musharraf - from October 1999 until February 2008, when the Pakistan People's Party (PPP) won the elections with a landslide victory.

The events of 11 September 2001 and the American-led 'War on Terror' have strongly influenced Pakistan's recent history. Following September 11, Pakistan became an ally in the 'War on Terror' and the fight against the Taliban that spread to the country itself. In 2007, Pakistan's military began its fight against the Taliban in the North-West Frontier Province (NWFP). In February 2009, the Government agreed to implement Sharia law in the North-Western Swat Valley in an effort to persuade Islamist militants



to agree to a permanent ceasefire. The Swat agreement collapsed however, when the Taliban extended their power-base in the region in the following months. These events are commonly referred to as the 'Swat Valley crisis of 2009'. The crisis resulted in a huge internal displacement of people from the region, affecting around 2.5 million people, 1.5 million of which registered for humanitarian assistance because of the fighting. Later, the Pakistani army carried out relentless anti-Taliban operations and the Swat valley was declared free of militants, considerably improving the situation.



Current situation

The growth in violence and terrorist activities conducted by extremist groups targeting religious minorities has led to increasing political and economic instability in Pakistan. The recent assassination of Shahbaz Bhatti, the Christian minister of minority affairs, for his stance on the blasphemy laws is just one example of the culture of extremism and persecution in the country.

Despite some safety improvements in the Swat Valley, cases of military and police abuse in this zone continue to be reported by various human rights agencies, including executions, arbitrary detention, forced evictions and house demolitions. In 2011, fighting in the Swat Valley continues between Pakistani security forces and the Taliban militants, leaving many Pakistanis displaced.

In 2010 and early 2011, abuses by Pakistani police, including cases of extrajudicial killings and disappearances in the Balochistan region continue to be reported throughout Pakistan.

HUMAN RIGHTS ISSUES IN PAKISTAN

Violence against minorities

Pakistan is a pluralist state and has many different ethno-regional and ethno-linguistic groups. Religious intolerance, prejudice and violence against minority groups is widespread and often reinforced by state policy, for example, only religious minorities are legally recognised as minorities in Pakistan. Accordingly, the legal provisions aimed at safeguarding the interests of minorities are only applicable to Christians, Hindus, Sikhs, Buddhists, Parsis, Ahmadiyya Muslims and other non-Muslims.

In 2010 and 2011, discrimination and violent attacks against religious and ethnic minorities were widely reported. Non-Muslims were attacked and killed by religious extremists based on allegations of blasphemy and religious scriptures were desecrated. The Pakistani government took little or no action to prevent such violence.

Legal status of minorities

Despite the existence of legislation nominally guaranteeing religious freedoms in Pakistan, the government has not guaranteed these basic rights or established protection and security for minorities. The term 'minority' is narrowly interpreted in the Pakistani legal system as relating only to religious minorities, for example, article 20 of the Constitution only refers to each citizen's freedom "to profess religion and to manage religious institutions." The term 'minority' was first used in the 1973 Constitution, which recognises Christians, Hindus, Sikhs, Buddhists, Parsis, persons belonging to the Scheduled Castes, and other non-Muslims (including Ahmadiyyas as a non-Muslim minority). The official interpretation adopted is that the drafters of the Constitution used an exhaustive list and therefore, the term relates strictly to religious minorities. This interpretation has subsequently been adopted by lawmakers and the judiciary and discriminates against minority status based on ethnicity and language.



Religious minorities

Hindus

1.6% of the total population

Pakistan previously had a considerably larger Hindu population until the partition of India in 1947 resulted in the mass movement of Hindus across the border. Following partition, religious cleansing campaigns against religious minorities were common and Hindus in Pakistan suffered considerably. Several million Hindus were forced to become refugees and those who decided to stay behind in Pakistan after partition faced constitutional limitations and social stigma. Later, legal amendments introduced by General Zia-ul-Haq (blasphemy laws) adversely affected the position of the Hindu minority.

The vast majority of the Pakistani Hindus reside in rural areas in Sindh (around 90 percent of the total Hindu population in Pakistan), Balochistan, Punjab, and there are concentrations of Hindus in Sanghar and Tharpakar district, which is near the Pakistani Indian border. Most of the Hindus in Sindh and Balochistan belong to the Dalit caste, also known as the 'Scheduled Caste' or more commonly 'untouchables' (discussed further in a later section).

The rise of religious extremism in South Asia and the tense political relationship between Pakistan and India have led to continuous attacks, marginalisation and discriminatory practices against Hindus in Pakistan. For example, Hindus in Pakistan are not allowed to join the military forces. Hindu rights are also restricted in many ways – attacks against Hindu temples are commonly reported by Hindu media agencies (2) and recognition and celebration of Hindu festivals is severely restricted, for example, the Hindu population is not entitled to take annual leave to celebrate Holi, one of the community's most significant religious festivals (3).

A common human rights violation against Hindus is the kidnapping of Hindu girls and women, who are then married to Muslim men and forcibly converted to Islam. In the provinces of Balochistan and Sindh in particular, the kidnapping of children for ransom is common. A research study conducted by the Society for the Protection of the Rights of the Child (SPARC) established that the majority of children kidnapped in Sindhi province were Hindus – and this is only regarding cases that are reported, the actual number could be far more. Kidnapping is becoming a

Blasphemy law

The mandatory sentence for anyone convicted of blaspheming the Prophet Muhammad is the death sentence under section 295C of the Pakistan Penal Code (PPP). Since this sentence was introduced by the military dictator General Zia-ul-Haq in 1986, many innocent people have been falsely arrested on charges of blasphemy. According to Tribune.com, 1,274 people in Pakistan have been charged with offences under the blasphemy laws from 1986 to 2010. Prior to the amendments made under the dictatorship of General Zia-ul-Haq in 1986 there was few such blasphemy cases registered (less than ten according to Assist news).

This penal code not only discriminates against all other religious minorities, but it also singles out Ahmadiyya Muslims as the blasphemy laws were originally directed against Ahmadiyyas. Over two hundred Ahmadiyya Muslims were charged with blasphemy from 1986 to 1993, but none were found guilty. More recently this law has been used against other religious minorities as well as Muslims and several have been found 'guilty' of blaspheming the prophet Muhammad and subsequently convicted. The blasphemy law therefore provides the easiest method for persecuting religious minorities.

Almost all the popular parties of the country have tried to amend the blasphemy law. Nonetheless, due to the growing religious conservatism in Pakistan and pressure from religious groups, the media and opposition parties, reform has not occurred. The judiciary also acts in defence of these discriminatory laws. For example, the Lahore High Court stayed President Zardari from issuing a pardon to Aasia Bibi, a Christian woman who was sentenced to death for blasphemy in 2010, thus overstepping its constitutional authority. The government fears that if it confronts the issue directly it may lose public support.

business for kidnappers – in most of the reported cases, the kidnapped children were recovered within a week to two months, usually after the parents had paid a ransom, often with the police playing the role of ‘middle man’ in negotiations. The Hindu community is particularly targeted due to their low social status and vulnerability – without political patronage or support they are easy to exploit and are often reluctant to undergo litigation for fear of hostility from the authorities and legal system in general (4). This issue does not only affect children; for example, on the 26th March 2011 a spiritual Hindu leader was kidnapped for ransom. His kidnappers threatened that if the ransom was not paid, he would be converted to Islam or killed (5).

Christians 1.59% of the total population

The Christian population is largely made up of descendents of Hindus who converted to escape attachment to castes of inferior economic standing (i.e. Dalits). At the time of the partition, a small elite Christian community existed in Pakistan. The majority of Christians have been unable to obtain any formal education since 1947, mostly due to the community’s low economic standing. When the wealthier Christians left the country following partition, the poverty experienced by those who chose to stay increased, predominantly due to unemployment following the exodus of their employers.

Extremist attacks against the Christian community frequently occur, for example on March 28, 2011; a Catholic church in Wah Cantt (45 km from Islamabad) was attacked by extremists soon after the controversial US pastor Terry Jones publicly burned a copy of the Koran. St. Thomas parish Church was attacked by a

Christian Minister of Minority Affairs for Pakistan, Shahbaz Bhatti, killed by Taliban extremists.

On March 2, 2011, Shahbbaz Bhatti - the federal minister for minority affairs, was assassinated by three militants of the extremist group known as Tehrek-e-Taliban Punjab. Mr Bhatti, the only Christian minister in the Cabinet and a leading figure of the ruling Pakistan People’s Party (PPP), had just left his home in the capital (Islamabad) when gunmen surrounded his vehicle and started to shoot. The Christian minister had received numerous death threats previously for his efforts to reform the blasphemy law.

Pakistan’s blasphemy law has been in the spotlight since a Christian, Aasia Bibi, was sentenced to death in Punjab last November (2010) for the crime of blasphemy. Some government officials and legislators tried to seek a pardon and amend this abusive and discriminatory law and for this they were subject to threats, intimidation and violence. Later on January 4th 2011, Mr. Salman Taseer, governor of the Punjab Province, was assassinated in Islamabad by a bodyguard who admitted to the killing, saying he did it because of Taseer’s stance against the blasphemy law and religious extremism. Mr. Taseer had previously received numerous death threats for his support of Aasia Bibi and for his campaigning for the repeal of the controversial ‘Blasphemy Law’.

The Pakistani government has not only failed to institute the proposed reforms of the Blasphemy law, but has also failed to bring the perpetrators of these murders to justice and, by their omission, continue to encourage religious extremists and impunity for criminals. The murder of Shahbbaz Bhatti represents a grave outrage against the freedoms of expression and religion.



group of around six or seven Muslims on the evening of March 28th. According to the parish priest, father Yousaf, “they threw stones at the windows, destroyed the light towers and tried to break down the church doors... it was a reaction of the desecration of the Koran in Florida”. Earlier on March 21st, 2011 two Christians were murdered in an attack on a church near Hyderabad, (Sindh Province), also in reaction to pastor Terry Jones’s public burning of the Koran. The victims were a 47-year-old father of four, Yunis Ilyas, and a 21-year-old newly-wed, Jameel Masih. In October (2010), a Christian lawyer and his entire family were killed by Islamic extremists (6). In November (2010), Islamic gunmen killed six Christian workers in Northwest Pakistan and wounded seven others (7).

Individuals from the Christian community have also been subject to false charges and severe punishment under the blasphemy laws. For example, on April 5th, 2011, a Christian named Arif Masih was falsely accused of blasphemy in the village of Chack No 129, in Faisalabad. The charge was brought against Arif Masif after a dispute over property with a local Muslim man, Shahid Yousaf. According to reports from HRFP, two Christian women accused of blasphemy were beaten by an angry mob of Muslims and sent to jail on January 11th, 2011. Furthermore, on February 22nd, 2011 a Christian woman Agnes Bibi from Faisalabad was accused of blasphemy following a dispute over land. Agnes Bibi has been arrested and detained by the police. It is believed she was in competition for a valuable piece of land with local Muslims and that they accused her of blaspheming against Islam when they failed to take hold of it.

Ahmadiyya Muslims

0.22% of the total population

The Ahmadiyya religious movement was estimated to have 2.9 - 5.2 million followers in Pakistan in 2006, according to Minority Rights Group International (MRGI). Ahmadiyyas identify themselves as being Muslim, but many non-Ahmadiyyas disagree with this claim, resulting in discrimination against the Ahmadiyya community.¹



During the regime of General Zia-ul-Haq and the ‘islamisation’ of Pakistan, legislation aimed at persecuting and victimising the Ahmadiyya Muslims

was enacted. One of the legislative changes meant that identifying yourself as being an Ahmadiyya Muslim was a prosecutable offence in itself. Even some Ahmadiyya religious beliefs and practices were made illegal and the provisions were put in such unclear wording that any religious act by an Ahmadiyya Muslim could be deemed as unlawful.

Ahmadiyyas in Pakistan continue to face legal discrimination today and the penal code restricts their freedom of expression and religion. They have also been victims of increasing violence in the past few years. Human Rights Watch reported that on May 28th, 2010, extremist Islamist militants belonging to the Punjabi Taliban attacked two Ahmadiyya mosques in Lahore with guns, grenades and suicide bombs, killing 94 people and injuring over one hundred.

¹ The primary difference between ‘mainstream’ Muslims and Amadiyya Muslims is with the Ahmadiyyas view of the Prophet Mohammed as not being the last prophet.

Ethnic minorities

Balochis

5% of total population

The Balochi minority are indigenous to the region of Balochistan, Pakistan's largest province. Balochis are not a homogenous group, but are divided along tribal and clan lines. This fragmentation has led to internal disagreement among Balochi tribes, but many also demand political and economic autonomy from the Republic of Pakistan. The denial of these demands combined with the enforcement of military rule in the



region led to an armed insurrection in 1999. Due to the province's strategic importance and rich natural resources, Balochistan has been almost continuously the scene of fully-fledged military operations throughout recent history.

Instances of extrajudicial killings, torture and arbitrary arrests carried out by paramilitary forces (the frontier core) in the region have been widely alleged, particularly extra-judicial killings of detainees by law enforcement agencies under the pretext of 'the war against terror'. The former military Government accused certain Balochi tribes of harbouring Al Qaeda members, but these accusations have been heavily denied by the tribes in question.

The current situation in Balochistan is alarming. The Asian Human Rights Commission (AHR) reported in February 2011 that the rising number of disappearances in the region remains a cause for concern and on average at least five or six people are abducted every month in the region. Law enforcement agencies, intelligence agencies and the army have been accused of being behind many of the disappearances. AHR also reported that in 2010 alone there were 117 targeted killings and another 119 people died in explosions and 19 in sectarian attacks.

Social minorities

Dalits

0.25% of the total population

Dalits, also known as 'Scheduled Castes' or 'untouchables', often carry out jobs of low social status, such as street cleaning. They are widely discriminated against in Pakistani society and suffer numerous kinds of abuse, from bonded labour to rape, and the crimes against them are often committed with impunity.

Dalits often go uncounted in official statistics. According to the 1998 census, the number of Dalits living in Pakistan is approximately 330,000; however, the real number may be more than two million according to external research of Dalit International Solidarity Network (DISN). According to DISN research, the illiteracy rate among Dalits is higher than 75% (a fact closely linked to poverty) and Dalits in Pakistan have limited access to equal and meaningful political participation.

In rural Sindh province, many members of the scheduled castes are in bonded labour, in positions where they will never raise enough money to be freed from their landlords. While the practice of bonded labour is legally prohibited in Pakistan under the Bonded Labour System Abolition Act of 1992, it continues to be common in the Sindh region and goes unpunished by local authorities.

Many Dalits also experience 'double discrimination' by virtue of their social and religious status. As most Dalits come from the Hindu minority, they experience discrimination on the one hand because of their religious status and on the other hand because of their caste status. Dalit women suffer again, falling victim to sexual abuse, abduction and forced religious conversion. One such example is the kidnapping of a 13 year old Dalit girl in September 2010. The girl was forced to convert to Islam in Karachi. (8). In March 2010 a girl was abducted and raped and was forced to marry her rapist. The perpetrators of the rape were released with complete impunity and no action was taken by the authorities (9).



Manu Bheel, a Dalit, was freed from bonded labour in 1996. His family then worked as wage labourers, but in 1998, nine of his family members were kidnapped, allegedly by men sent by his former landlord. The case is still unresolved, and Manu Bheel's symbolic hunger strike has become a symbol of the plight of Pakistan's Dalits. Photo: Jakob Carlsen

Discrimination against women

The subordinate status of women is deeply ingrained in Pakistani tradition, religion and in the legislation of the country. Crimes against women are commonly committed in the name of religion, custom and honour.

Though there have previously been legal reforms brought about to uplift the status of women in the country, most of them exist only on paper. Recent examples include the Protection from Harassment at the Workplace Bill (2009), promulgated by the Pakistani Government in March 2010, which was signed by the President and passed into law by parliament (10) and the



Domestic Violence (Prevention and Protection) Bill, which was unanimously passed by the National Assembly in August 2009 but which did not become law due to the failure by the Senate to pass it in the following three months as required under Pakistan's constitution (11). As a result, women in Pakistan are left with little practical or legal protection.

Some progress has been made to improve women's participation in governance institutions, including the restoration of reserved seats for women in the federal and provincial Parliaments.

Despite such legal improvements, crimes and killings in the name of honour, such as acid attacks, rapes, gang rapes and floggings continue to occur in Pakistan. Women also experience wide scale institutional discrimination in the form of access to education, freedom of movement and economic discrimination in terms of divorce and inheritance.

Sharia Law

Traditional Islamic law or 'Sharia' law is an Islamic moral code of conduct for Muslims. Originally, it was conceived to regulate all aspects of life in Muslim societies, from the everyday behaviour and habits of private individuals to the running of the criminal justice system and financial institutions. Sharia law continues to be practiced in Pakistan and is reflected in many of the laws of the country. Human rights issues with Sharia law include unequal protection for men and women and for Muslims and non-Muslims. While Pakistan has



acceded to many international human rights treaties, Sharia practices often violate key provisions of these treaties.

Pakistan joined the CEDAW Convention in 1996, but its participation has been emphatically below the minimum established standards. When the Committee on the CEDAW considered Pakistan's combined first, second and third report at its 38th Session in 2007, its concluding comments contained concern for the reservations made by Pakistan on its accession to the CEDAW convention. One of the key reservations made was that the accession was subject to the provisions of the Constitution of Pakistan and consequently, Sharia law. The State claims that the reservation did not diminish its obligations under the Convention and to date; withdrawal of the reservations has not been made. The Committee also urged Pakistan, among other things, to adopt a comprehensive approach to address all types of violence against girls and women.



Institutional discrimination against women

In theory, the Constitution of Pakistan upholds the principles of equal rights and equal treatment of all persons, but in practice, Pakistani women are considered second-class citizens in many ways. The prevalent patriarchal system means that women are systematically subordinated in Pakistani society. At the international level, Pakistan remains significantly behind other countries in its respect for women's rights, for example, the United Nations General Assembly adopted a resolution towards the elimination of the crimes of honour against women in October 2004, but Pakistan refused to be part of it.

The Hudood Ordinances

The *Hudood* (punishment) ordinances were introduced in 1979 to bring Pakistan's penal law into line with Sharia law. The ordinances "define crimes against Islam" and "enforce punishment for those who commit such crimes." The punishable crimes are murder, theft, blasphemy, adultery, rape outside of marriage, alcohol use and gambling.

In practice, the *Hudood* has primarily been used to punish accusations of adultery. Adultery (*Zina*) is punishable by public stoning, or public whipping (100 whips), but often these sentences are transformed into jail sentences. In 2006, the crimes of rape and fornication were made separate from Hudood in the *Protection of Women Bill* (2006). Until then, raped women ran the risk of being convicted with *Zina*, due to ambiguities in the law concerning the woman's intent. Additionally, the *Protection of Women Bill* made it possible to convict a rapist who has not confessed. At the same time, fornication was criminalised.

Under the Hudood Ordinances, religious minorities face discrimination in regard to the application of the mechanism *Diyat* (blood money). Muslim offenders are allowed to pay *Diyat* as compensation to the family of a non-Muslim victim. Conversely, if a non-Muslim kills a Muslim, he must either suffer a prison sentence or the death penalty – the option of paying *Diyat* in lieu of sentencing is not available.

Hudood provisions also discriminate against minorities in the area of evidence. According to the Ordinances, the testimony of a non-Muslim is to be considered as worth half of the testimony of a Muslim. The evidentiary requirement for theft is the testimony of two adult Muslim witnesses. The evidence needed to establish rape, adultery or fornication is four adult male Muslim eye-witnesses.

Currently, despite an increase in the percentage of women active in the Pakistani workforce, they continue to face institutional and economic discrimination. There is a large gap in girls' access to education, particularly in tribal areas, due to the lack of: educational institutions, facilities in schools, high dropout rates, cultural constraints, insufficient budgetary allocations and a lack of effective demand for quality education by the society. Statistics show that 40% of young girls are not enrolled in primary schools (12). Women also face discrimination in the family such as in the area of parental authority and custody. The father is considered the natural guardian of children, while mothers have no legal authority. Following divorce, Sharia law gives custody of young children to their mothers, but once children reach a certain age custody normally reverts to the father or his family. Inheritance practices are also complex and mainly governed by Sharia law in favour of the male line.



The civil liberties of women in Pakistan are also severely limited. Although they have the legal right to freedom of movement, this is limited due to traditions and customary practices, for example the custom of purdah, the use of a curtain or screen to keep women separate from men or strangers, severely restricts women's movement in practice.

Violations against the individual

Women in Pakistan suffer brutality of various kinds, often following accusations of 'immoral' conduct. This has included the shaving of heads, acid attacks, rape, kidnapping or incidents in which they have suffered mutilation of various kinds.

Honour crimes are also prevalent against women in Pakistani society and continue to be on the rise. According to the director of the Pakistan Human Rights Commission, there were 556 honour killings in 2010, and according to the Aurat Foundation, almost a thousand women were raped in Pakistan during 2010 while more than 2,000 were abducted and almost 1,500 murdered. One such example in the



electrocution of a Pakistani teenage girl by her family in January 2011 for falling in love with a man they did not approve of (13). Another Pakistani girl was abducted and gang raped by the land mafia for a period of one month. The perpetrators of this crime were released from police custody after only two hours with total impunity (14).

The perpetrators of such crimes often benefit from impunity and the authorities fail to take action in response to these attacks. The burden of proving these crimes is often placed on the victim. For example, in the case of rape, the Hudood Ordinances obligate the victim to provide 'sufficient evidence' of the attack, which must consist of four Muslim adult witnesses. Without such evidence, the victim runs the risk of being prosecuted for illicit consensual sex under the 'Zina' (fornication) law, where extramarital sex is punishable by imprisonment, public whipping or stoning (15).

HUMAN RIGHTS ISSUES IN AZAD KASHMIR

Basic statistics²

- **Population:** 3,271,000 in 2002 (*Human Rights Watch*).
- **Area:** 13,297 square kilometres.
- **Location:** Southernmost area within the Pakistan-administered part of the former princely state of Jammu and Kashmir. The region borders the present-day Indian-controlled state of Jammu and Kashmir to the east, Khyber-Pakhtunkhwa to the west, Gilgit-Baltistan to the north, and the Punjab Province of Pakistan to the south.
- **Capital:** Muzaffarabad.
- **Languages:** Urdu is the official language. due to the area's diverse cultural blend, many different languages are spoken including Kashmiri, Pahari-Potwari, Hindko, Gojri, Dogri, Punjabi and Pashto.
- **Religion:** Almost the entire population of Azad Kashmir is Muslim. Ahmadiyyas, Christians, Hindus, Sikhs and other minorities continue to live in the region as small and relatively non active communities.
- **Ethnic composition:** The four main ethnicities in the region are Gujjars, Jats, Rajputs, Sudhan and Mughals. Gujjars make up the largest group and number approximately 800,000. Rajputs and Sudhan each number 500,000; Rajputs are distributed throughout the state, while Sudhans are concentrated in the Poonch and Sudhnati districts. Jats number around 500,000 and are concentrated in Mirpur and Kotli districts. In addition to these four groups, other ethnic groups in the region include Mughas, Hindkowan and ethnic Kashmiris. Ethnic Kashmiris are particularly concentrated in Neelum district. In Neelum there are a number of other communities such as Shins, Pashtuns and Shugni. Many of these ethnic groups now live in England, where they form sub-groups of the British Pakistani community. Kashmiris living in the United Kingdom number well over 500,000.



² The region is also commonly known as 'Azad Jammu and Kashmir', 'Pakistani Occupied Kashmir' or 'Pakistani Administered Kashmir'. The term 'Azad Kashmir' translated into English means 'free Kashmir'. GHRD has chosen to use the term 'Azad Kashmir' to refer to the Southern most area within the Pakistani-administered part of the former princely state of Jammu and Kashmir due to the regular use of the term by the international community – in particular, the United Nations and other human rights organizations such as Human Rights Watch use this term.

Background

Following British occupation and the partition of India, the Kashmiri region (the former princely state of Jammu and Kashmir) was split – the predominantly Muslim half became part of the state of Pakistan, known as Azad Kashmir and the other predominantly Hindu half became part of the state of India, known as Jammu and Kashmir. Following this partition, the status of Azad Kashmir is a legal anomaly in the international law framework. The region has its own administration and in 1947, the leaders of Azad Kashmir tried to gain formal legal recognition of its formation by appealing to the secretary-general of the UN, but to date this recognition has not been achieved. Currently, Azad Kashmir is therefore neither an independent state nor a province of Pakistan, but its administration depends directly on it (16).

Human rights violations in the region

Currently, both sides of the Line of Control (LoC) in the Kashmir region have strong independence movements and as a result, the region is one of the most highly militarised in the world. While information on the Indian part is widely available primarily due to intense tourist activity prior to the independence insurgency, the Pakistani territory is much less well known and little information is publicly available. Since the end of British colonial rule in the region in 1947, the Pakistan administered area has garnered little international interest and the Government of Pakistan has exercised absolute control over the territory.



In 2006, Human Rights Watch (HRW) published a report entitled ‘With friends like these’ on the Azad Kashmir region, closely following the earthquake that took place in the region on 8th October 2005. HRW described Azad Kashmir as one of ‘the most closed territories in the world’ and described a complete lack of information regarding the human rights violations that take place in the region (17). An Ahmadiyya organisation active in the Azad Kashmir region ‘the persecution’ has expressed concern over the mounting conferences, public relations and anti-Ahmadiyya campaigns have been held in Azad Kashmir among student bodies, news agencies, mullahs (Muslim clerics), politicians and district administrations. For example, in April 29, 2010, an ‘End of Prophethood’ conference was held in Bagh, presided over by mullahs and politicians and attended by the Prime Minister of AK, and administration ministers. Among others, resolutions passed at the conference included banning Ahmadiyyas from entering Azad Kashmir, banning all Ahmadiyya press and media, nullifying marriage between Muslims and Ahmadiyyas and requiring all Ahmadiyyas in the region to register with the police. The persecution has also reported demonstrations and attacks against Ahmadiyya places of worship, including the destruction of the gate to the Ahmadiyya mosque of Kotli, for which an Ahmadiyya was arrested by the police. Following his release he and his family have been the target of harassment and abuse (18).

After extensive news scanning and literature research on the area, GHRD has had significant difficulty finding information on human rights in the Azad Kashmir region. Given the lack of transparency, lack of media attention and lack of information available, in fulfilment of GHRD’s aim to investigate human rights in areas that lack global attention, we will continue to attempt to make links within the region and investigate where possible on human rights issues in this area.

RECOMMENDATIONS

- Show full commitment and adherence to international human rights agreements and reconsider reservations to key provisions of these treaties.
- Give effect to the UN resolution on the elimination of crimes against women in the name of honour.
- Address the high level of impunity for human rights abuses through effective prosecution of acts of violence directed against minorities and women – this will deter future crimes of this kind.
- Recognise ethnic and social minorities as well as religious minorities in the Constitution and other legal ordinances and extend the applicability of any provisions aimed at safeguarding the interests of minorities to these groups.
- Continue investigations to find and charge those responsible for the murder of Pakistani Minister Shahbaz Bhatti.
- Repeal the Anti-Blasphemy law and free those that have been incarcerated for blasphemy charges. Provide support to victims of the law and to their families so that they may be safely resettled and rehabilitated.
- Fully investigate disappearances in the Balochistan region and bring those responsible to justice.
- Provide education and training to those involved in law enforcement and in the judiciary with particular regard to crimes against women.
- Reform legislation that discriminates against women (or lead to discrimination when applied) such as the Hudood ordinances and rape legislation.
- Adopt active policy measures to improve the status of women in Pakistani society and create systems and mechanisms that ensure women's access to justice, rehabilitation and protection.
- Provide rehabilitative support and legal assistance for victims of rape.

Image sources

- **Report cover:** http://anamsh13.blogspot.com/2011_01_01_archive.html
- **Page 2:** map: http://www.wannadive.net/spot/Asia/Pakistan/?WD_LNG=nl
- **Page 3:** Displaced people in the Northwest frontier of Pakistan. Source: <http://news.rediff.com/show/2009/may/11/slide-show-1-thousands-homeless-in-pak-northwest.htm>
- **Page 4:** Displaced people fleeing the Swat valley.
<http://www.guardian.co.uk/world/2009/may/10/pakistan-taliban-fighting-swat-valley>
- **Page 5:** GHRD
- **Page 7:** Human Rights Focus Pakistan
- **Page 8:** <http://www.bbc.co.uk/news/world-south-asia-12331554>
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- **Page 10:** International Dalit Solidarity Network <http://idsn.org/country-information/pakistan/>
- **Page 11:** GHRD
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- **Page 13:** Above: http://www.sdpi.org/about_sdpi/annual_reports/2009-10.pdf, below: http://www.dismalworld.com/minorities/women_rights_in_pakistan.php
- **Page 14:** map <http://oneparagraphanswers.wordpress.com/>
- **Page 15:** Map: <http://revolutionaryfrontlines.wordpress.com/category/united-nations/>, photo: <http://blog.netkarachi.com/?p=458>

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