List of Issues to the UN Human Rights Committee on the Implementation of the International Covenant on Civil and Political Rights (ICCPR)

The Islamic Republic of Pakistan

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Table of Contents

Section A: Introduction to the Report

Section B: Introduction to the Minorities of Pakistan

Section C: List of Issues related to the International Covenant on Civil and Political Rights

Section D: Conclusion

Section A: Introduction to the Report

**Unrepresented Nations and Peoples Organization**

This List of Issues was submitted by the Unrepresented Nations and Peoples Organization (UNPO) on the occasion of the 118th Session of the United Nations Human Rights Committee (henceforth, “the Committee”) during which the first Periodical Report of the Islamic Republic of Pakistan (henceforth, “Pakistan” or the “State”) on the measures it has adopted to give effect to the rights recognized in the International Covenant on Civil and Political Rights (ICCPR) will be considered.

The Unrepresented Nations and peoples Organization is a democratic, international membership organization. Its Members are indigenous peoples, minorities and territories who have joined together to protect their human and cultural rights, preserve their environments and find non-violent solutions to conflicts that affect them. Among more than 40 members of UNPO are organizations that represent Balochis, Sindhis and the peoples from Gilgit-Baltistan.

**Methodology**

The framework of this report lists relevant issues that UNPO recommends to be taken into account by the Human Rights Committee while preparing its List of Issues (hereafter “LoI”) to be presented to the delegation of the government of Pakistan. In the context of the International Covenant on Civil and Political Rights (henceforth, “CCPR” or “the Covenant”), the aim of this report is to give the Committee a more comprehensive picture of the situation on the ground concerning ethnic minorities, focusing on the cases of the Balochis, Sindhis and peoples from Gilgit-Baltistan in particular. The report raises questions which are intended to inform the discussions taking place within the CCPR and between the Country Report Task Forces and the Pakistani delegation at the 118th session.

Section B: Introduction to the Minorities of Pakistan

Baloch:

The Baloch community is based in a vast area of desert and mountains stretching for nearly 900 miles along the Arabian Sea, but also reaching as far as southern Afghanistan. Although the Balochi nation consists of 500 tribes, they are united by a common language, Balochi, and have similar historical tradition and cultural aspects. Estimated to be more than 30 million around the world, the the bulk of the Baloch people reside within the borders of Pakistani, in the province of Balochistan.

Sindh:

Sindh is an ancient country whose civilization stretches back to the earliest human settlements. The Sindhi speak their own language, Sindhi, and are mainly based in the province of Sindhi, whose largest city is Karachi. In 1946, given only the choice of joining either India or Pakistan, the Sindh Assembly voted to join Pakistan. The decision was based on the 1940 Lahore Resolution; the resolution stipulated "protection for minorities" and "sovereignty and autonomy" for constituent units. However Pakistan’s subsequent centralized policies completely contravened this founding resolution. Of the approximately 30 million Sindhis living in Sindh today, approximately 3 million are Hindus and suffer particularly under Pakistan’s oppressive laws and discriminatory practices.

Gilgit Baltistan:

Gilgit Baltistan is located in northern Pakistan and is internationally contested by Pakistan, India and the native inhabitants of Gilgit Baltistan. Gilgit-Baltistan borders Afghanistan to the north, China to the northeast, the Pakistani administrated state of Azad, Jammu and Kashmir (AJK) to the south, and the Indian-administered state of Jammu and Kashmir to the southeast. The territory of Gilgit-Baltistan consists of two Baltistan districts and the five Gilgit districts and the main political centres are the towns of Gilgit and Skardu. Gilgit-Baltistan covers a territory of 72,496 km² and has an estimated population of 1.8 million. According to Pakistan's constitution, the Northern Areas is not a fully integral part of Pakistan and its inhabitants have never had any representation in Pakistan's parliament despite demands by the people living in the area. Like the Northern Areas, AJK, the other part of the former princely state under Pakistan’s control, is considered disputed territory. For over sixty years, the people of Gilgit-Baltistan have been denied fundamental rights including an elected administration, independent judiciary and rights provided by the constitution to the people of Pakistan.

Section C: List of Issues related to Compliance with the International Covenant on Civil and Political Rights

* Article 1.1 – Right to self-determination “Article 1.1 - All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

The development of the China-Pakistan Economic Corridor (CPEC) is having severe impacts on the local population of Balochistan. . Pakistani security forces evacuated several towns and displaced the population in the name of security measures. Due to fear, people left their native areas and those who were defiant were tortured and killed in gruesome military attacks. In the name of economic benefits, state officials committed human rights violations in the Makuran area of Balochistan, depriving people of their historical heritages, agricultural fields, businesses, property and belongings of centuries old.[[1]](#footnote-1) “In Balochistan, development of the Gwadar port has deprived thousands of fishermen of their livelihood and shelter. The local population is intimidated when they express their concern over the development policy in Gwadar[[2]](#footnote-2).

Locals in Gilgit-Baltistan face sedition charges, arrest and torture for resisting Chinese mining projects for gems, uranium, gold, copper and heavy metals. There are complaints against Chinese firms for denying jobs and financial compensation and damaging farmlands and infrastructure[[3]](#footnote-3).

In addition, a significant proportion of the Hindus within the province of Sindh are the so-called untouchables, the Scheduled Caste Hindus. As haris these Scheduled Caste Hindus make up part of the pool of landless bonded labour of the province of Sindh. Sindh's agricultural wealth, to a large extent, has depended on the intensive and strenuous work of bonded labour in producing hugely profitable cash crops such as sugar cane. While huge profits are made by the wealthy landlords, this landless bonded labour, consisting of substantial number of Scheduled Caste Hindus, continues to suffer from abject poverty. They remain tied to the land where they are forced to work literally as slaves. The landlords ensure that these bonded labourers and their future generations remain illiterate and unable in any way to challenge the unfair system of exploitation. The National Assembly of Pakistan abolished bonded labour through the Bonded Labour Abolition Act 1992. However, the banned practices continue to thrive in many parts of Sindh; officials remain reluctant to interfere for fear of incurring the wrath of powerful ruling families[[4]](#footnote-4).

* Article 2.3 - Each State Party to the present Covenant undertakes:

1. To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
2. To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

The ‘Pakistani Protection Ordinance’- PPO, which has de-facto legalised enforced disappearances, was in the process of amendment, though it has yet to be approved by the parliament. In an effort to provide protection for the crimes of the security forces the government has given legal cover for enforced disappearances and allows the security agencies to keep any suspect for up to three months without presenting them before a court and in cases of suspected terrorism the person can be kept for six months in their custody[[5]](#footnote-5).

While Article 9 of Pakistan’s constitution speaks of protecting all citizen’s life, it is rarely put into practice. From March 2005 to 2016, roughly 44 activists of Sindhi nationalist parties have been subject to forced disappearance and later tortured to death[[6]](#footnote-6). Pakistan ratified the Convention against Torture in 2010. However, no practical steps have been taken to make compliance of that convention. Police in Hyderabad, Sindh alone, have killed 30 people in extra judicial manner under the so called “half fry” and “full fry” policy[[7]](#footnote-7).

* Article 7.2 - No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

In the last 5 years, there have been 44 separate accounts of torture in Sindh alone. On June 7, 2016, police in Thari Mir Wah, (part of the Khairpur MirsDistrict) stopped three persons, and removed them from their vehicle before taking them to jail. They were informed by undercover officers, who had been bribed by another party that they were to be “half fried.[[8]](#footnote-8)” During the night, men in plain cloths entered the cell and opened fire on all the three prisoners. Although the individuals survived, their legs and hands were maimed. Following the incident, the Senior Superintendent of Police issued a press release reporting a “shoot out between the police and the criminals”[[9]](#footnote-9).

The Frontier Corps, a local militant group is a key participant in a decade-long campaign of "pick up and dump" in which Baloch nationalists, militants or even innocent bystanders are picked up, disappeared, tortured, mutilated and then killed[[10]](#footnote-10).

* **Article 9.**1 - Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

In recent years, Security forces have continued to act with impunity and were accused of widespread human rights violations, including arbitrary arrests, enforced disappearances, torture, deaths in custody and extrajudicial executions targeting political activists, journalists, and suspected members of armed groups. In the northwest tribal areas, the armed forces exploited new and old security laws to provide cover for these violations beyond the reach of the courts. Furthermore journalists remained under serious threat from state security forces, armed opposition and other groups, particularly in Balochistan and Sindh provinces, and the north-west tribal areas[[11]](#footnote-11).

Enforced disappearances continued with impunity, particularly in Balochistan, KPK and Sindh. Bodies were later found bearing apparent bullet wounds and torture marks. Raja Dahir, affiliated with the banned Sindhi nationalist party Jeay Sindh Mutihida Muhaz, was subjected to enforced disappearance after a raid on his home by security forces in Sindh in June. His body was recovered a month later in Jamshoro district.

Thousands of Baloch people have been abducted and many of them have been killed extra judicially in custody of Pakistani state security forces whose mutilated dead bodies have been found dumped in different areas across Balochistan. These practices go against the Pakistan Protection Ordinance (PPO), law that was enacted in 2013, with the specific aim of the abolition of such acts using state apparatus[[12]](#footnote-12).

The NGO Human Rights Commission of Pakistan documented a rise in killings of suspects in Karachi during paramilitary security operations, as 255 people were killed in the first half of 2015. The political party Muttahida Qaumi Movement claimed that some of its members were abducted and unlawfully killed[[13]](#footnote-13).

Recent discovery of mass graves in Balochistan is a significant concern as these graves have often been of Baloch missing persons who were arrested and subsequently extra judicially killed. However, the police and other security forces have refused permission to try and identify the bodies and have in instances baton charged people to disperse them from further inquiries[[14]](#footnote-14).

* Article 9.2 - Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

In Balochistan and Sindh, preventive detention has been used by the government to supress and to intimidate critics and voices of dissent, under national security arguments. Simply put, the PPA permit that individuals are detained, without access to family or lawyer and at undisclosed locations, creating a perfect scenario for cases of torture, ill-treatment and enforced disappearance[[15]](#footnote-15).

The use of executive orders in Gilgit-Baltistan to extend and entrench the occupation by the Pakistani military has a long history. In the past, Islamabad used them to establish the Frontier Crimes Regulation (FCR), Sharia courts as well as anti-terrorism courts in Gilgit Baltistan. Executive orders are issued routinely to appropriate local resources without due process or compensation[[16]](#footnote-16).

* Article 9.4 - Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

Relatives of missing persons are under immense pressure by security forces not to register First Information Report (FIR) in police stations against the official perpetrators. They are threatened to have their abducted relative killed as well as and they themselves are likely e to face dire consequences, hence the terrorized people hesitate to do so. Minorities claim that the state institutions in Pakistan are not autonomous and are exposed to pressure from security forces, therefore the families of the victims of enforced disappearances are hopeless about rule of law in the country[[17]](#footnote-17).

The abduction of prominent Sindhi nationalist’s is still a common feature, whereas Pakistani authorities are uncooperative. On 2 May 2016, a peaceful protest organized by JSQM was met with brutal force of the Police and the Rangers. A brutal charge injured 10 people while dozens have been arrested, as JSQM Senior leader Kehar Ansari disappeared a week prior. Sindhi nationalists have often face forced disappearance as they continue to raise their voice against Punjabi control over resources of Sindh. JSQM is a reaction to enforced Punjabi hold over local resources[[18]](#footnote-18).

* Article 9.5 - Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Members of oppositional parties and dissenting organizations remain to report cases of abduction - a cruel reality particularly in Balochistan and Sindh. Members of human rights organization have also been victims of enforced disappearances. Many of those missing persons successfully tracked by the CIED were found in internment centres. Most of them have not received any charges, despite the years in detention. Therefore, enforced disappearances are linked to unlawful and preventive detentions. The lack of transparency of law enforcement operations is also an underlying factor in the continuation of enforced disappearances in Pakistan[[19]](#footnote-19).

In November 2015, an amendment to the Pakistan Army Act gave retrospective legal cover to arrests by the armed forces and law enforcement agencies. Lawyers for Qari Zahir Gul and Haider Ali, who were tried in the newly established military courts, claimed they were subjected to enforced disappearance and unlawful detention prior to their trials[[20]](#footnote-20).

* **Article 19.**1 - Everyone shall have the right to hold opinions without interference.

Events on the status of the Baloch community in other areas of Pakistan have often been cancelled after pressure from officials. The posters of an academic event titled ‘Unsilencing Balochistan’ were rechristened to read ‘Resilencing Balochistan’. The unwarranted intervention of the state into public debates has quashed any possibility of holding free opinions under the pretext that they might “malign Pakistan”[[21]](#footnote-21).

* Article 19.2 - Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Journalists have spoken about the threats they faced from state and non-state armed or political groups because of their work for foreign media outlets in Pakistan. Some of the most prevalent threats come from Inter–Services Intelligence (ISI) because its role has been mainly to monitor the activities of foreign governments, media and individuals in Pakistan.

In recent years, all foreigners based in Pakistan including journalists are restricted from carrying out unauthorised travel to dangerous and politically sensitive areas such as Balochistan, FATA and interior Sindh. The authorities have increasingly required foreign journalists to apply for No Objection Certificates (NOC’s) before visiting these areas.

“Pakistan’s media community is effectively under siege. Journalists, in particular those covering national security issues or human rights, are targeted from all sides in a disturbing pattern of abuses carried out to silence their reporting,” remarked Amnesty International’s Deputy Asia-Pacific Director David Griffiths. Although the government has promised to improve the dire situation for journalists, including by establishing a public prosecutor tasked with investigating attacks against journalists, “ few concrete steps have been taken. The climate of fear has already had a chilling effect on freedom of expression and the broader struggle to expose human rights abuses across Pakistan[[22]](#footnote-22).

A report by the Pakistan-based Freedom Network (FN) report tracks patterns and challenges ahead for the industry in Pakistan, including trends such as the invocation of laws on blasphemy and treason to intimidate media houses, and the use of crippling fines and blanket bans on coverage that have forced many outlets to practice self-censorship in an effort to stay afloat.

In what the Pakistan Press Foundation (PPF) called a “chilling” example of these laws, last November 2016 one of the country’s Anti-Terrorism Courts sentenced four citizens to 26 years each in prison, plus a 12,800-dollar fine apiece, for airing a “contentious” television programme, supposedly in violation of Pakistan’s blasphemy laws[[23]](#footnote-23).

Critical journalists in Gilgit Baltistan are systematically silenced and abused. Violent retaliations and persecution by police forcesagainst those who report on government malpractice and the hardships faced by the Gilgit Baltistan community are the order of the day[[24]](#footnote-24).

Journalists face major difficulties in reporting from Pakistan's troubled southwestern province. In addition, Pakistani authorities rarely condone foreign journalists entering Balochistan unaccompanied and rarely give permission, often using security reasons as an excuse. It has been perceived how security agencies present either lack control, or has historical ties with some of groups present in the region[[25]](#footnote-25).

In 2014, prominent Gilgit-Baltistan leader Baba Jan was among 12 people who were given multiple life sentences by a special anti-terrorism court, which was set up to prosecute the Taliban and al-Qaeda, for charges that include sedition against the state. The sentences came in response to protests that took place in the town of Aliabad in 2012 over emergency aid provision[[26]](#footnote-26).

Section D: Conclusion

In Pakistan, the status and welfare of the peoples of Gilgit-Baltistan, as wells as Sindh, and Balochi communities are severely affected by a series of issues. Although Pakistan ratified the CCPR in 2010, perpetrators of grave human rights violations remain largely unaccountable. During the past years, leaders of specific Sindhi and Balochi communities have been particularly targeted with enforced disappearances. While family members and supporters have protested against the lack of interest demonstrated by the Pakistani government regarding these incidents, measures previously promised the Pakistani authorities have so far not taken place. The government’s insufficient response and support has further aggravated the conditions of the ethnic minorities residing in these areas. The right to self-determination, as well as the right to express opinions freely and the right to have perpetrators of torture or cruel, inhuman or degrading treatment has not been fulfilled, in conformity with the Covenant. UNPO therefore recommends the Committee on Human Rights to raise the issues above mentioned during the main review of the State report scheduled at the 120th session, in July 2017, when the Committee and the delegation of the government of Pakistan will meet.

1. <http://balochwarna.com/2016/05/30/a-brief-report-by-voice-for-baloch-missing-persons-vbmp-about-human-rights-violations-in-balochistan/> [↑](#footnote-ref-1)
2. <http://hrcp-web.org/hrcpweb/pervasive-militarisation-undermining-democratic-system-rights/> [↑](#footnote-ref-2)
3. <http://www.icwa.in/pdfs/IB/2014/GilgitBaltistanChinaandPakistanIB.pdf> [↑](#footnote-ref-3)
4. <http://minorityrights.org/minorities/hindus-2/> [↑](#footnote-ref-4)
5. <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-023-2014> [↑](#footnote-ref-5)
6. <http://courtingthelaw.com/2016/01/18/commentary/half-fry-full-fry-a-new-torture-technique-used-by-pakistani-police/> [↑](#footnote-ref-6)
7. <http://courtingthelaw.com/2016/01/18/commentary/half-fry-full-fry-a-new-torture-technique-used-by-pakistani-police/> [↑](#footnote-ref-7)
8. <http://courtingthelaw.com/2016/01/18/commentary/half-fry-full-fry-a-new-torture-technique-used-by-pakistani-police/> [↑](#footnote-ref-8)
9. <http://courtingthelaw.com/2016/01/18/commentary/half-fry-full-fry-a-new-torture-technique-used-by-pakistani-police/> [↑](#footnote-ref-9)
10. <http://www.bbc.com/news/world-asia-26272897> [↑](#footnote-ref-10)
11. <http://www.amnestyusa.org/research/reports/annual-report-pakistan-2013?page=show> [↑](#footnote-ref-11)
12. <http://balochwarna.com/2016/05/30/a-brief-report-by-voice-for-baloch-missing-persons-vbmp-about-human-rights-violations-in-balochistan/> [↑](#footnote-ref-12)
13. <https://www.amnesty.org/en/countries/asia-and-the-pacific/pakistan/report-pakistan/> [↑](#footnote-ref-13)
14. <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-023-2014> [↑](#footnote-ref-14)
15. <http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/22/45/Add.2> [↑](#footnote-ref-15)
16. <http://www.icwa.in/pdfs/IB/2014/GilgitBaltistanChinaandPakistanIB.pdf> [↑](#footnote-ref-16)
17. <http://balochwarna.com/2016/05/30/a-brief-report-by-voice-for-baloch-missing-persons-vbmp-about-human-rights-violations-in-balochistan/> [↑](#footnote-ref-17)
18. <http://currentriggers.com/world/jsqm-demand-kehar-ansari/> [↑](#footnote-ref-18)
19. <http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/22/45/Add.2> [↑](#footnote-ref-19)
20. <https://www.amnesty.org/en/countries/asia-and-the-pacific/pakistan/report-pakistan/> [↑](#footnote-ref-20)
21. <http://blogs.tribune.com.pk/story/27098/shameonlums/> [↑](#footnote-ref-21)
22. <https://www.amnesty.org/en/documents/ASA33/005/2014/en/> [↑](#footnote-ref-22)
23. <http://www.ipsnews.net/2015/02/threats-deaths-impunity-no-hope-for-free-press-in-pakistan/> [↑](#footnote-ref-23)
24. <http://unpo.org/article/18931> [↑](#footnote-ref-24)
25. <http://www.aljazeera.com/indepth/features/2014/02/black-hole-media-balochistan-2014238128156825.html> [↑](#footnote-ref-25)
26. <http://www.aljazeera.com/indepth/features/2015/07/pakistan-sedition-sweep-gilgit-baltistan-150714141113082.html> [↑](#footnote-ref-26)