

NOV - 2006

# ILLUME

Q U A R T E R L Y

Human Rights in Pakistan



## Editorial

With increased awareness on Human Rights.....rights and more rights it seems that it is not enough to go around especially in the Third World countries. Unfortunately Pakistan does not have a good track record in Human rights. There has been so much written and said about human rights situation in Pakistan already and it seems not enough. If we take a quick glance, everywhere you turn the situation and bleak and gloomy. Karo Kari is on the rise, minorities have not been given their rights are often persecuted; religious tolerance is fading away, civil liberties situation is deteriorating.

On the other hand, many NGOs all over the country committed to increasing human rights awareness and bettering the situation. While many of these NGOs have been vilified in the press and in popular opinion, they are doing a much needed job.

So, where do we stand now? Alongside the feudal system, which in itself is extremely repressive, the country has developed a very class conscious society which gives the rich and powerful a lot more 'rights' than the 'common citizen'. The problem lies here for those who have the power to bring about change; they consider issues like human rights a luxury which a third world country like us cannot afford. The issue of human rights is not something which requires a supernatural to intervene and come up with a solution and implement it. The issues are obvious, and so are the remedies. We must strive; each in his own way, to bring about what change we can.

In order to struggle effectively against human rights violations and impunity, it's essential to understand their causes, their development and their consequences, as well as their social, political and economic context. In this issue of ILLUME we have tried to look into the issue closely of human rights. For this purpose we have interviewed I. A. Rehman, veteran journalist and human rights activist, also included an article on child rights, excerpts from the concept paper of 3rd International HRD Congress Human Security and Social Development. Apart from that, regular features like rays of hope, snapshots of HRDN and web watch are also part of this issue.

Last but not the least, send us your feedback [editorillume@hrdn.net](mailto:editorillume@hrdn.net)

Happy reading!!!

Syeda Mujeeba Batool



## Content

### Editorial Board

**Dr. A. R. Kemal, Qazi Azmat Isa, Roomi S. Hayat,  
Dr. Inayatullah, Azhar Saeed, Zofeen T. Ibrahim, Haroon  
Waheed, Abdul Wali Zahid, Haider Ghani, Usman Qazi**

### Editor

**Syeda Mujeeba Batool**

### Design

**Bilal Khan**

© Contents of this publications be reproduced with due to acknowledgment to HRDN.

Interview with I. A. Rehman

*By: Syeda Mujeeba Batool*

Child Rights in Pakistan During 2005

*By Anees Jillani*

Rays of Hope

Human Security and Social Development: Issues & Challenges

Snapshots of HRDN

Universal Declaration of Human Rights

Web watch

Humour

## Interview with I. A. Rehman

By: Syeda Mujeeba Batool

### Q Where does Pakistan stand today in terms of human rights?

**I. A. Rehman:** In terms of human rights, Pakistan figures very low in the list of states that respect human rights. The principal reason is that apart from denial and violation of human rights by both state and non-state actors in violation of law, it sanctions these aberrations in constitution and laws.

### Q What are the most pressing human rights issues in the country today?

**I. A. Rehman:** The most pressing human rights issues in terms of the size of the population affected as well as for reasons of their impact on respect for other human rights or otherwise are: a non-democratic dispensation under which the people do not have the right to participate in governance and are therefore unable to protect the whole body of human rights through legislation and other parliamentary mechanisms. Also deficiencies in the rule of law affect the entire population.

### Q Has human rights situation changed under present government?

**I. A. Rehman:** Human rights situation has not changed under the present government because there has been no strengthening of institutional mechanisms for the protection of the rights of the vulnerable sections of society and individuals.

### Q How current human rights situation in the country is affecting human resource development in Pakistan?

**I. A. Rehman:** The current human rights situation in the country is adversely affecting human resource development to an alarming degree. Pakistan is a child majority country and if a majority of children do not have adequate nutrition and health cover and if nearly half of school going age children are not going to school, the adverse effect on human resource development can be imagined. Likewise a majority of women do not enjoy right to freedom of movement or freedom of choice of education and career and the consequences are clear. Lack of democracy, discrimination against women and minorities deprive large sections of population of chances to develop their potential.

Rehman is director of the Human Rights Commission of Pakistan and an organizing committee member of the Pakistan Peace Coalition, a national body formed after the Indian and Pakistani nuclear tests of May 1998.



Rehman was editor-in-chief of the *Pakistan Observer*, a daily newspaper. He resigned in the 1970s during the military dictatorship of General Zia-ul-Haq and started an independent newspaper. He later became editor of *View Point*, an independent

weekly published from Lahore.

Rehman is a leading crusader for human rights, a prominent art critic, and a well-known columnist. He is also a founder member of the Pakistan-India Peoples' Forum for Peace and Democracy.

### Q How has the "rights" situation for women in Pakistan changed in recent years? What factors contributed to this change?

**I. A. Rehman:** The rights situation for women in Pakistan has changed marginally. Significant developments have been grant of right to vote to women in FATA, increase in women's representation in National and provincial legislatures and in local government institutions, promises of reservation of quota in state services and declarations of intent to eliminate discrimination. The contributory factors have been pressure from Pakistani women activists and the state's need of presenting a decent face to the world.

### Q Do you think the increase in the number of elected women in Parliament has brought any change to the million of vulnerable women in Pakistan?

**I. A. Rehman:** The increase in the number of elected women in parliament is yet to bring a significant change to millions of vulnerable women. So far women in assemblies have succeeded only in forcing the administration to stop denying problems affecting women.

**Q** Some segments of the society say that Pakistan is facing constitutional crisis; do you think it has adverse affects on overall situation of human rights in the country?

**I. A. Rehman:** I'm also one of those who believe that Pakistan facing is a number of crises including a constitutional crisis. Such a crisis has many serious effects on human rights situation in the country because without a functional democratic constitutional order the people cannot be assured of justice and equity.

**Q** As a seasoned journalist, what are your views on press freedom in today's Pakistan?

**I. A. Rehman:** There is considerable press freedom in the country. One finds a great deal of criticism of government in the media. The situation is often misleading in the sense that it provides a cover for lack of press freedom in critical areas, such as defence spending, corruption by holy cows, military operations in the different parts of the country.

**Q** What are your views on the religious minorities? The change in the format of ID cards and Passports had done something to bring different religious groups together?

**I. A. Rehman:** The religious minorities still face discrimination and denial of fundamental rights. I'm not aware of any changes in format of ID card and passports. Whatever was proposed was subsequently withdrawn. The replacement of separate electorates with joint electorate for the purpose of voting was not carried out in case of Ahmedis. The government remains unaware of what needs to be done to bring the religious minorities into the national mainstream. As a result discrimination against minorities in services, educational institutions and social life continues.

**Q** What is the future of democracy in Pakistan with increased military involvement in politics?

**I. A. Rehman:** Pakistan will have democracy in inverse proportion to military involvement in politics.

**Q** Why the state of Human rights is so grave in Pakistan?

**I. A. Rehman:** The state of human rights is grave in Pakistan for a number of reasons. The major ones are the religious orientation of the state. The dominant interpretation of Islam is such that large section of population such as women and minorities cannot have their human rights. Secondly, negation of human rights for the sake of security has become a part of belief. Thirdly, military dominance does not admit of due

respect for human rights.

**Q** There is a section in intelligentsia that thinks that economic disparity is increasing in the country. Would you agree with this observation? If yes how it is affecting human rights situation in Pakistan?

**I. A. Rehman:** I subscribe to the view that economic disparity is increasing in the country. The poor can have no human rights; less developed areas in Pakistan cannot have the same human rights as the more affluent areas. The disparity between the lowest and highest wages has increased over the last couple of years. All human rights are like commodities that can be bought by people in measure allowed by their financial resources.

**Q** Do you think life is difficult for human rights activists in a country like Pakistan?

**I. A. Rehman:** Life for a human rights activist is much more difficult than it is generally believed. No government likes independent human rights activists and the Pakistan government has reason to dislike them more than others. The activists face even greater threats from non-state interests whose activities hit people's human rights. Finally human rights activists have to face frustration in the pursuit of practically each and every goal related to the realization of people's basic rights.

"I am only one,  
But still I am one.  
I cannot do everything,  
But still I can do something;  
And because I cannot do everything  
I will not refuse to do the something that I  
can do."

Edward Everett

ILLUME  
Sep, 2006  
HUMAN RIGHTS IN PAKISTAN

ILLUME

## Child Rights in Pakistan During 2005

By Anees Jillani

The year 2005 has not been a good year for the children of Pakistan. Not that other years have been marvelous but the October 2005 Earthquake proved to be immensely tragic. Almost every school in the affected region collapsed which cannot solely be attributed to the intensity of the earthquake as many other structures survived. This tragedy was a sad reflection on the extent of corruption in our polity and society and proved beyond any doubt that public funds were embezzled at the expense of the childrens' lives and more than 17,000 paid for it on the Black Saturday. But then nothing happened and life continued as usual and perhaps those very corrupt individuals may be ironically swindling money on the new school projects.

Thousands of children were injured in the earthquake and millions were displaced, living in make-shift shelters that still go by the name of homes, without any schooling, recreational facilities, or proper nutrition. The children suffer the most in any disaster and then suffer even more consequently when the distressed and jobless parents take out their frustrations on their siblings.

Billions are being collected and spent by the Federal and Provincial Governments, and the international and local NGOs, in the name of relief and reconstruction, but the misery and suffering appears unabated. Everybody appears to be concentrating more on taking childrens' photographs or putting one board after another about their projects rather than trying to make some difference in the lives of the people. The donors and NGOs appear to be so clueless and oblivious to practical realities of life that they are trying to empower communities that do not even have a proper roof over their heads and are unsure of even their next meal. I really wonder as to how would these folks who are so keen to give doses of empowerment trainings would react if they are given the same when they are without homes and living not for days but months now in worn out tiny tents, without proper water and latrine facilities.

Sometimes, one wonders as to whether these folks are really keen to work for the communities or is this just another job for them. Have they flocked to these remote areas because the USAID and the European Union are doling are billions of dollars to NGOs in the name of reconstruction?

This has been our tenth month since the earthquake and the miseries of the affected populace continue unabated. On the one hand are the rosy pictures drawn

The author is a founder member of SPARC (Society for the Protection of the Rights of the Child), and currently a member of SPARC and Sungi's Board of Directors. He is based in Islamabad, and is an advocate of the Supreme Court.



in public rhetoric and disclosures and on the other hand are the same tents that have now gone old and all worn out in the summer and then in the subsequent monsoon rains. The euphoria associated with the November 2005 Donors' Conference has simply evaporated in thin air and the government can be seen complaining that not as much money has been given to it as was committed at the Conference. More than \$6.5 billion was committed at the Conference of which \$4 billion was to be in the shape of loans and the rest in grants. Out of this, about \$1.3 billion of the grant and \$2.4 billion from loans have so far been spent. Now where has all this money been spent and where has it gone because it is still a lot of money and we all do not see its results.

Upwards of 10,000 schools and three-quarters of the area's health facilities were damaged or destroyed in the earthquake that killed over 75,000 people and rendered more than 3.5 million homeless. In NWFP, between 85 and 90 percent of schools were destroyed, while education to almost 500,000 primary age children was disrupted. Before the earthquake in the Frontier Province, 47 percent of children aged five to nine were enrolled in primary education, while in Kashmir that figure was 71 percent.

In July 2006, Unicef promised to construct 500 permanent schools and some 70 permanent rural health centers in the region through a \$150 recovery plan. The UN children's agency aims to have around 500,000 children enrolled in primary school in the affected areas by 2008, including 100 percent of children who went to school before the quake and 30 percent of children who had previously never attended.

Three important questions readily came to my mind when I read the above information. One, is it the responsibility of the Government of Pakistan and the Provincial Governments, including the AJK Government, to build schools and the Rural Health Centers, and generally provide education and health

related amenities to Pakistan's populace or have they transferred this crucial obligation for even doing this to foreign agencies, led by Unicef in this case.

Secondly, we are talking immense money just on this above mentioned project. There are Rs 60 to a dollar. Unicef is committing to spend \$150 million on this project. The total amount in Rupees simply in this case comes to Rs 9000 million; in case you are missing it, there are nine zeros right here. And with these nine zeros along with the figure nine, Unicef plans to build only 570 schools and BHUs. The total comes to about Rs 16 million per school or health center.

This is again lot of money. And the structure and everything else associated with this could be spent in about one-third of the price. So where else is money going to be spent? Now this is something for all of us, most importantly for Unicef, to ponder about. And I am just taking Unicef as an example and most of the points stated here would and could apply to most of the other donor projects as well.

Thirdly, what are the children expected to do until 2008 when the schools are completed? What has the Government done during the past ten months as far as provision of educational and health amenities to the affected children is concerned and how does it plan to handle these needs until the donor agencies (since we have abdicated this responsibility to them in view of our acute need to buy F-16s and one billion dollar radar system) are able to complete the constructions.

Just to give you another example in this context, you may not believe that the donor agencies were spending as much as \$7000 per day on hiring helicopters and these were used for months after the rescue and relief work had ended. Sometimes, a few passengers were carried in these expensive trips; at times, stuff that subsequently would easily have been transported by roads when they became operational was flown on these helicopters. The result is not hard to imagine: a bag of atta supposedly costing Rs 150 could cost Rs 300 by the time it would reach its destination.

This is where all the money is going. And I urge all to visit the earthquake affected areas and to see for themselves the state of affairs. There is absolutely no reconstruction work going on at present; places like Balakot that are declared to be Red Zones are totally at a stand still as if the population of these areas have simply vanished. It is still unclear as to what exactly the government is expecting these folks to do with themselves: just transport them to another plain like they did in the TV serial Star Trek. The other areas fare no better.

Majority of the schools existing on paper are non-functional and after a passage of more than ten months, the functional ones are still based in tents: presently, even this is not happening and it is an agonizing existence for the people. The rich including the middle classes have suffered too



but to some extent have been able to move to better locations in rental accommodations. The poor are expected to continue living like this for God knows how long.

And why are the people silent? They are not organized. They are waiting for the compensation from ERRA which is seldom furnished without commission being given to the distributing authorities but something is always better than nothing. And they perhaps know no better. More than Rs 19 billion have so far been distributed by ERRA to more than 263,000 beneficiaries. This is a praiseworthy development but one does not see a positive outcome out of this distribution which goes to show the faulty nature of the whole approach.

As opposed to this section of the globe, let's compare them with the Tsunami affected people in Thailand. You may not believe but it is hard to recognize now as to which areas of the towns were destroyed by Tsunami in that country. Please tell us what have we done to deserve this? A friend once advised that we should learn to write our hurts in the sand and to carve our benefits in the stone. Hurts in this country are definitely and constantly written in the Sand but I have yet to come across any Stone in Pakistan with any benefits written on it. ....except lots of Foundation Stones that talk about the Holy, Blessed and Mubarak Hands (Daste Mubarak) laying the foundation of yet another project.

So the agony of the earthquake-affected children continues and it is unlikely to lessen even during 2006. However, the state of affairs of the children elsewhere in the country was no different; in fact, perhaps they also suffered as a consequence of the earthquake as everybody's attention was diverted towards the regions afflicted with fault lines and resources became more

scarce.

No major legislation pertaining to children was introduced. Unicef worked on a Child Protection Bill that was drafted with the help of a foreign expert which remains pending somewhere in the Ministry of Social Welfare. One of the few major events relating to children was the South Asian Regional Conference on Violence that was organized in Islamabad in mid 2005. It was well-attended and inaugurated by the Prime Minister and the President's wife which meant that it was given good coverage by the media. All the relevant South Asian Ministers attended the meeting but the problem remains the same as what we have been harping on now for a number of years: what is the outcome of all these meetings and what did this Regional Conference change? Did it result in any major breakthrough in reducing violence against children? Most such moots can be useful in galvanizing motivated individuals and ministers if they have the political will to accomplish something during their tenure as bureaucrats and ministers and genuinely desire to do something for the Children of their country. However, if the will is missing then no number of such meetings could change things.

The Child Protection Bureau in Lahore is one institution in the country that goes to show that a committed and motivated individual can make a difference. One may disagree with the Bureau's approach but there is little doubt that the Bureau is genuinely striving to make a difference. Hopefully, it has already made a difference in the lives of children who are sheltered at its Centers, and their families, but the need remains to make the institution sustainable and successful enough to wipe out the problem of child vagrancy from the whole



Province. This is a tall order and not something easy to achieve in a country that has more than 60% of the population living on less than \$2 a day. But at least the first step has been undertaken in this direction which is commendable.

Huge amounts of money are being spent on educational reforms in the Punjab Province and again one could only wish that the money would be put to good use and eventually would result in making some difference. After all, most of this money consists of World Bank and ADB loans and thus it makes little sense to be spending a big chunk of this amount in showing the Punjab's CM's photographs and doling out checks to poor girls. The CM himself is one of the richest persons in the country and it would be more appropriate if he is seen giving his own money to children rather than donors' money and then millions spent in advertising this very generosity. This is hardly an appropriate approach to achieve a literate Punjab.

Is the situation in relation to child rights improving in Pakistan? One wishes to say that it is but actually it appears to be generally worsening and this fact is mainly attributable to growing population coupled with increasing poverty and lack of any coherent strategy to resolve childrens' problems on a long term basis. The strategy is generally to approach almost all issues in this country on a project basis and portray a few projects inaugurated in great fanfare by ministers and prime ministers as the final panacea for all the ills afflicting the children in the country. The tragedy is nothing changes except that a few make hundreds of thousands at their expense.

So what should all of us do to improve the lot of children? Do something. Any kind of movement at this stage in our society will help. One could associate as a volunteer with an organization that is working directly with children; or financially support such a venture but then should closely monitor to see where the money is going; or write whether articles or letters attempting to improve the child rights situation in Pakistan. As Mark Twain would say let us not go around saying that the world (and perhaps Pakistan in our case) owes us a living. The world owes us nothing. It was here first.....

The author can be contacted at:

Email: [msj@jillani.org](mailto:msj@jillani.org)

Web: [www.jillani.org](http://www.jillani.org)

## Rays of Hope

### Voice for the Voiceless

#### *Women's Action Forum (WAF)*

Women's Action Forum (WAF) or Khawateen Mahaz-e-Amal is a consciousness-raising organization aimed at enabling women to fight for their rights. WAF is committed to a just and peaceful society based on the Democracy and to the separation of religion from the state and politics. It is also a lobby-cum-pressure organization committed to protecting and promoting the rights of women by countering all forms of oppression. It is non-hierarchical, apolitical, non-governmental organization. WAF does not accept funding from government, non-government or international agencies. It seeks to bring together individuals and organizations on a common platform for women's rights. Some of WAF's strongest campaigns have been against violence against women, custodial rape and violence in so-called 'honour' killings, and trafficking of women. WAF believes that patriarchy and its structure are the root cause of the marginalisation, subordination, exploitation and oppression of women.

WAF came into being in 1981, in response to the policies and actions of the military government of General Zia-ul-Haq, policies, which brought untold misery to women, and religious minorities, democratic and progressive forces and severely damaged the social fabric of society. On February 12, 1983 peaceful demonstrators, who gathered on the streets of Lahore to protest against the Qanun-e-Shahadat Order, 1984 (old Law of Evidence) implemented by General Zial-ul-Haq, were badly attacked by the police and martial law agents. Police tear-gassed, baton-charged and arrested dozens of unarmed women members of the Women's Action Forum and the Punjab Women Lawyers Association.

The Women's Action Forum (WAF) has also marked its 25<sup>th</sup> anniversary in 2006, one of the oldest organizations advocating for women's rights in the country. Nomad Art Gallery has been the Secretariat of WAF since last three years and Ms. Nageen Hyat is the Convener of WAF ever since.

WAF's single most important demand for the repeal of discriminatory legislation, such as the Huddod Ordinances, Qisas and Diyat, Shahdat, Shariah and Blasphemy Laws has proved to be the most intractable. Although some moves have been made to study and review these unjust laws, the current Government, along with all those which succeeded General Zial-ul-Haq, have not had the courage to repeal them, as unambiguously recommended by the NCSW, as well as the Commission of Inquiry on Women and others.

Over the past 25 years, violence against women, discriminatory laws, unjust and cruel social customs and practices has continued to be the norm. Despite the government's declared intentions, perpetrators continue to go unpunished and support systems for women survivors remain inadequate



# HUMAN RIGHTS IN PAKISTAN

## Rays of Hope

### Crime and Punishment

*Society for Human Rights & Prisoners Aid (SHARP)*



Society for Human Rights & Prisoners Aid (SHARP) has been providing its services in social, legal & cultural aspects of the society in the context of Human Rights since 1999 as a registered NGO. The fundamental objective behind the formulation of this organization is to protect and facilitate the provisions of Human Rights and provide support to the vulnerable groups like women, children, prisoners and refugees. SHARP also extends its hands towards the needy and the deprived in providing them free legal aid.

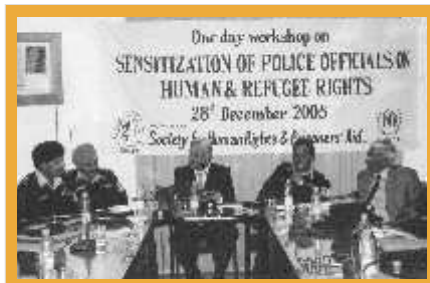
SHARP has its Head Office in Islamabad and Project offices in Islamabad, sub offices Lahore, Mianwali, Peshawar and Karachi. The spirit of activism, identified core interventions and mutual beneficial complementary roles bring us closer to other groups working towards a friendly Pakistan. However, within this similarity there is a unique distinction to our work, primarily attributable to our philosophy and approach. As an NGO SHARP is working for the rights of vulnerable segments of society and envisions a Human Rights friendly Pakistan in the future.



SHARP has been working independently as well as an implementing partner of the United Nations High Commissioner for Refugees (UNHCR), ISCOS, and Islamic Development Bank. SHARP has been rendering services in Islamabad, Peshawar, D.I.Khan, Attock, Karachi, Quetta, Lahore, Rawalpindi, and Mianwali. SHARP does not restrict its services to indoor visiting beneficiary population rather it also furnishes the needs of the society as a whole through out-reach activities, such as visits to prisons, communities and through trainings in rural, as well as urban areas.

From its inception SHARP has been working for prisoners' rights and continues to do so. SHARP keeps a close eye on the prisons in Pakistan and is actively working in close collaboration with different organizations and individuals for making positive changes in the running of the jail system. SHARP to fulfill this objective also hold seminars on the state of prisoners in Pakistan and also conducts various training workshops for the judiciary, law enforcing agencies and the lawyer community.

With such seminars and Training workshops SHARP hopes to develop the public awareness on these issues. SHARP is also planning to conduct training workshops for the Adyala jail officials and in this regard SHARP has already contacted the IG Prisons and the Adyala jail staff and has provided them with a brief description of the training which SHARP would conduct to sensitize the Jail Officials towards the issues and discriminations that the prisoners are facing.



### CONDITIONS IN PAKISTAN PRISONS

Pakistan has a written Constitution, which guarantees fundamental rights. Article 9 of the Constitution guarantees that no person shall be deprived of life and liberty save in accordance with law, while Article 15 provides for freedom of movement, which has been made subject to any reasonable restriction imposed by law in public interest

The justification for withdrawing from prisoners certain rights enjoyed by free citizens, is to prevent them from either harming themselves or harming