



SINDH

A HISTORY OF HUMAN RIGHTS VIOLATIONS

The people of Sindh province in Pakistan have dealt with marginalization and human rights abuses for decades. This report details the history and recent developments of the most pressing issues.

A HISTORY OF HUMAN RIGHTS VIOLATIONS

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EXECUTIVE SUMMARY

This paper has been prepared to highlight the human rights violations perpetrated by the government of Pakistan on the nation of Sindh. It will be shown that Sindhis have remained a national entity for thousands of years with a shared history and culture that is distinct from the rest of Pakistan. The report will then establish, in detail, the human rights abuses that are occurring in Pakistan to this very day. These abuses are violent and deliberate attempts at cultural exclusion, assimilation, and economic and political marginalization. These abuses can continue unabashed because of the dominance of the military in Pakistan's government.

The voice for democracy and human rights for Sindhi people is dealt with by the Pakistani state with violence, torture and physical elimination. In 2011 alone more than 100 human rights, political and social activists were forcibly disappeared by government agencies. Their whereabouts to date are unknown and it is widely believed that they are languishing in the torture centres of Pakistani army and intelligence agencies, In the same period eleven political activists, including leaders of Sindhi political parties, were either tortured to death or were the victim of targeted killings.

The federal government is brutal, dogmatic and intolerant in its promotion of Sunni (in particular *Wahabi*) Islam at the expense of the rights of other religious minorities. People who practice minority religions within Pakistan remain second-class citizens that fail to enjoy the same rights as Sunnis within the country. This is perhaps most obviously visible through the lack of protection offered to victims of violent abuse by intolerant and fundamentalist groups and individuals in the province. The population of Sindh currently stands at 40 million, of which 30 million are indigenous Sindhis; including 3 million Sindhi Hindus (the highest number of Hindus in the country). This group suffers greatly under the country's stringent Islamic laws and discriminatory practices. At least 964 people have been charged under Pakistan's blasphemy laws since 1986 and 17 % of blasphemy law cases reported took place in Sindh. These religious laws are incompatible with Sindhi culture, history and society which are inherently secular and tolerant.

Growing fundamentalism is also grave concern for defenders of women's rights; Pakistan's Hudood Ordinance and *Sharia* laws which encourage abuse and mistreatment of women are still prevailing. Each year, hundreds of women are killed in Sindh under the pretext of 'honour' or *karo-kari*. Despite weak efforts to amend the Hudood Ordinance through the Women's Protection Bill, it has been brought back into effect through the religious courts. The weak justice system intertwined with a strong essence of tribal law in the region means that most often women are unable to report cases of domestic violence, rape and other atrocities.

The Sindhi language is being exterminated. This policy started as part of the federal government's "One-Unit" political agenda, which was intended to create a single national identity. The deterioration of the language has been made possible through the state's reneging on the Language Bill of 1972 which made Sindhi a compulsory subject within schools. Instead Sindhi is rapidly becoming a language of the rural countryside while schools within Sindh's cities refuse to teach the language; creating a setting in which Sindhi may become a minority language within its own state and faces discrimination as a "backward" language. Sindhi media and press have been under particular scrutiny by the government of Pakistan as they are subject to stringent censorship

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guidelines. The attack on Sindhi is also fought through the media by starving media groups of money through the removal of advertisement revenue via the Pakistan Information Board and through outright bans. When this fails the government uses violence and intimidation against media workers; countless Sindhi journalists have been repeatedly harassed, some have been tortured and killed by Pakistan state forces.

Pakistan's government is seeking to replace Sindh's unique cultural identity with is homogeneity in both language and religion. Within Sindh's schools an intolerant version of Pakistan's history is now taught that belittles and demonizes other religious and minority groups. It also promotes a misogynistic, violent and fundamentalist version of Sunni Islam.

Sindh plays a vital role in Pakistan's economic and development agenda; it contributes the majority share of the country's income and sales tax amounting to 70% of the federal budget, and provides the federal government with natural resources such as coal, oil, natural gas and water. Little (less than 25%) is provided in return as the government allocates a small share of its federal budget to Sindh while fuelling Punjab's economic development with Sindh's resources and wealth. The unequal allocation of financial resources and the unjust distribution of natural resources mean that the province's rural development remains stunted. The government's slow and weak response to Sindh's catastrophic flooding illustrates the unequal relationship that Sindh endures with the government of Pakistan. Although Sindh contributes heavily to the federal budget, resources are reluctantly provided in return to protect and improve the conditions of its people.

The following report will analyze the extent to which the military- dominated government of Pakistan has violated its own constitution and conflicted with international human rights obligations. Further, it aims to outline the causes and effects of the systematic abuse of Sindhis with a view of raising awareness to the plight of the people who are forced to live in a state of constant discrimination, fear and poverty. The report also provides recommendations on how the government of Pakistan and international governing bodies can help to alleviate human rights abuses in Sindh.

1. INTRODUCTION

Sindh is rich in many ways; it has a wealth of natural resources including oil and natural gas and is the location of Karachi, Pakistan's financial hub. Yet Sindh is also one of the most impoverished provinces in Pakistan in terms of rural poverty, with high unemployment rates and extremely high rates of crime.

The roots of these problems are varied, but the key contributor to these unrelenting issues is the preferential, reckless and negligent governance from Islamabad. The province is starved of its resources; not only of coal, oil and gas but also of water, which Sindh's farmers and rural people need for subsistence. Instead of seeing how essential this resource is to the people of Sindh, the government has shown favouritism to Punjab's industry, and has diverted a large portion of Sindh's water to Punjab. Despite Sindh being the second largest province in Pakistan and adding a massive contribution to the national coffers, it remains a politically, economically and socially marginalised entity within the state.

While the people of rural Sindh live in fear of not being able to grow their crops, the people of urban Sindh live in fear of their lives. The government seems either unable or unwilling to tackle a criminal situation that is quickly spiralling out of control. Those forces that are sent to protect the people of Sindh from these criminal elements have instead chosen to terrorise them. The military and police threaten and kill reporters that speak for the rights of the people within Sindh. The government seems to be complicit in this drowning out of Sindhi voices as through its bureaucracy, Islamabad has systematically begun starving the Sindhi media of their finances.

The following report aims to investigate and evaluate the human rights situation in Sindh within the context of internationally recognised human rights instruments and standards which also serve as the basic needs of a nation to live and survive sustainably.

1.1 Scope of the Study

It is virtually impossible to list the human rights violations that are occurring in Sindh today in full. However the following report has compiled information from a wide array of sources in order to present a complete and thorough assessment. It has been written within the context of the requirements given by the United Nations Charter on Human Rights articles and will investigate the following:

- Violation of Right of Livelihood
- Violation to Right of Development
- Violation of Minority Rights
- Violation of Women's Rights
- Violation of Political Rights
- Violation of the Right of Self-determination

1.2 Limitations

Given the sensitive nature of the report, it has not been possible to conduct independent field research for the purposes of this paper largely due to security risks within the region. Some statistics used may be dated; in those cases the reader must consider the limited resources available. Therefore, this report has been compiled with information presented in secondary sources (newspapers, websites, etc.)

2. HISTORICAL BACKGROUND

2.1 British Colonialism and Land Labour Relations

Sindh has remained independent for much of its history, with an advanced national culture, language and identity. In 1843 Britain conquered Sindh, affecting its socio-economic structure and disturbing the nation, which was largely isolated from the rest of India.¹ New structures of power, labour relations and authority were imported in line with the rest of the British-ruled areas. The British under the East India Company particularly altered the relationship between the *haris* (landless peasants) and the *zamindar* (aristocrats).

Prior to the British system, all *haris* were able to obtain and gain ownership of land as, under Muslim and Hindu tradition, land was given ownership to the person who first cultivated it. The *zamindar's* role in land and labour was relatively sober; they were involved only as a collector of specific royal (*jagir*) lands. With the British, under the East India Company, land was given on lease to the highest bidder. The *haris* that cultivated the land were turned into tenants while the *zamindars* assumed their positions as aristocrats.

Hari gradually slipped further down, eventually obtaining the status of sharecroppers. During the Mutiny of 1857, concessions were granted by the colonial administration to the *zamindars* in return for their support, with the granting of state-supported powers over tenants.² Several attempts at changing the land-labour relations within Sindh failed, among them the Sindh Assembly's "Sindh Tenancy Act", which was never implemented.³

Sindh's prime geographic location (between the Indian Ocean and north-western India) has meant that it has always been important to trade routes. Under British Rule, a further opening up of the region occurred as new roads and railway systems were built and shipping lines improved which consequently increased economic traffic. Karachi became India's third largest port.⁴ With a booming economy came an influx of economic migration from all over the region.

¹ Ishtiaq Ahmed, *State, Nation and Ethnicity in South Asia*, (London: Pinter Publishers, 1996).

² Maliha H. Hussein, Abdul Razzaq Saleemi, Saira Malik, Shazreh Hussain, "Bonded Labour in Agriculture: a Rapid Assessment in Sindh and Balochistan" *International Labour Organisation* (International Labour Office: Geneva, 2004) .

³ Ibid.

⁴ Sarah Ansari, *Life After Partition: Migration, Community and Strife in Sindh 1947-1962* (Oxford: Oxford University Press, 2005).

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By the end of the 1920s communal tensions began to grow with the varying population shifts. The sense of community within groups became more stringent as boundaries were erected between different groups thus hardening identities. The question of national Sindhi identity became a major issue within the political arena.⁵

Tensions mounted between Muslim and Hindu communities as the proportion of Hindus increased in cities and Muslims began to fear the loss of their power and influence. Muslim Nationalism steadily grew in Sindh between 1906 and 1947. This was reflected in Muslim politics as it mobilized a movement for a separate Sindh state. The Muslim League adopted an Islamist movement under the pretence that Islam was in danger of Hindu domination, and called on a separate Muslim state to save Muslims.⁶ This separate Muslim state promised autonomy for the states within it. The promise of autonomy led to an increase in the Muslim League's popularity in Sindh.



Karachi c. 1900, unknown photographer, collection British Library

2.2 Partition and the State of Pakistan

In 1936 Sindh was separated from Bombay and set up as a separate province of British India. A strong sense of Sindhi nationalist sentiment brought about this separation, which eventually gave way to the desire to obtain independence from the British. This need embodied itself in the *Hur* Movement, and eventually in the independence movement under the Congress and the Muslim League. The following of the Muslim League grew considerably, particularly following the Lahore Resolution in which the party formally declared a desire for Muslim majority states to be “grouped to constitute independent states in which the constituent units shall be autonomous and sovereign.”⁷

In 1943, the Sindh Assembly passed a resolution calling for the creation of Pakistan, and three years later through a majority vote, the Sindh Assembly became the first state to join the Pakistan Constituent Assembly. Sindh had become part of Pakistan, with the promise of an autonomous nation state under the Independence

⁵ Ibid.

⁶ Craig Baxter (ed) *Government and Politics in South Asia* (volume 2, Westview Press, 2002),.

⁷ Ishtiaq Hussain Qureshi ed, *A Short History of Pakistan* (Reprint of 1967 edition, University of Karachi Press 1992).

Act of 1947. A mass exodus followed, when as many as a million non-Muslim Sindhis fled to India as over a million Urdu-speaking Muslim immigrants (*Muhajirs*) emigrated from northern India. The *Muhajirs* began to dominate the central government and mobilize more Urdu-speaking refugees into Karachi in a bid to secure their position in the newly founded state.

Karachi became the new capital of Pakistan and underwent dramatic changes as it started to grow at an unnaturally fast pace. In 1941 the population of the city was 358,492. The majority were non-Muslims making up 58 % of the population, while remaining 42 % consisted of Muslims. By 1951 strategic planning had caused a dramatic shift in the demographics of Karachi as over 80 % of the population consisted of *Muhajirs*.⁸

Karachi had now lost its identity of religious and ethnic harmony to Pakistan's national religious homogeneity. The implementation of the One-Unit Scheme of 1955-69 merged the four provinces in West Pakistan to create a centralized administrative system, an act that undermined the uniting nationalities in the country and had a detrimental effect on Sindh. The Sindhi language was replaced by Urdu as the medium of instruction and Sindhi land was given to newly arrived Muslim refugees. They were deprived of a share of the Indus water and their culture was deemed as 'primitive and backward'⁹. Sindhis became grossly underrepresented in civil positions and other government posts due to racial discrimination.

In 1972 a new constitution was drafted under Zulfikar Ali Bhutto's government, but it failed to address the key issue of provincial sovereignty. No structure was established on which to build a strong federation with real sovereign rights for Sindh and Pakistan's other provinces. Zulfikar Ali Bhutto also inserted Martial Law Regulation No 115 into the constitution, attempting to tackle the unequal land-labour relationship between the *haris* and *zamindar* within Sindh. The regulation required that seed would be provided exclusively by the *zamindar*, thus easing the financial burden on the *haris*. When martial law was put into effect in 1977, *zamindar* opposition led to the seed-supply system reverting the old system. Currently, seed supply is shared between the two groups.¹⁰

By the mid 1980s a newly established party, the *Mohajir Quami Movement* (MQM)¹¹ had gained popularity among the *Muhajirs* who felt marginalized within the political field after the popularity and power of the originally Sindhi Bhutto who was in government for nearly a decade. Their rise to power was characterised by violence and intimidation.¹² In 1990 the MQM formed an alliance with *Islami Jamhoori Ittehad* (IJI) and had a stronghold in both the central government and Sindh. Due to Sindh's changing demographics, MQM's political potency was largely limited to urban areas.

⁸ S. Akbar Zaidi (ed) *Regional Imbalances and the National Question in Pakistan*, (Lahore: Vanguard, 2006) .

⁹ Adeel Khan, *Politics of Identity: Ethnic Nationalism and the State in Pakistan*, (New Delhi: Sage Publications, 2005).

¹⁰ Maliha H. Hussein, Abdul Razzaq Saleemi, Saira Malik, Shazreh Hussain, "Bonded Labour in Agriculture: a Rapid Assessment in Sindh and Balochistan", *International Labour Organisation*, (Geneva: International Labour Office, 2004).

¹¹ renamed the Muttahida Quami Movement in 1997.

¹² Ishtiaq Ahmed, *State, Nation and Ethnicity in South Asia*, (London: Pinter Publishers, 1996).

Law and order had deteriorated to a state of total collapse as long festering divisions between the two groups, Sindhis and Mohajirs, mounted to violent clashes. MQM continued to use violence in urban Sindh, terrorizing the population into submission, while the rural areas of Sindh were controlled by Sindhi criminal organizations. Moreover, the Punjabi and Pathan residents began to get involved in the violence, as they too demanded recognition of their political identities.

By 1992 Karachi was run by the military under a state of emergency; as the government began a crackdown to rid the city of ethnic and sectarian violence. These events catalyzed the creation of the Movement for the Restoration of Democracy, an alliance throughout Pakistan of various secular groups with the aim of restoring democracy to the country and ending martial law. Between 1983 and 1986 hundreds of Sindhis were killed in response and some 2,095 people were shot dead by army snipers.¹³ Although the military was successful in eradicating the Sindh criminal organizations, it was less effective in gaining control of the MQM. Karachi had undoubtedly become the most dangerous city in Asia and was referred to as the 'city of death'¹⁴.

Forcibly removed from playing an active role in dictating their own economic and political future, Sindhis today continue to face the repercussions of this embattled history. The nation's political power and wealth reside in Sindh's cities where the Sindhi language, culture and heritage are discriminated against. The wealth that remains in the nation resides in these same cities and is used to sustain the federal government's military spending and budget deficit. The situation is worsened by a continued reluctance to address the concerns of Pakistan's lacking federal structure. Sindhis have been disenfranchised in their own nation and are largely impoverished in its rural areas, while those journalists that attempt to vocalise Sindhi concerns are intimidated or killed

3. VIOLATION OF RIGHTS OF LIVELIHOODS

3.1 Economic System

The current tax system in Sindh clearly shows the unequal division of resources in the province. During British Rule, the Sales Tax (GST) was a provincial tax. However, after the inception of Pakistan the Federal government began taking 50 % of sales tax from the government of Sindh in order to control Pakistan's deficit. Sindh contributes about a third of Pakistan's national budget and collects 70 % of Pakistan's Income Tax and an additional 62 % of the sales tax. The state accounts for 34 % of total industrial capacity in large-scale manufacturing and 25 per cent of small-scale manufacturing.¹⁵

As Pakistan's second largest province, Sindh plays a vital role in the country's economic and development agenda. Karachi, is Pakistan's largest port city and the financial capital of the entire country. Sindh comprises 18 % of Pakistan's land area and 23 % of its population. It also has the highest concentration of urban population at 49 per cent, relative to the country's average of 32.5 %.¹⁶ Sindh is therefore the most urbanized province in the

¹³ Sirajul Haque Memon, "Genesis of Separatist Sentiment in Sindh", *Daily Dawn*, Special Issue Pakistan Day- (23 Februari 2001) available at: http://freesindh.org/Free_Sindh/Sindhi_Separatism.html [accessed 13 May 2012].

¹⁴ I. Bakhtiar, 'City of Death' (1998) *Herald* 29 (7), 7.

¹⁵ Ibid.

¹⁶ Sindh Board of Investment: Government of Sindh, "Sindh Economy", available at <http://www.sbi.gos.pk/sindh-economy.php> [accessed 13 April 2004].

country.

Despite the global economic slowdown in 2008, Sindh's manufacturing sector has been resilient, as investments have continued to flow into the nation's economy. Multinational corporations and local enterprises such as P&G, Lotte Group of South Korea, Al Tuwairqi Steel Mills, Engro Corp and many more have committed to investments worth around US\$8 billion in Sindh for the coming years.¹⁷

3.2 Unequal Allocation of Financial Resources

Despite Sindh's very large contribution to the federal budget, it receives less than a fourth of the budget allocated to the country's provinces in return. At the same time, the federal government spends more than 70 % of the total budget on defence and servicing its debt.¹⁸

The National Finance Commission (NFC) Award is the governing body that determines the way in which the criteria of the collective revenue of the federation is distributed among each of the provinces. For the last twenty years, the illegal and unconstitutional body has managed taxes as well as other financial resources in Pakistan. Taxes collected from each of the provinces include income tax, general tax, wealth tax, capital gains tax, and custom duties. These are then distributed according to population, poverty, revenue collection/generation, and inverse population density (rural-urban).

The 1991 Award distributed 80 % of the pooled money among the provinces and claimed 20 % for the federal government. However, the 1997 Award allocated a mere 37 % to be distributed among the provinces while the federal government received 63 % of the total taxes. This is despite the fact that the 1997 Award included a fifth category of taxation – custom duties, thus decreasing the share of the individual provinces. Corporate taxation is also a major contributor to the taxes collected, since most corporate agreements are signed in the port city of Karachi even though corporate entity exists throughout the country. Even though Sindh remains the largest contributor to the country's federal income – with 70 % of federal taxes and 50 % of overall income, generated from the province alone – Sindh is currently battling a crippling financial crisis¹⁹ and is unable to carry out its day to day operations, let alone make any development or progress.

The government and the state machinery are constantly releasing less funds from the Central Government reserves against due share of the province. Meanwhile, the government promotes an unsatisfactory recovery of taxes in the province during the 2011 fiscal year.²⁰ This is due to the constant manipulation of the population census figures and Sindh's budget requirements, and false charges of federal expenses to the province to justify discrimination.

¹⁷ Ibid.

¹⁸ Ministry of Finance, Government of Pakistan, "Budget in Brief 2010-2011", (5 June 2010), available at: http://finance.gov.pk/budget/Budget_in_Brief_2010_11.pdf, [accessed 11 March 2012].

¹⁹ "Spent and underdeveloped Sindh skirts bankruptcy", (13 April 2011) *Pakistan Today* available at: <http://www.pakistantoday.com.pk/2011/04/spent-and-underdeveloped-sindh-skirts-bankruptcy/> [accessed 04 March 2012].

²⁰ Ibid.

3.3 Unemployment

Unemployment rates are mounting both in rural and urban areas of Sindh. The State Bank's quarterly report 2004-05 revealed that the rate of unemployment increased from 5.2 % in 2001-02 to 5.97 per cent in 2003-04.²¹ It is the rural areas that are the hardest hit however; in 2001-02 rural unemployment stood at 3.23 % and increased to 4.38 % in 2003-04.²² Rural poverty has been consistently rising in Sindh; between 2005 and 2006 rural poverty was almost twice as high as urban poverty, at 27 and 13.1 % respectively.²³ Current unemployment rates are unreliable and are often altered for political reasons.

Unemployment in Sindh is aggravated by the unfair distribution of the province's water within the country. The fall in Sindh's water share between 2000 and 2004 caused a huge loss to the agricultural economy. Furthermore, the reduction in river water flows has led to sea intrusion in Badin and Thatta where over 1.2 million acres of farmland are now totally submerged under sea water. Sindh's agricultural losses between 2000 and 2004 are estimated at Rs 42 billion. The unfair water distribution by the federal government is reflected in the unemployment figures of the rural areas of the provinces. While Sindh suffered heavy losses and was forced to cut down in its cultivated area, the cultivation of Punjab increased, dramatically giving rise to rural employment in Punjab and corresponding unemployment in Sindh.²⁴

A particularly debilitating factor on employment is the lack of investment in Sindh's infrastructure. Due to the nation's high rate of poverty, Sindh's rural population is particularly reliant on public services. Yet there is a consistent failure to provide safe drinking water and sanitation facilities in Sindh's rural areas. Seven % of Sindh's rural population has access to such amenities, compared to 18 % of its urban population.²⁵ This lack of investment not only affects people's livelihoods but also the ability to conduct business. Mirza Ikhtiar Baig, chairman of the Sindh Industrial and Trading Estates (SITE) association has said that the growing difference between industrial growth in Punjab and Sindh is due to Punjab having relatively better infrastructure facilities, less utility costs and a more liberal environment for business than Sindh, where the infrastructure has "virtually crumbled down, the utility cost and stamp duty are high; there are 22 provincial government agencies which haunt us almost round the year".²⁶

3.4 Land Issues

Rural Sindh has an extremely low rate of land ownership. Part of the reason for this is historical, as mentioned above, and part is political. A 2004 report published by the Social Policy and Development Centre (SPDC) revealed that Sindh has the highest number of absolute landlessness. A shocking 61.1 % of the rural households

²¹ State Bank of Pakistan, 'Quarterly Reports', available at: <http://www.sbp.org.pk/reports/quarterly/index.htm> [accessed 9 May 2012].

²² Ibid.

²³ Asian Development Bank "Poverty Assessment Update: Pakistan" (December 2008)

http://www.adb.org/documents/reports/poverty_pak/chapter_2.pdf [accessed 04 March 2012].

²⁴ Ibid.

²⁵ Federal Bureau of Statistics, Government of Pakistan "Pakistan Integrated Household Survey, Round 3: 1998-99", (October 2000)/

²⁶ Sabihuddin Ghausi, 'Unemployment Mounting in Sindh' (28 March 2005) *Dawn* available at: <http://archives.dawn.com/2005/03/28/abr2.htm> [accessed 12 May 2012].

in Sindh are landless and only 33.1 % of the population owns land, the lowest percentage in Pakistan. Landlessness has a detrimental effect on the population of rural Sindh, aggravating poverty, increasing feelings of helplessness and perhaps most fundamentally contributing to reduced agricultural yields in Sindh.

Land ownership in Sindh is highly inequitable; only 7.5 % of the all land owners own 46 % of all the land.²⁷ Sindh has the highest percentage of farm holdings of over a 100 acres and such farms are 15 % of the total farm area. The monopolistic control of the rural markets by the landed elites results in the capture of public resources, compounding poverty.²⁸ Simultaneously, *haris*, or land workers, are often caught in a cycle of debt with the landowners, as *haris* are mostly unable to afford the farm equipment required to cultivate the land.²⁹

The landed elite have formed a nexus of control over government that quickly snubs any attempt at reform.³⁰ The majority of the legislators in the province come from the landed elite, who own as much as 15 % of the provincial agricultural land but encroach upon big tracts of state farms.³¹

Table 1: Land ownership distribution, 2000: Sindh, Punjab, and KPK

	PROPORTION OF RURAL HOUSEHOLDS (per cent)			
	SINDH	PUNJAB	KPK	ALL THREE
LANDLESS	66.1	47.7	45.0	50.8
UNDER 1.0 acre	0.5	6.4	14.8	6.9
1.0 TO UNDER 2.5 acres	6.8	14.1	19.0	13.6
2.5 TO UNDER 5.0 acres	7.1	11.5	9.8	10.3
5.0 TO UNDER 7.5 acres	5.5	7.4	4.7	6.5
7.5 TO UNDER 12.5 acres	6.0	6.2	3.4	5.6
12.5 TO UNDER 25.0 acres	4.0	4.1	1.6	3.6
25.0 TO UNDER 50.0 acres	1.8	1.8	1.0	1.6
50.0 TO UNDER 100.0 acres	1.0	0.5	0.4	0.6
100.0 TO UNDER 150.0 acres	0.2	0.1	0.1	0.1
150.0 AND ABOVE acres	0.2	0.1	0.1	0.1

Source: Based on Census of Agriculture 2000 and 1998 Population Census.

The devastating floods of 2010-11, which will be discussed in more detail below, have further, aggravated the situation, increasing rural poverty both on an individual and household level. National economic growth is also negatively affected and inequality between the rich and the poor is increasing. After the floods, two out of three households in Sindh are landless. Landlords have preyed on the already vulnerable and rural population, as

²⁷ Maliha H. Hussein, Abdul Razzaq Saleemi, Saira Malik, Shazreh Hussain, "Bonded Labour in Agriculture: a Rapid Assessment in Sindh and Balochistan", *International Labour Organisation*, (International Labour Office: Geneva, 2004).

²⁸ Sabuddin Ghausi, 'Unemployment Mounting In Sindh' (28 March 2004) *Dawn*, available at: <http://archives.dawn.com/2005/03/28/eb2.htm> [accessed 13 May 2012].

²⁹ Maliha H. Hussein, Abdul Razzaq Saleemi, Saira Malik, Shazreh Hussain (2004).

³⁰ "What the floods left behind: Sindh after the floods", (8 March 2011) *Economist*, , available at: http://www.economist.com/blogs/banyan/2011/03/sindh_after_flood, [accessed 12 March 2012].

³¹ *Ibid.*

many are accused of taking government issued credit cards worth \$235 each from their tenants.³² Some landlords have also been accused of breaching the dykes to divert water away towards villages from their lands.³³

Land ownership by Sindhis in Sindh is essential to empower the population and prevent abuses such as this by the urban landed elite.

3.5 Natural Resources

3.5.1 OIL, GAS AND COAL

There are two major regions of energy reserves in Sindh:

- Sindh Monocline (Badin Block Area): has large reserves of oil and gas.
- Outside Badin Block Area – Sukur Rift Zone, Marzani Fold Zone, Khirthar Depression and Karachi Depression: all have large reserves of gas.

In 1957 a huge gas reserve of 6.8 trillion cubic feet was discovered in Mari. Another significant discovery was made in 1981 in the coastal district of Badin. This was followed by major oil discoveries in the same areas.

The 1990s witnessed major hydrocarbon discoveries in the province that increased Sindh's contribution of oil and gas production in the country. According to Pakistan Energy Yearbook 2008, published by the Ministry of Petroleum and Natural Resources, Sindh produced 13.87 million barrels of oil – 38000 barrels per day, making a 56 % contribution to the country's total production during 2006 and 2007.

³² *ibid.*

³³ *ibid.*

Table.1 Province-wise Oil Production in Pakistan 2007-08

Province	Oil Production (Million Barrels)	Percentage
Sindh	14.37	56.13
Punjab	6.51	25.46
NWFP	4.68	18.32
Balochistan	0.024	0.1
Pakistan	25.60	100%

Source: Pakistan Energy Yearbook 2008, Ministry of Petroleum and Natural Resources

GOP

In the same year (2006-07) Sindh produced 1,033,110 million cubic feet of gas. This amounted to a 71 % contribution to the total gas production in the country.

Table.2 Province-wise Annual Gas Production: 2007-08

Province	Non-Associated Gas (MMCF)	Associated Gas (MMCF)	Total (MMCF)	Percentage
Sindh	1,014,174	18,936	1,033,110	71
Punjab	58,411	13,389	71,800	5
NWFP	26,674	3,032	29,706	2
Balochistan	319,578	0	319,578	22
Pakistan	1,418,837	35,357	1413,581	100%

Source: Pakistan Energy Yearbook 2008, Ministry of Petroleum and Natural Resources. GOP

Coal production in Pakistan is the second highest in the country; coal production in Sindh is nearly twice as much as that of Punjab's at 1,200,031 tonnes for the year 2009/2010.³⁴

Sindh is undoubtedly the largest oil and gas-producing province in Pakistan and the second largest coal producing province. Yet, most of the production is consumed in the Punjab province, with Sindh using only 46 % of its own production. While Punjab has utilized 913 % compared to its national input of natural gas. In essence regions like Balochistan and Sindh are fuelling Punjab's economic development, once again with little consideration given to their own economic and developmental needs.

3.5.2 EMPLOYMENT IN OIL/NATURAL RESOURCE COMPANIES

Local employment is a major concern in Sindh. Even though oil and gas fields are located in remote and underdeveloped areas like East and West Sindh, the oil and gas companies have their headquarters based in cities such as Karachi and Islamabad. Therefore, local staff is hardly ever employed. In 2007, the former Minister of petroleum revealed that out of a staff of 11,613 a mere 3,613 Sindhi's were employed at SSGC and SNGPL.³⁵

Statistics on manual labour work are equally dissatisfying. Companies bring in sub-contractors from outside areas, thus depriving locals of blue-collar jobs. There only remains a small opportunity of employment for field staff, a low paid position that could not be filled by out-sourced staff. The lucky few are hired through the local feudal system and through bribery.³⁶

The Islamabad-based General Department of Petroleum Concessions (GDPC) is not willing to take up the issue with the companies. The employment guidelines are not made public, therefore local communities and civil societies are not consulted on such issues. Although article 17 of the Petroleum Concession Agreement requests that companies gradually replace non-National staff with nationals there are no such guidelines in place to protect the employment of locals.³⁷

³⁴ "Pakistan Energy Yearbook", *Hydrocarbon Development Institute of Pakistan*, (Islamabad: Ministry of Petroleum and Natural Resources, 2010), p.87.

³⁵ Zameer Ghumro, "Promises Not Kept!" (2009) *Daily Kawish* available at: <http://npihit.com/sindhpac/pdfs/promises%20not%20kept.pdf> [9 May 2012].

³⁶ Ibid.

³⁷ Ibid.

3.5.3 Water



The Indus River

The River Indus, which runs through a large part of Sindh province, is made up of seven rivers. Upstream storage and diversion activities in the upper basin located in Punjab has resulted in the decline of water in the lower basin located in Sindh. This situation is creating huge water shortages in the province, resulting in devastating economic, social and ecological losses.

In 1945 an agreement was signed between the two nations, known as the “Sindh-Punjab Agreement”. This agreement recognized Sindh’s supremacy over the Indus River and forbade anything upstream to be built without the formal approval and consent of Sindh.³⁸ In 1960, the Indus Water Treaty was signed between India and Pakistan. The agreement gave three eastern rivers to India and three western rivers to Pakistan. However, India irrigated 1.3 million acres of land from the western rivers, after it had paid Pakistan.³⁹ In 1958 the Water and Power Development Authority (WAPDA) was established in Pakistan, which would be responsible for the development of water resources. The government-owned WAPDA soon began to store and divert Indus waters,

³⁸ Balcoh.S.K, *Water is Life: a report on Sindh Irrigation* (Hyderabad, 1976).

³⁹ Altaf A. Memon, “Evaluation of Impacts on the Lower Indus River Basin Due to Upstream Water storage and Diversion”, *American Society of Civil Engineers*, (2004), pp.1-10

thus violating the 1945 Sindh-Punjab Agreement. Moreover, its projects disregarded Sindh rights to the river downstream⁴⁰

Since gaining independence the government of Pakistan has built “19 barrages and 43 canal systems with 48 off-takes on the Indus River System in the country, thus creating the largest continuous man made irrigation system in the world with 61,000 km of canals and 105,000 water courses, irrigating 14,185 million hectares of land.”⁴¹ There were also three storage reservoirs built, with a total storage capacity of 20 million acre-feet and 12 link canals that transferred water from the western rivers to the eastern rivers – projects that have been done without the consent of the province of Sindh.⁴² The system serves to provide water and irrigate Punjab, leaving Sindh at the mercy of the province.

In 1991 all provinces in Pakistan signed the ‘Water Accord’ after much protest and disagreement on water distribution between the provinces in the country. The agreement – “The Appointment of Water of the Indus River System between Provinces” – protected the existing uses of canal water in each of the provinces and “apportions the balance of river supplies, including flood surpluses and future storages among all the provinces”.⁴³ Despite the accord, the federal government in Islamabad continues to appropriate water at Sindh’s expense and Sindhis are still waiting to receive their fair share of the Indus rivers water.

Water Dams

The major irrigation projects such as the Kalabagh Dam, Bhasha Dam and the Thal Canal continue to have a detrimental impact on the ecological, agricultural and economic status of the province.

The Greater Thal Canal (GTC) is estimated to cost US\$ 600 million and is designed to direct 2.5 million acre foot (MAF) water from River Indus to irrigate 1.53 million acres of land in the province of Punjab – where many tribal landlords and military generals reside.

The work on GTC began in August 2001 without the consent of the Government of Sindh or any other technical and administrative body in Pakistan. The people and government of Sindh as well as several local and international NGOs protested the project on the grounds of its major social and ecological impact in Sindh. Although the Sindh Assembly has voted against the dam in the past, the government of Pakistan has ignored the Assembly, denying its voice and rights. When the people of Sindh took to the streets in a peaceful protest against the dam in June 2001, police fired live bullets at demonstrators killing two people (no enquiry was made into the deaths). Within the same month the government imprisoned more than 600 environmental activists, some held for up to a month.⁴⁴

The GTC will have detrimental affects to the province:

Water shortage: The Water Management and Distribution Committee report of 2000 shows the current flow of

⁴⁰ Ibid.

⁴¹ Ibid.: pg. 2

⁴² Ibid.

⁴³ “The Water Accord – 1991”, Special Reports/ Water Crisis’ Pakissan, available at: <http://www.pakissan.com/english/watercrisis/the.water.accord.shtml> [accessed 13 April 2012].

⁴⁴ World Sindhi Congress, *Issues Facing Sindh* (December 2003) available at: <http://www.sindhudesh.com/wsc/articles/wscsindh-summary.pdf> [accessed 13 May 2012].

the Indus (four out of every five years) is 123.59 MAF, approximately 15.59 MAF less than the amount required for the bare minimum needs of the four provinces and mere survival of the Indus Delta region. Building a new canal with the capacity of 2.5 MAF will worsen the situation, threatening the survival of many communities.

Ecological issues: GTC will wipe out the wetlands and mangrove forests of Sindh, some of which are internationally protected under the Ramsar Agreement. The wetlands provide habitat for Shad or Pallo fish, Barramundi fish, and the Dangri fish. Also facing extinction through the establishment of the canal are blind dolphins and shrimps.

Agricultural issues: hundreds of thousands of agricultural land will be affected, which in turn will cause many villagers to uproot. 100,000 people from 'kacho' area will also be affected as they are forced to migrate.

Thal Canal and Kalabagh Dam have been rejected by all provincial assemblies, except for Punjab's own assembly. The persistent efforts by the federal government to construct dams illustrate its flagrant disregard for democratic principles and the political and economic rights of the citizens within Pakistan's federation.

3.5.4 WATER MISMANAGEMENT

Decades of water mismanagement have had a detrimental effect on the environmental, social and economic factors of Sindh. The nation is currently 80 % short of its due share of the Indus River water. Thus, there has been an acute shortage of drinking water, loss of agricultural land and the intrusion of 1.2 million acres of farmland into coastal regions of Sindh. The government of Pakistan has inflicted an estimated US\$1.7 billion of financial loss to Sindh, in addition to human sufferings and environmental damage. While Punjab has been reaping the benefits of the Indus River, Sindh has suffered greatly.

Water mismanagement also has detrimental effects on communities in the Indus river delta. Most communities have suffered gravely as they are forced to live in increasing poverty. The income from traditional livelihoods of fisheries is strongly reduced. The severe shortage of drinking water has meant that communities – especially women -- have faced a lot of hardships as it is their duty to fetch drinking water. However, this has become an increasingly difficult task as clean drinking water is harder to reach. The local people are also more at risk of contracting water-borne diseases.⁴⁵

The Indus delta faces the threat of degradation which in turn has had detrimental effects on the ecosystem that is in the coastal area of Sindh.⁴⁶ Furthermore, seawater intrusion has resulted in tidal infringement of approximately 2.2 million acres of land in the deltaic regions and "in the last twenty years, mangrove forest cover has reduced from about 228,812 ha to 73,001 ha, a decline of 68 per cent."⁴⁷ The mangroves provide fuel wood to approximately 120,000 people, forage to 16,000 camels, and other products to 28,570 households.⁴⁸

⁴⁵ Zulfiqar Shah, "Discrimination over Right to Natural Resources" (31 May 2010) available at: <http://shahzulf.wordpress.com/2010/05/31/discrimination-over-right-to-natural-resources/> [13 April 2012].

⁴⁶ *ibid.*

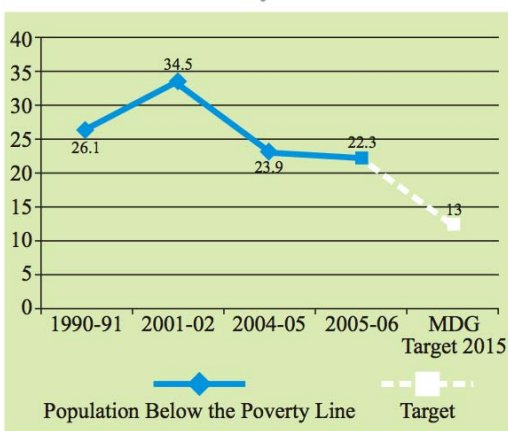
⁴⁷ Zulfiqar Shah, *Indus Delta: An Environmental Assessment* (PFF-Karachi / A&D, France: 2006).

⁴⁸ *ibid.*

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Moreover, mangrove trees also act as a shield against active tidal erosion in the area and support thousands of botanical, aquatic and wildlife species.

The mismanagement of water in the Sindh province goes against the 1945 “Sindh-Punjab Agreement” as well as the 1991 Water Accord that the government of Pakistan had made with the province of Sindh. Moreover, the creation of dams such as the GTC is in breach of international law, violating the ILO Convention on Indigenous and Tribal Peoples 1989 (C169), [article 15](#). Approximately 37% of Sindh’s rural population is considered poor in comparison with 19 % in urban areas and a 33 % national average.⁴⁹ This inequitable division of wealth makes Sindh both the richest province in Pakistan in terms of per-capita income and the poorest in terms of human development indicators.⁵⁰



Poverty rate and MDGs target poverty rate in Sindh

The official poverty line is based on a threshold caloric intake requirement of 2350 calories per person per day. Using this requirement, it is estimated that 34.5 % of the population lived in absolute poverty in 2001-02. Although this number was reduced in the following few years, it has since increased since 2008 due to multiple natural disasters, economic slowdown and high inflation.

Approximately 19 % of people in urban areas are considered poor. This lies in contrast to the 37 % of rural Sindhis that are considered poor, which is high when compared to the country’s national average of 33 %.⁵¹

4. VIOLATIONS OF RIGHTS OF DEVELOPMENT AND SECURITY

4.1 Health

In Pakistan environmental quality has deteriorated rapidly in recent years, due to an increase in population, lack of irrigation of water waste, insufficient sewage and sanitation as well as an increase of urban slums.

Environmental degradation affects the poor population most in the country, and as a result they are most likely to suffer the adverse health impacts. Only 65 % of the population had access to safe water sources while only 63

⁴⁹ Maliha H. Hussein, Abdul Razzaq Saleemi, Saira Malik, Shazreh Hussain, “Bonded Labour in Agriculture: a Rapid Assessment in Sindh and Balochistan”, *International Labour Organisation*, (International Labour Office: Geneva, 2004).

⁵⁰ *Ibid*

% had access to sanitation in 2008-09.⁵² Goal 7 of the Millennium Development Goals (MDGs) focuses on decreasing the proportion of people without access to safe water and basic sanitation as well as achieving significant improvement in the lives of slum dwellers. The MDGs target was to achieve 93 % access to safe water sources and 90 % access to sanitation. Unfortunately Pakistan is expected to fail to meet either target by 2015.⁵³

Pakistan has a high number of poverty-related communicable diseases that are aggravated by maternal risks and malnutrition. The average life expectancy in the country in 2010 was 67 years; however, health services are inadequate for a majority of the population. According to UN Development Assistance Framework 2003, only 55 % of the population had access to health care and a mere 30 % had access to maternal and child health care.⁵⁴ The recent flooding of 2010 and 2011 has further deteriorated the health services in Pakistan, more specifically in Sindh in 22 out of 23 of its districts in the province.⁵⁵ Floodwaters have resulted in 226 deaths and damaged or destroyed more than one million homes; some 5.3 million people have been affected.⁵⁶

Infant mortality ratio (IMR) in Sindh is high with 75 deaths per 1000 births in 2006-07. The maternal mortality ratio (MMR) is 276 per 100,000 live births in 2006-07.⁵⁷ The MMR in rural areas stands at 319 per 100,000 deaths and in urban areas it is 175 per 100,000 births – almost half to that of rural areas.⁵⁸ Goal 4 of the MDGs seeks to reduce IMR to half of its present rate and Goal 5 aims to improve maternal healthcare by reducing the MMR to 140/100,000 and increasing the proportion of births attended by health personnel. Pakistan is failing to meet its targets for both goal 4 and 5. The slow progress and long distances mean that the country is not expected to meet its 2015 targets.⁵⁹

4.2 Education

Education plays a vital role in the growth and progress of a country. The increase in human capital is an important element in ensuring long-term development strategy. Within a rapidly changing world, education can help improve living standards and enhance the quality of life both on an individual and collective level. Education in itself is the basic right of all individuals according to the Universal Declaration of Human Rights. Article 26 A, B and C all stipulate that everyone has a right to an education that should be free at the fundamental stages.⁶⁰ Furthermore, article 25-A in Pakistan's constitution of the 18th Amendment passed in 2010 made education a fundamental right for all children aged 5 to 16 years.⁶¹

In 2009-10 the literacy rate in Pakistan stood at 57.7 %. The male literacy rate was 69.5 % in comparison to a mere 45.2 % of females.⁶² Moreover, in Sindh the percentage of educated people dropped by one per cent to 58.2 % in the same year.⁶³

⁵² *The Millenium Development Goals Report: 2010*, United Nations, (New York: United Nations, 2010).

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ "Flooding Disrupts Vital Health Services in Sindh, Pakistan" (14 September 2011) *International Medical Corps*, available at: <http://internationalmedicalcorps.org/page.aspx?pid=2166> [accessed 10 May 2012].

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) UDHR).

⁶¹ Government of Pakistan, *The Constitution of the Islamic Republic of Pakistan (as amended 30 April 2010)*, available at: <http://www.infopak.gov.pk/Constitution30April2010.pdf> arts 9, 15-17, 19, 20, 25 (1) .[accessed 10 April 2012].

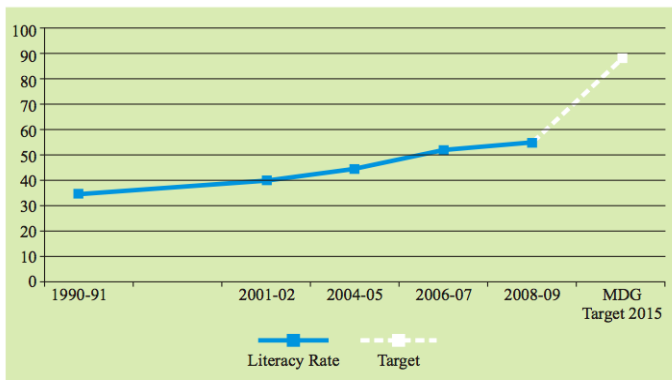
⁶² Shahbaz Rana, "Rural women uphold Pakistan's literacy rate" (15 February 2012) *The Express Tribune*, available at: <http://tribune.com.pk/story/119101/rural-women-uphold-pakistans-literacy-rate/> [accessed 13 April 2012].

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The Annual Status of Education Report (ASER) Pakistan 2011 showed that almost 81.2 % of Class-5 students assessed in Sindh could not read Class-2 level sentences in English (one of the official languages of Pakistan).⁶⁴ More shockingly, an examination of Class-3 students showed that 62.7 % of the children were unable to read in Urdu/ Sindhi language sentences.⁶⁵ At the same time 75.3 % of the students in Class-3 (7-8 years) were unable to solve subtraction sums.⁶⁶

One of the reasons for Sindh's disturbing literacy figures is the lack of access to educational facilities, with a high number of closed schools in different districts of the province and long-term absenteeism of teachers from schools.⁶⁷ The ASER reveals that 29.5 % of those in the 6-16 years age group were found out-of-school compared to Punjab's 14.5 %.⁶⁸ A shocking 5.1 % of students had dropped out and almost 25 % of students had never even enrolled in school.⁶⁹

In relation to Goal 2 of MDGs, the goal of achieving universal primary education, Pakistan falls short of all its targets. The goal looks at three factors: primary enrolment rate, completion rate of the fundamental stages and literacy rate. The net primary enrolment at primary level remains low; the performance of the provinces in achieving net enrolment ratio is not in line with their ranking with regards to resource distribution and population size.⁷⁰ Moreover, the completion rate at primary level education seems to have declined at a rapid rate in recent years. Here again Pakistan will likely fail to reach the goal of 80 %, due to a combination of economic shortages of households and faults within the education system.⁷¹ Pakistan's literacy rate remains considerably low, and is short of meeting the MDGs target of 88 % by 2015. (Refer to Appendix II for an overall view of Pakistan's MDGs progress).



Literacy rate and MDG target literacy rate in Sindh

⁶³ Ibid.

⁶⁴ "Report exposes dismal rural education" (1 February 2012) *Dawn*, available at: <http://www.dawn.com/2012/02/02/report-exposes-dismal-rural-education.html> [accessed 13 April 2012].

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Azizullah Shariff "Absenteeism at schools worries WB, EU officials", (29 October 2011) *Dawn*, <http://www.dawn.com/2011/10/29/absenteeism-at-schools-worries-wb-eu-officials.html> [13 April 2012].

⁶⁸ Ibid.

⁶⁹ Ibid..

⁷⁰ "Development Amidst Crisis: Pakistan Millennium Development Goals Report 2010", United Nations Development Programme, (New York: United Nations, 2010).

⁷¹ Ibid..

4.3 Floods

Pakistan was hit by two catastrophic floods in 2010 and 2011, some of the worst recorded in history. The size and scale of the floods were unprecedented, with one-fifth of Pakistan's total land area submerged in water. In 2010, floodwaters affected 20 million people, destroying millions of homes and livelihoods, and leaving the infrastructure decimated. Over 14 million people were left acutely vulnerable.⁷² In 2011 a further 5.2 million people were affected as 4.5 million acres of land was destroyed.⁷³

Among all the areas affected by the flood, unarguably Sindh had suffered the most with almost 90 % of its land area submerged under water. Approximately six months after the floods some districts in the province still remained under water. A BBC journalist reported that, "In Sindh, some are still hostages of the flood. Stagnant, contaminated flood waters remain in some areas, like a stain on the landscape."⁷⁴ There were few health services available as 46% of health facilities were damaged by the floods.

Hundreds of thousands of people were forced to live in camps and thousands more had succumbed to sleeping along roadsides.⁷⁵ Almost a quarter of children under five were malnourished, while 6 % were severely underfed.⁷⁶

Yet, despite the catastrophic devastation that affected millions of people stripping them of their livelihoods, homes and farm land – the government of Pakistan would not release the US\$ 77 million of accumulated funds, as late as six months after the 2011 floods.⁷⁷

In 2012 the situation is far from resolved. A recent report released by UNICEF revealed that in Sindh alone:

- 4.8 million people are affected, of which 2.4 million are children and 1.2 million women.
- 46 %of the health facilities were damaged by the floods.
- Open defecation increased by 11-17%, increasing exposure to disease.
- 410,697 children were pushed out of school due to the flood destruction to school facilities. Some 729,000 children lost all their learning materials.⁷⁸

⁷² Lucy Davies, *Pakistan Floods Progress Report July 2010/ July 2011*, (Oxfam International, 2011).

⁷³ Zakaria Nutkani, "Pakistan floods 2011", (28 September 2011) *Action Aid*, <http://www.actionaid.org/what-we-do/emergencies-conflict/pakistan-floods/pakistan-floods-2011> [accessed 13 April 2012].

⁷⁴ "Pakistan floods still claiming lives, six months on" (28 January 2011) *BBC News*, available at: <http://www.bbc.co.uk/news/world-south-asia-12308913>, [accessed 13 April 2012].

⁷⁵ Zakaria Nutkani, *Action Aid*, 2011.

⁷⁶ Decan Walsh, "Pakistan flood crisis as bad as African famines, UN says" (27 January 2011) *the Guardian*, available at: <http://www.guardian.co.uk/world/2011/jan/27/pakistan-flood-crisis-african-famines> [accessed 13 April 2012].

⁷⁷ "Pakistan floods still claiming lives, six months on", *BBC News*.

⁷⁸ UNICEF "UNICEF Pakistan Update 2011 Floods: Needs and Response in Sindh and Balochistan" (9 February 2011) available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Floods%20Update%2010%20February%202012.pdf> [accessed 13 April 2012].



Effects of floods in Sindh, © Saghir Shaikh

4.4 Security and Terrorism

The military is an increasingly domineering factor within Pakistan. The armed forces account for 32 % of Pakistan's national budget totalling US\$6.41 billion in 2010-11, ranked at 35th in the world.⁷⁹ Yet it is one of the most corrupt institutions in the world, with a strong hold on power and involvement in questionable activities.

Ordinary innocent civilians are targeted by the police force and the government's intelligence service, Inter-Service Intelligence (ISI) on a regular basis. Yet terrorist and militant groups remain unchecked, especially in Sindh. Karachi is a haven for armed radical formations and sectarian terrorist groups.^{80,81}

In 2011, all 1048 terrorism-related deaths recorded in the province took place in Karachi. The South Asia Terrorism Portal (SATP) reported the deaths of 923 civilians, 60 Security Force (SF) personnel and 65 militants. The data provided by the SATP includes targeted killings believed to be carried out by terrorists backed by different political parties in Karachi.⁸² The killings reached a peak between July and August 2011, when an estimated 650⁸³ people were murdered. The Supreme Court ordered extra police personnel and Rangers in Karachi to carry out 'surgical operations'. In January 2011, it was revealed that there was an estimated 2 million weapons in Karachi alone, due to a severely corrupted licensing system which has facilitated the possession of illegal arms in the region.

According to the Congressional Research Service, the United States alone has provided more than \$12.5 billion to the government of Pakistan for counterterrorism.⁸⁴ Shockingly, a significant proportion of foreign aid is diverted to issues other than that what it was meant for. The military has come under heavy criticism from

⁷⁹ Babar Ayaz, "Pakistan's Defence Budget: Cloaked in Secrecy" (27 July 2011) *Newsline* <http://www.newslinemagazine.com/2011/07/pakistans-defence-budget-cloaked-in-secrecy/> [accessed 13 April 2012].

⁸⁰ 'Sindh Assessment 2012' *South Asia Terrorism Portal*, available at: www.satp.org/satporgtp/countries/pakistan/sindh/index.html, [accessed 13 April 2012].

⁸¹ Ibid.

⁸² Ibid.

⁸³ N Sathiya Moorthy, *Observer Research Foundation: South Asia-2011: Focus of global Economy and Security*, Observer Research Foundation, available at: http://www.observerindia.com/cms/sites/orfonline/modules/weeklyassessment/attachments/SAW_1327137585470.pdf [accessed 13 April 2012].

⁸⁴ V.S. Subrahmanian, Aaron Mannes and Amy Sliva, "SUBRAHMANIAN: Black hole for foreign aid: As US funds increase, so does terrorism" (24 September 2012) *The Washington Times*, available at <http://www.washingtontimes.com/news/2010/sep/24/black-hole-for-foreign-aid/print/> [accessed 13 April 2012].

several national and international watchdogs that have found irregularities in defence expenditure. According to the 'National Corruption Perception Survey (NCPS) 2011' of Transparency International Pakistan (TIP), the military was among the top five most corrupt institutions in the country.⁸⁵ It is believed that aid is diverted to the extremist constituency in the country. In December 2009, US Secretary of State wrote, "some officials from Pakistan's Inter-Services Intelligence Directorate (ISI) continue to maintain ties with a wide array of extremist organizations".⁸⁶

Despite Pakistan's huge military budget and the support it received in military aid (Sindh), the security situation in Pakistan is volatile. Sindh is ruled by armed groups that reign with terror, especially in Karachi. The military has done little to resolve the problem, but rather continues to be involved in unlawful and violent activities, breaching international laws. Rangers sent to protect civilians have demonstrated a complete disregard for the law and for the rights of civilians. The now famous case of the "Sindh Rangers Shooting Incident" in which a teenager was arbitrarily dragged by the hair and shot while strolling through a park illustrates how Pakistan military forces act with near impunity in Sindh.⁸⁷ It is a desperate situation in Sindh, in which citizens fear both radicals and the security forces sent to protect them.

The 2003 UN Security Council Resolution 1456, Article 6 states that "States must ensure that any measure taken to combat terrorism complies with all their obligations under international law, and should adopt such measures in accordance with international law, in particular international human rights, refugee, and humanitarian law." Thus the actions taken by the Pakistan armed forces are in direct conflict with international law.

5. VIOLATION OF MINORITY RIGHTS

Pakistan is one the most dogmatic and intolerant countries in the world. The elected government does little to protect the civil and political rights of non-Muslim minorities. Governmental and legal structures elevate Sunni (in particular Wahabi) Islam over all other religions, while discriminating against non-Muslims and Shiite populations of the country. Crimes against religious minorities continue to grow while the culprits face very little or no consequences. The population of Sindh currently stands at 30 million, of which 3 million are Hindus, the greatest population of Hindus within Pakistan. Hindus continue to suffer under Pakistan's stringent Islamic laws and discriminatory practices.

5.1 Blasphemy Law

Under the Blasphemy Law anyone who speaks ill of Islam and the Prophet Mohammad commits a crime and can be charged with the death penalty. Its sole purpose is to legalise Islamic authority.

Section 295-A,B and C of the Penal Code states that "derogatory remarks, etc., in respect of the Holy Prophet either spoken or written, or by visible representation, or by any imputation, innuendo or insinuation, directly or

⁸⁵ N Sathiya Moorthy, *Observer Research Foundation*.

⁸⁶ Bob Crilly, "Wikileaks: Pakistani intelligence 'continues to offer support to terrorist groups'" (31 May 2011) *the Telegraph*, available at: <http://www.telegraph.co.uk/news/worldnews/asia/pakistan/8547841/WikiLeaks-Pakistani-intelligence-continues-to-offer-support-to-terrorist-groups.html> [accessed 13 April 2012].

⁸⁷ "Rangers Kill Young Boy in Karachi", (9 June 2011) *PK Politics*, available at: <http://pkpolitics.com/2011/06/09/rangers-kill-young-boy-in-karachi/> [accessed 13 March 2012].

indirectly shall be punished with death, or imprisonment for life, and shall also be liable to fine."⁸⁸ In 1992, Section 123-A of the Penal Code was amended to declare any act prejudicial to the ideology of Pakistan a criminal offence.⁸⁹ The vagueness in terminology in these provisions has led to abuse and misuse. The Blasphemy Law also punishes those criticizing fundamentalist Islamic beliefs. The law has become dangerously discriminatory of the country's minority groups, as members of non-Muslim groups are frequently charged with this crime. According to data collected by the National Commission for Justice and Peace (NCJP), at least 964 people were charged under the blasphemy law from 1986 to August 2009. In the same time period, more than 30 people were victim of extra-judicial murder and mob justice.⁹⁰ Between January and July 2011, 17 % of Blasphemy law cases reported was in the Sindh province.⁹¹

The blasphemy laws in Pakistan violate the Universal Declaration of Human Rights, specifically: Article 7 which requires equality with the law and protection against discrimination; Article 19 which calls for freedom of expression and opinion; and Article 18 which declares the right to freedom of thought and religion. The laws are also in violation of Articles 2, 3 and 4, which categorically condemn religious discrimination, and the elimination of all forms of intolerance based on religion and belief. The blasphemy laws further conflict with Articles 2 and 4 of the Declaration on the Rights of People Belonging to National, Ethnic, Religious and Linguistic Minorities.⁹²

5.2 *Sharia* and Discriminatory Laws

Pakistan's legal system is based on the British Indian system with heavy influence from Islamic *Sharia* law. *Sharia* law comes from a combination of sources including the Qur'an (the Muslim holy book), the *Hadith* (conducts of the prophet Muhammad) and *fatwas* (the rulings of Islamic scholars). The Federal *Sharia* Court (FSC) was established in 1980 and incorporated into the Constitution of Pakistan. Article 2-A states the provisions and principles set out by *Sharia* law and make a considerable part of the Constitution.⁹³

Sharia courts have been inherently discriminatory against non-Muslims. The FSC ensures that all legislative acts and judicial pronouncements, including those of the Supreme Court, are compatible with Islamic law. Article 277 stipulates that all existing laws shall be brought in conformity with the injunctions of Islam as laid down in the *Qur'an* and the *Hadith*. Chapter 3-A of FSC, empowers the court and entrusts the court with the responsibility to examine and decide the question of whether or not any law or provision of law is repugnant to the injunctions of Islam.⁹⁴ Three of the eight appointed members of the court need not even be professional judges. According to Asma Jehagir, Chairperson of the Human Rights Commission of Pakistan, the structure of the *Sharia* courts is evidence that, "The government wants to impose a Taliban-style theocratic rule in Pakistan."

⁸⁸ "Factbox: Pakistan's blasphemy law strikes fear in minorities" (5 January 2011) *Reuters*, available at: <http://www.reuters.com/article/2011/01/05/us-pakistan-blasphemy-idUSTRE7041DQ20110105> [accessed 13 April 2012].

⁸⁹ Human Rights Documentation Centre, "The Religious Intolerance In Pakistan" (12 February 2001) available at: <http://www.hrdc.net/sahrdc/hrfeatures/HRF31.htm> [accessed 13 April 2012]

⁹⁰ "Institutionalized discrimination against religious minorities", *Human Rights Commission*, 10/12/2010, <http://www.humanrights.asia/news/forwarded-news/AHRC-FAT-064-2010/>, 13/04/2012.

⁹¹ "Pakistan blasphemy law cases", *The Express Tribune*, 04/08/2011, <http://tribune.com.pk/story/223353/timeline-pakistan-blasphemy-law-cases-jan-july-2011/> [accessed 13 April 2012].

⁹² "Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (18 December 1992) GA Res 47/135; See also: Blasphemy laws and human rights of religious minorities in Pakistan" (14 November 2009) *Dominican Network*, available at: un.op.org/node/2814, [accessed 13 April 2012].

⁹³ "Federal Shariat Court of Pakistan", Federal Sharia Court website, available at: <http://federalshariatcourt.gov.pk/> [accessed 13 April 2012].

⁹⁴ *Ibid.*

There are also other laws put in place that discriminate fundamental rights and socio-political status of minorities. Religious minorities are deprived of equal access to justice. In civil and criminal trials, the testimony of a witness belonging to a religious minority is deemed as untrustworthy. More shockingly, if a Muslim kills a non-Muslim, the perpetrator can compensate the victim's family through financial means. However, if a non-Muslim kills a Muslim, they face lifetime imprisonment or the death penalty.

Sindh is culturally and historically tolerant of religious diversity and these laws do not enshrine the beliefs of Sindhis. Instead these laws encourage the spread of fundamentalist and intolerant beliefs and actions.

5.3 Marriage Laws

Non-Muslims are treated with disregard in every aspect of the law, including family law. Religious minorities are denied the right of legitimate marriage in Pakistan. The country is yet to legislate a bill that protects the family laws of non-Muslims. There is no system in place for the registration of marriages of Hindus, Sikhs and other religious minorities, therefore minorities cannot legally prove their marriages both within and without the country. Moreover, widows are unable to claim the property of their deceased husbands.⁹⁵

A non-Muslim man may not marry a Muslim woman and the conversion of a Muslim is outlawed while the conversion of a non-Muslim to Islam is welcomed. As a result, an alarming number of girls and women from Hindu and Christian minorities have been abducted and forced to convert to Islam. It is reported that each year around 300 Hindu girls are abducted and converted to Islam against their will in Sindh province alone.⁹⁶ If under coercion the woman does convert, her previous marriage, under Islamic Law, is annulled and becomes void. Many families have broken up and been ruined due to these forced conversion with children from previous marriage suffering the most.⁹⁷

The federal government issues laws which treat religious minorities with contempt and disregard. Religious minorities in Sindh hope for the day in which they can enjoy the same legal protections offered to their fellow Muslim citizens.

5.4 Madrasas and Education

The government promotes education of fundamentalist and intolerant teachings within Sindh's schools. Islamic Studies have been made a compulsory subject for Muslims in all government and private schools in Pakistan. The federal government of Pakistan provides patronage and contributions to schools that fuel intolerance within

⁹⁵ "The scandal of the Hindu Marriage Act" (20 November 2011) *The Express Tribune*, available at: <http://tribune.com.pk/story/256428/the-scandal-of-the-hindu-marriage-act/> [accessed 13 April 2012].

⁹⁶ Ayyaz Gulzar, "Hindu migration a concern in Pakistan" (17 March 2011) available at: <http://www.ucanews.com/2011/03/17/hindu-migration-a-concern-in-pakistan/> [accessed 13 April 2012].

⁹⁷ "Hindus in Pakistan – Crisis of Existence", (14 Februari 2012) *Pravasitoday*, available at: <http://www.pravasitoday.com/hindus-in-pakistan-crisis-of-existence> [accessed 13 April 2012].

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the country. A 2011 report commissioned by the US government shows that the officially mandated textbooks preach a fundamentalist and militant ideology, while degenerating the civilizations of religious minorities. The study reveals that “Hindus are repeatedly described as extremists and eternal enemies of Islam whose culture and society is based on injustice and cruelty, while Islam delivers a message of peace and brotherhood, concepts portrayed as alien to the Hindu.”⁹⁸ These teachings are in direct violation of Pakistan’s penal code, which article condemns the publications and circulations of texts promoting religious and racial intolerance in article 505-2.⁹⁹

The compulsory teachings of Islam in government and private schools are in violation of the Pakistani constitution which states that students should not have to receive instruction in a religion other than their own.¹⁰⁰ The promotion of hatred and intolerance is not confined to textbooks for religious studies; it extends to language and history textbooks that are required in compulsory classes. Textbooks elevate Islamic civilizations while denigrating the civilizations of religious and cultural minorities.¹⁰¹

5.5 Lack of Protection of Minorities

Pakistan’s indifference towards minority groups and religions promotes violence against individuals belonging to minorities. There has been a steady increase of abuses against Hindus, Christians, Sikhs and Ahmedis.¹⁰² Fundamentalists know that they can carry out attacks against religious minorities with little or no consequence. In fact, it is very rare to see the government take action against perpetrators of such abuses. This attitude of the government further consolidates perception of indifference.



Hindu Monument in Umarkot, Sindh

Available at:

<http://hindutemplespakistan.blogspot.com/2009/05/hindu-temple-umerkot-sindh.html>

⁹⁸ “Pakistan schools teach Hindu hatred” (9 November 2011) *Dawn*, available at: <http://www.dawn.com/2011/11/09/%E2%80%98pakistan-schools-teach-hindu-hatred%E2%80%99.html> [accessed 13 April 2012].

⁹⁹ Pakistan Penal Code, 1860 [Pakistan] Act XLV of 1860 (6 October 1860), available at: <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html#140> s 375, 366-368.

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Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) UDH [accessed 13 April 2012].

¹⁰⁰ “Pak schools teach intolerance of Hinduism: US report” (9 November 2011) *NDTV*, available at: <http://www.ndtv.com/article/world/pak-schools-teach-intolerance-of-hinduism-us-report-148232> [accessed 13 April 2012].

¹⁰¹ *Ibid.*

¹⁰² Mohammad S. Solanki, “Pakistani Hindu leaders condemn attack on Saint Nenuram Ashram of Hindu Community in Sindh, Pakistan” (10 June 2010), <http://pakistanhindupost.blogspot.com/2010/06/pakistani-hindu-leaders-condemn-attack.html> [accessed 13 May 2012].

5.6 Attacks on Religions and places of worship

Sindh is enriched by an amalgamation of ancient religions and cultures from Arabian, Pathan, Mughal and European cultures. The indigenous religion of the province is Hinduism; the word Hindu is derived from Sindhi, the Indus River of ancient India. However, Islam also plays an integral role in the cultural heritage of the province. Since its arrival dating back to 711 AD, Islam has not conquered Sindh but mixed into the traditional Sindhi culture. The mix of the mystic thought of the Indian and Arabic-Iranian is unique to Sindh.¹⁰³ This blend of religions and cultures has introduced a new form of Islam and Sufism that has given birth to art, poetry and music that is instrumental to Sindhi cultural identity. It is this unique heritage and culture that is under threat from Pakistan's federal government in Islamabad.

5.6.1 ATTACKS ON SUFIS

Under the military dictatorship of General Zia (1978 – 1988) a fundamentalist interpretation of Islam was adopted by the government. As a result, Sufi festivities were closely scrutinized for 'un-Islamic' practices for their dancing and music. Sufism came into direct conflict with the military fundamentalist regime in 1983-84 when thousands of Sindhi students in Sakrand were brutally murdered.¹⁰⁴ Since then the government of Pakistan has sought to suppress Sufism and put it under strict control.

Religious minorities as well as Sufism - Pakistan's most popular branch of Islam – face a culture of impunity through violence and discrimination. Between 2005 and 2011 a total of 14 Sufi shrines were attacked by hard-line militants killing 186 people.¹⁰⁵ Although the government claims to have increased security in popular shrines, attacks on Sufi worshippers continues to increase in Pakistan. Provincial governments are forced to scale back musical performances at shrines while Sindh's provincial government was forced to cancel musical performances that were an important feature of Sufi festivals in Karachi in 2011.¹⁰⁶

The US government believes that Sufism can be used as a counter force to terrorism, and has helped promote it by giving more than \$1.5 million since 2001 destined for the restoration and conservation of Sufi shrines in Pakistan.¹⁰⁷ The Sufis of Sindh, which are largely secular, have been fighting militant Islamism for decades. During the 2002 elections in Sindh there was virtually no support generated for fundamentalist parties or their candidates.¹⁰⁸

¹⁰³ J.P. Gulrajani, *Sindh and its Sufis*, (Lahore: Sang-e-Meel Publications, 1924).

¹⁰⁴ "Sindh's Resistance Against Fundamentalism Through Sufism" (24 September 2003) *South Asia Analysis Group*, <http://www.southasiaanalysis.org/papers8/paper797.html> [accessed 13 April 2012].

¹⁰⁵ Humia Imtiaz and Charlotte Buchen, "The Islam that Hard-liners hate" (6 March 2012) *The New York Times*, available at: <http://atwar.blogs.nytimes.com/2011/01/06/the-islam-that-hard-liners-hate/>, [accessed 12 May 2012]; Laura Roberts, "Pakistan: timeline of suicide bomb attacks 2007-2011" (13 May 2011) *the Telegraph*, available at: <http://www.telegraph.co.uk/news/worldnews/asia/pakistan/8511518/Pakistan-timeline-of-suicide-bomb-attacks-2007-2011.html> [accessed 6 March 2012].

¹⁰⁶ Humia Imtiaz and Charlotte Buchen, "The Islam that Hard-liners hate."

¹⁰⁷ *Ibid.*

¹⁰⁸ Niranjana Dudani, "Sindh's Resistance Against Fundamentalism through Islam" (24 September 2003) *South Asia Analysis Group*, available at: <http://www.southasiaanalysis.org/papers8/paper797.html> [accessed 13 April 2012].

5.6.2 ATTACKS ON HINDUS

There are confirmed reports that the police have stood by passively during attacks on Hindus, Christians, Sikhs and Ahmadis (an Islamic heterodoxy accused of heresy by fundamentalists) and on the place of their worship. In these cases the government has consistently failed to investigate and prosecute attackers, leaving minority communities unprotected and open to further attacks.

Hindu and Christian places of worship have frequently been ransacked by Islamic fundamentalists in different parts of Pakistan. In October 2000 a mob of more than 5000 fundamentalist Muslims destroyed a Hindu temple and torched several Hindu houses in the Dalbadin, Balochistan. The reason was that an illiterate Hindu housewife had allegedly distributed sweets wrapped in a page of textbook that contained religious verses. The Pakistani police arrested the surviving victim while the leader of the violent mob was allowed to walk free with no charges. In June 2010, a Hindu temple in Mithi was attacked. The entire community was affected as local Hindu businessmen closed their shops and markets in protest.¹⁰⁹ Hindu temples have systematically been destroyed throughout Pakistan with the authority of the government.¹¹⁰ Out of 428 temples only 26 remain functional now. The last crematorium of Sindh was destroyed in Rawalpindi on 19 July, 2010 to make way for residences.¹¹¹

A large number of Christians and Ahmadis have found refuge in the Sindh province. The government has extended its oppressive laws into Sindh's tolerant towns: in one case, a non-Sindhi judge in Karachi ordered the local police in Larkano, Sindh to charge an Ahmadi refugee with blasphemy for professing to be Muslim. In July 2004, Rev. Khalid Soomro, a translator of the Bible into Sindhi, was attacked in Shikarpur, Sindh by members of a non-Sindhi Jihadi group for refusing to convert to Islam; his family was threatened and his house burned down.

In July 2010, 60 Hindus were brutally attacked in Karachi and forced out of their homes and have taken refuge in a cattle pen. The attack came after a Hindu boy was seen to be drinking water out of a water facility outside a mosque. One of the victims of the attack has reported that 400 families were being threatened to vacate the area. Despite an increase of violence against minority groups over the past few years, the government has done nothing to investigate or stop the attacks.¹¹²

In November 2011, four Hindu doctors were brutally attacked in Chak town of Upper Sindh. The attack resulted in the deaths of three doctors Drs. Ajit Kumar, Naresh Kumar, and Ashok Kumar, while a fourth, Dr. Satia Pal, received fatal injuries. It is reported that the victims were gunned down by members of the Muslim Bhayo community, who had been threatening the Hindu community since they had stopped paying "protection

¹⁰⁹ Samia Saleem, "Hindus demand inquiry into attack on temple in Mithi" (10 June 2010) *the Express Tribune*, <http://tribune.com.pk/story/20101/hindus-demand-inquiry-into-attack-on-temple-in-mithi/> [accessed 13 May 2012].

¹¹⁰ "Ancient Hindu (Durga Mata) temple faces destruction in Pakistan" (17 May 2011) *Rediff News*, available at: <http://pakistanhindupost.blogspot.com/2011/03/ancient-hindu-durga-mata-temple-faces.html> [accessed 13 April 2012].

¹¹¹ Q Abbas, "Hindus compelled to miseries" (June 2010) *India Today* (29): 16–23

¹¹² "60 Hindus Attacked and Forced Out of Their Homes for Drinking Water from 'Muslims Only' Fountain", (31 July 2010) *The Chakra*, available at: www.chakranews.com/hindus-attacked-and-forced-out-of-their-homes-in-sindh-pakistan/821 [accessed 13 May 2012].

money” to the Muslim Bhayos. Hindus and other non-Muslims are often forced to pay “protection money” to Muslim gangs in order to safeguard their community from violence.¹¹³

The government of Pakistan has also been accused of provoking violence against Hindus by sending outside agitators into small towns and villages. In the eastern desert region of Sindh, bordering India, Pakistani paramilitary forces have been periodically accused of violating fundamental human rights of Hindu Sindhis. The government has designated homes and businesses of Hindus in this area as ‘Enemy Evacuee Property’ and seized the legal deeds to their properties. In July 2004, over 50 Sindhis fasted in a ‘hunger strike’ in Nangar Parkar, Sindh to protest Pakistani paramilitary and police forces in the region violating the chastity of women.

5.7 Kidnapping

In 2004, five people were kidnapped near Shahdatkot; within days the police secured the release of four of the victims, but not of Vijay Kumar, the only Hindu amidst them. In April 2005, two young Hindus (Gobindar Ram and Satram Dass) from Saleh Patt, were kidnapped and killed. Two months later in June, three other Hindus; Pawan Kumar, Amresh Kumar and Kamlesh Kumar were kidnapped in Khairpur but released ten days later reportedly after paying a heavy ransom. In the first quarter of 2008 some 57 people were kidnapped in Sindh.¹¹⁴

There has also been an increase of kidnappings of Hindu children for ransom. According to a survey by the Society for the Protection of the Rights of the Child (SPRC), a Pakistani NGO, 23 abductions took place from between January 2008 and December 2010.¹¹⁵ The police refused to register the cases, and the kidnappers were never arrested. Suspicions have therefore lead to accusations of police actively taking part in kidnappings and lootings in Sindh. There are also reports of police actively taking part in a raid to loot and kidnap while still in uniform in January 2004.¹¹⁶

The numbers of kidnappings continue to increase at an alarming rate, which is evident despite a lack of figures on the number of people kidnapped in Sindh. The lack of accurate figures is caused by the fact that the authorities refusing to acknowledge cases; it is also because a large number of civilians does not trust the authorities, as such many kidnappings are not reported. The actions taken by the Police Force are in conflict with Pakistan’s own constitution Article 25(1), which states that “all citizens are equal before law and are entitled to equal protection of the law”.¹¹⁷ The enforced disappearances also conflict with the International Covenant on Civil and Political Rights (ICCPR), article 26 which states that all persons are equal before the law and the law

¹¹³ ‘Four Hindu Doctors Gunned Down In Pakistan’ (11 November 2011) *The Chakra*, available at: <http://www.chakranews.com/four-hindu-doctors-gunned-down-in-pakistan/1759> [accessed 23 April 2012].

¹¹⁴ Shakeel Anjum, ‘A Shameful Reminder Of Damning Crime Statistics’ (12 May 2008) available at: <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=14642&Cat=13&dt=5/13/2008> [accessed 13 May 2012].

¹¹⁵ ‘PAKISTAN: Hindu minority lives in mounting fear’ (6 January 2011) *IRIN*, available at: <http://www.irinnews.org/Report/91544/PAKISTAN-Hindu-minority-lives-in-mounting-fear> [accessed 23 April 2012].

¹¹⁶ Interfaith International, ‘Written Statement Submitted By Interfaith International In The 61th Session Of The Commission On Human Rights With Respect To Item 1 Of The Provisional Agenda.’ (Spring 2005) available at: <http://www.sindhudesh.com/iionline/statements/civil.html> [accessed 9 May 2012].

¹¹⁷ Government of Pakistan, The Constitution of the Islamic Republic of Pakistan (as amended 30 April 2010), available at: <http://www.infopak.gov.pk/Constitution30April2010.pdf> arts 9, 15-17, 19, 20, 25 (1) .[accessed 10 April 2012].

prohibits “discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.¹¹⁸

5.8 Increase in migration

Since becoming part of Pakistan millions of Hindus and other religious minorities have fled to neighbouring India. In 1947 Sindhis made up 60 %of Karachi's population, but today they are no more than 7 %. A shocking figure that resonates throughout the province and one which demonstrates the way in which Sindhi's have become minorities in their own land.

Escalating violence, kidnapping and religious discrimination towards minorities has led to an increase in migration out of Sindh. It has been reported that more than 300 members of the Hindu community, mostly belonging to Sindh, migrated to India in 2011.¹¹⁹ A local English newspaper says that the majority of migrating families belonged to Sukkur and Larkana and claimed that more than 600 families have migrated to India between 2009 and 2011.¹²⁰ Families are forced to leave Pakistan due to sheer desperation. Many more wish to leave the country but are unable to do so due to a lack of finances.

6 VIOLATION OF RIGHTS OF LANGUAGE

6.1 Language

Sindhi is one of the most ancient languages of India. When the Muslim-Arabs first arrived in the region in 711 AD, it was the first language they came into contact with.¹²¹ Under British rule, Sindhi was accepted as the official language of the province. Sindhi remained the chief language throughout the 19th century, and was used within the judiciary, administration and education. Both modern Sindhi literature and journalism began to flourish and until 1947 the language retained its dominance.

After gaining independence, the ‘One-Unit’ nation was heavily endorsed by leaders who were desperate to create a strong single national identity with little regard for the country’s multiethnic and multilingual character. Islam was the only bond that tied the nation and Urdu became the official language by the ruling elites of the centralized Pakistani government.¹²² Sindhi was marginalized as a regional language of the ‘less sophisticated’ and ‘backward’ people. Urdu was not only the official language of the authorities; it also became the informal

¹¹⁸ *International Convention on Civil and Political Rights (ICCPR)* (16 December 1966; entry into force 23 March 1976; Pakistan ratification 2010) GA Res 39/46.

¹¹⁹ ‘Hindus feel insecure in Pakistan, migrating to India’ (6 November 2011) *Khaleej Times*, available at: http://www.khaleejtimes.com/displayarticle.asp?xfile=data/international/2011/September/international_September245.xml§ion=international&col= [accessed 24 February 2012].

¹²⁰ *Ibid.*

¹²¹ Tariq Rahman, *Language, Ideology and power: language learning among the Muslims of Pakistan and north India*, (Oxford: Oxford University Press, 2002).

¹²² Veena Kukreja, *Language and Politics in a Pakistani Province: The Sindhi Language Movement*. (Sage Publication 2003).

language of business. In less than a decade of independence, Sindhis were marginalized in their own land as they became economically and politically crippled. As a result the Sindhi cultural identity was trivialized and discriminated against.

6.2 Language in Education

Under the One Unit Scheme,, the importance of Sindhi was drastically reduced within the education system. In 1954, there were only 76 Sindhi medium schools compared with 187 Urdu medium schools in Sindh. Furthermore, 11 Sindhi girls schools were converted to Urdu and a further 30 primary schools had been shut down.¹²³ A government report published in 1959 on national education stated Urdu as the medium of instruction from class VI (11 years), and to continue progressively into higher classes as of 1963. It was believed to be necessary to “give Urdu the same position in Sind as in the rest of West Pakistan.”¹²⁴ Consequently Sindhi medium schools decreased in numbers as the use of the language was discouraged. In 1969 a new martial law was imposed as the education policy was renewed and the government proposed that Urdu should be made the sole medium of instruction and the official language.¹²⁵

The Language riots of the early 1970s resulted in the new Language Bill of 1972. Clause 4 (1) stated that Sindhi and Urdu shall be compulsory subjects for study in classes IV (9 years) to XII (18 years) in all institutions.¹²⁶ However, education professionals who were non-Sindhi speakers were opposed to its teaching and as a result it has been left out of the curricula of most urban schools. In 1998, 500 primary schools of Sindhi-medium were forcibly closed down in Hyderabad.¹²⁷

A 2001 Census reveals that a mere 14.1 % of the Pakistani population use Sindhi predominantly as an informal language.¹²⁸ Sindhi language is under threat as Sindhi schools are systematically shut down throughout the province, especially in the urban areas, and the language is rarely taught in other schools. The actions taken by the government are in breach of Pakistan’s own constitution, article 28, which clearly states that “any section of citizens having a distinct language, script or culture shall have the right to preserve and promote the same and subject to law, establish institutions for that purpose.”¹²⁹ Moreover it is also in breach of international laws, as article 27 in the ICCPR declares that, “in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.”¹³⁰ Sindhi is widely used by the rural population and as a medium of instruction within rural schools. A recent study has revealed that urban students in Sindh performed significantly better in social studies and language tests than their rural counterparts¹³¹, indicating a clear divide between the majority urban/Mohajir

¹²³ *Legislative Assembly Debates: Sindh, 1972, 1974.*

¹²⁴ Edn Comm. (1959). *Report of the National Education Commission.* Karachi: Government of Pakistan, Ministry of Education.

¹²⁵ PNEP (1969) *Proposals for New Education Policy.* Islamabad. Ministry of Education and Scientific Research.

¹²⁶ Tariq Rahman, *Language and Politics in Pakistan.* (Oxford: Oxford University Press: 1996).

¹²⁷ Tariq Rahman, *Language, Ideology and power: language learning among the Muslims of Pakistan and north India,* (Oxford: Oxford University Press, 2002).

¹²⁸ Tariq Rahman, “Language, policy, multilingualism and language vitality in Pakistan”, available at: <http://www.apnaorg.com/book-chapters/tariq/> [accessed 14 April 2012].

¹²⁹ Government of Pakistan, *The Constitution of the Islamic Republic of Pakistan (as amended 30 April 2010)*, available at: <http://www.infopak.gov.pk/Constitution30April2010.pdf> arts 9, 15-17, 19, 20, 25 (1) .[accessed 10 April 2012].

¹³⁰ *International Convention on Civil and Political Rights (ICCPR)* (16 December 1966; entry into force 23 March 1976; Pakistan ratification 2010) GA Res 39/46.

¹³¹ Saadia Tayyaba, “Rural –urban gaps in academic achievement, schooling conditions, student and teachers’ characteristics in Pakistan”, *International Journal of Education Management*, 26:1 (2012).

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population and the majority rural/Sindh population. This divide has had a detrimental effect on social factors within the province, affecting Sindhi economic growth. Furthermore, a field study conducted in 1998 by Tariq Rahman, a distinguished Professor of Linguistics and South Asian studies, reveals that if Sindhi was taught throughout the province there would be greater assimilation between Mohajir and Sindhi¹³², thus decreasing the ethnic divide and helping social cohesion.



Daddla Junego, 11 years old, lives in Garhi Haleem village in Sindh, Pakistan, with her mother and 12 other family members in a one room house. She goes to local school. (Vicki Francis/Department for International Development)

7. VIOLATION OF RIGHTS OF ASSOCIATION, FREE SPEECH AND LEGAL RIGHTS

7.1 Enforced Disappearances

Pakistani military and security agencies have actively been engaged in the forced disappearances and targeted killings of innocent law abiding indigenous Sindhi's in recent years.¹³³

Media sources in Sindh have revealed that an official count of missing people who were taken by military and various security agencies is approximately 175.¹³⁴ The World Sindhi Congress (WSC) has reported that over 45 Sindhi political activists from different political, students and labour organizations have disappeared over the last few years. Amongst the missing persons is Mr. Muzaffar Bhutto, General Secretary of Jeay Sindh Mutahida Mahaz (JSMM), who has been abducted for a second time by plain-clothed intelligence and police in February 2011. Amnesty International has published an appeal for his release. Many more prominent individuals and ordinary Sindhi citizens have been abducted (for a list of names of individuals abducted please see Appendix I). The most recent case reported involves the disappearance of three university students who were picked up outside the Sindh High Court in Hyderabad in January 2012 by plain-clothed security personnel.¹³⁵ Pakistan's Intelligence Services (ISI) are also targeting innocent ordinary citizens in the villages bordering India. WSC have also reported that the government of Pakistan's security agencies and Sindh Police regularly engage in the killing of political activists. In April 2011, five political activists from the JSMM party were killed while travelling in a car

¹³² Tariq Rahman, *Language, Ideology and power: language learning among the Muslims of Pakistan and north India*, (Oxford: Oxford University Press, 2002).

¹³³ "Forced Disappearances of Sindhi Political Activists", Balawaristan National Front, available at: <http://www.balawaristan.net/Latest-news/forced-disappearances-of-sindhi-political-activists-news.html> [accessed 14 April 2012].

¹³⁴ Ibid.

¹³⁵ Hafeez Tunio, "Sindh Assembly: The agencies are kidnapping people in Sindh, says MPA", (11 January 2012) *The Express Tribune*, <http://tribune.com.pk/story/319552/sindh-assembly-the-agencies-are-kidnapping-people-in-sindh-says-mpa/> [accessed 14 February 2012].

to a party district meeting. Eyewitnesses claim that trained assassins fired before throwing a petrol bomb on the vehicle.¹³⁶

The actions taken by the government of Pakistan are in violation of Pakistan's own constitution; Article 16 of the constitution of Pakistan, 1973 declares that "every citizen shall have the right to assemble peacefully and without arms subject to any reasonable restrictions imposed by law in the interest of public order". Article 17-A states that "every citizen shall have the right to form associations or unions subject to reasonable restriction imposed by the law in the interest of sovereignty or integrity of Pakistan, public order of morality". Furthermore, arbitrary arrest and detention without reference to any law violates International human rights standards. Arbitrary detention is in direct conflict with the UN Universal Declaration of Human Rights Article 9, which verifies, "no one shall be subjected to arbitrary arrest, detention or exile."¹³⁷ It is also in violation of the ICCPR. Article 9-1 "everybody has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention".¹³⁸ Furthermore, Article 1 clearly states, "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."¹³⁹ In 2008, Pakistan had recognized and signed the UN Covenant, and in 2010 ratified its agreement.¹⁴⁰

7.2 Violation of the right to Freedom of Speech

The government in Pakistan exerts control over Sindh media through censor, bans, targeting of revenue streams, violence and intimidation.

Television and radio stations are controlled by the state of Pakistan. Local broadcast media are not permitted to produce independent news and public affairs programming. Even private channels are often subjected to conform to the government's strict guidelines. Visual and audio media is strictly censored in accordance to the government's political policy and stringent interpretation of Islamic traditions. The official website of Pakistan Television (PTV, Inc.) shows that only 40 minutes of air time is broadcasted in regional language.¹⁴¹

Pakistan's authorities have frequently banned books, magazines and newspapers. Almost all the books written by Sindhi leader G.M. Sayed and poet Shaikh Ayaz remain banned.¹⁴² The largest circulation of women's magazine *Sojhiro* (Daylight) was banned in 1975. The widely distributed Sindhi monthly magazine, which focuses on sustainable development and environmental protection¹⁴³, *Subhu Thiindo* (A new day will dawn) was banned

¹³⁶ Agencies' Role In JSMM Activists' Murder Must Be Probed: HRCP' (5 May 2011) available at: <http://hrcpblog.wordpress.com/2011/05/05/agencies%E2%80%99-role-in-jsmm-activists%E2%80%99-murder-must-be-probed-hrcp/>. [accessed 14 May 2012].

¹³⁷ Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) UDHR.

¹³⁸ *International Convention on Civil and Political Rights* (ICCPR) (16 December 1966; entry into force 23 March 1976; Pakistan ratification 2010) GA Res 39/46.

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ World Sindhi Congress "Issues Facing Sindh: December 2012" (December 2003) , available at: www.sindhudesh.com/wsc/articles/wscsindh-summary.pdf [accessed 14 April 2012].

¹⁴² Ibid.

¹⁴³ Ibid.

in 1999 for circulating messages of hostility “against Islamic ideology of Pakistan”.¹⁴⁴ Another magazine was banned in 2007 for printing ‘provocative articles and news reports’ against Pakistan.¹⁴⁵ In April this year, the Sindh High Court had to intervene after a petition by civil society groups, to stop illegal website censorship by the Pakistan Telecommunications Authority.¹⁴⁶

The government controls all public and private advertising in newspapers through a government body called the Pakistan Information Board. In 2003, the government of Pakistan ordered a cut in Sindhi newspapers’ advertisement ‘quota’ by an additional 50 %, critically harming their revenue stream, and ability to operate.¹⁴⁷ Even though Sindhi speakers account for the majority of rural areas and the majority of the population, Sindhi newspapers receive less than 1 per cent of total advertising revenue in Pakistan.¹⁴⁸

The government often uses violence and intimidation against journalists and media workers. Hundreds of journalists and intellectuals are constantly harassed, threatened, tortured and even killed by radical anti-government groups as well as state agents. In August 2003, six Sindhi journalists were arrested for covering a peaceful protest during the Pakistani General Musharraf’s visit to a college, under ‘anti-terrorism’ laws.¹⁴⁹

In January 2011, TV Reporter Wali Khan Babar was shot and killed in Karachi when he reported on gang violence in the city.¹⁵⁰ In May 2011, the investigative journalist Syed Saleem Shahzad from Karachi, who wrote for leading Asian and European media outlets, was found dead in a canal in North-East Pakistan, two days after he was abducted. His body showed evident signs of torture, and Human Rights Watch accused the ISI for being responsible for the killing as there were numerous threats from the ISI prior to his death.¹⁵¹ In November 2011, the bodies of Abdul Hameed Hayatan, a journalist at Daily Karachi and Tawar, and Hamid Ismail were found in Turbat city, Balochistan. The men were missing after they had been arrested at a security forces checkout a few weeks before. A note was found nearby that read “Eid present for the Baloch people”.¹⁵²

In 2010, it was reported that 19 media workers were killed in Pakistan, and in 2011 a further seven journalists were killed, making Pakistan one of the most dangerous countries for journalists and media workers.¹⁵³ Journalists rarely write about human rights abuses as they are in constant fear of radical armed religious militant groups, political factions, drug and weapons warlords as well as the government of Pakistan itself. The authorities have egregiously failed to protect journalists or properly investigate the crimes against them.

The government of Pakistan continues to violate its own constitution by restricting freedom of speech and the right of information. Article 19 of the constitution of Pakistan clearly states “every citizen shall have the right to

¹⁴⁴ G. Agha, “Human Rights in Sindh: A Historic and Contemporary Perspective” (13 April 2004) http://www.worldsindhicongress.net/index2.php?option=com_content&do_pdf=1&id=166, [accessed 14 April 2012].

¹⁴⁵ ‘Sind Govt Bans India-Based Sindhi Magazine’ (31 May 2007) *Daily Times* available at: http://www.dailytimes.com.pk/default.asp?page=2007%5C05%5C31%5Cstory_31-5-2007_pg7_24 [accessed 12 May 2012].

¹⁴⁶ ‘Sindh High Court Orders Government To Stop Censoring Websites Illegally’ (24 April 2012) available at: <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=56211&Cat=4&dt=7/6/2011> [accessed 12 May 2012].

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

¹⁵⁰ “World Report: 2012”, Human Rights Watch, <http://www.hrw.org/world-report-2012/world-report-2012-pakistan> accessed 12 April 2012].

¹⁵¹ Andrew Lebovich, “Daily brief: Pakistani journalist found tortured, murdered” (1 June 2011) *Foreign Policy*, available at: http://afpak.foreignpolicy.com/posts/2011/06/01/daily_brief_pakistani_journalist_found_tortured_murdered_0, [accessed 14 April 2012].

¹⁵² “Annual Report 2011: Pakistan”, *Amnesty International*, www.amnesty.org/en/region/pakistan/report-2011#section-107-8, [accessed 14 April 2012].

¹⁵³ “Prominent journalist dies in targeted killing in Pakistan” (31 May 2011) *Committee to Protect Journalists*, <http://www.cpi.org/2011/05/prominent-journalist-dies-in-targeted-killing-in-p.php> [accessed 14 April 2012].

freedom of speech and expression, and there shall be freedom of the press...” and article 19-A states “every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law.” Moreover the actions taken by the government of Pakistan are also in direct conflict with the Universal Declaration of Human Rights, Article 19, which states “everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.”¹⁵⁴ It is also in violation of standards drawn up by ICCPR, conflicting with Article 19(1) and 19(2), freedom to hold opinion without interference and the right to freedom of expression.¹⁵⁵

7.3 Violation of the Right to Fair Trial

Although not under the direct rule of the military, the judiciary in Pakistan is controlled by the military. The Judiciary of Pakistan has not taken the oath under the state’s constitution but rather under the Provincial Constitution Orders (PCO 2000), that was put in place by General Musharraf’s (2001- 2008) regime. The PCO 2000, thus replaced the 1973 constitution. The judicial system was further attacked in 2007 under the rule of General Musharraf. Emergency and Martial Laws were enforced and Superior Court Judges were disposed, most of whom were imprisoned. The Judicial Commission should elect members of the judiciary through a process of recommendations. However, in practice it is actually military generals that make the process of selection and members of the judiciary are acting without the constitutional mandate.¹⁵⁶

Due to a lack of independence and institutionalized corruption within the state machinery, the judiciary in Pakistan only delivers justice to the few – the rich, powerful and the military elite. The judiciary in Pakistan has repeatedly failed to oppose military dominance and the operation of military courts, thus failing to uphold the constitution.

In 2006 there were an estimated 1 million cases pending in over 3,500 courts around the country.¹⁵⁷ There are also Anti-Terrorist Courts in each district of the country as well as *Sharia* Courts that implement Islamic laws and act as parallel courts to the country’s legal system.

This results in an infringement upon individuals’ rights. The disposal of ordinary cases takes at least five or six years in the country’s courts, if cases go through the appeals process they can take 20 to 25 years, since each appeals court takes six or seven years to decide.¹⁵⁸

In Hyderabad alone, the number of cases pending trial at the Hyderabad circuit bench of the Sindh High Court was 8,364 and 9,514 in the lower courts, at the end of 2011.¹⁵⁹ The circuit bench that has jurisdiction over 13 districts in the province only has two judges, instead of the required 6. The judges are only able to hear one-third of the 150 cases on the daily cause list. A continuing build of court cases has been witnessed over the last

¹⁵⁴ Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) UDHR)

¹⁵⁵ *International Convention on Civil and Political Rights* (ICCPR) (16 December 1966; entry into force 23 March 1976; Pakistan ratification 2010) GA Res 39/46

¹⁵⁶ “PAKISTAN: Court delays, rights violations and impunity give no cause for celebration of Supreme Court’s Golden Jubilee” (10 August 2006) *Asian Human Rights Commission*, available at: <http://www.humanrights.asia/news/ahrc-news/AS-188-2006> [accessed 14 April 2012].

¹⁵⁷ *Ibid.*

¹⁵⁸ *Ibid.*

¹⁵⁹ Z Ali, “Judges shortage: More than 8000 cases pending at Hyderabad bench of SHC” (3 February 2012) *The Express Tribune*, 03/02/2012, available at: <http://tribune.com.pk/story/331063/judges-shortage-more-than-8000-cases-pending-at-hyderabad-bench-of-shc/> [accessed 14 April 2012].

two years, thus delaying citizen's access to the legal system.¹⁶⁰ The slow disposal of cases before the courts means that the judicial system in Pakistan is unable to deliver justice in a timely manner. Thus, it is individuals waiting for their criminal hearing that suffer most.

The reason for this lies in the rift between the government and the judiciary. Judges appointed by the government are often unqualified for their positions. Language discrimination is also prevalent, contributing to the delay of appointing new judiciary members. Sindhi lawyers and representatives of the bar have been expressing this contention for years.¹⁶¹

Moreover, there are an increasing number of reports of torture, forced disappearances and extra-judicial killings taking place throughout the country. The perpetrators enjoy almost total impunity for their actions. In 2005-06, the Inspector General of prisons in Karachi had allegedly tortured and killed five high profile prisoners. Even with credible evidence and countless complaints from the families of the victims he was not charged or even faced with any judicial questioning.¹⁶²

Despite many such cases regularly occurring all over Sindh and the country, nothing is done to bring justice for the families of the victims. The perpetrators themselves are within the Police Force, they are often not punished, nor are they suspended rather on occasion these individuals have been promoted to higher posts within the force, violating both international laws ICCPR's article 26 and Pakistan's constitution 25(1).

Moreover, the military detention centres are off-limits to the judiciary, who are unable to gain access to detained individuals. Despite eyewitness accounts and identification of particular authorities as responsible for detention, the courts still dispose these cases on statements of denial issued by the government.¹⁶³

8. VIOLATION OF RIGHTS OF WOMEN/GIRLS

The now amended Hudood Ordinance 1979 implemented Islamic *Sharia* law, by making *zina* (adultery and fornication) a state offence. The ordinance had a detrimental effect on the legal and social status of women in Pakistan. The law held that *zina* has been committed when two sane adults are involved in sexual intercourse when they are not married. However, the law failed to differentiate between adultery and fornication.¹⁶⁴ The maximum punishment for *zina* is death by stoning for married women and for unmarried couples and non-Muslim individuals are punished with 100 lashes.¹⁶⁵ Although the law also mentions *zina-bil-jabr* (rape), it fails to distinguish between the two. In order for an individual to be accused of either crime the law required four Muslim male-eyewitnesses to testify. While this protects the innocent from false accusations it also protects

¹⁶⁰ Ibid.

¹⁶¹ Ibid.

¹⁶² Asian Human Rights Commission, *Pakistan, The Human Rights Situation In 2006* (21 December 2006) available at: <http://material.ahrchk.net/hrreport/2006/AHRC2006HRReport.pdf>. [accessed 12 May 2012].

¹⁶³ "PAKISTAN: Court delays, rights violations and impunity give no cause for celebration of Supreme Court's Golden Jubilee" (10 August 2006) *Asian Human Rights Commission*, available at: <http://www.ahrchk.net/statements/mainfile.php/2006statements/683/> [accessed 14 April 2012].

rapist from his crimes. More shockingly, if a woman fails to produce four male eyewitnesses when filing for rape, she can risk punishment for *zina*, which can include long prison sentences.

In 2006 the National Assembly of Pakistan passed the Women's Protection Bill (WPB) as an amendment for the Hudood Ordinance. The Bill brings rape under the Pakistan Penal Code based on civil law rather than *Sharia* law, thus convictions are made on the basis of forensic and circumstantial and removes the right of police to detain individuals suspected of extra marital sex. The Bill also made amendments to the constitution for the rights and protection of women in other walks of life.

In December 2011, the Federal *Sharia* Court in Pakistan ruled a reverse to several provisions of the Women's Protection Bill, thus reinstating certain provisions of the 1979 Hudood Ordinance which discriminate women.¹⁶⁶ In particular it failed to reintroduce the Prevention and Protection Bill – which dealt with Domestic Violence. The Bill was unanimously passed in 2009 by the National Assembly. However, the Senate failed to pass it within the required three months in order for it to be passed as an Act.¹⁶⁷

8.1 Honour Killings (*karo-kari*)

A woman can be killed under the pretext of 'honour' in Pakistan if they are suspected of an extra-marital affair, an allegation of fornication, or even to settle monetary benefit.

The province of Sindh has the highest rate of incident of honour killings in Pakistan. Statistics provided by a local NGO, Madadgar has reported that between 2004 and 2008 a total of 2829 individuals were killed.¹⁶⁸ 557 women were killed under honour killings and domestic violence in Sindh in the last 11 months of 2011.¹⁶⁹ Most likely, the actual number is much higher as it is intertwined with tribal and familial law, and most cases are not reported or kept quiet, therefore there are only 632 such cases reported by the Sindh Police.

A weak justice system and incompetent police force means that women are still in danger of honour killings. According to an inter-departmental survey conducted by Sindh police, as many as 30 per cent of the police officers were sympathetic towards the practice of honour killings.¹⁷⁰ These statistics are a testament to the way in which police carry out their investigations. A lack of forensic aspect combined with valid collection of evidence and deficient police training means that in most cases only unreliable witness statements are taken as evidence of the crime.

¹⁶⁶ "Annual Report 2011: Pakistan", *Amnesty International*, www.amnesty.org/en/region/pakistan/report-2011#section-107-8, [accessed 14 April 2012].

¹⁶⁷ "World Report: 2012", Human Rights Watch, <http://www.hrw.org/world-report-2012/world-report-2012-pakistan> [accessed 14 April 2012].

¹⁶⁸ Ibid.

¹⁶⁹ Abbas Kassar, "PAKISTAN: No let up in violence against women in Sindh, 557 killed during the eleven months of 2011", *Asian Human Rights Commission*, available at: <http://www.humanrights.asia/opinions/columns/AHRC-ETC-055-2011> [accessed 14 April 2012].

¹⁷⁰ Aslam Pervaiz Abro, "Honour killings & police" (12 April 2010) *Dawn*, available at: <http://archives.dawn.com/archives/30037> [accessed 14 April 2012].

Honour Killings are in violation of the state of Pakistan's constitution. Article 9 states "no person shall be deprived of life or liberty" and article 25(1) and (2) clearly declare that all citizens are equal before the law and entitled the protection of the law and there should be no discrimination made based on the basis of sex. Furthermore, article 25(3) states "nothing in this article shall prevent the state from making any special provision from the protection of women and children". The practice of honour killings is also in conflict with articles 3 and 7 of the UN's Universal declaration of Human Rights¹⁷¹ and article 6(1) of ICCPR¹⁷², all of which clearly state every individual's right to life and liberty as well as equal protection of the law.

8.2 Violence and Rape

Violations against women are on the rise, most prominently in the province of Sindh. Civil society organisation Aurat Foundation's annual report of 2010 revealed that in the Sindh alone there were approximately 309 cases of murder, 157 cases of rape or gang rape, 140 cases of suicide, 136 cases of domestic violence, 34 cases of sexual assault, three cases of acid throwing and 361 cases of miscellaneous crimes were reported.¹⁷³

Many cases go unreported due to social restrictions, especially when the victims themselves are accused of dishonouring their families. Those that are brought to the attention of police are denied justice. Feudal lords, defend violence against women keeping in old customs that give no rights to women in a male dominated and feudally ruled society. Yet the feudal lords have the strong backing of the state and the police are re-elected to assemblies and ministers thus creating a perpetual cycle of violence against women. The feudal lords, the state and police are all conducive to the establishment of "states within the state", implementing their own state machinery.

8.3 Kidnapping/ Abduction and Slavery

In 2010, Aurat Foundation, reported 264 cases of kidnapping and abduction of women in the Sindh province.¹⁷⁴ In January 2012, approximately 12 women have been kidnapped.¹⁷⁵ Women are regarded as a commodity according to old tribal customs, and thus can be given away for marriage to the 'enemy family' as *Sang Chati* in exchange for money. Most often these women are forced to live a life under humiliation as they are regularly mistreated in their new homes. In December 2011, Kahnpur Saleh Kharal sold his daughter who was only 14 years old for a mere US\$ 330. In another incident, four young girls (Sarfaroze, Fahidima, Samina and Rani) were

¹⁷¹ Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) UDHR).

¹⁷² *International Convention on Civil and Political Rights* (ICCPR) (16 December 1966; entry into force 23 March 1976; Pakistan ratification 2010) GA Res 39/46

¹⁷³ "8000 acts of violence against women reported in 2010" (6 July 2011) *The International News*, available at: <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=56211&Cat=4&dt=7/6/2011> [accessed 14 April 2012].

¹⁷⁴ Ibid.

¹⁷⁵ "HR situation in Sindh at its worst, 156 killed, 64 kidnapped in January 2012", *Pakistan Christian Post*, available at: <http://www.pakistanchristianpost.com/headlinenews.php?hnewsid=3315> [accessed 14 April 2012].

kidnapped from their hometown in the Dadu district by their own close relatives. Two of the girls were sold while the other two girls were killed. In March 2011 AHRC reported the case of a 16 year old girl who was abducted in Karachi and held for ransom for a month, during which time she was persistently gang raped. The perpetrators were arrested, but they were released within two hours. The case has been transferred to the Anti-terrorism Court, but no one has been charged and the family of the victim still receives threats from the perpetrators.¹⁷⁶

It has become common practice to kidnap girls from minority religious groups, who are coerced into marriages or convert to Islam.¹⁷⁷ It is reported that each year around 300 Hindu girls are abducted and converted to Islam against their will in Sindh province alone.¹⁷⁸ There have been a number of forced marriages of minor girls from religious minority groups. After being separated from their families, their abduction is justified under the pretence of their conversion to Islam as their reason behind their marriages. The perpetrators are able to defend themselves and the false statement of the girls by presenting certificates of conversion issued by Muslim clerics. Fearing social stigma arising from loss of virginity, and the consequent difficulty of finding a new groom, the abducted girls are forced to succumb to their new lives and accept their new religion. Stories of these girls indicate a life of misery, as some try to escape while others take their own lives. In some cases their new 'husbands' take the girls across Pakistani borders and force them into prostitution. Police and NGOs have reported markets in Pakistan where girls and women are bought and sold for sex and labour.¹⁷⁹

Kidnapping and enforcing young girls/women into marriage is in breach of several of the United Nation's Universal Declaration of Human Rights Article 16(2), which clearly states "marriage shall be entered into only with the free and full consent of the intending spouses." Furthermore holding young girls/women captive and selling them as slaves be it in the labour force or in the sex industry is in breach of article 3 "everyone has the right to life, liberty and security of person" and article 4 "no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms."¹⁸⁰

9 VIOLATION OF RIGHT OF SELF DETERMINATION

The people of Sindh have the right to self-determination and the right to a voice in deciding the future of their nation. This is the fundamental rights of inhabitants of every territory large enough to form an independent administrative unit in which it can represent itself. Article 1 of the UDHR states that all groups have the right to freely "determine their political status and freely pursue their economic, social and cultural development".¹⁸¹

¹⁷⁶ "A 16 year old girl was gang raped almost for one month – perpetrators were released by the police" (3 August 2011) *Asian Human Rights Commission*, available at: <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-053-2011/?searchterm=women%20pakistan> [accessed 14 April 2012].

¹⁷⁷ "Pakistan: History of Kidnaps and Forced Conversions to Islam", *Markedmanner*, <http://www.markedmanner.com/2011/07/pakistan-history-of-kidnaps-and-forced.html> [accessed 14 April 2012].

¹⁷⁸ Ayyaz Gulzar, "Hindu migration a concern in Pakistan" (17 March 2011) *UCA news*, <http://www.ucanews.com/2011/03/17/hindu-migration-a-concern-in-pakistan/> [accessed 13 April 2012].

¹⁷⁹ "2011 Trafficking in Persons Report" (27 June 2011) *Refugee World*, available at: www.unhcr.org/refworld/country,,USDOS,,PAK,,4e12ee5626,0.html [accessed 14 April 2012].

¹⁸⁰ Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) UDHR).

¹⁸¹ UNGA, *International Convention on Economic, Social And Cultural Rights* (signed 16 December 1966, entry into force 3 January 1976) 993 UNTS 3.

The article thus imposes that all State parties should correspond to this obligation. This is also a fundamental obligation that is owed to all the citizens of modern day Pakistan when the '1940 resolution of Pakistan' was signed. This document promised sovereignty to all federal units within Pakistan, including Sindh.

Due to unfair representation within Pakistan's National Assembly, the province of Sindh has never been able to achieve a democratically elected government since entering the federation of Pakistan. Not only are Sindhis gravely underrepresented in the National Assembly but also the resolutions requested by the Sindh Assembly are never met by the federal government. The current system is characterised by the persistent exploitation of natural resources in the province, unfair tax collection, negligent state services and the unfair removal of resources from the nation.

The government of Pakistan *continues to violate* the UN Covenants treaties by neglecting the demands of the Sindhi population and subjecting them to a life of poverty, discrimination and marginalisation. The repressive nature of the government along with its powerful ethnic base of fundamentalists makes it increasingly impossible to engage in civic dialog with the government of Pakistan concerning the rights of the Sindhi people.

10. CONCLUSION

The population of Sindh has been subjected to enormous avoidable hardship due to Pakistan's policies within and outside the nation. The democratic, political, economic, societal and cultural rights of Sindhis have been treated with disregard and contempt by Pakistan's government. Pakistan's promises to Sindh have not been met, and the government's promises to the international community have equally fallen short.

The country is constantly engaged in violence, both internationally and domestically. The needs of the people within the country desperately need to be tackled if the international community is serious about bringing peace to the country and the region. The international community must provide support and a voice to the oppressed people of Pakistan to counteract Pakistan's belligerent international behaviour.

If the international community is seriously concerned about the current wave of terrorism at the global level they have to actively promote the rights of self-determination of Pakistan's oppressed peoples. The only way to counteract fundamentalism is to support and promote secular and progressive forces within the country and within Sindh. Inherently, Sindhis are the most secular nation in the Pakistani state as our history and present shows Sindh's cultural and religious tolerance and inclusiveness. Despite dedicated efforts by the Pakistani establishment in support of Wahabi groups in Sindh there is not a single parliamentary seat that has been won by these groups.

Pakistan has ratified significant human rights documents, but has abandoned these commitments and the federal constitution in favour of Islamic *Sharia* Law, intolerance and regional favouritism. The country fails to comply with the Convention on Indigenous and Tribal Peoples and the Universal Declaration of Human Rights. These human rights treaty bodies are to hear applications by individual citizens of human rights violations. Submitting to the jurisdiction of these international bodies would subject the government of Pakistan to greater scrutiny and increase international political pressure on it to raise its standards of compliance with international

standards and human rights law.

Prior to the creation of Pakistan, Sindhis shared a distinct culture and history that dates back thousands of years. Its rich heritage is being deliberately pushed out of the cultural, political, economic and public spheres by the federal government's agenda to push a dangerous and unfair idea of state cohesion. Culturally it is being removed through attempts to eradicate its language in favour of Urdu; as Sindhi is being deliberately pushed out of schools and the media in its favour. Through schools and federal legislation, Sindh's religious diversity and tolerance is taking second place to an intolerant brand of Sunni Islam that seeks to forcibly remove and subvert minority religions. Sindhis are being pushed out of the political sphere through minimal representation in the national assembly and through disregard of its national rights and desires. Economically, Sindh's development has been starved of its rightful resources in favour of the development of other regions and to fuel a gross military budget. All the while the government violently silences political and media voices that seek to peacefully promote the rights, needs and demands of the Sindhi people.

11 RECOMMENDATIONS

In the light of the issues highlighted above, we recommend the following.

11.1 Recommendations for the Government:

Implementation of constitutional amendments:

1. The equitable treatment of the provinces requires significant constitutional reforms of Article 70 (4) of the current 1973 constitution. This article gives autonomy to the provinces. However, another provision in Part II of Section 3 gives control of industrial development and exploitation of oil and natural gas to the Federal Government. To facilitate equitable provincial autonomy, this provision must be modified. At the same time Part 5, Section 158 should be implemented. Section 158 gives the province "in which a wellhead_of gas is situated ... precedence over other parts of Pakistan in meeting the requirements for the wellhead".
2. The 18th Amendment of 2010 should be revised – the amendment fails to fix Pakistan’s political problems. The civilian government continues to hold limited_powers in regards to the state’s budgets and military policies.
 - The amendment should clarify the administrative and financial authorities that will be delegated to each of the local governments in the four provinces.
 - Taxes should no longer be redistributed through the central government.
 - The amendment should address the Federally Administered Tribal Areas’ qualification as border area falling outside of direct government control. Moreover, the colonial-era Frontier Crimes Regulation should not remain as the governing law for the area.
3. The Hudood Ordinance and *Sharia* Laws should be removed.
4. Any religious laws, including the Blasphemy Laws, should be removed.

Implementation of policy changes:

1. Promote Demilitarization - The process of consolidating civilian rule and moving toward an accommodation with minorities will not succeed unless the strength of Pakistan military, relative to other institutions in Pakistani society, is also progressively reduced. It is imperative that a healthier balance is achieved between civilian and military power.
2. Make Defence budget/spending more transparent - The budget for the military and ISI should be put before both houses of Pakistani Parliament with such agreed restrictions based on security considerations.
3. Make the Police Force more transparent and stop police corruption
4. Legal, social and educational protection for minority groups should be promoted
5. Remove feudal/ tribal systems in provinces, especially tribal courts that run parallel to state court system
6. Cease to support terrorist activities within the country and abroad.

7. The importance of regional languages and should be reinstated, making them compulsory to all school children.
8. Allow the practice of freedom of speech.
9. Instil solid measures to ensure sustainable development and poverty reduction.
10. Release much needed aid to Sindh's floods victims
11. Release Sindhi activists, and make public the whereabouts of those who are still missing

11.2 Recommendations for the International Community:

1. Lobby the government of Pakistan to appropriate legislate amendments to affectively deal with the human rights issues in Pakistan.
2. Strongly encourage the government to remove reservations and declarations to the international human rights treaties that is a party to and submit to the individual complaints jurisdiction of the international human rights bodies, including the Human Rights Committee.
3. Support the government in providing the allocated aid equally among all the provinces.
4. Support the government in undertaking sustainable development projects *throughout* the country.

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APPENDIX I:

Names of missing individuals include:

- Muzaffar Bhutto
- Zulfiqar Kolachi (killed)
- Noor Muhammed Khaskheli,
- Shahid Notayar (JSQM)
- Lala Yasser (JSMM),
- Shoukat Brohi (JSMM)
- Faisal Wagan (JSMM)
- Hameed Shar (JSMM)
- Aijaz Solangi,
- Sirai Qurban Khuhawr (killed)
- Roplo Choliani (killed)
- Nadir Bugti (killed)
- Noorullah Tunio (killed)
- Ali Bachal Themor,
- Ghulam Kadir Boryio,
- Taj Mohammed Themor
- Mohammed Boryio
- Mohabat Mal
- Ali Nawab Mahar
- Riaz Kakepoto
- Shah Nawaz Bhutto
- Jam Bhutto
- Ahsan Malano
- Mohsin Shah
- Arisar (?)
- Zulfiqar Jamali
- Afzal Pahnwar
- Sanaullah Bhatti
- Mukhtiar Pahnwar
- Mohammed Brohi,
- Nadeem Lashari,
- G M Abro,
- Noor Abro
- Anwar Depar
- Haji Abubakar
- Abdul Ganai Mirbaha