



Committee on Economic, Social and Cultural Rights  
Human Rights Treaties Division (HRTD)  
Office of the United Nations High Commissioner for Human Rights  
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August 31, 2016

**Re: Plenary Session on Pakistan**

Dear Members of the Committee on Economic, Social and Cultural Rights,

We write in advance of your upcoming plenary session on the government of Pakistan's compliance with the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Human Rights Watch has extensively documented human rights violations relating to attacks on education, women and girls' rights, the situation of Afghan refugees and asylum seekers, child labor, and the judicial execution and ill-treatment of child offenders. This submission proposes issues and questions that Committee members may wish to raise with the government.

In the appendix, we have attached a chapter documenting attacks on students, teachers, schools, and universities as well as the military use of schools in Pakistan. This was drafted by the Global Coalition to Protect Education from Attack, a coalition to which Human Rights Watch belongs.

Thank you for your attention to our concerns, and with best wishes for a productive session.

Sincerely,

A handwritten signature in blue ink on a light yellow background, appearing to read "Saroop Ijaz".

Saroop Ijaz  
Pakistan Researcher  
Human Rights Watch

## Attacks on education (Articles 13, 14)

Attacks on students, teachers, schools, and universities, as well as the military use of schools continue to occur in Pakistan. They place children at risk of injury or death and affect students' ability to obtain an education. Attacks on education disproportionately affect girls, who are sometimes the focus of targeted attacks and are more likely to be kept out of school due to security concerns; this contributes to Pakistan's significantly worse educational outcomes for girls.

A number of deliberate attacks on schools and universities have been documented across the country. Among the worst attacks on education in the world, in December 2014, the Pakistani Taliban splinter group, Tehreek-e-Taliban, targeted a school in Peshawar and killed over 145 people, 134 of them children.<sup>1</sup> On October 9, 2012, the Tehreek-e-Taliban shot schoolgirl Malala Yousafzai in the neck and head for promoting girls' education.

Numerous examples of attacks on students, teachers, schools, and universities have been documented since Pakistan's past review, particularly between 2012 and 2016. Human Rights Watch documented reports of 96 school attacks in Pakistan in 2012 alone. Most of these attacks occurred in Khyber Pakhtunkhwa province and the Federally Administered Tribal Areas (FATA).<sup>2</sup> Militant groups in Pakistan carried out at least 78 targeted attacks on schools, teachers, and students in 2013.<sup>3</sup> In 2015, 360 schools were destroyed in the FATA. Furthermore, at least 166 schools were destroyed in North Waziristan Agency, 139 in Khyber Agency, and 55 in South Waziristan Agency.<sup>4</sup> On January 20, 2016, Bacha Khan University in Khyber Pakhtunkhwa Province was attacked by armed militants and at least 20 people were killed.<sup>5</sup> The use of child suicide bombers by the Taliban and other extremist armed groups also continued in 2015.<sup>6</sup>

According to the Global Coalition to Protect Education from Attack, there were at least 838 attacks on schools in Pakistan between 2009 and 2012, leaving hundreds of schools damaged. At least 30 students were killed and more than 97 injured in the same time period. Furthermore, at least 138 school students and staff were reported to have been kidnapped.<sup>7</sup>

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<sup>1</sup> "Dispatches: Uniting Against the Pakistan School Massacre," December 16, 2014, <https://www.hrw.org/news/2014/12/16/dispatches-uniting-against-pakistan-school-massacre>.

<sup>2</sup> "Pakistan: Protect Students, Teachers, Schools From Attack: Malala Yousafzai is One of Many School-age Victims," Human Rights Watch news release, October 19, 2012, <https://www.hrw.org/news/2012/10/19/pakistan-protect-students-teachers-schools-attack>.

<sup>3</sup> "Ensure Consistency in Children and Armed Conflict Report: letter to UN Secretary-General Ban Ki Moon," June 04, 2015, <https://www.hrw.org/news/2015/06/04/ensure-consistency-children-and-armed-conflict-report>.

<sup>4</sup> The Express Tribune, "360 FATA schools were destroyed in 2015," December 17, 2015, <http://tribune.com.pk/story/1011433/law-and-order-360-fata-schools-were-destroyed-in-2015/> (accessed January 27, 2016).

<sup>5</sup> "Militants storm Pakistan university, kill at least 20," *Reuters*, January 20, 2016, <http://www.reuters.com/article/us-pakistan-attacks-university-idUSKCN0UYOC4> (accessed January 27, 2016).

<sup>6</sup> Human Rights Watch, *World Report 2016*, (New York: Human Rights Watch, 2016), Pakistan, <https://www.hrw.org/world-report/2016/country-chapters/pakistan>.

<sup>7</sup> Global Coalition to Protect Education from Attack, "Country Profiles: Pakistan," <http://www.protectingeducation.org/country-profile/pakistan> (accessed February 22, 2016).

The Global Coalition also noted there was reported military use of education institutions by the Pakistani military and militants between 2005 and October 2012 in Pakistan.<sup>8</sup>

A particular area of concern is Balochistan province, where Human Rights Watch documented attacks and bombings by various nationalist, sectarian, and Islamist armed groups on schools and universities. These attacks killed and wounded students and severely affected access to education in Balochistan. Human Rights Watch also documented threats and harassment of teachers and other educators.<sup>9</sup>

*Human Rights Watch recommends the Committee ask the government of Pakistan:*

- How many schools, universities, or education facilities have been damaged or destroyed as a result of attacks by non-state armed groups in each year of the reporting period, and since?
- If state security forces have also damaged or destroyed educational facilities, including in circumstances that did not violate international humanitarian law, how many facilities were damaged or destroyed in each year of the reporting period and since?
- What action has the government taken to prevent attacks by non-state armed groups on schools and universities and to mitigate their impact on children, especially girls, when they do occur?
- What action has the government taken in response to the concerns expressed by the UN Security Council in Resolutions 2143 (2014) and 2225 (2015) to deter military use of schools and taking special measures to protect children and by ensuring that attacks on schools that allegedly violate international humanitarian law are investigated and those responsible duly prosecuted?

*Human Rights Watch urges the Committee to call upon the government of Pakistan to:*

- Investigate and appropriately prosecute individuals responsible for involvement in the range of violations of international law that constitute attacks on education, including as a matter of command responsibility.
- Respond to attacks on schools by promptly repairing damage and ensuring that students can safely return to class.
- Take concrete measures to protect education from attack and deter the military use of schools, following UN Security Council Resolutions 2143 (2014) and 2225 (2015), including

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<sup>8</sup> Global Coalition to Protect Education from Attack, "Country Profiles: Pakistan," <http://www.protectingeducation.org/country-profile/pakistan> (accessed February 22, 2016).

<sup>9</sup> "Pakistan: Balochistan Militants Killing Teachers: Attacks on Education Harm Students, Reduce Development Prospects," Human Rights Watch news release, December 13, 2010, <https://www.hrw.org/news/2010/12/13/pakistan-balochistan-militants-killing-teachers>.

by joining the Safe Schools Declaration,<sup>10</sup> thereby endorsing and committing to use the Guidelines for Protecting Schools and Universities from Military Use in Armed Conflict.<sup>11</sup>

- Take measures to promote the physical and psychological recovery and social reintegration of children who are victims of armed conflict or were recruited into armed forces or non-state armed groups.

### **The situation of Afghan refugees and asylum seekers in Pakistan (Articles 2, 6, 7, 10, 11, 12, 13)**

The situation of Afghan refugees in Pakistan continues to be of concern. There are 1.5 million residents in Pakistan who hold proof of residency cards, which recognize holders' status as "Afghan citizen[s] temporarily residing in Pakistan." In addition, there are an estimated 1 million undocumented Afghans residing in Pakistan.<sup>12</sup> Following the attack by the Tehreek-e-Taliban on a school in Peshawar in December 2014, Pakistani police have pursued an unofficial policy of punitive retribution towards Afghan refugees including raids on Afghan settlements, arbitrary detention, harassment, and demolition of Afghan homes. These police abuses have caused fearful Afghans to restrict their movements, leading to economic hardship and curtailing access to education and employment.<sup>13</sup>

*Human Rights Watch recommends the Committee ask the government of Pakistan:*

- What measures are being taken to address the retributive actions being undertaken by the police towards Afghan refugees and asylum seekers?
- What measures are the government taking to provide all refugees and asylum seekers, including Afghans, access to health services and medicines on at least the same basis as other non-citizens in the country?
- What measures are the government taking to ensure that all foreign national children, including Afghans, regardless of their immigration status, have access to free primary education and access to secondary education on the same basis as Pakistani children?

*Human Rights Watch urges the Committee to call upon the government of Pakistan to:*

- Extend current proof of residency cards until at least December 31, 2017, and review the proof of residency system to establish procedures that would regularize the process and reduce the stress to cardholders of periodic short-term renewals.
- Issue a specific written directive instructing all relevant government officials and state security forces to cease unlawful surveillance, harassment, intimidation, and violence against Afghans living in Pakistan.

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<sup>10</sup> Safe Schools Declaration, 2015, [http://www.protectingeducation.org/sites/default/files/documents/safe\\_schools\\_declaration-final.pdf](http://www.protectingeducation.org/sites/default/files/documents/safe_schools_declaration-final.pdf) (accessed February 29, 2016).

<sup>11</sup> Guidelines for Protecting Schools and Universities from Military Use During Armed Conflict, [http://protectingeducation.org/sites/default/files/documents/guidelines\\_en.pdf](http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf).

<sup>12</sup> "Pakistan: Renewed Threats to Afghan Refugees: Extend Legal Residency Status Through 2017," Human Rights Watch news release, July 1, 2016, <https://www.hrw.org/news/2016/07/01/pakistan-renewed-threats-afghan-refugees>.

<sup>13</sup> "Pakistan: Extend Afghan Refugee Status Through 2017: Stop-Gap Measures Create Climate Fostering Police Abuse," Human Rights Watch news release, January 16, 2016, <https://www.hrw.org/news/2016/01/16/pakistan-extend-afghan-refugee-status-through-2017>.

- Ensure that all law enforcement and other government officials treat Afghans living in Pakistan with dignity and respect for their human rights in compliance with Pakistan's domestic and international legal obligations.
- Direct the Federal Investigating Agency to fully and impartially investigate incidents in which law enforcement and other government officials are implicated in unlawful surveillance, harassment, intimidation, and use of force against Afghan refugees and undocumented Afghans.
- Ensure, consistent with the ICESCR (and article 25A of the Constitution of Pakistan), that foreign national children, including Afghans, regardless of their immigration status, have access to free primary education and access to secondary education on the same basis as Pakistani children.
- Provide all refugees and asylum seekers, including Afghans, access to health services and medication on at least the same basis as other non-citizens in the country. All children should have access to affordable health care regardless of their nationality or migration status.

### **Ethnic minorities (Articles 2(2), 13)**

Ethnic Hazaras face great difficulties and risk to commute to Quetta to attend universities since those routes have been the location of a very large number of sectarian killings. Public transport operators no longer allow Hazara students to ride on buses since they believe this makes the entire bus vulnerable to attacks by armed groups.<sup>14</sup>

*Human Rights Watch urges the Committee to call upon the government of Pakistan:*

- Take action, along with universities in Quetta and the Balochistan government, to ensure access for Hazara to education.

### **Women and girls' rights (Articles 2, 3, 10, 13)**

Child, early, and forced marriage interferes with an adolescent girl's ability to realize a wide range of rights, including freedom from discrimination,<sup>15</sup> and the rights to equality in enjoyment of economic, social and cultural rights,<sup>16</sup> health,<sup>17</sup> education,<sup>18</sup> and to take part in cultural life.<sup>19</sup>

Child marriage remains of serious concern in Pakistan, with 21 percent of girls marrying before the age of 18.<sup>20</sup> It often leads to girls dropping out of school, serious health problems for

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<sup>14</sup> "JICA's human rights policies and practices," June 23, 2015, <https://www.hrw.org/news/2015/06/24/jicas-human-rights-policies-and-practices>.

<sup>15</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976., art. 2(2).

<sup>16</sup> ICESCR, art. 3.

<sup>17</sup> ICESCR, art. 12.

<sup>18</sup> ICESCR, art. 13.

<sup>19</sup> ICESCR, art. 15.

<sup>20</sup> Girls Not Brides, "Child marriage around the world: Pakistan," undated, <http://www.girlsnotbrides.org/child-marriage/pakistan/> (accessed February 29, 2016).

mother and child as a result of early pregnancy, and increased risk of domestic violence. Furthermore, child marriage helps to hold families in poverty.<sup>21</sup>

The 1929 Child Marriage Restraint Act currently sets the age of marriage at 18 for males and 16 for females. International legal standards call for the age of marriage be the same for both men and women and that it be set at 18. There have been moves to address child marriage at provincial level. In 2014, Sindh province passed a law setting the age of marriage at 18 for both men and women. In 2015, Punjab province increased the penalties for those found guilty of arranging or conducting child marriages. However, it did not raise the age of marriage to 18.<sup>22</sup>

In January 2016, a female member of Parliament submitted a proposal to raise the legal minimum age to 18 for females and introduce harsher penalties for those who arrange child marriage. However, on January 14, 2016, she withdrew her proposal after it was rejected by a parliamentary committee following strong pressure from the Council of Islamic Ideology, a body established in 1962 to advise the parliament on Islamic law. The Council criticized the proposal as “anti-Islamic” and “blasphemous.”<sup>23</sup>

Sexual abuse of children remains a grave concern in Pakistan. Rampant sexual abuse of children was exposed in August 2015, when police uncovered a child pornography racket by a criminal gang that had produced and sold more than 400 videos of girls and boys being sexually abused in Kasur, Punjab. These videos had been filmed over a period of 10 years, affecting 280 children.<sup>24</sup>

The government is taking inadequate action to protect women and girls from violence including murder through so-called “honor killings,” sexual violence, acid attacks, and domestic violence.<sup>25</sup> More than 1,000 women and girls are murdered in Pakistan each year through so-called “honor killings.” Pakistan’s law currently allows “honor killings” to go unpunished if the victim’s family “forgives” the crime.<sup>26</sup> On July 17, 2016, Qandeel Baloch, a social media star in Pakistan, was murdered. Her brother, who confessed to her murder, said he had killed her because she had “brought dishonor” on her family. The government charged him with a crime against the state, a move that should block the crime being “forgiven.” On July 20, 2016, the daughter of Pakistani Prime Minister Nawaz Sharif—a key member of her father’s ruling party—pledged that a long-delayed law intended to strengthen the justice system’s response to so-called “honor killings” would quickly move through the country’s National Assembly. The

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<sup>21</sup> Dispatches: Protecting Pakistan’s Girls Isn’t ‘Blasphemy’, January 18, 2016, <https://www.hrw.org/news/2016/01/18/dispatches-protecting-pakistans-girls-isnt-blasphemy>.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Human Rights Watch, *World Report 2016*, (New York: Human Rights Watch, 2016), Pakistan, <https://www.hrw.org/world-report/2016/country-chapters/pakistan>.

<sup>25</sup> Ibid.

<sup>26</sup> “Dispatches: A Fitting Memorial to Qandeel: Positive Signs for Movement on Pakistan’s Anti-Honor Killing Bill,” July 20, 2016, <https://www.hrw.org/news/2016/07/20/dispatches-fitting-memorial-qandeel>.

Council of Islamic Ideology has pledged to oppose any effort to remove the “forgiveness” provision from the law.<sup>27</sup>

*Human Rights Watch recommends the Committee ask the government of Pakistan:*

- Does the government plan to reform the law to make the age of marriage 18 for both women and men?
- How does the government plan to end child, early and forced marriage by 2030, as set out by UN Sustainable Development Goal target 5.3, to which Pakistan has committed?
- How many cases of child marriage have been documented since January 1, 2012?
- What are the government’s plans to reform the law and justice practices in regard to so-called “honor killings”?
- How many cases of “honor killings,” sexual violence, acid attacks, and domestic violence have been documented since January 1, 2012?

*Human Rights Watch urges the government of Pakistan to:*

- Make 18 years the minimum age of marriage for women and men.
- Investigate all complaints of child marriage promptly, intervene to prevent child marriage wherever possible, and prosecute anyone who has facilitated or arranged a child marriage in violation of the law.
- Create a comprehensive national action plan to end child marriage, with input from women’s and children’s rights groups, health professionals, and other service providers; coordinate efforts among all relevant ministries.
- Reform all laws, policies, and practices that treat “honor killings” more leniently than other murders.
- Ensure that the proposed law on “honor killings” is passed promptly in a form that brings Pakistan into compliance with international legal standards.
- Enact a comprehensive domestic violence law.
- Ensure that social welfare officers, social workers, and law enforcement officials identify and protect children who are victims of sexual abuse.
- Investigate and prosecute those responsible for sexual abuse of children.

### **Hazardous child labor (Articles 6, 7, 10(3), 12)**

Children in Pakistan continue to engage in child labor and the worst forms of child labor, including bonded labor. Child labor affects children’s right to health, education, and their safety. Approximately 13 percent of children ages 10 to 14 in Pakistan are engaged in child labor.<sup>28</sup> The Global Slavery index estimates that over two million people, including children, are trapped in slavery in Pakistan, most due to debt bondage.<sup>29</sup> The increasing cost of living,

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<sup>27</sup> Ibid.

<sup>28</sup> United States Department of Labor, “Pakistan, 2014 Findings on the Worst Forms of Child Labor,” <http://www.dol.gov/ilab/reports/child-labor/pakistan.htm> (accessed January 27, 2016).

<sup>29</sup> “Bonded labour in Pakistan: A Humanitarian Crisis,” *Daily Times*, February 27, 2015, <http://www.dailytimes.com.pk/opinion/20-Feb-2015/bonded-labour-in-pakistan-a-humanitarian-crisis> (accessed January 27, 2016).

particularly food and fuel prices, contributes to many children being forced to work rather than attend school.<sup>30</sup>

Pakistan has ratified International Labour Organization (ILO) Conventions Nos. 138 and 182 on the minimum age and the worst forms of child labor respectively. However, implementation of these standards remains lacking. Article 11(3) of the Constitution of Pakistan also prohibits the employment of children below age 14 in any factory or mine or any other hazardous employment.

There have been some attempts to address child labor at provincial level. In Khyber Pakhtunkhwa province, the Khyber Pakhtunkhwa Prohibition of Employment of Children Bill was passed in May 2015. This limited the employment of children age 12 and above to two hours of light work a day alongside a family member. The law prohibits the employment of children in any establishment and of adolescents in dangerous working environments. In January 2016, Punjab province passed the Punjab Prohibition of Child Labour at Brick Kilns Ordinance, which prohibits the employment of children below age 14 at brick kilns.<sup>31</sup>

*Human Rights Watch recommends the Committee ask the government of Pakistan:*

- How many children are engaged in child labor in Pakistan, and of these, how many are employed in the worst forms of child labor?
- What measures are being taken to ensure the implementation of legislation and standards on hazardous child labor?

*Human Rights Watch urges the Committee to ask the government of Pakistan to:*

- Enforce a ban on hazardous child labor.
- Improve access to education by ensuring free access to primary education and make secondary education available and accessible to every child.
- Expand measures to prosecute those who violate prohibitions on exploiting child for labor.

### **Judicial execution and ill-treatment of child offenders (Article 10(3))**

Pakistan lifted a six-year unofficial moratorium on the death penalty for prisoners on December 17, 2014, authorizing execution of prisoners convicted of terrorism-related offenses.<sup>32</sup> By March 2015, this had been extended to all capital offenses.<sup>33</sup> Pakistani law permits capital

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<sup>30</sup> 'Millions Pushed into Child Labor in Pakistan', *Reuters*, February 07, 2012, <http://www.reuters.com/article/us-pakistan-childlabour-idUSTRE816oLA20120207> (accessed January 27, 2016).

<sup>31</sup> Punjab Prohibition of Child Labour at Brick Kilns Ordinance, January 14, 2016 <http://www.punjablabour.gov.pk/file/The%20Punjab%20Gazette-The%20Punjab%20Prohibition%20of%20Child%20Labour%20at%20Brick%20Kilns%20Ordinance%202016.pdf>, (accessed February 07, 2016).

<sup>32</sup> "Pakistan: Reinstate Death Penalty Moratorium Executions No Remedy for Militant Atrocities," Human Rights Watch news release, December 17, 2014, <https://www.hrw.org/news/2014/12/17/pakistan-reinstate-death-penalty-moratorium>.

<sup>33</sup> Open Letter to the Prime Minister of Pakistan, Reimpose the Moratorium on the Death Penalty, December 16, 2015, <https://www.hrw.org/news/2015/12/16/open-letter-prime-minister-pakistan>.



punishment for 28 offenses, including murder, rape, treason, and blasphemy.<sup>34</sup> Since the moratorium was lifted, several individuals who were below the age of 18 at the time of the crime for which they were convicted have been executed and others remain at risk of execution.

Amnesty International documented the execution of at least five prisoners whose lawyers asserted they were below the age of 18 at the time of the offense of which they were convicted in the year to December 16, 2015.<sup>35</sup> These executions included the case of Faisal Mahmood, for whom the deputy prosecutor general petitioned the court to stop his execution as he was under 18 when he committed the offense of which he was convicted.<sup>36</sup> Shafqat Hussain, executed on August 4, 2015, is thought to have been 14 or 15 years old when sentenced in 2004 for kidnapping and killing a 7-year-old boy. His confession was given under alleged police torture. Aftab Bahadur was executed on June 10, 2015, despite having been 15 when he was convicted of his offense in 1992, and alleged that he was prosecuted because he could not pay the large bribe demanded by the police.<sup>37</sup> In June 2015, the United Nations Office of the High Commissioner for Human Rights (OHCHR) estimated that approximately 800 of the more than 8,000 people who remain on death row in Pakistan were reportedly under 18 at the time of offense.<sup>38</sup>

The Convention on the Rights of the Child specifically prohibits capital punishment of anyone who was under 18 at the time of the offense. In July 2000, Pakistan issued an ordinance banning the death penalty for crimes by people under 18. However, the ordinance requires the existence of dedicated juvenile courts and other mechanisms not provided for by law in all parts of Pakistan, thus leaving children at risk of trial as adults in capital cases.

In February 2015, Pakistan passed a constitutional amendment and amended the Army Act, 1951 and empowering military courts to try civilians and award the death penalty, in offenses related to terrorism. The amended law stipulates that in case of an inconsistency with any existing law, the Army Act would prevail. Children are not expressly exempted from the jurisdiction of military courts raising serious concerns regarding trial of children for crimes that are punishable by death.<sup>39</sup>

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<sup>34</sup> Human Rights Watch, *World Report 2016*, (New York: Human Rights Watch, 2016), Pakistan, <https://www.hrw.org/world-report/2016/country-chapters/pakistan>. Human Rights Watch opposes the death penalty in all circumstances as inherently cruel.

<sup>35</sup> Open Letter to the Prime Minister of Pakistan, Reimpose the Moratorium on the Death Penalty, December 16, 2015, <https://www.hrw.org/news/2015/12/16/open-letter-prime-minister-pakistan>.

<sup>36</sup> Supreme Court versus Faisal Mahmood, Lal Khan Judgment in Criminal appeals no 20 & 21 of 2004 (Cr.As.20 &21/2004).

<sup>37</sup> Dispatches: Pakistan Hangs Alleged Child Offender, August 4, 2015, <https://www.hrw.org/news/2015/08/04/dispatches-pakistan-hangs-alleged-child-offender>.

<sup>38</sup> United Nations Office of the High Commissioner for Human Rights (OHCHR), "Pakistan: Mass executions, particularly of juvenile offenders, serve neither deterrence nor justice – Zeid," June 11, 2015, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16068&LangID=E> (accessed January 26, 2016).

<sup>39</sup> Human Rights Commission of Pakistan, "HRCPC, ICJ demand clarification on juveniles' trial by military courts," <http://hrpcweb.org/hrpcweb/hrpc-icj-demand-clarification-on-juveniles-trial-by-military-courts/> (accessed August 25, 2016).

Human Rights Watch recognizes that children should be held accountable for murder and other serious crimes. However, courts should take into account the ways that young people are different from adults, including that they are both less culpable and uniquely capable of rehabilitation. Furthermore, detention takes an enormous toll on children, particularly on their physical and mental health.

*Human Rights Watch recommends the Committee ask the government of Pakistan:*

- Since 2012, how many death sentences have courts imposed on defendants who were under 18 at the time of the crime?
- Since 2012, how many executions have been carried out of prisoners sentenced to the death penalty for crimes committed when under 18? For each year, please identify a) the number of executions, b) the identities of those sentenced and of those executed, and c) the crimes for which they were convicted, and d) their age at the time of the crime for which they were convicted.
- As of January 1, 2016, how many child offenders (individuals charged with having committed crimes when they were under 18) have been sentenced to death and are serving time on death row? For each individual please provide their a) identity and b) the crimes for which they have been convicted.
- To clarify its position on the possible trial of child offenders by the military courts.

*Human Rights Watch urges the Committee to ask the government of Pakistan to:*

- Re-impose a moratorium on all executions, until the death penalty is abolished.
- Fully enforce the existing ban on the death penalty for all prisoners who were children at the time of the crime regardless of the nature of their crimes, and immediately commute pending death sentences against prisoners who were children at the time of the crime.
- Develop an impartial age-determination process that relies on more than one expert opinion.
- Publish disaggregated data and information regarding all individuals sentenced to death for an offense committed before the age of 18 in a timely and transparent manner.

## PAKISTAN

*There were a reported 838 or more attacks on schools in Pakistan during 2009-2012, more than in any other country, leaving hundreds of schools destroyed. Militants recruited children from schools and madrassas, some to be suicide bombers. There were also targeted killings of teachers and academics.*

### CONTEXT

The extremely high number of schools attacked in Pakistan during 2009-2012 was the result of multiple sources of tension but, in particular, the Pakistani Taliban insurgency in the north-west.

In addition to the unresolved conflict with India over Kashmir, a series of conflicts, internal disturbances and sectarian tensions plagued Pakistan in the run-up to and during the reporting period. Sunni and Shi'a Muslims periodically launched attacks against one another, frequently causing high numbers of casualties. In Balochistan, armed nationalist groups not only fought the federal government but also killed non-Balochs. The Pakistani military fought repeated offensives against Taliban militant strongholds in the tribal areas bordering Afghanistan throughout the period from 2009 to 2012.<sup>1202</sup> They also regained control of the Swat Valley and surrounding districts from the Pakistani Taliban. Moreover, militants carried out attacks well beyond their strongholds, infiltrating all major cities. The southern port city of Karachi was periodically brought to a standstill by political and sectarian shootings and bomb attacks as well as violence by armed criminal gangs.<sup>1203</sup>

In the two years preceding the reporting period, several hundred schools were damaged or destroyed, mostly burned down by militants, as they

sought to gain control of areas of the north-west, including in Waziristan and Swat. When the Pakistani Taliban did gain control of the Swat Valley, they first banned girls' education and banned women from teaching, through an edict in December 2008, and later amended their edict to permit the education of girls, but only up to grade 4.<sup>1204</sup>

Many children are unable to access education for reasons that range from cost to community attitudes towards education, attacks on school structures or the long distance to the nearest school. Many who enrol may not complete a full course of study and, for those who do, other problems, such as teacher absenteeism and poor facilities, impinge adversely on the quality of their education. The nature of the curriculum and the parallel existence of private, public, and madrassa school systems are seen by some as contributing to social divisions.<sup>1205</sup> Boys from urban areas attend school for 10 years if they come from the country's richest 20 per cent; poor rural girls, on the other hand, receive an average of just one year of education.<sup>1206</sup>

In primary education, net enrolment was 72 per cent; in secondary education, it was 35 per cent and gross enrolment in tertiary education was 8 per cent (2011). Adult literacy was 55 per cent (2009).<sup>1207</sup>

### ATTACKS ON SCHOOLS

In areas affected by Taliban militancy, hundreds of schools were blown up and proponents of female education were killed. The total number of reported militant attacks on schools in 2009-2012 was at least 838 and could be as high as 919. Difficulties faced by journalists and other observers working in the worst affected areas mean that the true total could be considerably higher.<sup>1208</sup> The Human Rights Commission of Pakistan (HRCP) reported 505 schools damaged or destroyed in 2009 alone.<sup>1209</sup>

There was a strong trend for schools to be blown up at night in Khyber Pukhtunkhwa (KP) province and the Federally Administered Tribal Areas (FATA) in the north-west.<sup>1210</sup> Typically, perpetrators set off small, improvised devices remotely or with timers, rarely causing casualties. The schools were mostly government-run but private schools catering to higher socio-economic groups were also affected. Madrassas were not targeted. Pakistani Taliban groups sometimes claimed responsibility for the attacks.<sup>1211</sup>

Daytime attacks on schools included bombings and grenade and gun attacks; one school was shelled with mortars two years in a row.<sup>1212</sup>

The bombing of schools was an alarmingly efficient campaign for which few of the perpetrators have been held to account despite hundreds of schools being destroyed.<sup>1213</sup> Hundreds of thousands of children were deprived of education as a result.<sup>1214</sup>

Whether the intention was to target school buildings as symbols of government authority, because of their use as army bases or because of the education imparted in them, or for all of these reasons, is not documented. However, the Pakistani Taliban's record in Swat demonstrated that preventing girls' education was one of their objectives.

## **ATTACKS ON SCHOOL STUDENTS, TEACHERS AND OTHER EDUCATION PERSONNEL**

### **Attacks on school students**

Human rights and media reports suggest that at least 30 children were killed<sup>1215</sup> in attacks on schools and school transport from 2009 to 2012 and more than 97 were injured.<sup>1216</sup> At least 138 school students and staff were reported to have been kidnapped, of whom 122 were abducted in a single incident when

armed Taliban militants seized control of a convoy of 28 school buses transporting secondary school students and teachers in North Waziristan, bordering Afghanistan, and tried to take them to South Waziristan. However, 71 of the students and nine teachers were freed in a military operation.<sup>1217</sup> Forty-two students and teachers remained in custody. Initially, the militants tried to kidnap 300 students and 30 teachers but more than half were able to escape. The Taliban reportedly used kidnapping to fund their operations and buy weapons.<sup>1218</sup>

At the start of 2009, Taliban militants were in control of the Swat Valley in the North West Frontier province (later renamed Khyber Pukhtunkhwa), enforcing their hard-line interpretation of Sharia law and conducting a violent campaign against female education. In January 2009, they banned girls' schooling outright, forcing 900 schools to close or stop enrolment for female pupils.<sup>1219</sup> Some 120,000 girls and 8,000 female teachers stopped attending school in Swat district.<sup>1220</sup> Over the following months, the Pakistani military regained control of the area but many schoolgirls and female teachers were too scared to return to school nearly a year after the military ousted the Taliban.<sup>1221</sup>

On 9 October 2012, Malala Yousafzai was shot, along with two other students, Shazia Ramzan and Kainat Riaz, on their school bus by a gunman who escaped from the scene. The gunman asked for Malala by name before shooting her in the face and neck and then turning his gun on the two girls on either side of her.<sup>1222</sup> Malala required life-saving surgery. The Tehreek-e-Taliban Pakistan (TTP) spokesman, Ehsanullah Ehsan, claimed responsibility, saying that the 15-year-old was attacked for promoting values he said were secular and anti-Taliban. Malala had written an anonymous blog for the BBC about life as a schoolgirl under the Taliban. She then campaigned

publicly for girls' education after the military ousted the TTP from the Swat Valley.<sup>1223</sup> Malala survived and went on to campaign internationally on the same issue, and was invited to address youth representatives at the UN General Assembly in New York in July 2013.<sup>1224</sup>

Across Pakistan, there were at least five school bus attacks.<sup>1225</sup> In one attack in September 2011, Taliban militants fired a rocket at a school bus transporting students home from Khyber Model School near Peshawar. When the rocket missed they opened fire with guns on one side of the vehicle. A pupil aged 15 said he managed to help some younger pupils off the bus under gunfire, only to encounter another volley of bullets opening up from the second side. He was one of 12 injured children. Four students and the driver died.<sup>1226</sup> Most of the other bus attacks were bombings, including one on a bus carrying disabled schoolchildren in Peshawar in May 2009, injuring seven students.<sup>1227</sup>

#### **Attacks on school teachers and other education personnel**

A compilation of media and human rights reports suggests that at least 15 school teachers were killed in 2009-2012<sup>1228</sup> and at least eight were injured,<sup>1229</sup> of whom four were female victims of acid attacks.<sup>1230</sup>

At least four other education personnel, comprising one provincial education minister, two school bus drivers and a security guard, were killed<sup>1231</sup> and two more were injured. Many of the attacks, particularly against women, appeared to be motivated by the militant stance against female education and against women working outside the home.<sup>1232</sup> But in most cases, the motive was not confirmed.

Other attacks took place in the context of civil conflict in Balochistan. Human Rights Watch and the Human Rights Commission of Pakistan documented

a campaign of targeted killings of teachers and other education personnel considered to be ethnically non-Baloch, or who appeared to support the federal government, for example, by flying a Pakistani flag at school, teaching Pakistani history or asking children to sing the national anthem.<sup>1233</sup> The Baloch Liberation Army (BLA) and the Baloch Liberation United Front (BLUF) most commonly claimed responsibility for the attacks. Most of these teachers were from Punjab province. According to Human Rights Watch, teachers, especially ethnic Punjabis, are seen as symbols of the Pakistani state and of perceived military oppression in Balochistan. The human rights organization reported that at least 22 teachers and other education personnel were killed in targeted attacks in Balochistan between January 2008 and October 2010,<sup>1234</sup> including Shafiq Ahmed, the provincial minister for education, who was assassinated by the BLUF in October 2009 outside his home.<sup>1235</sup> In one incident, Anwar Baig, a teacher at the Model High School, Kalat, was shot nine times en route to school by gunmen on motorbikes. The BLA claimed responsibility for his death.<sup>1236</sup> On 24 July 2012, Abrar Ahmed, the deputy director of schools in Balochistan, was severely injured but survived an attack on his car in Quetta.<sup>1237</sup>

Human Rights Watch and Amnesty International documented allegations of Pakistani intelligence and security forces arbitrarily detaining or enforcing the disappearance of students and teachers it suspected of involvement in armed Baloch nationalist activities, including the Baloch Student Organisation (Azad).<sup>1238</sup>

Fear among those who fit the armed nationalist groups' target profile led to lower teacher recruitment, more transfer requests and lower attendance.<sup>1239</sup> In addition, Human Rights Watch cited a senior government official who estimated that government schools in Balochistan were only

open for 120 working days in 2009 compared to an average of 220 days for the rest of the country.<sup>1240</sup>

Teachers opposed to the Pakistani Taliban or its ideology or methods were also targeted, particularly in the north-west. For example, on 22 January 2009, Taliban militants killed a teacher at a private school in Matta, Swat Valley, because he had refused to follow the dress code.<sup>1241</sup> On 12 June 2009, the head teacher of a religious school in Lahore was killed in his office within the religious school complex during a suicide bomb attack. He appeared to have been targeted for his outspoken view that suicide bombings and other Taliban tactics were un-Islamic.<sup>1242</sup>

Accusations of blasphemy adversely affected teachers as well as students. A Lahore teacher was threatened and went into hiding after omitting a section of a religious text she was copying by hand and erroneously juxtaposing a line about the Prophet Muhammad and one about street beggars.<sup>1243</sup> A 200-strong mob stormed the Farooqi Girls' High School where she taught, accused her of blasphemy, vandalized the school and set fire to the property. The 77-year-old head teacher of the school where she taught was arrested despite not having seen the text until after the accusations of blasphemy emerged.<sup>1244</sup>

#### **Attacks on education aid workers**

Pakistani and foreign organizations promoting education were unable to operate freely in many areas of the country due to the threat of militant violence, notably in Khyber Pukhtunkhwa (KP).

Six education aid workers were killed in 2009-2012. Two teachers, one education aid worker and their driver, working for an NGO which promotes girls' education, were shot dead in Mansehra, KP, in April

2009.<sup>1245</sup> Farida Afridi, director of the NGO SAWERA in Jamrud, Khyber Agency, which provides education and training for women, was shot dead on 4 July 2012.<sup>1246</sup> On 8 December 2011, Zarteef Khan Afridi, the coordinator of the Human Rights Commission of Pakistan in Khyber Agency, was shot dead on his way to the school in Jamrud where he also worked as a head teacher. He had been threatened for his anti-Taliban stance and work for women's rights.<sup>1247</sup>

In September 2009, the Taliban kidnapped a Greek teacher who raised funds for a school for the non-Muslim Kalash community in the north-western Kalash Valleys.<sup>1248</sup>

#### **CHILD RECRUITMENT FROM SCHOOLS**

Militant recruitment took place from mainstream schools as well as madrassas.<sup>1249</sup> Public perception most commonly associates recruitment of militants with unregulated madrassas promoting radical agendas. Recently, however, a clearer picture of militant recruitment from schools has emerged. Studies from the Brookings Institution<sup>1250</sup> and the International Crisis Group<sup>1251</sup> notably blamed the lack of quality mainstream education for children's vulnerability to recruitment. Documentary maker Sharmeen Obaid-Chinoy also collected first-hand accounts from children who had been trained as suicide bombers<sup>1252</sup> and from their militant recruiters. She described a radicalization process that starts by isolating the child from outside influences, including education, and only later introduces the more extreme and violent tenets of militant ideology in a second setting. Some children were recruited from madrassa schools,<sup>1253</sup> others were abducted.<sup>1254</sup> Several children who later escaped have described how they only realized they were expected to become suicide bombers after they were trapped.<sup>1255</sup>

In July 2009, the Pakistan Army claimed that up to 1,500 boys as young as 11 had been kidnapped from schools and madrassas and trained in Swat by the Taliban to become suicide bombers. Many were reportedly used to attack US and NATO forces over the border in Afghanistan. There was no independent corroboration of the Army's claims.<sup>1256</sup> In August 2013, The Guardian published evidence that children in Afghanistan were being sent to madrassas in Pakistan to be trained as suicide bombers.<sup>1257</sup>

### **MILITARY USE OF SCHOOLS**

According to media reports, there were at least 40 cases of schools being used by the military,<sup>1258</sup> five incidents of militants based in schools<sup>1259</sup> and one case of the police being billeted right next to a school in 2009-2012.<sup>1260</sup> For example, one media report indicated that schools in Swat district had been used as bases by the Pakistani military for over a year, preventing the education of around 10,000 students.<sup>1261</sup> In another case, the Pakistani military showed journalists a school that had been used by militants in Sararogha as a courthouse and a base.<sup>1262</sup> At another boarding school in Ladha, the army claimed that it had been used to train suicide bombers and store military hardware, including explosives, ammunition, weapons and bomb-making chemicals, and that texts related to combat remained. It was not possible to verify the army's claims.<sup>1263</sup>

### **ATTACKS ON HIGHER EDUCATION**

Lahore and Karachi were the worst affected cities for regular clashes between armed political student groups on university campuses, a spillover of the political, ethnic and sectarian violence in these cities. Students and teachers were also affected by

Karachi's communal violence and a trend of kidnapping for ransom.

Higher education staff and students were victims of regular violence and intimidation by student political groups on campuses, many of whom carried firearms openly, particularly in Lahore and Karachi. In addition to dozens of injuries, the US State Department observed that these groups used threats of physical violence to influence the studies and lifestyles of students and teachers, including the course content, examination procedures, grades, the financial and recruitment decisions of university administrations, the language students spoke and the clothes they wore.<sup>1264</sup>

Seven students were injured in the early hours of 26 June 2011 when about 25 members of the Islami Jamiat Talba (IJT) student organization at Punjab University attacked philosophy students with sticks, bike chains and bricks as they slept in their halls. There were reports of the sound of gunfire and some students brandished pistols but did not shoot anyone. One student was thrown from a first floor window. The IJT had accused the philosophy department of vulgarity and un-Islamic behaviour.<sup>1265</sup>

In addition, higher education students and staff were attacked by those opposed to female education or were victims of kidnappings for ransom, which often also affected the drivers of those attacked. As with school attacks, some simply targeted universities because they associated them with authority. The Taliban said that they were responsible for launching a double suicide bombing on the International Islamic University in Islamabad on 20 October 2009, which killed two female and three male students, in retaliation for a Pakistani army offensive in South Waziristan.<sup>1266</sup>

In Balochistan, there was a clear pattern of targeted killings of academics or students of non-Baloch ethnicity or opponents of Baloch nationalism, with gunmen on motorbikes launching attacks in daylight in public, usually when the victim was en route to or from university. The BLA claimed responsibility for the murder on 5 November 2009 of Kurshid Akhtar Ansari, the head of library sciences at the University of Balochistan<sup>1267</sup> and for the murder on 27 April 2010 of Nazima Talib, a professor at the same institution.<sup>1268</sup> Students and academics linked with nationalist organizations disappeared in a number of cases. For example, Amnesty International reported that a student and member of the Baloch Students Organisation (Azad) allegedly disappeared from his hometown of Panjgur, Balochistan, on 21 January 2011.<sup>1269</sup> In another incident, on 4 July 2011, a Baloch Students Organisation (Azad) activist was abducted from Hub town, Lasbela district, Balochistan. His corpse was found on 6 July with three bullet wounds to the upper body.<sup>1270</sup>

In Karachi, students were affected by outbreaks of city-wide political and sectarian violence. On 26 December 2010, a bomb on the Karachi University campus targeted praying students of the Imamia Students Organisation, injuring five. It led to protests demanding that the administration prevent sectarian fighting on campus, claiming that bombs and weapons were being brought in.<sup>1271</sup> Shot by unidentified assailants on a motorbike while they were talking at a tea stall outside their seminary in November 2012, six students were among 20 people killed during sectarian violence in one day.<sup>1272</sup> An academic was killed in Karachi: Maulana Muhammad Ameen, a teacher at Jamia Binoria Alamia University and a distinguished Sunni cleric, was gunned down by assassins on motorbikes in October 2010.<sup>1273</sup>

Also in October 2010, Taliban assassins shot dead Dr Mohammad Farooq Khan, in Mardan, Khyber-

Pakhtunkhwa province. Khan was the vice-chancellor of a new liberal university in Swat, due to be inaugurated a few days later, and had also devoted his time to teaching 150 boys liberated from the Taliban by the Pakistan Army at a school set up by the military in Swat with support from international donors.<sup>1274</sup> According to the New York Times, he was one of six university professors and Muslim intellectuals to have been murdered in the previous 12 months.<sup>1275</sup>

### ATTACKS ON EDUCATION IN 2013

Students from kindergarten, schools and colleges, teachers of both sexes and education institutions across the country were attacked in Pakistan in 2013. There were continuing attacks on schools, including bombings,<sup>1276</sup> grenade attacks<sup>1277</sup> and shootings. Female education and schooling in the north-west and tribal areas bordering Afghanistan continued to be targeted prominently.<sup>1278</sup> For instance, in January, militants shot dead five female teachers and two health workers returning by bus from their community project near Swabi, in Khyber Pukhtunkhwa province.<sup>1279</sup> In November, militants abducted 11 teachers from Hira Public School in the Khyber tribal agency after they helped in a polio vaccination campaign for schoolchildren.<sup>1280</sup>

There were also attacks on schools in the south-west, in Karachi, where the Taliban has increased its influence,<sup>1281</sup> and in Balochistan.<sup>1282</sup> One primary school in western Karachi was attacked with guns, killing the head teacher and wounding three adults and six children attending a prize-giving ceremony in March.<sup>1283</sup> Another head teacher, who ran a private school, was shot dead in Karachi in May.<sup>1284</sup> At least two schools designated to be used as polling stations in 11 May elections in Balochistan were bombed.<sup>1285</sup>



In higher education, clashes continued between rival armed student political groups<sup>1286</sup> and there were direct attacks on the institutions themselves, including the detonation of one kilogramme of explosives packed with ball bearings in the conference hall of the University of Peshawar's Institute of Islamic and Arabic Studies on 3 January, which injured five students.<sup>1287</sup> In the most serious incident, on 15 June, a coordinated attack was launched against the Sardar Bahaddur Khan Women's University in Quetta and the hospital ward where the casualties were taken. A bomb exploded on a bus at the campus killing 14 female students and wounding 19. Ninety minutes later, two suicide attackers and between two and 10 gunmen attacked the Bolan Medical Clinic, destroying the casualty department and operating theatre and killing 11, including two senior doctors and the Quetta Deputy Police Commissioner, who had come to offer security. Seventeen were wounded. The BBC reported that the Lashkar-e-Jhangvi militant group, which has carried out many attacks against Shia Muslims, was responsible,<sup>1288</sup> but said the attack may have been targeting women in general rather than Shias, as the university is the sole all-women university in Balochistan.<sup>1289</sup>

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