Securing Civil and Political Rights in Pakistan
A Brief for Policy Makers and Parliamentarians

Executive Summary
Civil and political rights are sometimes referred to as negative rights, requiring a hands-off approach from the state. The present brief challenges this assumption and explains how these rights entail positive measures. The brief also attempts to unravel the relationship of civil and political rights with democracy, development and local cultures. Selected policy issues are discussed in the light of Pakistan’s obligations under the 1973 Constitution and international human rights law. Across all selected policy areas, the approach articulated in the brief contends that as embodiments of basic principles of freedom, equality and human dignity, civil and political rights must take precedence above political and strategic considerations.

Introduction
“Man is born free”, wrote the great Enlightenment philosopher Jean Jacques Rousseau, “but everywhere he is in chains”. Rousseau’s voice resonated with millions in 18th century France and elsewhere in Europe, who had seen enough of monarchical despotism. Typical abuses experienced were those of arbitrary arrest, detention without trial, torture, confiscation of property, censorship, and so on. Determination never to experience them again led to the US Bill of Rights (1781) and the Declaration of the Rights of Man in France after the revolution in 1789. However, such declarations co-existed awkwardly for decades with continued suppression and exploitation of humanity in European colonies, including the Indian sub-continent. In time, freedom movements across the world appropriated these pronouncements of rights and liberties as part of their own struggles.

The General Assembly of the United Nations on December 10, 1948, adopted the Universal Declaration of Human Rights (UDHR), which enshrined classical civil and political rights enunciated by Enlightenment thinkers, as well as a catalogue of socio-economic rights. The two sets encapsulated basic standards of freedom, equality and justice without which people could not live in dignity. Civil and Political Rights were embodied in international treaty law through the International Covenant on Civil and Political Rights (ICCPR) adopted by the General Assembly in 1966. It entered into force in 1976. Pakistan signed the Covenant in April 2008 and ratified it in June 2010 (See Box 1). While these conventions are not a substantive part of domestic law in Pakistan, they do have a persuasive value in that they might influence a court in interpreting domestic legislation. These conventions also signal the government’s formal commitment before international community to abide by the provisions of international law.

ICCPR Substantive Provisions
Besides the right to self determination (Article 1) and the right of minorities to enjoy their own cultures (Article 7), the ICCPR’s enlists a range of individual rights, which can be captured in the following scheme:

a) Protection of physical integrity as in provisions on torture, arbitrary arrest and arbitrary deprivation of life;

b) Procedural fairness when government deprives an individual of liberty as in provisions on arrest, trial proceedings and conditions of imprisonment;

c) Equal protection norms defined in racial, religious, gender and other terms;

d) Freedom of belief, speech and association, such as provisions on political advocacy, practice of religion, press freedoms, form associations etc.; and

e) Right to political participation.

Box 1

The 1973 Constitution of the Islamic Republic of Pakistan contains a fairly comprehensive list of civil and political rights in the Chapter on Fundamental Rights (Article 8-28). These include the right to security of
person (Article 9); safeguards as to arrest and detention and right to a fair trial (Article 10 and 10A); inviolability of individual dignity (Article 14); freedom of religion (Article 17); freedom of expression and right to information (Article 19 and 19A); equality before law (Article 25) etc. The same chapter also provides that any law inconsistent with these rights, ‘shall, to the extent of such inconsistency, be void’ and that the ‘State shall make no law which takes away these rights (Article 8)’. The chapter on Principles of Policy calls upon the State to ensure “full participation of women in all spheres of life” (Article 34), safeguard “the legitimate rights and interests of minorities” (Article 36), and “secure the well-being of the people, irrespective of sex, caste, creed or race” (Article 38a). While the Principles of Policy are non-justiciable and meant to serve as guidelines for the government in enacting legislation, their interpretative and persuasive value cannot be underestimated.

Conceptual Framework
Political and religious leaders, particularly in Asian and African countries, have taken an issue with the concept of human rights, and in particular, civil and political rights, for allegedly imposing the prejudices of western culture on the rest of the world. On this approach, values underlying the modern concept of human rights, such as individual autonomy and liberty, are alien to traditional societies and serve to erode local cultural ethos. There is merit in this argument to the extent that it provides possible methods of studying rights on the ground in terms of how they are mediated by local realities. Beyond that, the approach is based on a misguided understanding of cultures as static and internally uniform.

In reality, cultures are not monolithic entities. Rather, they are divided along age, caste, gender and other variables. Patriarchal values, for example, often represent the interests and ethos of a small elite and not an entire culture. Too often, a mistaken respect for culture involves taking the interpretation of dominant elites or majorities as representing cultures at the expense of subordinate groups. It is partly a sign and result of this internal conflict that human rights doctrine has been adopted by many people to whom it was once foreign. Many groups in Asian and African countries are now familiar with rights discourse if only because they have experienced state violence and marginalization from national political processes. The appropriation of human right by such groups indicates that traditional and indigenous cultures are themselves in flux and not necessarily bound to a permanent dichotomy between human rights and “local values”.

The concept of civil and political rights has also had a rather uneasy relationship with development. Until recently, it was usually assumed that economic development would entail individual costs. Military leaders in the post-colonial world, often at the behest of foreign donors, justified curtailling individual freedoms in the name of maintaining peace and social order as a pre-requisite for development. In 1999, Amartya Sen’s landmark study of development as freedom in particular cemented the development-rights nexus. Sen argued that “expansion of freedom is to be viewed “both as the primary end and as the principal means of development. Development consists of the removal of various types of unfreedsoms that leave people with little choice and little opportunity of exercising their reasoned agency”. On this approach, the intensity of economic needs in many parts of the world adds to rather than subtracts from the urgency of political freedoms. With empirical evidence, Sen has also persuasively argued that famines do not occur in functioning democracies with “regular elections, opposition parties, basic freedoms of speech and a relatively free media” because of relatively greater access to information and participation in public affairs.

It is commonly believed that human rights, particularly civil-political rights, and democracy are mutually supportive. However, the relation between the two is far from simple. It is true that similar values, such as respect for individual autonomy and dignity, may form the basis of both human rights and democracy. Democracy may also be the best form of government for protecting civil liberties and freedoms. In practice, though, democratic governments can and do violate individual rights and freedoms. That may take the shape of laws that satisfy the demands of a majority but severely curtail the human rights of those belonging to minorities. Human rights, such as the right to free speech, freedom of association and religion, and equality before law are consequently often protected by entrenching them in constitutions. Any limitations imposed on the exercise of these rights are to be proportionate to legitimate aims demonstrably necessary in a democratic society. Under ICCPR, for example, certain rights including the right to life, freedom from torture, slavery and illegal detention, are specifically safeguarded and are intended to retain their full strength and validity in serious emergency situations.

Constitutional entrenchment of rights, it is believed, transfers power from democratically elected politicians to judges who adjudicate on instances of rights violations as well as review laws made by elected leaders. To unravel the tension, some theorists make a distinction between majoritarian and egalitarian democracy. Majoritarian democracy permits the ‘tyranny of the majority’ and is a defective form of democracy, since it denies the equality of all citizens. Egalitarian democracy recognizes the equality of all citizens and therefore
entrenches their rights in a constitution to protect them from violation by majorities. At the heart of this approach is the idea that there are fundamental human interests too important to be left to the government of the day.

A misconception with regard to civil and political rights with policy implications relates to the nature of state obligations. It is sometimes assumed that these rights are essentially elected government entities that require positive actions on the part of state bodies, civil and political rights require a hands-off approach. As elaborated by experts, the duty to respect or to abstain from individuals exercising their rights represents only one level of obligations, which applies to everyone and not just the state as a duty-bearer. Thus, in the case of the right to vote, the duty to respect would entail that state officials or other actors do not stop eligible voters from casting the vote. However, the state is also duty-bound to protect the right by putting in place institutional machinery, including law-enforcement personnel, an independent judiciary and an election commission, ensuring that people can exercise the right to vote freely and have access to remedies in case of violations of the right. At the third level, the state is required to promote the right through public education and positive policy pronouncements. To classify all civil and political rights as negative rights is thus misleading. Each state organ i.e. judiciary, executive and legislature, has positive duties with respect to these rights.

**Salient Substantive and Policy Issues**

Out of 63 years of independent existence, Pakistan has been under military or quasi-military rule for over 30 years. Constitution has been abrogated, fundamental rights suspended, opposing voices silenced and constitutional amendments introduced undemocratically time and again. Dictatorial regimes have also made political use of Islam for suppressing dissent and individual freedoms, especially of women and religious minorities. The most lasting and damaging legacy of undemocratic rule has been people’s alienation from state institutions, public policy and social development processes.

This alienation is in fact mirrored at the macro-level in economic indicators, which have often shown impressive growth rates without translating into equitable human development. The phenomenon is underlined by social divisions along gender, class, ethnic and religious lines creating a vicious cycle of disarticulation and deprivation. Those with resources and political power to command have had access to decision-makers allowing them leverage to extract resources for themselves and their clients, which in turn strengthens their voice and participation in public decision-making. As a corollary, the socially marginalized—women, minorities, peasants and ordinary workers—have had little, if any, access to decision-making, policy formulation and resource allocation processes.

The return to democracy and the reinstatement of independent judiciary in 2008 came after a long and arduous struggle, involving huge sacrifices on the part of a number of political leaders and activists. To its credit, the democratically elected government released all political prisoners and set about the overdue task of constitutional reforms soon after coming to power. The 18th Amendment Bill passed by the Government has been hailed as a milestone in Pakistan’s constitutional history. Removal of concurrent legislative list to allow greater devolution of power to provinces, insertion of the Right to Fair Trial, Right to Information and Right to Education in the Chapter on Fundamental Rights, and the removal of much misused powers with the president to dissolve elected assemblies are among the most important features of the amendment. During the tenure of the present government, Pakistan also signed and ratified the ICCPR as well as the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The country also has a separate Ministry of Human Rights in place now.

These are all promising steps forward for the protection of civil and political rights. However, a number of challenges persist, most notable being the unabated wave of terror and religious and sectarian violence. That extremist outfits have killed and maimed thousands of innocent people, in addition to showing utter disregard for civil and political rights in areas under their control, is beyond doubt. The state, as the custodian of human rights, however, has to walk the tight rope between stemming the tide of terror and protecting fundamental rights and freedoms. The principle that military operations against terrorists and insurgents should be carried out in a manner that takes into consideration due process of law and freedom from torture, inhumane and degrading treatment, is admittedly hard to observe. However, by flouting that principle the state only strengthens the forces of obscurantism and militancy. International human rights organisations have repeatedly pointed out that the Frontier Crimes Regulation (FCR) that currently governs Federally Administered Tribal Areas (FATA) and Provincially Administered Tribal Areas (PATA) effectively legalizes human rights violations by permitting the use of anachronistic methods of governance such as collective punishment and guilt by association.

Other ongoing rights concerns include discriminatory laws, customary practices and violence against women and religious minorities. Feudal, patriarchal and tribal structures limit the capacity of many to exercise constitutionally protected rights and freedoms. For example, while the Constitution and the international human rights law guarantee right to fair trial, right to equal protection before law and freedom from discrimination, informal courts or jirgas continue to hand down...
Quest for Dignity: Supreme Court Rules in Favour of Transsexuals

In a positive development, Pakistan's Supreme Court ruled in July 2010 that hijras (transgender individuals) must receive equal protection of the law. The court directed the National Database Registration Authority (NADRA) to issue them National Identity Cards indicating their transsexual status rather than classifying them as men. The Court took serious notice of harassment and illegal detention of transsexuals and declared it violating fundamental rights as to arrest and detention and the right to dignity.

Primary research carried out by LEAD Pakistan confirms anecdotal evidence that transsexuals are at the receiving end of heavy-handedness by police officials. They are often turned down by hospitals or receive inadequate medical attention at best. Societal biases result in transsexuals being portrayed as sub-humans and ridiculed in public spaces. Public services in a wide range of areas, including education, housing and social protection, bypass these individuals amounting to a prima facie violation of the fundamental human rights principle of non-discrimination. - Box 2

degrading punishments, such as exchange marriages to settle tribal disputes. The practice continues despite the passage of the Protection of Women (Criminal Law Amendment Act) 2006, which outlawed the practice, known as sawara in Khyber Pakhtunkhwa and wani in Punjab province. The practice is sometimes defended on the grounds of perceived larger benefits of dispute settlement. However, from a human rights perspective, a ‘greater good’ can never justify exchange of women as mere commodities. Admittedly, one reason why practices such as swara continue has to do with the lack of trust in lower courts and cumbersome legal procedures. Informal dispute resolution mechanisms may dispense speedy justice and help restore order but they do not operate by codified law or human rights principles, such as according equal protection of law to men and women.

The Protection of Women Act 2006 also distinguishes honour killings from other murders. A new clause added to Section 299 of the Pakistan Penal Code (PPC) specifically mentions karo kari or siyah kari as an offence committed in the name of honour. Previously, the PPC included ‘grave and sudden provocation’ as an exception in section 302, allowing reduction of punishment for murder. The amended PPC does not contain the exception. A proviso to section 302 now requires that in cases where a deliberate murder is committed in the name or on the pretext of honour, it shall be punishable by death or life imprisonment. The clause, which provides for a less severe punishment of imprisonment up to twenty-five years, does not apply to cases of honour killings. Some organisations and activists have pointed out that the law falls short of addressing the issue of waiver or compounding in which the perpetrators are given the advantage of seeking forgiveness from the heir of the victim through Qisas and Diyat provisions in the penal code. The Protection of Women Act, however, makes it difficult to compound the crime of honour killings. It provides that even if the accused by personal law is the wali, with the right and power to condone or waive or forgive the crime, in cases of karo kari, such wali, if he happens to be the accused or convict, is debarred from acting as the wali.

According to a report, over 600 women were murdered in the name of honour in the year 2009 alone. While legislative measures are necessary, state’s obligation to protect women’s right to life and personal security also requires that law enforcement and investigation personnel as well as general public are informed and sensitized about the law. The same holds true for the Protection against Harassment at the Workplace Act, 2009 and the Domestic Violence (Prevention and Protection) Bill 2010. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) requires States Parties not only to bring their domestic laws in line with the Convention, but also to ensure the practical realization of rights by undertaking extra measures to implement enabling conditions so that women’s capacity to access the opportunities provided is enhanced. Article 5 asserts that States Parties must strive to modify “the social and cultural patterns of conduct of men and women, to eliminate prejudice based on stereotyped beliefs of the inferiority of women.”

While the present Parliament has taken some serious legislative measures to protect women’s rights and freedoms as the above examples suggest, it is yet to show the same seriousness with regard to minority rights. Pakistan's infamous Blasphemy Law remains in place and religious minorities continue to be targeted under it. The law, to quote a renowned anthropologist, is an example of “internal wrangling over nationalist and religious identities,” taking a toll on human rights. The Blasphemy Law was originally introduced by the British colonial government aimed at preventing tensions between Hindus and Muslims. The provision was adopted in Pakistan with minor changes after Partition as Section 295 (a) of the Pakistan Penal Code. The contentious sections 295(b) and 295(c) were introduced during the Zia regime, aimed to protect the holy personages of Islam, the state religion. Section 295 (b) criminalized defiling of the Holy Koran and prescribed a punishment of life imprisonment. Section 295(c) made it a criminal offence to use derogatory remarks with respect to the Holy Prophet (PBUH), a crime punishable with death.

The malicious use of the provisions can be gauged from the fact that between 1927 and 1986 there were less than 10 reported cases of blasphemy. With the advent of Section

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11 Sections 309 and 310.
12 Section 305
13 HRCP (2009), p 186.
295(c), the situation changed dramatically. Between 1988 and 2005, over 600 people, of which 50 per cent were non-Muslims, were charged with offences under the blasphemy laws. Up until 2009, more than 20 people were murdered for alleged blasphemy. While no convictions have been carried out yet, the law continues to be used to incarcerate people often on vague and dubious charges. Christians and Ahmadies make up a disproportionately high number of those targeted under the law.

**Trafficking Defined**

There is a legal distinction between smuggling and trafficking even though there are frequent overlaps. Smuggling simply involves payment of a fee against services provided for facilitating an illegal passage across international borders. Smugglers may never see their “clients” again or they may continue to exploit them by demanding additional payments or forcing them into sex work. In latter cases, what began as an act of human smuggling turns into trafficking.

What distinguishes trafficking from smuggling is the fact that it involves the movement of people for the purposes of exploitation. Another key difference is the element of coercion whether through the direct use of force or threats and false promises. The internationally recognized definition is set out in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000:

“The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation, forced labor or services, slavery or practices similar to slavery or servitude or the removal of organs.” - Box 3

Terrorist attacks on Ahmadi mosques in May 2010 resulting in cold-blooded murder of at least 100 worshippers were a rude reminder of the vulnerable position of religious minorities in Pakistan. Earlier in 2009, seven Christians were burnt alive and 18 others injured and at least 50 houses set on fire by a mob accusing the victims of blasphemy in the town of Gojra in Punjab province. These events illustrate that the constitutional guarantee of freedom of religion means little in the absence of proactive measures to provide protection to these vulnerable groups and to promote religious tolerance and harmony through education and social mobilization. In recent times, Shia Muslims have also been at the receiving end of terrorist attacks with a number of religious processions and mosques attacked. Ethnic Hazara-Shias in Balochistan have been living in perpetual fear. According to a report, the community has lost at least 300 individuals in targeted shootings since 2009.

An issue which involves multiple violations of civil and political rights and affects men, women and children from poor backgrounds, is that of trafficking in humans. Pakistan has successfully controlled the scandalous exploitation of children as camel jockeys in the UAE. However, there is evidence of an organised illegal network of sending labour out from different parts of Pakistan. The main routes used frequently by smugglers and traffickers include the Makran coast, the porous borders with Iran and Afghanistan and the Thar desert bordering India. Pakistani women are said to be trafficked out to the Gulf countries for sexual exploitation through fake or temporary marriages to locals or to Arab citizens. It is impossible to estimate the numbers due to the clandestine nature of the trafficking industry. High costs involved in migrating for labour through legal channels is an important factor paving the way for smuggling and trafficking.

While trafficking is usually considered a cross-border phenomenon, it also occurs within a country’s boundary. In Pakistan, the practice of bonded labour in agriculture, begging, domestic work and commercial sex work is known to involve trafficking. A significant number of bonded laborers are believed to be those trafficked internally as well as people of Bangladeshi origin. Those trafficked into Karachi are believed to be under an “obligation” to continue making a periodic payment out of their wages to the smugglers and recruiting agents who facilitated their passage into Pakistan. Minority Hindus from lower castes or Christian converts from lower castes also form a disproportionately high number of bonded laborers.

The practice violates a range of constitutional and internationally recognized rights, such as freedom of movement, right to personal security, freedom from torture, inhumane and degrading treatment etc. The year 2002 saw the promulgation of the Prevention and Control of Human Trafficking Ordinance to be administered by the Federal Investigative Agency (FIA). The 2002 Ordinance defines trafficking broadly to include “obtaining, securing, selling, purchasing, recruiting, detaining, harboring or receiving” a person into or out of Pakistan for the “purpose of attaining any benefit, or for exploitative entertainment”, slavery or forced labor. However, the definition does not cover internal trafficking. Another obvious weakness in the Ordinance and the Rules issued in 2005 is a lack of provision of reflection time i.e. time to recuperate from the trauma of trafficking or

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16 Ibid. Of 361 cases of blasphemy offences registered between 1986 and 2007 26% were against Ahmadies and 21 per cent against Christians.
17 HRCP (2009), p 132
18 Sattar (2007), p 11
counseling services for the victims. Also, the law does not incorporate the principle of non-refoulement, the internationally accepted legal norm of not forcing an individual back to a country where they may have a well-founded fear of being persecuted. The practice also violates the United Nations Convention on the Law of the Sea (UNCLOS). According to the Convention the State Parties are bound to promptly release arrested vessels and crews upon the posting of reasonable bond or other security. The Convention also provides that “in cases of arrest or detention of foreign vessels the coastal State shall promptly notify the flag State, through appropriate channels, of the action taken and of any penalties subsequently imposed.” In many cases, families of arrested fishermen are not informed about their whereabouts. The boats are impounded on both sides but never returned. The two countries formed a joint Judicial Committee in 2007 to look into the plight of the prisoners. Comprising of four judges from each side, the committee remained active till the confidence building measures between India and Pakistan came to an abrupt halt after the Mumbai terrorist attacks in November 2008.

Finally, an issue that has been in the headlines but is yet to receive adequate attention on the part of human rights advocates is that of Pakistani and Indian fishermen languishing in jails on either side of the border. Unfortunately, the issue of detained fisherman plays out as a subset of larger political and strategic issues. On human rights approach, fishermen's right to due process of law must trump all other considerations. The fishermen from both sides stray outside their country's waters due to absence of demarcation of Sir Creek—a 96-kilometre strip of water in the Rann of Kutch, which separates the Indian state of Gujarat from Pakistan's Sindh province. Dwindling fish catch and debts small fishermen owe also force many to go deeper into the sea. Once caught on the wrong side of the divide, the fishermen are apprehended and charged under passport and immigration laws on either side. Arrested fishermen are often not released after they have served out the sentences. Such detention also violates the right to due process of law guaranteed by Article 4 of Pakistan's 1973 Constitution, as well as other constitutional rights which the Supreme Court has held as making “no distinction between citizens and non-citizens.”
Recommendations

Based on the preceding discussion and the conceptual framework elaborated in the brief, we now present a set of general, cross-sector recommendations followed by more specific recommendations with regard to policy areas highlighted in the brief.

General Recommendations

- Incorporate human rights education into school curricula and teachers’ training programmes;
- Use state-owned media to create awareness on civil and political rights enshrined in the Constitution and international conventions Pakistan has signed up to;
- Improve legal training in human rights law by investing in research facilities and faculty development within public sector law colleges;
- Provide better infrastructural facilities for litigants in lower courts as an incentive to approach the courts for human rights violations;
- Provide alternate dispute resolution and mediation services through formal courts and revitalize Musalihati Anjumans established under the local government system;
- Repeal the Frontier Crimes Regulation (FCR);
- Institute a bi-partisan commission to prepare a roadmap and plan of action to phase out parallel justice bodies i.e. jirgas and panchayats;
- Revive the local government system to ensure women’s participation in politics and governance at the grassroots level.

Sector-Specific Recommendations

Recommendations presented in this section are by no means exhaustive and they do not cover the entire range of issues even within the selected sectors. However, they are meant to provide some illustrative examples of legislative, policy and administrative measures that are required to make civil & political rights a reality.

Women’s Rights

- Enhance the numbers of women judges in judiciary at all levels;
- Create legal awareness on the Protection of Women Act 2006, the Protection against Harassment at the Workplace Act 2009, and the Domestic Violence (Prevention and Protection) Bill 2010 through public campaigns on state-owned media;
- Improve shelter homes and counseling and legal aid services to women facing the threat of honour crimes;
- Significantly increase the number of women in the police department to ensure gender-based crimes are investigated by women officers.

Religious and Sectarian Violence

- Repeal Section 295 B and 295 C of the Pakistan Penal Code;
- Develop a comprehensive policy for interfaith harmony and religious tolerance, specifying measures for the protection and integration of religious minorities at all levels of the society;
- Introduce a specific legislation penalizing discrimination in employment or education opportunities on the basis of faith, sect or ethnic background.

Transsexual’s Rights

- Publicly condemn ill-treatment of transgender individuals by police and other state agents, as well as extortion, unlawful use of force, and other abuses;
- Ensure the implementation of the Supreme Court Directive to the National Database Registration Authority to issue National Identity Cards to transsexuals indicating their transsexual status in the gender column;
- Integrate the coverage of transsexual individuals as high risk groups in HIV/ADIS prevention and control measures.

Human Trafficking

- Pakistan must sign and ratify the UN Convention on the Rights of All Migrant Workers and their Families and ratify the Optional Protocol on Trafficking;
- The Prevention and Control of Trafficking Ordinance (2002) and the Rules (2005) should be amended to cover internal trafficking, to allow reflection time to the victims of trafficking, and to incorporate the principle of non-refoulment in the case of foreigners arriving in Pakistan;
- Enact provincial laws against bonded labour and for the protection of working children, as labour and social welfare are provincial subjects post 18th Constitutional Amendment;
- Counter-trafficking policies should contain components which seek to ensure protection, support and decriminalization of trafficked people. Providing assistance to victims also allows a better chance for identifying and prosecuting smugglers and traffickers;
- Distribute the recruitment infrastructure for overseas employment equitably across the country to provide people with legal opportunities to emigrate for work. At present, most Overseas Employment Promoters (OEPs) are concentrated in a few large cities.

Detention of Fishermen

- Revive the Joint India-Pakistan Judicial Commission to look into the conditions of detained fishermen on either side of the border;
- Establish a system of visible sea border between Pakistan and India to ensure that the fishermen do not cross the borders mistakenly and are not caught by the law enforcing agencies of both the countries;
- Provide fisher folk in the Indus Delta region with institutional credit and boat insurance to reduce dependence on exploitative sources of debt.
Bibliography


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