



**Submission by Human Rights Watch
to the Committee on Economic, Social and Cultural Rights
61st plenary session**

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Summary

This submission focuses on the protection of education and the situation of asylum seekers and refugees in Pakistan. It is an [update](#) to our earlier submission, based on recent events. It relates to Articles 2, 6, 7, 11, 13, and 14 of the International Covenant on Economic, Social and Cultural Rights (the “Covenant”), and proposes issues and questions that Committee members may wish to raise with the government.

Evidence included in this submission is based in part on Human Rights Watch’s research on attacks on students, teachers, schools, and universities, and the military use of schools, between 2007 and October 2016. Human Rights Watch conducted interviews with 48 people including teachers, students, parents, and school administrators in the provinces of the Punjab, Sindh, and Khyber Pakhtunkhwa (KP); monitored and analyzed media reports; and reviewed academic publications and government documents. Further information can be found in the Human Rights Watch report, [*“Dreams turned into Nightmares”: Attacks on Students, Teachers, and Schools in Pakistan.*](#)

This submission is also based on information contained in a February 2017 report documenting violations of the rights of refugees in Pakistan. Human Rights Watch interviewed 92 Afghan refugees who had returned to Kabul between October 26 and November 1, 2016, and 23 Afghan refugees and undocumented Afghans in Peshawar, Pakistan between November 8 and 11, 2016. Further information can be found in the Human Rights Watch report, [*Pakistan Coercion, UN Complicity: The Mass Forced Return of Afghan Refugees.*](#)

Education (Articles 13, 14)

Pakistan has a fragile education system because of poor access to education, low enrollment rates, gender bias, lack of trained teachers, and poor physical infrastructure. In 2015, 5,599,070 children aged 6-11, of whom 3,309,514 were girls, and 5,445,332 adolescents ages 12-17, of whom 2,902,032 were girls, were out of school in Pakistan.¹

¹ United Nations Educational, Scientific and Cultural Organization (UNESCO) Institute for Statistics, “Pakistan,” undated, <http://uis.unesco.org/country/PK> (accessed March 20, 2017).

Attacks on students, teachers, schools, and universities

Attacks on students, teachers, schools, and universities continue to occur in Pakistan, with a devastating impact on the right to education. The Pakistan government does not collect consistent or transparent national data on the number of attacks on schools and universities, or the number of deaths and injuries from such attacks. However, according to the Global Terrorism Database, there were 867 attacks on educational institutions in Pakistan from 2007 to 2015 resulting in 392 fatalities and 724 injuries.²

Human Rights Watch documented attacks by militant groups, including Tehreek-i-Taliban Pakistan (TTP), also known as the Pakistani Taliban, the Lashkar-e-Jhangvi (LeJ), and several other Islamist militant groups, that have destroyed school buildings, targeted teachers and students, and caused parents to keep their children out of school. They have also targeted higher-education colleges.³

Pakistan's militant Islamist groups use attacks on schools and universities to foster intolerance and exclusion and to target symbols of the government; some groups attack schools because they are used as bases by the security forces or because the curriculum is too "secular" or Western.⁴

Attacks on education disproportionately affect girls, who are more likely to be kept out of school due to security concerns. The attacks documented by Human Rights Watch have been particularly directed to end girls' access to education. This contributes to Pakistan's significantly worse educational outcomes for girls. When the TTP gained complete control over the Swat Valley in KP in 2009, they began a violent campaign against education for girls. Over 900 girls' schools were forced to close and over 120,000 girls and 8,000 women teachers stopped attending school. Several students did not return to school even after the Pakistan army had displaced the Taliban control from the area.⁵

In June 2012, the Government Girls Primary School, Ghulam Banda, Kohat, KP, was targeted in a bomb attack. The watchman of the school confessed to blowing up the school on the orders of the Taliban.⁶ Teacher Ahmad Ali said that they had feared such an attack because girls attended the school:

I was asleep at home, which is close to the school. I woke up on hearing an explosion at around midnight, but was too frightened to come out. In the morning, I came to the school and saw that some unknown terrorists had bombed the school and completely destroyed two rooms. Another room in the middle was also badly damaged. The Taliban have attacked

² Global Terrorism Database, Search results for attacks on educational institutions in Pakistan between 2007 and 2015, https://www.start.umd.edu/gtd/search/Results.aspx?start_yearonly=2007&end_yearonly=2015&start_year=&start_month=&start_day=&end_year=&end_month=&end_day=&asmSelecto=&country=153&asmSelect1=&target=8&dtp2=all&success=yes&casualties_type=b&casualties_max=, (accessed October 28, 2016).

³ Human Rights Watch, *"Dreams turned into Nightmares": Attacks on Students, Teachers, and Schools in Pakistan*, March 2017, <https://www.hrw.org/node/301266/>.

⁴ Ibid.

⁵ Ibid.

⁶ Abdul Sami Paracha, "Watchman confesses to blowing up school in Kohat," *Dawn*, June 25, 2012, <http://www.dawn.com/news/729501/watchman-confesses-to-blowing-up-school-in-kohat>, (accessed November 26, 2016).

schools for girls all over KP and the police had, in the past, warned that our school might be a target. However, no police security was provided to the school.⁷

The school has been rebuilt and was functional when Human Rights Watch visited.⁸

In February 2016, militants targeted a newly constructed girls' school in South Waziristan, the Federally Administered Tribal Areas (FATA) in a bomb attack. Sajna group, a faction of the TTP, claimed responsibility in a statement saying, "We have blown up the school because it was a government installation."⁹

Aitzaz Hasan, a 15-year-old boy, died on January 7, 2014 while preventing a suicide bomber from entering Government High School Ibrahimzai School in KP's Hangu district.¹⁰ The school is the only one in Ibrahimzai, a Shia-dominated area in Hangu. Nearly 2,000 students were in the school at the time the attack occurred. The attack was claimed by LeJ.¹¹ Ali Hussain, a resident and an elder of the village, told Human Rights Watch:

We already feel threatened because we are Shia. However, nobody thought that the LeJ would attack a school. School is supposed to be a place of safety of our children. For many days after the attack, my son couldn't go to school. I also didn't want him to. There is police security at the school now, but on most days that is just one police constable. We have tried to put together a team of local volunteers to guard the school. But what can we do when faced with a suicide attacker? There is only one school in the village and all our children go to this school. An attack on this school is devastating for us. Many people in the village have made their children discontinue school after the martyrdom of Aitzaz Hasan.¹²

On January 20, 2016, four gunmen opened fire at Bacha Khan University in Charsadda district of KP. According to the Pakistan army, all four assailants scaled the university walls and opened indiscriminate fire. They were wearing suicide vests, but were killed by the soldiers before they could detonate.¹³ Asim (pseudonym), a 23-year-old student studying geology, described the attack and its impact:

I was in my room in the hostel with some other students when I heard the sound of heavy firing. We locked ourselves in the room. We could hear firing and footsteps. The militants knocked at our door, asking us to open. I hid under the bed in my room. They eventually broke the door and came in. They killed five of my friends in front of me. Then they left the room. After a few minutes the militants came in again to check if anyone was alive. They did

⁷ Human Rights Watch interview with Ahmad Ali (pseudonym), Kohat, February 7, 2016.

⁸ Human Rights Watch, "Dreams turned into Nightmares."

⁹ "New government school blown up in South Waziristan," *The Express Tribune*, February 20, 2016, <http://tribune.com.pk/story/1050956/new-government-school-blown-up-in-waziristan/> (accessed November 7, 2016).

¹⁰ Malala Yousafzai, "Aitzaz Hasan, our hero of all times," *Dawn*, January 22, 2015, <http://www.dawn.com/news/1158034>, (accessed November 3, 2016).

¹¹ "Saving lives: a teenager's sacrifice for hundreds of mothers," *The Express Tribune*, January 9, 2014, <http://tribune.com.pk/story/656766/saving-lives-a-teenagers-sacrifice-for-hundreds-of-mothers/> (accessed November 4, 2016).

¹² Human Rights Watch interview with Ali Hussain (pseudonym), Hangu, February 9, 2016.

¹³ Human Rights Watch, "Dreams turned into Nightmares."

not look under the bed. But they lobbed a grenade in the room and left. I was very seriously injured by the grenade splinters. I was in the hospital for 20 days. I suffer from nightmares and panic attacks. I have not been able to focus on studying for the past many months. In our university, there are five students in each hostel dorm room-- all four of my roommates are dead, and they were killed in front of my eyes. How can I ever forget that? I cannot live in a hostel or dorm room again.¹⁴

Military use of schools and universities

Government forces—both in Pakistan and while deployed to the United Nations peacekeeping mission in the Central African Republic—have used schools for military purposes.

In conflict areas in Pakistan, particularly in KP and FATA, the army has partially or completely occupied educational institutions. Many of the schools taken over by the army were previously under the occupation of the Taliban when the army went in to Swat and FATA.

In Swat, after its military offensive, the Pakistan army forced the Taliban to vacate the schools, but ended up occupying them instead. Although most schools have now been vacated, around 20 schools were still under military use in Swat as of December 2016.¹⁵

A school official in Swat told Human Rights Watch in July 2016 that his school has been occupied for military purposes since 2009.

When the army came to Swat they claimed to have no place to live and hence they stationed themselves in government schools and colleges. They also occupied a few private schools. The private school that I ran was also taken over. I left Swat as an internally displaced person when the military offensive started in May 2009, and when I returned in July, I found that a unit of Baloch regiment of the Pakistan army had taken over my school. They paid no compensation. When I went to the school and asked when my school will be vacated, I was told to wait. I protested and finally wrote to the general headquarter [GHQ] of the Pakistan army, registering my protest. After I complained to the GHQ, the colonel in charge of our area asked me to stop complaining. The district administration has also expressed its inability to help me. I was left with no choice but to accept the army's decision. Now they pay us a rent for the school building, however the rent is not based on any market value assessment, they [army] pay whatever they feel like. I have now set up another private school.¹⁶

Pakistani troops who participate in UN peacekeeping operations are obliged under UN regulations not to use schools in their operations.¹⁷ Yet, Pakistani peacekeeping troops serving as part of the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) used school grounds in Mourouba, a small town in the Ouaka province of the Central African Republic. This is also contrary to a MINUSCA directive from

¹⁴ Asim (pseudonym), student of Bacha Khan University, Charsadda, KP, describing the Taliban attack on January 20, 2017.

¹⁵ Human Rights Watch, *"Dreams turned into Nightmares."*

¹⁶ Human Rights Watch interview with Raza Khan (pseudonym), Swat, July 19, 2016.

¹⁷ United Nations Infantry Battalion Manual, 2012, section 2.13, "Schools shall not be used by the military in their operations."

December 2015 stating that troops and police shall not use schools for military purposes.¹⁸ Human Rights Watch researchers saw peacekeepers from Pakistan using the school grounds as their base during a visit to Mourouba on January 22, 2017. Human Rights Watch informed MINUSCA authorities of the occupied school in Mourouba and it was subsequently vacated.¹⁹

Human Rights Watch also documented the occupation of schools and universities by the Muttahida Qaumi Movement (MQM), a political party, and criminal groups. Since 2004, Lyari, a low-income residential settlement in Karachi, Sindh, has witnessed incessant, violent fighting between criminal gangs; many of them enjoy the protection and patronage of various political parties.²⁰ The violence has significantly damaged the municipal infrastructure, schools, and hospitals.

Schools have also been used as offices of political parties and gang hideouts. There are bullet marks on the walls of many schools in Lyari such as Ghairiabad Girls Secondary School and M. Alvi Government Girls Primary School as a result of crossfire between law enforcement officials and the gang members in 2010. The worst affected were schools in the areas that were at the boundaries of different gang territories. Almost 80 percent of schools were either damaged or directly occupied by the gangsters.²¹

Pakistan's 1938 Manoeuvres, Field Firing and Artillery Practice Act prohibits the entry or interference of any educational institution during military maneuvers.²²

Government response to attacks on education:

The Pakistani government paid little attention to the protection of students, teachers, and educational facilities until the attack by the TTP on the Army Public School in Peshawar on December 16, 2015, which killed 145 people, almost all children. Shortly after, Prime Minister Nawaz Sharif announced a 20-point National Action Plan to comprehensively deal with terrorism, but none of the 20 points pertain to students or education.²³ Despite hundreds of attacks on teachers, students, schools, and universities, the Pakistan government has not successfully prosecuted the perpetrators in most instances.²⁴

The responsibility for enhancing and maintaining security in schools has been largely left to the provincial governments. This has been sporadic and varies across provinces, with little attention to

¹⁸ "MINUSCA directive on the protection of schools and universities against military use," December 24, 2015, MINUSCA/OSRSG/045/2015, https://minusca.unmissions.org/sites/default/files/151224-046_minusca_directive_on_the_protection_of_schools_and_universities_against_military_use.pdf (accessed April 3, 2017).

¹⁹ Human Rights Watch, *No Class, When Armed Groups Use Schools in the Central African Republic*, March 2017, <https://www.hrw.org/report/2017/03/23/no-class/when-armed-groups-use-schools-central-african-republic#1c51d9>.

²⁰ Matthieu Akins, "Gangs of Karachi," *Harpers' Magazine*, September 2015, <http://harpers.org/archive/2015/09/gangs-of-karachi/>, (accessed on November 5, 2016).

²¹ Human Rights Watch, *"Dreams turned into Nightmares."*

²² Manoeuvres, Field Firing and Artillery Practice Act, Act No. V of 1938, March 12, 1938, art. 3.

²³ "Days of terrorists are numbered, says PM," *Dawn*, December 25, 2014, <http://www.dawn.com/news/1152966>, (accessed October 28, 2016); National Counter Terrorism Authority Pakistan, "20 Points of National Actions Plan", n.d., <http://nacta.gov.pk/NAPPoints20.htm>, (accessed October 28, 2016).

²⁴ Human Rights Watch, *"Dreams turned into Nightmares."*

the specific need to protect girls' education. In most cases, responsibility for enhancing and maintaining security has been passed on to school authorities. This has led to increased hardship and chaos. Some schools are organizing traumatic security drills, others arming teachers and students. Criminal cases have also been filed against teachers and principals for not taking security measures.²⁵

In many of the schools that Human Rights Watch visited classes are conducted in the grounds while the school or parts of it are rebuilt. Many of the interviewees expressed concern about the quality of the reconstruction and felt the authorities are in a rush to rebuild and compromise on the quality of construction.²⁶

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 a) state security forces and b) non-state armed groups 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 when they do occur?
- How many schools, universities, or education facilities have been fully or partially occupied or used by a) government security forces and b) non-state armed groups in each year of the reporting period, and since?
- What action has the government taken to ensure that attacks on schools in contravention of international humanitarian law are investigated and those responsible appropriately prosecuted?
- What measures is the government putting in place to ensure children displaced by conflict are able to safely access a quality education?

Human Rights Watch recommends to the Committee that it call upon the government of Pakistan to:

- Endorse the Safe Schools Declaration, thereby endorsing and committing to use the *Guidelines for Protecting Schools and Universities from Military Use in Armed Conflict*.
- Cooperate with provincial authorities to create an advance rapid response system whenever there are attacks on schools, so that these facilities are quickly repaired or rebuilt and destroyed educational material is replaced so that children can return to school as soon as possible. During reconstruction, students should be provided education through alternative means and, where appropriate, given psychosocial support.
- Collect reliable, transparent national data on attacks students, teachers, schools and universities, and the military use of schools and universities, in order to track repairs of damaged schools, identify trends that could inform protective measures, and assist with the investigation and prosecution of the responsible individuals.
- 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.

²⁵ Ibid.

²⁶ Ibid.

- 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).
- 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.
- Ensure all troops deployed on UN peacekeeping missions receive pre-deployment trainings that include the prohibition on the use of schools during such operations.

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

The situation of Afghan refugees and asylum seekers in Pakistan continues to be of concern. In the second half of 2016, Pakistani police carried out a wave of abuses against Afghan refugees, accompanied by a government information campaign telling Afghans it was time to leave Pakistan. This increasingly insecure legal status drove just under 365,000 registered Afghan refugees and just over 200,000 undocumented Afghans out of Pakistan, including unknown numbers among the unregistered who had sought but been unable to obtain protection after refugee registration ended in early 2007. These people now face armed conflict, violence, destitution, and displacement in Afghanistan.²⁷

Pakistan's coercion of hundreds of thousands of registered Afghan refugees into returning to Afghanistan has violated the international legal prohibition against refoulement. The exodus in the second half of 2016 also constituted the world's largest mass forced return of refugees in recent years.

Almost every Afghan interviewed by Human Rights Watch spoke of crippling police extortion that made it pointless to go to work and impossible for them to make ends meet. They described how, from July 2016, Pakistani police repeatedly stopped and extorted from them between 100 and 3,000 rupees [US\$1 - \$30] each time. In many cases the police used the fact that refugees' Proof of Registration (PoR) cards had expired at the end of December 2015—despite government announcements extending their validity—as an excuse to demand money and threatened to confiscate their cards or deport them if they didn't pay.²⁸ A 28-year-old man living in Board Tajabad town near Peshawar said:

The situation with the police got so bad about three weeks ago [early October 2016] that we could not leave the house. The police were stopping us all the time, asking for money. They took everything we had so we stopped working and just stayed at home. We realized we had to leave [Pakistan].²⁹

Several returning refugees in Kabul and Afghans in Peshawar told Human Rights Watch that Pakistani police had slapped or beaten them when extorting money or stealing their possessions.

²⁷ Human Rights Watch, *Pakistan Coercion, UN Complicity: The Mass Forced Return of Afghan Refugees*, February 2017, <https://www.hrw.org/report/2017/02/13/pakistan-coercion-un-complicity/mass-forced-return-afghan-refugees>.

²⁸ In January and again in June 2016, the Pakistani authorities extended the validity of Afghans "Proof of Registration" cards without issuing new cards.

²⁹ Human Rights Watch interview, Kabul, October 27, 2016.

Five others said that for the first time ever, police had stolen goods and trading tools worth thousands of rupees, effectively leaving them destitute, ending their ability to work, and convincing them it was time to leave Pakistan.³⁰

Arbitrary detention was also a key factor causing Afghans to leave. Dozens of Afghans told Human Rights Watch that police arbitrarily detained them or relatives, including sick, elderly people, in police stations for between a few days and two months, and extorted up to 50,000 rupees (\$500) per person in exchange for their release. Several interviewees said that the police first gave them a choice to pay in the street and said if they didn't, they would take them to police stations where they would demand far greater sums of money.³¹

According to dozens of interviewees, various security forces raided the settlements or neighborhoods where they lived and entered Afghans' homes by day or night, mostly in July and August, including when all the men were at local mosques and women were alone at home. Women and girls felt particularly threatened by these raids. Soldiers or police officers conducting the raids told them that all Afghans were on the brink of being deported, and took some relatives to police stations to extort money. Some said officers in their homes accused them of being terrorists.³²

Afghans told Human Rights Watch that the steady reduction in the security of their legal status—resulting from the shorter refugee card extension periods since late 2015—and police frequently saying their expired 2015 cards were invalid, despite government announcements extending their validity, had left them feeling exposed to the risk of deportation.³³ On September 9, 2016, Pakistan extended the cards' validity by a further three months until the end of March 2017, but again did not issue new cards. On February 7, the cards were extended until December 31, 2017.³⁴

The fear of summary deportation during winter, and being split from families as well as not having the time to sell their possessions before being deported were key factors causing refugees to leave.³⁵

Many Afghans cited the closure of Afghan refugee schools and exclusion of Afghan refugee children from Pakistani schools as one of the key reasons they left Pakistan. Approximately half of the Afghans interviewed by Human Rights Watch said that from May 2016, their children had been excluded from Pakistani state schools or the authorities had shut down Afghan refugee schools.³⁶

Other factors causing refugees to leave included anti-Afghan hostility by local Pakistani communities; Pakistani landlords suddenly charging significantly increased rent for apartments and

³⁰ Human Rights Watch interviews in Kabul, October 28 and 30, 2016 and Peshawar, November 8 and 11, 2016.

³¹ Human Rights Watch, *Pakistan Coercion, UN Complicity*.

³² Human Rights Watch interviews, Kabul, October 27 – 31, and November 1, 2016.

³³ Human Rights Watch, *Pakistan Coercion, UN Complicity*.

³⁴ Asad Hashim, "Afghan refugees' status extended until end of year Pakistani cabinet decides to push back Afghan refugees' legal right to stay in the country from March 31 to end of 2017," *Al Jazeera*, February 7, 2017, <http://www.aljazeera.com/news/2017/02/afghan-refugees-status-extended-year-170207180402885.html> (accessed April 3, 2017).

³⁵ Human Rights Watch interviews, Kabul, October 27 – 31, 2016.

³⁶ Human Rights Watch, *Pakistan Coercion, UN Complicity*.

business premises; the Afghan authorities' promises to give returnees land; new border crossing restrictions preventing them from returning home for funerals or working in Afghan border areas; and the wish to follow relatives or even entire communities who had already returned and without whom they did not want to stay in Pakistan.³⁷

Finally, many refugees said that UNHCR's decision in late June to double its cash support, to US\$400, for each returning refugee was critical in persuading them to escape Pakistan's abuses, even though they couldn't return to their conflict-ridden home areas, or had no house or land to go back to.³⁸

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

- What measures are being taken to ensure that the police abuses against Afghans in 2016 do not recur?
- When do the authorities plan to announce whether they will extend the December 31, 2017 deadline for registered and undocumented Afghans to leave Pakistan?
- What measures is 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 recommends to the Committee that it call upon the government of Pakistan to:

- Publicly assure all registered Afghan refugees that they will be allowed to stay in dignity in Pakistan until it is genuinely safe for them to return to Afghanistan.
- To end mass refoulement of Afghan refugees, stop setting short-term deadlines for the expiration of refugees' Proof of Registration cards and stop making related deportation threats; instead revert to the previous two-year extension policy and extend cards until at least March 31, 2019, while committing to extend them at the latest by the end of October 2018; continue to extend cards' validity until Afghanistan has reached a point of stability to enable safe and dignified return in line with international standards.
- To avoid refoulement of refugees among undocumented Afghans in Pakistan, re-open registration for Proof of Registration cards so that Afghans who arrived after mid-February 2007 can obtain such status, or provide a comparable blanket protection against forced return.
- Issue a written directive instructing all relevant government officials and state security forces not to resume their abuses against registered and undocumented Afghans, including extortion, arbitrary detention, house raids without warrants, unlawful use of force, and theft; investigate and appropriately prosecute police and other officials responsible for serious abuses against Afghans.

³⁷ *Pakistan Coercion, UN Complicity*, pp. 25-26.

³⁸ *Ibid.*

Annex



United Nations peacekeepers from Pakistan using a school building in Mourouba, Ouaka province, as their base in violation of UN guidelines and regulations. The forces left the school in January 2017 after Human Rights Watch informed UN authorities.

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