



Committee for Economic, Social, and Cultural Rights
Submitted by Sindh Bachao Tehreek – Karachi
January 2024

This submission is made by members of the Sindh Bachao Tehreek (SBT). Although there are too many economic, social, and cultural (ESC) violations, we offer some case studies of violations of these rights and point to certain patterns and themes. Most of the issues listed are those where SBT members have been engaged in some capacity either through organizing or advocacy.

These include: –

1. Elite capture of land and natural resources where companies and arms of the state are complicit in the dispossession of peasants, pastoralists, and fishing communities
2. Lack of corporate accountability where extraction and construction industries can evade laws and occupy land, conduct mining without regard to people's rights and environmental degradation
3. Excessive borrowing from international financial institutions exacerbates debt crisis, is often unnecessary, and for environmentally unfriendly projects done without consulting local people.
4. Passage of laws that ostensibly promote economic, social, and cultural rights but lack implementing mechanisms that would actualize these rights.
5. General deterioration of workers' rights, ineffective redressal mechanisms, and informalization of labor leading to a lack of social safety nets
6. State complicity in land grabs and deprivation of economic rights by private actors by enabling evasion of laws and having less than robust judicial oversight
7. Exacerbation of climate injustice and poverty as a result of the state's inability to hold businesses and large corporations accountable, international debt crisis, inflation, and high cost of living.
8. Interconnectedness of civil/political violations with economic rights – for example, 1) forced evictions are instrumentalized through violations of due process; 2) people defending land are falsely criminalized or heavily surveilled; 3) socio-economic disempowerment of rural communities renders Hindu girls vulnerable to forced conversion; 4) elite occupation of land violates local and indigenous peoples right to self-determination and results in m, multiple other substantive rights violations like loss of privacy, culture, education and livelihood; 5) Enforced disappearances in Balochistan are rooted in ESC deprivations

These are the case studies presented in this report.

1. Forced Evictions and Housing Injustice in Karachi

2. Elite Capture of Land and Natural Resources
 - a. Kirthar and Gadap
 - b. Malir Expressway
 - c. Karoonjhar
3. Rights of Women Informal Workers
 - a. Home-based Women Workers
 - b. Women Agricultural workers
4. Rights of Workers
5. Right to Adequate Food and Schooling
6. Lack of Adequate State Response in Climate Disasters
7. Violation of ESC rights in the case of Afghan deportations

List of Issues

1. **Forced Evictions and Housing Injustice in Karachi:** [Article 11](#) of the International Convention on Economic, Social, and Cultural Rights (ICESCR) guarantees the right to adequate housing which includes the right against forced evictions. These evictions are part of a pattern where due process rights are ignored which results in several intersecting violations of rights listed in the treaty [Pakistan ratified in 2008](#).

Karachi Bachao Tehreek (KBT) - now Sindh Bachao Tehreek - began working against forced evictions in 2021. In Feb 2021, the [Government of Sindh \(GoS\) partially or fully demolished over 7,000 homes](#) and businesses along Karachi's two main stormwater drains in District Central (Gujjar Nullah) and District West (Orangi Nullah). Evictees formed a political alliance and raised their concerns before the courts and international fora and protested continuously. They made two submissions to the OHCHR that resulted in a [communication to the GoS in June 2021 and December 2022](#). They stated that these evictions – the result of a vague Supreme Court order to remove ‘encroachments’ at the nullahs- were carried out without reasonable notice to residents and were conducted in a high-handed manner where the police, paramilitary (Rangers), municipal officials, and private contractors operating bulldozers fostered an environment of impunity and forced residents to evacuate; they relied on a narrative that their homes were encroachments that caused urban flooding in 2020 thereby making them seem like the culprits rather than working-class families at the risk of displacement. Almost 40% of homes had valid leases issued by various city authorities and others had equitable titles based on continuous payments of utility bills to the state, and thus had settled expectations of housing rights. In addition, residents and their lawyers filed a [complaint against the World Bank](#) arguing that the Bank possibly benefitted from these evictions in one of their projects (SWEEP) for which they provided the Government of Sindh (GoS) loans to upgrade the city’s solid management infrastructure. Residents also challenged the sham environmental hearing conducted months after the demolitions as a mere formality by one of the stakeholders in the project – [the National Disaster Management Authority](#), - which had strayed from their mandate to provide disaster relief. The SC asked them to clean the nullahs, but also to remove ‘encroachments’ – dispossess people -which seems like it should not be their job.

The state lodged false criminal charges against residents in Feb 2021 for participating in a protest to protect their homes. The state instituted an arbitrary and unjust policy of rehabilitation and compensation where they decided in a highly elusive meeting that structures that lost less than 30% would not be eligible for compensation and neither would religious buildings, businesses, and shops. This appears to violate Article 23, the constitutional right to property. They promised monthly rent cheques in four installments for a period of two years until alternative homes and plots were provided; however, 3.5 years have elapsed since the order for evictions (which included a ruling for resettlement and rehabilitation) and the state has yet to come up with a rehabilitation plan and also stopped rental payments after the first two installments. Evictees went to court in a contempt hearing in August 2023 to get these installments. At the last Supreme Court hearing in December 2023, the Court ordered the GoS to come up with a rehabilitation plan.

These evictions resulted in several economic, social, and cultural rights violations that have been documented in SBT's report to the OHCHR. In violation of Article 13 of the ICESCR, the state's demolition operation led to many children losing their right to education; because of displacement and increased financial stress, many families pulled their children out of school. Women, in particular, faced the brunt – they were less likely to have title documents and be active as litigants before courts and more likely to suffer the loss of work and face police and state violence during demolitions. Many women in District West were working as home-based workers and relied on their homes to receive piece-rate contract work; women operating small shops in their homes also lost business. There were at least 38 deaths caused by state negligence during demolitions and construction as well as due to nervous shock; SBT filed a few of these cases before the National Logistics Cell (NLC), responsible for Orangi Nullah reconstruction, and the Commissioner's office but there has been no respite. The state did not publicize a policy of how these cases would be dealt with or enable these cases. In 2021, they started a process of compiling a [Resettlement and Rehabilitation policy](#) that is claimed to be non-retrospective and would not apply to these evictions.

2. **Elite Capture of Land and Natural Resources** - As per Article 1 of the ICESCR (the right to self-determination), people must 'freely determine their political status and freely pursue their economic, social and cultural development. All peoples may, for their ends, freely dispose of their natural wealth and resources' Moreover, 'in no case may a people be deprived of its means of subsistence.' The state has, in many cases, violated the rights of indigenous peoples, farmers, pastoralists, and fishing communities over land and natural resources and made them less food and water secure. These official actions and omissions are contrary to multiple laws – 1) [Amendment](#) which devolves matters to the state, yet federal and foreign entities are engaged in resource extraction without provincial sharing and the free, prior, and informed consent of locals and indigenous people; 2) the Sindh Environmental Protection Act 2014 that necessitates prior hearings for projects to receive a 'no objection certificates'; various heritage, antiquities, and forest protection laws. The following are three examples of these violations. As further reference, see [Pakistan Fisherfolk Forum \(PFF\)](#) which has documented ESC rights violations of local and indigenous fishing communities.

- a. Kirthar and Gadap – In December 2019, the Sindh Indigenous Rights Alliance (SIRA) filed a complaint to the OHCHR about the elite capture of over 45,000 acres in Gadap/Malir district in the outskirts of Karachi for a mega real estate company, Bahria Town. In addition to Bahria, several other real estate businesses have [captured agricultural and pastoral land](#) that has been used by local indigenous Baloch and Sindhi tribes for over a century. DHA City is 47 square kilometers, ARY Laguna DHA City is spread over 60 acres, and ASF (Airports Security Forces) City 3,000 acres. This dispossession includes commodifying and privatizing land and forcefully expelling peasants, suppressing rights to the commons, and converting collective, traditional, customary land rights to private property rights. This capture of land has resulted in various ESC rights violations including – 1) loss and damage to heritage and archeological sites including 13th-century Chowkandi graves; 2) elite capture of agricultural and pastoral grounds which have made people economically insecure and rendered the city more prone to climate disasters like flooding and heat waves; 3) devastation of local ecology through [illegal sand and gravel mining](#) from the Malir river as well as cutting and flattening of mountains for villas; 4) damage to hundreds of mammal, bird, and reptile species with encroachments into their habitat in [UNESCO recognized Kirthar National Forest](#) 5) loss of education and pastoral livelihoods for girls and women who can no longer access their traditional walkways to get to school and have lost grazing areas enclosed by walls and monitored by surveillance cameras installed by elite gated communities; 6) as documented by the [Sindh Indigenous Rights Alliance](#), the state is complicit in this land occupation. In 2019, the Supreme Court retrospectively legalized Bahria’s acquisition of land through the Malir Development Authority (MDA). This entity has the mandate to provide low-income people with housing but has instead ventured into the illegal acquisition of rural land for powerful real estate companies. Most recently, at the direction of the apex court, the [GoS Sindh conducted a flawed survey](#) and falsely concluded that [Bahria has not exceeded its ‘legal’ limits](#). Locals state that Bahria has occupied over 45,000 acres in violation of the SC’s questionable order that restricted them to 16,896 acres and is now destroying Kirthar forest.
- b. Malir Expressway - Part and parcel of the elite capture of indigenous land is Pakistan’s heavy reliance on loans from international financial institutions. This borrowing has a double negative impact on economic rights as it accentuates the [debt crisis](#) Pakistan is embroiled in and the borrowing is for unnecessary and often harmful projects. Over the past seven years, external debt has doubled from \$65 billion in 2015 to \$130 billion (40% of GDP) in 2023, and 5.7% of the GDP goes towards interest payments alone. [The Asian Development Bank \(ADB\)](#) agreed to fund a thirty-nine-kilometer road (the Malir Expressway) connecting Karachi South to elite gated societies on the M-9, ostensibly to boost their real estate value. [In October 2022, two farmers petitioned the Bank](#) and argued the road did not improve connectivity, was being built on a riverbank, would damage the ecosystem, would displace indigenous farmers and pastoralists, expose Karachi to heat waves because of the loss of pastures, forests, and farmland. While the ADB acknowledged that the expressway was being constructed in violation of their [social policy](#) and [retracted their funding](#), the GoS Sindh is insistent on building this road and continues to threaten local farmers with eviction.

- c. [Karoojhar – Illegal granite mining continues](#) unabated in the ancient Karoojhar mountains of Tharparkar Sindh despite the Supreme Court banning excavation in February 2011 when a local activist, Veerji Kohli, filed a petition. Powerful companies such as the Kohinoor and the Frontier Works Organizations are engaged in this mining and are using dynamite to blow up mountains. It is particularly difficult to challenge military businesses painstakingly documented by researcher [Ayesha Siddiqi in her book Military Inc.](#) In October 2023, the [Sindh High Court ruled](#) against mining saying that Karoojhar is part of a 3 billion old mountain range and cannot be parceled off into pieces for granite mining as it is one monument and holds worldwide cultural value. Petitioner Teerath Kohli and local lawyer and geologist Dayal Serai claim that these mountains are: 1) sites for heritage Jain and Hindu temples dating back to the 12th through the 15th century and contain numerous more unresearched archeological treasures; 2) the range itself is sacred and holds immense geological significance and its cutting will make the area prone to earthquakes; 3) mining will destroy indigenous farming and pastoral rights; the farmers here have been able to do agriculture as a result of the [GoS's recent construction of dams](#) and that farmers have made profits growing onions and red chilies and unlike the Thar area, their Nagarparkar has access to non-brackish water. However both water and agriculture are dependent on mountain systems; 4) granite mining (in addition to [coal mining](#) in the last ten years) is irreparably hurting the environment, causing air pollution and new diseases, devastating local flora and fauna species, and these mountains, home to hundreds of mammal, reptilian and bird species have been historically protected by locals; 5) with companies and madrassas inhabiting these areas, there is a risk of forced demographic change that may threaten the harmony and culture that local Hindu and Muslim communities have enjoyed and cherished for centuries 6) [state institutions are complicit](#) in allowing coal and granite mining by issuing illegal licenses to companies and not disclosing these documents, not doing social and environmental hearings to gauge free, prior and informed consent of indigenous people, and without no objection certificate from relevant departments including forest, heritage, wildlife, and culture and tourism.

3. Rights of Women Informal Workers –

- a. [Home-based Women Workers - Sindh passed a law in 2018 to provide social security income to informal women workers](#) who work in their homes doing a variety of jobs on a piece rate basis. These jobs are diverse and multi-faceted and include dozens of processes in bangle making, packaging, cooking, garment work, crushing and peeling garlic, crushing and processing dates, and more. The rates are low and exploitative and women workers do not get minimum wages or any of the protections of labor laws, and their union rights are also compromised as they use their homes for work and are isolated from one another. Despite the passage of this law in 2018, the provincial government has not provided social security income to any women workers. State-imposed administrative and procedural hurdles prevent implementation. While the state cites passage of laws as a guarantee of workers' rights, what they fail to profess is that

they do not institutionalize implementing infrastructure such as legal aid or resources to register, and unconstitutionally require 'rules of business' to be implemented. Ms. Irfana Jabbar, a union organizer working with bangles workers in Hyderabad reported that there are no funds or resources available to women workers or their unions to facilitate their registration. The state instead uses social protection laws such as these to pitch for international loans and NGO funding instead of investing in their capacities to implement these laws.

- b. Women Agricultural Workers – [Sindh passed a law including women agricultural workers](#) as protected workers, but like the home-based law, this too does not have an implementing infrastructure. It also does not account for the diversity of farming and livestock management agreements women have with cultivators and landowners that include sharecropping and wage labor. Hence this too is one of those toothless laws that look good on the books, but have not provided women agriculturalists with relief. Moreover, women farmers are engaged in the toughest and most tedious farm jobs that include picking chilies, cotton, lemons and managing livestock.
4. **Rights of Workers** – The state has a whole array of labor laws and has legislated around minimum wages; however, we see large areas where workers rights are flouted with impunity. The trend in violations of workers rights include: 1) unchecked hiring of children and array of contradicting labor laws, both contemporary and colonial era, that do not have a uniform age of juvenility and therefore sanction employment of children (See [Protecting Childhood in Pakistan: An Overview of Laws Protecting Children](#); 2) informal hiring whereas companies evade obligations under labor laws and hire 'under the table' to avoid payments of old age benefits , social security, and pension; 3) Arbitrary [rolling back of pensions](#) and provident funds of formal workers as in the case of approximately 10,000 PTCL workers; 4) pervasive use of the [contract system](#) to hire contingent workers to avoid social security payments and a reneging on health and safety measures as contractors aim to save cost; 5) discouragement of unions through management run 'pocket unions'; 6) settling of cases to prevent wrongful deaths lawsuits that perpetuates lack of safety measures for workers. In September 2020, four contractual employees working at the Karachi harbor suffered negligent deaths when crumbling oil pipelines used by Shell and PSO and other oil companies exploded; when SBT lawyers discussed suing the company and the contractor they swiftly settled and blocked any press coverage of the matter.
5. **Right to Adequate Food and Schooling** - Article 11(2) of ICESCR recognizes the 'fundamental right of everyone to be free from hunger' and says that parties 'shall take, individually and through international co-operation, the measures, including specific programs, which are needed'. While [rates of stunting and malnutrition](#) in Pakistan are extremely concerning, there are no state-run food programs. 40.2% children under five suffer stunting, 17.7% wasting, and 28.9% are underweight. In India, the [PUCL litigation](#) has resulted in a right to a meal at government schools. There is no such comparable scheme here. The [Benazir Income support program \(BISP\)](#) is one of the few social subsidy programs in the country and remains highly elusive and has been subject of criticism. Exacerbating the nutrition problem is violation of right to education. While the government has passed [right-to-education laws](#), there are 2.8 million children aged 5-16 out-of-

school. 'Ghost schools' and lack of teachers and facilities in Balochistan and Sindh have resulted in systematic deprivation of education. Moreover, many schools do not have adequate washrooms and water facilities which discourages families from sending their girls to school. MNCs and IFIS, unfettered by state checks and balances, have made people more food insecure – for example BHP Billiton, a carbon major, and World Bank and the Asian Development Bank funded [Right Bank Outfall Drain \(RBOD\)](#) of the Indus River, according to locals, have destroyed historic rice cultivation in Dadu, Sindh. Moreover, elite gated communities in rural areas discussed above, and forced evictions in urban centers exacerbate this food and education crisis.

6. **Lack of Adequate State Response in Climate Disasters** – In the 2022 super floods in Sindh and Balochistan entire villages were impacted and the state did not provide timely response and rescue. This led to avoidable loss of life, livelihoods and crops, homes, livestock. In 2022, monsoon rainfalls [affected more than 33 million people, displaced 8 million and resulted in at least 1,730 deaths](#). 'The losses included damaged homes, water and sanitation infrastructure and health facilities, loss of livestock, belongings, livelihoods, and loss of access to safe drinking water for 5.5 million. Humanitarian assistance was required by 20.6 million people and 14.6 million people were in need of emergency food aid. Children and women experienced the worst of these shocks with 10 million at-risk children requiring immediate life-saving support and 6,50,000 pregnant women left without access to adequate healthcare. This was a major climactic event that created catastrophic conditions in the worst-hit provinces—mainly Sindh and Balochistan—and it was particularly bad for those who were the most vulnerable in terms of available mitigative and adaptive resources to avert the risks.' Social activists Narain and Leela Ram Kohli held a conference in 2023 to expose [how World Bank funded Left Bank Outfall Drain \(LBOD\)](#) in Badin (Indus Delta region of Sindh) failed its function and was flushing back water and worsening the effects of the monsoon rains.
7. **Violation of ESC rights in the case of Afghan deportations** - In November 2023, the state undertook an illegal operation against people of Afghan descent in Pakistan and aims to deport, without due process of law 1.7 million people. These deportations raise number concerns regarding violation of civil and political rights – but also intersecting ESC rights as Afghans were [deprived of their property](#) when forced to evacuate the country and in some cases, they had to pay a fine just to be able to voluntarily depart.

While this is not nearly an exhaustive list of issues, we hope that the UN CESR treaty body review of ESC rights in Pakistan can lead to meaningful dialogue with the state, and policies and programs that can alleviate some of the harms people are suffering and build robust redressal mechanisms for violations.

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