



HUMAN
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“I Escaped with Only My Life”

Abusive Forced Evictions in Pakistan



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Summary

The Pakistani government has increasingly used a colonial-era law to forcibly evict thousands of low-income residents, shop owners, and street vendors to facilitate public and private development projects across the country in violation of international human rights law and standards.

In the vast majority of mass eviction cases that Human Rights Watch documented, the authorities failed to provide adequate consultation, notice, compensation, assistance with resettlement, and a means of redress. During many evictions the police used abusive and unnecessary or excessive force to forcibly remove tenants from their housing and property, including beatings, arbitrary arrests, and destruction of personal property.

In addition to losing their homes, many of those evicted frequently lose their livelihoods and access to essential public services, such as schools and health care. These practices worsen social and economic inequalities, disproportionately burdening people and households with low incomes often from ethnic minority backgrounds. The fact that the government promotes such projects as serving important public functions does not lessen the avoidable harm done to those affected or the government's obligation to address those harms.

Mass forced evictions violate a range of human rights, including the rights to adequate housing, the highest attainable standard of health, education, social security, security of person, and freedom from cruel, inhuman and degrading treatment. However, Pakistan's antiquated legal code permits such practices.

Pakistan's colonial-era Land Acquisition Act (LAA) of 1894 provides the template for public land acquisition in the country more than a century after its enactment. The LAA and various other laws based on it enable authorities to forcibly evict people from their homes and lands with minimum procedural safeguards.

The law permits Pakistani authorities to acquire land for vaguely defined "public purposes," which may include use by public-private partnerships and even private, for-

profit companies. The LAA gives the government almost exclusive power to decide what falls within the law's scope and to displace people to achieve those aims.

One of the most frequently used justifications for forced evictions of both residential communities and small shops and markets in Pakistan is “anti-encroachment.” In these operations, authorities assert that removing structures that “encroach” on public lands or state property is necessary and justified. Encroachment is also a crime under several provincial and regional laws and those convicted of encroaching on state property and public land face criminal penalties such as fines or even prison sentences.

But interviews with those who have been forcibly displaced under such operations suggest that there is little consistency and often less rationale behind the use of anti-encroachment as a justification for evictions. The family of Bashir Husain, for example, had been running a small shop in a Karachi market for 70 years and pays timely rent to the local government municipal corporation, as well as utility bills and taxes. But in 2018, the authorities demolished Husain's family shop as part of anti-encroachment drive. “How can my shop be an encroachment?” he said. “Since the 1950s we have paid rent to the government. How long does it take for something not to be an encroachment? Three generations of my family have run this shop.”

Under international law, all feasible alternatives to eviction need to be explored in consultation with those affected. Pakistani law does not require the government to provide adequate alternative housing for those displaced close to the original place of residence and source of livelihood. What monetary compensation it requires the government to offer is limited to the cost of the land or building materials, nothing for loss of livelihood, and such offers are often grossly inadequate to compensate victims.

Six former shop owners interviewed by Human Rights Watch in Karachi said that they had lost their source of income after anti-encroachment operations demolished their shops. Without a place to sell their wares, they had little choice but to do so on the streets. But now as street vendors, they are once again targets of forced evictions justified in the name of “anti-encroachment,” as police accuse them of blocking sidewalks and encroaching on state land.

Activists and lawyers working on forced evictions said that the authorities tended to build urban infrastructure projects in low-income areas because the residents often lack titles and other legal protections, and so are easier to evict.

Mass forced evictions are also often linked to climate and environmental harms. In Lahore, the state has forcibly acquired tens of thousands of acres of farmland and replaced it with concrete structures, which exacerbate soil erosion and flooding, and magnify extreme heat. In 2020, after torrential rains caused widespread urban flooding in Karachi, municipal authorities blamed informal settlements for blocking stormwater channels, and demolished thousands of homes ostensibly to prevent future flooding. However, local activists said preventing flooding was used as an excuse to “gentrify” the area. The forced uprooting of so many people has not spared the city further flooding since then but has left thousands of evicted people homeless.



A section of a stormwater channel in Karachi clogged with solid waste, where authorities' claimed that rainwater could not pass through due to “encroachments.” © 2021 Karachi Bacaho Tehrik

Governments may expropriate the property of private citizens without the owner's consent under exceptional circumstances, such as for infrastructure for the public good, and according to law. However, they are obligated to compensate fairly for the loss and provide for the resettlement and rehabilitation of those displaced. In the absence of such protections, such seizures become forcible evictions in violation of international law.

Many of the practices documented in this report are prohibited under international human rights treaties to which Pakistan is a party, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, and the International Convention on the Elimination of All Forms of Racial Discrimination.

Important UN standards include the Committee on Economic, Social and Cultural Rights' 1997 General Comment No. 7 on forced evictions, the special rapporteur on adequate housing's 2007 "Basic principles and guidelines on development-based evictions and displacement" and 2019 "Guidelines for the Implementation of the Right to Adequate Housing," and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

The Pakistani government should urgently adopt measures to reform its colonial-era land laws, notably the Land Acquisition Act, to ensure that they are equitable, transparent, and in line with Pakistan's international human rights obligations.

In 2018, the Supreme Court of Pakistan issued a decision noting the LAA's shortcomings and called for an overhaul of the law. But while Pakistan's legislature has made some attempts since then to reform the LAA, none has been enacted.

In particular, Pakistan's government should ensure that any legislation dealing with displacement and evictions should include provisions to ensure exploring all feasible alternatives to evictions, meaningful consultation with those affected, adequate and reasonable notice prior to the scheduled date of eviction, and legal remedies and assistance.

Key Recommendations

To Pakistan's Parliament

- Reform or repeal the Land Acquisition Act 1894 to ensure that Pakistan's domestic legal regime is aligned with its international human rights law obligations and international norms. This should include:
 - Prohibiting all forced evictions, regardless of ownership or tenure status of those affected, and providing for compensation, resettlement, and rehabilitation for all irrespective of their tenure status.
 - Clearly and narrowly defining the authority to take land for public interest purposes, and making the process more transparent and participatory.
 - Providing for the right to appeal to an independent body empowered to adjudicate disputes over land rights and levels of compensation.

To the Federal and Provincial Governments

- Mandate meaningful participation by affected communities in all phases of development planning.
- Guarantee adequate, market value compensation for land and loss of income to all rights-holders and occupants of the land and businesses.
- Investigate and appropriately prosecute officials responsible for unnecessary or excessive use of force, and arbitrary destruction of personal property during evictions.

To Key International Actors

- Provide capacity building assistance to local organizations and civil society groups so they can better monitor the compliance of government agencies with human rights obligations in development projects.
- Governments and financial institutions that are creditors to the Pakistani government of Pakistan should commit to ensuring that their policies and practices, including with respect to the repayment of public debt, do not hinder the Pakistani government's ability to fund policies necessary for the protection of the right to adequate housing and other rights.

Methodology

Human Rights Watch conducted research for this report between September 2023 and April 2024 in three major cities in Pakistan: Lahore, Islamabad, and Karachi. Our findings are based on a total of 36 interviews, including 25 people – 17 men and 8 women – ages 19 to 75, who were facing or had faced forcible evictions. In addition, we spoke to 11 lawyers, academics, journalists, and urban planners, and reviewed court decisions and government and nongovernmental organization reports and conducted a legal analysis of the laws governing Pakistan’s land tenure system. Although the report is not an exhaustive survey of land policies and forcible evictions in Pakistan, official reports by government agencies, as well as those published in the media and by civil society organizations, corroborate claims of widespread human rights violations in forced evictions.

Human Rights Watch researchers obtained informed consent from all interview participants. Interviewees were informed about the purpose of the interview and that they could stop the interview at any time or decline to answer any questions they did not feel comfortable answering. No compensation was paid to any of the interviewees. Most of the interviews were conducted in Urdu and Punjabi. In the report, pseudonyms are used for several interviewees.

I. Forced Evictions and Pakistan's Land Laws

On April 25, 2024, the Supreme Court of Pakistan ordered private entities and provincial and federal authorities to remove within three days all “encroachments” made on pavements in Karachi for security purposes within three days.¹ The order – ostensibly intended to remove congestion from city walkways – generated fear among those affected because of the city’s past experience with “anti-encroachment” drives.² Similar court orders in the past have resulted in the evictions of thousands of street vendors and stall owners, often with no or inadequate compensation, and many of those facing the latest “anti-encroachment” drive were among those evicted before.

Sakina Wali, a 43-year-old domestic worker, said:

My husband, Ghulam, used to put a stall with samosas outside Empress Market. Last time when an anti-encroachment drive took place, police seized his cart without any prior notice. We had to literally beg them to return it to us. My husband was abused and humiliated by the staff concerned, and we had to pay them a hefty amount of Rs20,000 [US\$72] to get our cart back.³

Wali said that her husband had a permit to put up the stall,⁴ but officials carrying out sweeping “anti-encroachment” drives often do not give those affected the time or the opportunity to establish their legal status, affecting their ability to get compensation for their loss of any property.

¹ Hawwa Fazal, “SC orders barricade removal from pavements outside all govt, private offices within 3 days,” *Dawn*, April 25, 2024, <https://www.dawn.com/news/1829572/sc-orders-barricade-removal-from-pavements-outside-all-govt-private-offices-within-3-days>, (accessed May 2, 2024).

² Aleezah Fatimah, “SC orders to remove encroachments in Karachi reignites fear of mass displacement in Karachi,” *Dawn*, April 28, 2024, <https://www.dawn.com/news/1830062>, (accessed May 2, 2024).

³ Ibid.

⁴ Ibid.



Karachi residents doing a sit-in to protest the Supreme Court's ordering the demolition of their houses. © 2021 Karachi Bachao Tehrik

Mass Evictions in Pakistan

Forced evictions of urban poor in Pakistan is a frequent and widespread problem. Given the dispersed nature of eviction operations and the fact that victims are often from poor and marginalized segments of society, data signifying the exact scale of the problem nationwide is absent. Forced evictions are driven by a number of factors, including urbanization and development projects where the government and private developers acquire land for infrastructure projects, sometime displacing poor communities without due process and human rights protection. “Anti-encroachment” drives are another justification used for eviction operations. Large parts of the urban population live in informal settlements lacking formal ownership documents and this coupled with lack of affordable housing, corruption and inefficiencies make the urban poor particularly vulnerable to evictions. Several other factors provide an enabling environment, such as, a rapid pace of urbanization, housing developments for the affluent displacing historically poor communities, land grabs by powerful private actors, and a legal system that fails to protect the poor.

Forced Evictions under International Law

Governments are empowered to expropriate land, including evicting people from their property, for the public interest and other exceptional circumstances. However, to be lawful, evictions must be carried out in accordance with domestic law and international human rights law and standards, including with proper notification and other due process protections.

Under international law, a “forced eviction” is “the permanent or temporary removal against their will” of individuals, families or communities from homes, business premises or land “without the provision of, and access to, appropriate forms of legal or other protection.”⁵ Even when a government expropriation of land is lawful, the authorities need to apply minimum procedural protections. The UN Committee on Economic, Social and Cultural Rights, the independent expert body that monitors state compliance with the International Covenant on Economic, Social and Cultural Rights, sets out these protections. They include: genuine consultation with those affected; adequate and reasonable notice of the date of eviction; timely information of the proposed eviction; proper identification of the staff carrying out the eviction; and available legal remedies for those affected, including compensation and alternative housing.⁶

Forced evictions not only violate the right to adequate housing, but may also result in violations of other fundamental human rights, including the rights to adequate food, water, health, education, work, security of the person, freedom from cruel, inhuman and degrading treatment, and freedom of movement. In its examination of forced evictions in an international human rights framework, the United Nations Office of the High Commissioner for Human Rights has stated that forced evictions violate not only the right to adequate housing, but also infringe on the rights to freedom of movement and to choose one's residence. The right to security of a person is undermined when the authorities use force to remove people from their homes. Government intimidation and arbitrary arrests of community leaders opposing forced evictions violate the rights to

⁵ UN Commission on Human Rights, Resolution 1993/77, para. 1; see also, UN Sub-Commission on the Protection and Promotion of Human Rights, Resolution 1998/9 on Forced Evictions, E/CN.4/SUB.2/RES/1998/9 (Aug. 20, 1998).

⁶ Committee on Economic, Social and Cultural Rights, General Comment No. 7, TITLE art. 3

liberty, and freedom of expression and association. In many cases, forced evictions violate rights to information and popular participation.⁷

The UN Committee on Economic, Social and Cultural Rights considers legislation against forced evictions to be essential for building a system of effective protection. International law requires that any such legislation should include measures that "provide the greatest possible security of tenure to occupiers of houses and land," and which are "designed to control strictly the circumstances under which evictions may be carried out." Governments need to ensure that their laws are adequate to prevent and, if appropriate, punish forced evictions carried out by private persons without appropriate safeguards. Existing laws and regulations that are incompatible with the right to adequate housing should be amended or repealed.⁸

Women, children, older people, people with disabilities, and Indigenous people are among those the UN Committee on Economic, Social and Cultural Rights considers disproportionately affected by forced evictions. The UN independent expert on the full enjoyment of all human rights by older persons has stated that governments have an obligation to protect older people from forced eviction and when they are forcibly evicted, should "ensure that adequate alternative housing, resettlement or access to productive land is available" to them.

Domestic Legal Framework

The 1973 Constitution of the Islamic Republic of Pakistan establishes the framework of property rights in Pakistan.⁹ Land ownership, transfer, and acquisition are governed by many federal, provincial, and municipal laws and regulations.

⁷ UN High Commissioner for Human Rights, Fact Sheet no. 25, "Forced Evictions and Human Rights," 1996 (available at <http://www.unhchr.ch/html/menu6/2/fs25.htm>).

⁸ UN Committee on Economic, Social and Cultural Rights, General Comment 7, "The right to adequate housing (Art. 11 (1) of the Covenant): forced evictions," U.N. Doc. E/C.12/1997/4 (1997).

⁹ Article 23 of the Constitution provides that "every citizen shall have the right to acquire, hold and dispose of property in any part of Pakistan, subject to the Constitution and any reasonable restrictions imposed by law in the public interest." Article 24(1) states that "no person shall be compulsorily deprived of his/her property save in accordance with law." Article 24(2) further provides that "no property shall be compulsorily acquired or taken possession of save for a public purpose and save by the authority of law, which provides for compensation therefore and either fixes the amount of compensation or specifies the principles on, and the manner in which, compensation is to be determined and given." Article 38(d) states that the state is to "provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment."

The legal basis for forced evictions in Pakistan is the Land Acquisition Act (LAA), which authorizes public officials to evict people from land with minimal procedural safeguards for those displaced. When a government authority decides to acquire land, whether for public or private purposes, the LAA outlines the process for acquisition and for compensation to affected persons.¹⁰

The British colonial government enacted the LAA in 1894 to acquire land for “public purposes.”¹¹ However, the law now permits Pakistani authorities to acquire land for other entities, including public-private partnerships and private companies.¹² It gives the government almost exclusive authority to decide what falls within its scope and to displace people to achieve those aims. Under the act, once the government decides that land is required for “public purposes,” the landowner has no legal recourse but to transfer ownership of the land.¹³

The LAA treats a title-based relationship with the land as the basis of eligibility and as a result does not cover displacement of “informal settlements,” areas recognized by the government that are entitled to some municipal services and protection against arbitrary evictions. The LAA also envisages cash payment as the only form of compensation, and provides no provisions for relocation and resettlement support for displaced populations. The LAA has also been adapted and incorporated into other laws that regulate the acquisition of land for sector-specific development.¹⁴

The LAA’s inadequacies have been widely recognized. The Supreme Court in a 2018 decision noted the law’s “shortcomings” with respect to compensation and said that it “remains a remnant of colonial times that should have been... amended to cater to our evolving socio-economic circumstances.”¹⁵ The legislature on several occasions has

¹⁰ Land Acquisition Act 1894.

¹¹ Land Acquisition Act 1894, section 4.

¹² Ibid, section 5.

¹³ Ibid, section 6.

¹⁴ These include the Telegraph Act 1885, Railways Act 1890, Electricity Act 1910, Karachi Development Authority Order 1957, Hyderabad Development Authority Act 1979, and others. They reiterate the principles of LAA and do not address questions of rehabilitation and resettlement.

¹⁵ Supreme Court of Pakistan, Civil Appeals No. 1476 to 1485 of 2018, https://www.supremecourt.gov.pk/downloads_judgements/c.a._1476_2018.pdf, (accessed December 11, 2023).

attempted to reform the LAA by creating mechanisms for the rehabilitation and resettlement of those evicted, but none have been enacted.¹⁶

Impact of Forced Evictions on Low-Income People

Pakistani authorities routinely fail to provide adequate notification and compensation to individuals facing eviction, and do not provide viable options for relocation or local integration as required by international law. Displaced people who are moved from where they have been living, often for decades, need to be given access to alternative housing and to food, education, health care, and employment and other livelihood opportunities. Current Pakistani government policies affecting low-income residents of urban areas, including street vendors and landless people, undermine the human rights of millions of people. These include the rights to housing, education, work, health, and to an adequate standard of living.

State officials forcibly evicting low-income residents in Pakistan violate the rights of already socially and economically marginalized populations, exacerbating inequalities and worsening poverty. Eviction operations include demolitions of low-income housing settlements, shops, and kiosks, and in some cases the forcible takeover of rural agricultural land. Forced evictions typically happen as part of government infrastructure projects and “anti-encroachment” drives that generally target street vendors and other low-income forms of livelihood.

Most forced eviction operations take place with little notice and without consultations with those affected. The authorities also fail to ascertain the rights of residents beforehand and provide insufficient or no compensation. Other contributing factors that facilitate abuse include corruption in land acquisition; impunity for police who use unnecessary or excessive force in carrying out evictions; and poor land registration mechanisms that make it difficult for those affected by forced evictions to prove ownership.¹⁷

¹⁶ Past attempts included a 2001 effort draft prepared by the Pakistan Environmental Protection Agency (EPA) for enactment by provincial and local governments. In 2002, the EPA also prepared a draft National Resettlement Policy (NRP) highlighting the limitations of the 1894 Land Acquisition Act and cash compensation, outlining mechanisms for resettlement and rehabilitation.

¹⁷ Muhammad Younas, “Pakistan: Forced evictions and socio-economic costs for vulnerable communities,” *Urban Resource Center*, April 2013, <https://urckarachi.org/wp-content/uploads/2020/07/Pakistan-Eviction-paper-URC-Karachi-1.pdf>, (accessed November 4, 2023).

Forced evictions in Pakistan also intersect with current climate and environmental issues in several respects. In Lahore, the state has over decades forcibly acquired tens of thousands of acres of farmland and replaced it with concrete structures, which exacerbate soil erosion and flooding, and magnify extreme heat. In 2020, after torrential rains caused widespread urban flooding in Karachi, the municipal authorities and the Supreme Court placed the blame on informal settlements for blocking stormwater channels and demolished thousands of homes ostensibly to prevent future flooding.¹⁸ However, local activists alleged that flood prevention was an excuse to “gentrify” the area by widening roads and erecting concrete structures that actually had the effect of further narrowing the waterways. Thus, the forced uprooting of so many people not only left thousands of evicted people homeless, but did not spare the city further flooding.¹⁹



A house dangerously tilted due to landslides caused by excessive digging near a portion of a stormwater channel in Karachi, 2022. Residents claimed that authorities did not construct protective walls around demolished houses before beginning work on the stormwater channel. © 2022 Karachi Bachao Tehrik

Right to Housing

Pakistan has a housing crisis with a shortage of nine million residences.²⁰ The urban poor are particularly vulnerable to the threat of forced evictions. More than 36 percent of

¹⁸ Shah Meer Baloch, “Where should we go? Thousands left homeless as Karachi clears waterways,” *The Guardian*, June 16, 2021, (<https://www.theguardian.com/global-development/2021/jun/16/where-should-we-go-thousands-left-homeless-as-karachi-clears-waterways>), accessed April 3, 2024.

¹⁹ Human Rights Watch interview with Abira Ashfaq, Karachi, October 24, 2023 and Sobia Kakar, Nausheen Anwar, “From one flooding crisis to the next: Negotiating ‘the maybe’ in unequal Karachi,” *The Geographical Journal*, December 7, 2022, (<https://rgs-ibg.onlinelibrary.wiley.com/doi/10.1111/geoj.12498>), (accessed April 3, 2024).

²⁰ UN Habitat, Pakistan Country Report 2023, https://unhabitat.org/sites/default/files/2023/06/4._pakistan_country_report_2023_b5_final_compressed.pdf, (accessed May 1, 2024).

Pakistan's 207 million population live in urban areas.²¹ According to the 2017 Housing and Population census, urban housing demand in Pakistan is 3.5 million units – of which 62 percent is for lower-income groups.²² More than 50 percent of Pakistan's urban population lives in informal settlements, some completely without shelter.²³ Pakistan has fast rising urban population with the overall population growing at 2.4 percent and the urban population growth at 2.7 percent – at these rates, more than half the Pakistani population will be living in urban areas between 2030 and 2040.²⁴

The lack of available housing is felt most keenly by the large sector of urban poor. In Lahore, for instance, households at the bottom 68 percent of income distribution can afford just 1 percent of the available housing, while households at the top 12 percent can afford 56 percent of the available housing.²⁵

According to UN Habitat figures, only 65 percent of households in Pakistan's 10 major cities have access to piped water and only 75 percent of the population have access to electricity.²⁶ Credible figures for the number of displaced people in Pakistan are not available. However, according to one estimate, infrastructure projects have also displaced

²¹ Ibid.

²² Hina Shaikh, "The Precarious Housing Situation in Pakistan," *Consortium for Development Policy Research*, March 2019, [https://cdpr.org.pk/the-precious-housing-situation-in-pakistan/#:~:text=Nature%20of%20the%20Crisis&text=Its%20overall%20population%20is%20growing,close%20to%2010%20million%20units,\(accessed%20May%201,2024\).](https://cdpr.org.pk/the-precious-housing-situation-in-pakistan/#:~:text=Nature%20of%20the%20Crisis&text=Its%20overall%20population%20is%20growing,close%20to%2010%20million%20units,(accessed%20May%201,2024).)

²³ UN Habitat, Pakistan Country Report 2023, https://unhabitat.org/sites/default/files/2023/06/4._pakistan_country_report_2023_b5_final_compressed.pdf, (accessed May 1, 2024). There is a significant population in Pakistan's major cities who are completely without shelter. One study done in 2018 in Karachi categorized those without shelter in three typologies, "the first type is livelihood-related spaces. Railway stations, bus terminals, top of pushcarts, extensions of shops and markets and garbage dumping yards/recycling enterprises can be included in this typology. The second type comprises 'negotiated spaces,' including footpaths, unfinished and abandoned buildings, spaces underneath flyovers, parks and playgrounds, roads, green belts and shrines. Invisible spaces make up the third type. Shelterless individuals living in spaces along nallahs (natural water drains) and graveyards are two examples of such spaces." Dr. Noman Ahmed, "Shelterless in Karachi," *Dawn*, February 23, 2020, <https://www.dawn.com/news/1535822> (accessed May 1, 2024).

²⁴ Hina Shaikh, "The Precarious Housing Situation in Pakistan," *Consortium for Development Policy Research*, March 2019, [https://cdpr.org.pk/the-precious-housing-situation-in-pakistan/#:~:text=Nature%20of%20the%20Crisis&text=Its%20overall%20population%20is%20growing,close%20to%2010%20million%20units,\(accessed%20May%201,2024\).](https://cdpr.org.pk/the-precious-housing-situation-in-pakistan/#:~:text=Nature%20of%20the%20Crisis&text=Its%20overall%20population%20is%20growing,close%20to%2010%20million%20units,(accessed%20May%201,2024).)

²⁵ Ibid.

²⁶ UN Habitat, Pakistan Country Report 2023, https://unhabitat.org/sites/default/files/2023/06/4._pakistan_country_report_2023_b5_final_compressed.pdf, (accessed May 1, 2024).

over 200,000 people in Karachi in the last decade, increasing homelessness, loss of jobs, debt, and out-of-school children.²⁷

The Sindh provincial government has taken positive steps in recent years to provide redress for those facing gender inequality and barriers to land ownership, particularly for women in rural areas. In its attempt to rehabilitate those who suffered catastrophic losses in the 2022 floods, the Sindh government has begun providing land titles and funds to construct houses for people who were previously landless. Out of the 1.3 million eligible beneficiaries, over 426,000, almost one-third, were women.²⁸

Right to Education

The destruction of schools during forced evictions, without steps to identify alternatives for the students in those schools that are accessible and of similar or better quality, violates students' right to education. Everyone, and in particular every child, has a right to education, including free and compulsory primary education, and the progressive realization of access to free secondary education.²⁹

²⁷ Arif Hasan, "Created Homelessness," March 16, 2021, *Dawn*, <https://www.dawn.com/news/1612801>, (accessed May 2, 2024).

²⁸ Patricia Gossman, "An opportunity to remedy inequality in Pakistan," August 15, 2023, *Human Rights Watch*, <https://www.hrw.org/news/2023/08/15/opportunity-remedy-inequality-pakistan>.

²⁹ Convention on the Rights of the Child, (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990., art. 6. Pakistan ratified the CRC in November 1990. The Convention on the Rights of the Child further obligates governments to take measures to reduce dropout rates from education. Human Rights Watch calls on states to provide at least one year of free and compulsory pre-primary education, and free secondary education.

II. Anti-Encroachment Drives

A frequently used method of forced evictions of residential communities and small shops and markets in Pakistan are “anti-encroachment” operations. In these operations, the authorities assert that evictions are necessary and justified under the law by removing structures that encroach on public lands.³⁰

Pakistan has various federal and provincial laws that define and in certain cases make encroachment a criminal offense. For instance, the municipal law in Islamabad, the federal capital, defines encroachment as “illegal occupation of land or procuring its allotment in any unauthorized manner or by illegal means and includes the use of any land otherwise than in accordance with the terms of its lease, license or allotment.”³¹

While the government has legal authority to recover “encroached” land in certain instances, Human Rights Watch documented numerous cases in Lahore, Islamabad, and Karachi in which the manner of forced evictions and demolitions was abusive, could not be justified as a proportionate measure, and violated the rights of homeowners, families, and occupants. In almost all cases of anti-encroachment drives documented, the government failed to comply with international human rights standards on evictions, including providing those evicted with an alternative place to live.

Karachi

On November 7, 2021, a video of Zakia Bibi, a resident of the Gujjar nullah community in Karachi, went viral on Facebook. The Karachi Metropolitan Corporation (KMC), acting on a Supreme Court directive, had just demolished her home in an anti-encroachment

³⁰ Hasan, Arif. Land ownership, control and contestation in Karachi and implications for low-income housing. International Institute for Environment and Development, March 2013.

³¹ Capital Development Authority Ordinance, 1960 read with Military Law Regulation No.63, 1970, <https://www.cda.gov.pk/cda-ordinance-1960>, (accessed November 11, 2023). The Sindh provincial law defines encroachment as “unauthorized occupation, temporary or permanent, of public property.” The Sindh law allows for administrative and penal measures to deal with encroachment. The Sindh Public Property (Removal of Encroachment) Act, 2010, section 2 (j). The law defines “public property,” broadly to include “a building, land, place or premises vesting, in or under the management or control of Government, local council, autonomous body or registered cooperative society or such other authority.” Ibid, section 2 (o).

operation.³² In the video, Zakia Bibi says, “Why don’t they kill us [all at] once?” and speaks about her husband, Shahid, having a heart attack seeing his house reduced to rubble. The authorities told her that she should not expect a check for compensation for six months. Zakia Bibi says the demolition of the house signified for her the “demolition of her life,” and everything she and her husband had collected over a lifetime. Fearing for her future, she pleads with the government: My son earns Rs20,000 [\$72] a month. He cannot afford to rent a place and we are told not to expect any compensation for the next six months. We are old and unwell. We are sleeping under the open sky. Have a heart.³³

Four days later, on November 11, Zakia Bibi died of a heart attack.³⁴

Speaking about Zakia Bibi’s death, Khurram Ali, a convenor of the Karachi Bachao Tehreek, a group advocating for the rights of demolition-affected people, said:

This was not the first death or the last for that matter to happen because of the demolitions. There is an emerging health crisis in the affected communities, directly linked to demolitions. There are multiple heart patients among the affectees of this anti-poor campaign. What will become of them? The government is signing their death sentence with every new demolition.³⁵

City authorities have carried out several anti-encroachment operations in Karachi, Pakistan’s most populous city and the capital of the Sindh province, since 2018. They have dealt with the pressures associated with a growing population, rising migration to cities from rural areas, a poor land record system, corruption, and inefficiency by carrying out multiple anti-encroachment drives.³⁶

³² Fizzah Sajjad, “Land Acquisition, Resettlement and Rehabilitation Policies – The Need for a New Approach,” *MHRC*, February 23, 2022, <https://mhrc.lums.edu.pk/land-acquisition-resettlement-and-rehabilitation-policies-the-need-for-a-new-approach>, (accessed December 16, 2023).

³³ Shazia Hasan, “Gujjar Nullah house demolition deals a fatal blow to Zakia’s faint heart,” *Dawn*, November 13, 2021, <https://www.dawn.com/news/1657710>, (accessed November 21, 2023).

³⁴ *Ibid.*

³⁵ Human Rights Watch interview with Khurram Ali, Karachi October 24, 2023.

³⁶ Hasan, Arif, “The World Class City Concept and its Repercussions on Urban Planning for Cities in the Asia Pacific Region,” September 4, 2009.



Demolitions of houses underway in Karachi in 2021. © 2021 Maria Yaqoob

Some provincial and municipal authorities have also attempted to “regularize” informal settlements over the years. Regularization attempts range from recognizing the legal status of residents to providing rehabilitation and resettlement mechanisms.³⁷ The Katchi Abadis Act 1987 addresses urban squatters’ rehabilitation rights by either providing cash assistance or resettlement plots on government land or providing for rehabilitation of the authorized or unauthorized occupants of informal settlements (*katchi abad*) in the same or another locality.³⁸ However, attempts at granting legal titles to residents of informal settlements have not been successful for various reasons, including corruption in the land

³⁷ Ibid.

³⁸ Fahd Zulfikar, “Excluding the Poor,” *PIDE*, September 2020, <https://file.pide.org.pk/pdfpideresearch/par-vol1i1-03-excluding-the-poor.pdf>, (accessed November 27, 2023). Katchi Abadis Act 1987. “Katchi Abadis” are informal settlements that are recognized by the government and are entitled to some municipal services and protection against arbitrary evictions. UN Habitat defines katchi abadis as informal settlements that are the result of squatting or informal subdivisions of state or private land, whereas slums are primarily defined as villages that have been absorbed in the urban sprawl or sub-divisions that have been created informally on communal and agricultural land. The difference between the two is defined along the axis of tenure security that is relatively weaker for katchi abadis than it is for slums. Tenure security and upgradation of slums usually take place through political support. There are also notified katchi abadis and non-notified katchi abadis; the latter have been created on the valuable land that is to be used for the projects of infrastructural development and for this reason cannot secure tenancy for the katchi abadis residents.

regularization process, difficulties in getting approvals from government agencies, delays in court cases, and political interference.

In November 2018 Karachi authorities carried out a massive anti-encroachment operation in Empress Market, one of Karachi's colonial-era markets. For more than 50 years, the market had provided the primary means for 4,000 street vendors to earn their livelihoods. The demolition followed a Supreme Court decision on October 27, 2018, ordering all encroachments in Karachi removed and directing the administration for two Karachi districts, East and South, and the paramilitary Rangers force to support the Karachi Metropolitan Corporation in removing encroachments inside and outside Empress Market and the surrounding areas along public footpaths. The court also ordered all encroachments in and around the area's public parks removed and instructed the KMC to ensure that the process "did not affect law and order." The KMC was asked to comply within three weeks and report to the court accordingly. The Supreme Court's chief justice ordered the civic authorities to continue the anti-encroachment drive "uninterrupted" so that Karachi could be "seen as clean and green as it was in the past."³⁹

Using the court decision and relying on powers provided under the Sindh Local Government Act 2013, the KMC demolished over 1,000 shops in and around Empress Market on November 10 and 11, 2018 and removed hundreds of hawkers and street vendors.⁴⁰ On November 25 and 26, police demolished over 700 shops in the Burns Road area of Karachi and carried out other operations across Karachi's six districts.⁴¹

The Covid-19 outbreak in 2020 temporarily halted these court-ordered anti-encroachment operations in Karachi. However, they resumed following record-breaking monsoon rains in July 2020 that led to massive urban flooding across the city. In August 2020, the Supreme Court ordered federal and provincial authorities to clear encroachments from stormwater

³⁹ "SC orders continuing anti-encroachment drive in Karachi," *The News*, November 25, 2018, <https://www.thenews.com.pk/print/398008-sc-orders-continuing-anti-encroachment-drive-in-karachi>, (accessed November 25, 2023).

⁴⁰ Imtiaz Ali, "Over 1000 shops in Karachi's Saddar demolished as anti-encroachment drive intensifies," *Dawn*, November 12, 2018, <https://www.dawn.com/news/1445039/over-1000-shops-in-karachis-saddar-demolished-as-anti-encroachment-driveintensifies>, (accessed November 13, 2023).

⁴¹ Shazia Hasan, "Residents face uncertain future as drive to clear KCR tracks begin," *Dawn*, December 12, 2018, <https://www.dawn.com/news/1450842/residents-face-uncertain-future-as-drive-to-clear-kcr-tracks-begins>, (accessed November 25, 2023).

channels (*nullahs*) in a period of three months.⁴² In December 2020, the court issued further directives to the Sindh government to remove encroachments across the province. The court decision meant evicting close to 100,000 people living in poverty and pushed to the periphery of the city along two of Karachi's narrow watercourses, locally known as Gujjar nullah and Orangi nullah.⁴³ The evictions and demolitions directly or indirectly affected up to 12,000 homes housing 96,000 people. Many of the affected homeowners had established tenure through land leases, or were connected to public utilities such as gas, water, and electricity.⁴⁴



Women protest their eviction at a stormwater drain in Gujjar Nullah, Karachi, in 2021. © 2021 Maria Yaqoob

⁴² "Four day operation begin to clear Mehmoodabad Nullah of illegal settlements," *The News*, January 5, 2021, <https://www.thenews.com.pk/print/769312-four-day-operation-begins-to-clear-mehmoodabad-nullah-of-illegalsettlements>, (accessed November 25, 2023).

⁴³ UN Commission on Human Rights, Special Rapporteurs, Mr. Balakrishnan Rajagopal, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context. Ms. Tlaleng Mofokeng, Special Rapporteur on the right to physical and mental health. Ms. Cecilia Jimenez-Damary, Special Rapporteur on the Human Rights of Internally Displaced Persons. Mr. Olivier De Schutter, Special Rapporteur on extreme poverty and human rights. Ms. Mary Lawlor, Special Rapporteur on the situation of human rights defenders, "Pakistan: UN experts demand halt to mass evictions along Karachi's watercourse," June 25, 2021, <https://www.ohchr.org/en/press-releases/2021/06/pakistan-un-experts-demand-halt-mass-evictions-along-karachis-watercourses>, (November 26, 2023)

⁴⁴ Ibid.

Islamabad Evictions

In the 1990s, real estate developers, city planners, and government officials transformed the urban landscape of Islamabad, the national capital, dividing previously green spaces into expensive real estate plots and creating gated communities.

Over time with the growth of Islamabad, wealthy residents moved into areas in which poorer residents were living, driving them to the city's outskirts. Periodic anti-encroachment drives exacerbated the marginalization and exclusion of low-income workers who had migrated to the city in search of livelihood, relegating them to informal settlements where they lived with the constant possibility of being evicted as “encroachers” or “illegal occupants.”⁴⁵

In July 2015, Islamabad police and local administration officials carried out one of the largest mass evictions in recent history at one of these informal settlements, I-11 *katchi abadi*, to forcibly evict 20,000 residents, all ethnic Pashtuns, demolishing 1,700 homes in a settlement on the outskirts of Islamabad adjoining a fruit and vegetable wholesale market.⁴⁶ The drive also targeted other informal settlements and vending kiosks (*khokhas*) situated nearby. The residents received one week's notice to vacate the area; police arrested dozens of residents for resisting evictions.⁴⁷

Anti-encroachment operations create insecurity in employment as well as unemployment. For those who are unable to find regular work, selling goods on the street is often a last resort, enabling the vendors to provide for their families. Street vending is a major occupation for low-income workers, particularly in big cities, but working in one area for a long time, often decades, provides no protection from eviction.⁴⁸

⁴⁵ Ibid.

⁴⁶ Hasan Turi, “They Razed our Homes,” *Tanqeed*, December 2015, <https://www.tanqeed.org/2015/12/they-razed-our-homes/>, (accessed November 15, 2023); Siddique Humayun, “Evicting the homeless, keeping Islamabad beautiful?” *Dawn*, July 29, 2015, <https://www.dawn.com/news/1197107>, (accessed November 15, 2023); “Police, rangers, CDA operation in I-11 informal settlement,” Awami Workers Party Rawalpindi-Islamabad, “Police, rangers, CDA operation in I-11 informal settlement,” <https://www.facebook.com/media/set/?set=a.499198036896965.1073741956.102960033187436&type=3>, (accessed May 3, 2024).

⁴⁷ Fahd Zulfiqar, “Excluding the Poor,” *PIDE*, September 2020, <https://file.pide.org.pk/pdfpideresearch/par-vol1i1-03-excluding-the-poor.pdf>, (accessed November 27, 2023).

⁴⁸ Pakistan's informal sector represents the largest share of the country's economic activity. According to Pakistan's most recent Labour Force Survey, in 2020-21, the informal sector accounted for 72.5 percent of all nonagricultural employment — 76.2 percent in rural areas and 68.5 percent in rural. Pakistan Bureau of Statistics. (2021). Labour Force Survey 2020-21 (p.

Several street vendors interviewed by Human Rights Watch that they had lost their jobs after anti-encroachment operations demolished their shops and they had no choice but to become street vendors. Street vendors, like those in I-11 katchi abadi, have often been the target of such anti-encroachment drives. During these drives, police accuse the vendors of blocking sidewalks, obstructing pedestrian pathways, and encroaching on state land.

Farmanullah had been running a food cart outside the Faisal Mosque in northern Islamabad for 30 years. In winter, he sold corn and in summer, homemade ice cream (*kulfi*). His family of seven, including four children with disabilities, relied exclusively on his income. On July 11, 2023, the police arrested him for committing the offense of “encroachment.” He was charged, tried, and sentenced within 24 hours. His sentence was rigorous imprisonment for three months and a fine of Rs500,000 (\$1,800). The sentencing order stated that he had confessed to his crime of selling *kulfi* outside the Faisal Mosque. This alleged “confession of guilt” was made without providing the accused the right to consult a lawyer.⁴⁹

The functioning of the informal economy and the issue of encroachment onto public space are closely linked. Urban development experts contend that explicitly organizing markets to accommodate street vendors would minimize the need for sweeping anti-encroachment operations and forced relocations, something with which the vendors themselves agree.⁵⁰

Most street vendors interviewed by Human Rights Watch expressed interest in selling their goods in a more secure and clean environment. Many said that the only reason they endure harsh conditions and mistreatment by the authorities was the lack of viable alternatives to earn a living to support their families. Because Pakistan’s labor laws do not adequately safeguard the economic rights of informal workers, including the right to social security, these problems are exacerbated. In 2008, the UN Committee on Economic, Social and Cultural Rights recommended that governments “take steps to the maximum of their

36). Government of Pakistan. The current economic crisis, with high inflation and unemployment, has likely further expanded the informal sector. https://www.pbs.gov.pk/sites/default/files/labour_force/publications/lfs2020_21/LFS_2020-21_Report.pdf (accessed November 27, 2023).

⁴⁹ Human Rights Watch interview with Farmanullah’s lawyer, Umer Gilani, Islamabad September 27, 2023. Human Rights Watch also looked at the court documents of Farmanullah’s case.

⁵⁰ Human Rights Watch interview with Reza Ali, Lahore, December 5, 2023.

available resources to ensure that social security systems cover those persons working in the informal economy.”⁵¹

Pakistani authorities’ campaigns to evict street vendors do not include provisions for alternative income and livelihoods. Several vendors said that during these campaigns the authorities even confiscate their wares, even if they are not permanently displaced, causing economic hardship.

⁵¹ CESCR, General Comment No. 19, The Right to Social Security (art. 9), UN Doc. E/C.12/GC/19 (2008).

III. Failure to Apply Minimum Procedural Safeguards

Pakistan's judicial system has not adequately protected people from forced evictions. Evicted residents often try to seek redress in the courts, but generally find that they are unable to obtain a meaningful remedy. Even when a court finds in favor of residents, it is often too late: their homes and businesses have already been demolished. Evicted individuals and communities are only able to contest the adequacy of compensation. However, the law does not compensate for the loss of livelihood of those evicted, nor require the government to resettle and rehabilitate those displaced.⁵² Human Rights Watch found that the cash compensation offered for the loss of a home or business is rarely adequate and not in accordance with market rates.

A lawyer with extensive experience working on eviction cases said that the Land Acquisition Act's principles of land acquisition "have no place in a post-colonial constitutional democracy. ... Even our superior courts, which regularly review the processes and considerations behind executive actions, are still hesitant to review the adequacy, efficacy, and legitimacy of the 'public purpose' put forth by state institutions."⁵³

Most of those who had been evicted who spoke with Human Rights Watch said that they had not been paid what they considered to be adequate compensation or, in a few cases, any compensation at all. In general, the courts have not ruled on individual claims of forcible eviction and instead issued rules on a minimal process to be followed, and even that seldom happens.

Lack of Legal Remedies

Successive Pakistani governments have acknowledged the inadequacies of the legal framework regarding land acquisition. One notable attempt at reform was the National

⁵² Fizzah Sajjad, "Land Acquisition, Resettlement and Rehabilitation Policies – The Need for a New Approach," Mahbub ul Haq Research Centre at LUMS, Lahore University of Management Sciences, February 23, 2022, <https://mhrc.lums.edu.pk/land-acquisition-resettlement-and-rehabilitation-policies-the-need-for-a-new-approach>, (accessed March 27, 2024).

⁵³ Human Rights Watch Interview with Fahad Malik, Lahore, October 22, 2023.

Resettlement Policy of 2002.⁵⁴ As of May 2024, the policy had not been enacted into law but has been made part of the Environment Impact Assessment (EIA) process for a number of government projects. The policy acknowledges that current law does not sufficiently “take into account the changed social, cultural, economic and environmental landscape in which they operate,” and therefore fails to safeguard the rights particularly of Pakistan’s most vulnerable citizens.⁵⁵ It states:

The experience of development during the last Century has led to massive human suffering and dislocation in the name of development has confirmed that people have to be at the center of all development processes. To achieve long-term social benefits in development projects, the people must be consulted, compensated for their losses, and assisted in rebuilding their lost assets and livelihoods to enjoy at least the same standard of living as they had before the project.⁵⁶

That policy notes that:

Very often affected people are poor and vulnerable and, therefore, unable to stand up to bureaucratic and political pressure or to absorb adverse impacts in their lives. They need significant help to restart normal lives and re-establish their livelihoods. Mere payment of cash compensation under the LAA (Land Acquisition Act) is not enough to restore livelihoods and standards.⁵⁷

If implemented, the policy would apply to all development projects entailing adverse social impacts, including through land acquisition or loss of assets, income, or business. It addresses areas not included within the LAA and would apply whenever people are affected by any public sector or private development project, even when there is no displacement.

⁵⁴ National Resettlement Policy March 2002, <https://pbit.punjab.gov.pk/system/files/National%20Resettlement%20Policy%202002.pdf>, (accessed November 7, 2023).

⁵⁵ Ibid., p. 3.

⁵⁶ Ibid., p. 4.

⁵⁷ Ibid.

In another attempt to address the problem, the Sindh government in January 2023 enacted Pakistan's first resettlement and rehabilitation policy, the Sindh Resettlement and Rehabilitation Policy 2022.⁵⁸

The new policy has yet to be put into effect.

Lack of Information and Consultation

Human Rights Watch's interviews with people who had been evicted from their homes revealed that most had not been adequately informed of, or consulted about, planned eviction operations. Provincial and municipal authorities' engagement with and attitudes toward the affected population prior to and during evictions has varied greatly across localities. Urban planners and activists said that local authorities are far more likely to disregard due process in low-income localities.⁵⁹ Amjad Qayyum, a Lahore-based lawyer working on land evictions and development projects, said:

There is a pattern of poverty profiling in government development projects. This means that projects, particularly mass transit projects, are designed in a way which maximizes the evictions of poor people while avoiding displacing the middle class and the affluent. The poor don't have the resources, legal or financial, to resist or even protest their evictions. In Lahore, LDA (Lahore Development Authority) has a long history of

⁵⁸ Sindh Resettlement and Rehabilitation Policy 2022, <https://cm.sindh.gov.pk/storage/resourcePage/v2WDTRFB0XUJqBzE50thFoaWrtOnhBiyMPNg1MX.pdf>, (accessed November 10, 2023).

The policy's "Context and Rationale" section states:

The Government of Sindh (GoS) considers that project-induced displacement and resettlement should be important consideration in project identification and planning. Many ongoing and past development projects have adversely affected people, both in social and economic terms, including inadequate support in case of displacement, income losses and livelihoods, not to speak of the delays and cost over-runs in project implementation due to grievances and disputes by the affected people. The absence of appropriate measures for compensation and resettlement and rehabilitation can cause severe long-term hardship and impoverishment, which contradict the commitment of the Government of Sindh (GoS) to the principle of sustainable development. It is, therefore, vitally important to address the complex nature of project-induced displacement and resettlement, with dedicated policy tools, mitigation measures and institutional set up supporting resettlement and livelihoods of the affected people and communities.

⁵⁹ See generally, Muhammad Faraz, "Violent Gentrification: Moral Economies of Housing and Neoliberal Development in the Global South," *Anthropology of Architecture*, 2022, <https://www.anthropologyofarchitecture.com/new-page-75>, (accessed April 23, 2024); Shafaat Saleem, "Inclusive Gentrification: Presenting the 'Absent' in the Urban Development of Karachi," Blog. London School of Economics, July 26, 2021, <https://blogs.lse.ac.uk/southasia/2021/07/26/inclusive-gentrification-presenting-the-absent-in-the-urban-development-of-karachi/>, (accessed April 23, 2024).

connecting affluent areas with each other while displacing the poor in the middle.⁶⁰

Moreover, in most of the evictions documented by Human Rights Watch, those affected complained of insufficient information concerning: the authority that ordered the eviction and the justification for it; the specific use to which the cleared land would be put after the eviction; compensation for displaced residents; knowledge about the legal status or length of their occupation or possession of the land; and possible alternatives to their removal.

Insufficient Notice

In most evictions investigated by Human Rights Watch, the government either gave no formal notice or insufficient notice before municipal officials and police forces arrived to carry out evictions.

Maria Yaqub, a 21-year-old college student, had been informed that homes in her area, near Gujjar Nullah in Karachi, were earmarked for demolition, but not told when. One day in April 2021, she returned home to see bulldozers ready to go to work. She asked the officials present to wait so that she could go in and save the photograph of her late parents from inside the house. She was told to hurry. There was no time to gather her other belongings and her books.⁶¹ While she was inside trying to take the photo off the wall, she heard the bulldozers turning on. The giant yellow mechanical claw hit a wall, causing it to collapse immediately. She said, “I heard screaming and shouting [from outside]. The photo frame slipped from my hands. I ran out and escaped with my life —nothing else.”⁶²

In several instances, bulldozers started to demolish houses and crops immediately upon arrival with no prior warning. Many residents were not present when their houses were demolished, and returned home to find only the debris of what used to be their homes. In the few cases in which residents learned in advance that evictions would take place, this notice came only after local authorities had already carried out other evictions. In

⁶⁰ Human Rights Watch Interview with Amjad Qayyum, Lahore, October 28, 2023.

⁶¹ Shazia Hasan, “Downed by the Drains,” *Dawn*, June 27, 2021, <https://www.dawn.com/news/1631609>, (accessed November 15, 2023).

⁶² Ibid.

these cases, the notice period was generally insufficient, typically a couple of weeks, and often not issued by an appropriate authority.

While international law does not prescribe a specific notice period prior to evictions, the UN special rapporteur on adequate housing has recommended that there should be a notice period of at least 90 days before any involuntary resettlement.⁶³

Inadequate Compensation

According to the UN Committee on Economic, Social and Cultural Rights, states party to the International Covenant on Economic, Social, and Cultural Rights (ICESCR), need to ensure that individuals have a right to adequate compensation for any property that is affected by eviction orders, including both personal possessions and real estate.⁶⁴ The Constitution of Pakistan also guarantees rights to property and land.⁶⁵ Despite these international and constitutional protections, the LAA itself does not provide a criterion for determining market-based compensation, and serious concerns remain regarding the adequacy of compensation paid.⁶⁶

Pakistan's courts, which regularly review processes and considerations behind executive actions, traditionally have been hesitant to review the adequacy and legitimacy of the public purpose justification made by state institutions. In March 2022, Pakistan's Supreme Court stated:

The law of acquisition is confiscatory in nature and easily deprives an individual of their property and all rights attached to it. Hence, the colonial objective and understanding of the law continues as acquisition even

⁶³ UN Commission on Human Rights, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Miloon Kothari, E/CN.4/2006/41, 14 March 2006, para. 56.j.

⁶⁴ UN Committee on Economic, Social and Cultural Rights, General Comment 7, para. 13.

⁶⁵ Article 23 provides that “every citizen shall have the right to acquire, hold and dispose of property in any part of Pakistan, subject to the Constitution and any reasonable restrictions imposed by law in the public interest.” The Constitution also states that “no person shall be compulsorily deprived of his/her property save in accordance with law.” It says that “no property shall be compulsorily acquired or taken possession of save for a public purpose and save by the authority of law, which provides for compensation therefore and either fixes the amount of compensation or specifies the principles on, and the manner in which, compensation is to be determined and given.” Constitution of Pakistan 1973, arts. 23 and 24.

⁶⁶ Arif Hasan, “Land ownership, control and contestation in Karachi and implications for low-income housing,” International Institute for Environment and Development, March 2013.

today, for public purpose, is at the cost of an individual's right to own property. In this context, there appears to be no effort on the part of the acquiring department to be fair in their application to determine compensation.⁶⁷

Shabbir, 37, a farmer with several acres of land that were earmarked in 2022 for acquisition by the Ravi Riverfront Urban Development Project (RUDA), a massive infrastructure and housing project near Lahore, told Human Rights Watch:

In addition to us being evicted from our homes, from our lands, we are also being denied real compensation. The government is using outdated land prices to set the compensation amount. My farm's value is not only the land but also the price of the crops that grow on it and provide income to my family.⁶⁸

Rahim, a 58-year-old farmer with land near the banks of River Ravi, which his family has lived on and cultivated for three generations and which was earmarked for acquisition by RUDA in October 2022, said:

The compensation is a joke. The price that the government puts on our lives and livelihoods is ridiculous. There is no mechanism to calculate market rate. They take over our lands which is in acres and will build high-rise buildings that they will sell on a rate/price per yard.⁶⁹

Fahd Malik, a lawyer representing several of the farmers facing forced eviction due to the project, said that the provisions in the act for land acquisition "have no place in a constitutional democracy." He told Human Rights Watch:

Landowners have little influence or say in determining the adequacy or impacts of the proposed "public purpose" for which the land is being

⁶⁷ Civil Appeals No. 2150 to 2263 OF 2019 and Civil Misc. Applications No.5284 to 5300 of 2020, Supreme Court of Pakistan https://www.supremecourt.gov.pk/downloads_judgements/c.a._2150_2019.pdf, (accessed December 11, 2023).

⁶⁸ Human Rights Watch Interview with Shabbir Ali, Lahore, February 22, 2023.

⁶⁹ Human Rights Watch Interview with Rahim Dad, Lahore, February 23, 2023.

acquired and can realistically only question the amount of compensation being received... Given international obligations and constitutional protections, there can be no forceful acquisition of land by the state against the guaranteed fundamental rights without justifying the public purpose.⁷⁰

Malik contends that the LAA “meets none of these principles and requires a complete replacement.”⁷¹

Razzaq, 42, worked as an automobile mechanic in Lahore. In March 2021, the municipal authorities informed him that he had 72 hours to vacate his house since the road beside his house needed to be widened. He lived with his wife and three children. He was summoned to the office of the development agency and made an “offer” for compensation:

The officer told me that the government has the power to demolish my house and there is nothing I can do about it. He gave me a piece of paper to sign and a check for Rs500,000 (\$2,000) and told me that if I refuse this money, I will not get any money and the house will be demolished regardless.⁷²

Maryam Husain, an activist working with communities affected by land evictions, said:

Compensation claimants receive checks and rebate slips at makeshift offices set up at eviction sites on the basis of an identity card and an electricity bill as proof of occupancy or ownership. They are made to thumbprint two documents, a *bayan-e-halfi* (a sworn affidavit) and an indemnity bond. The *bayan-e-halfi* extracts a legal commitment from the occupants to vacate properties within 48 hours of cashing checks. The indemnity bond enables the government to reclaim all payments made (at an unspecified later date) if property papers are found to be incomplete, even though compensation payments are not made on the basis of legal

⁷⁰ Human Rights Watch Interview with Fahad Malik, Lahore, February 24, 2023.

⁷¹ Ibid.

⁷² Human Rights Watch Interview with Muhammad Razzaq, Lahore, October 6, 2023.

proof of ownership at the time. Affectees have repeatedly been told that they will be given no compensation if compensation amounts offered by the LDA [Lahore Development Authority] are not taken immediately.⁷³

In 2016, the Lahore municipal government began construction on a metro train, the Orange Line Metro Train (OLMT), in Lahore. The total track was 27 kilometers long, and the population density of 31,132 people per square kilometer. The construction entailed the eviction of tens of thousands of people.⁷⁴

The government categorized many people living or working in the path of the OLMT as illegal or semi-legal occupants, despite the fact that some had lived or worked there for well over 60 years. Most residents lacked documented proof of ownership or temporary property transfer papers (PT1s).⁷⁵ In these cases, any compensation provided covers only the purchase price of the actual debris from demolished structures plus nominal amounts for loss of earnings; no compensation is offered for the acquisition of land. However, not everyone was denied compensation. An activist who advocated for the affected community said:

Compensation awards were reportedly more than adequate or inflated for individuals with government connections, positions of social or economic power, and/or the finances to bribe *patwaris* [revenue officers]; most displaced or affected persons have received inadequate or no compensation resulting in a substantial drop in standards of living. For the vast majority living on or below the poverty line, displacement meant homelessness and destitution.⁷⁶

⁷³ Human Rights Watch interview with Maryam Husain, Lahore, October 10, 2023.

⁷⁴ Sher Ali Khan, "Why is the Orange Line Metro Train in Lahore Highly Controversial," *Herald*, April 23, 2018, <https://herald.dawn.com/news/1398510>, (accessed December 12, 2023).

⁷⁵ A PT1 is given when property is purchased in government auctions without permanent transfer deeds (PTDs). Khalid Hasnain, "Emotions run high against Orange Line train," *Dawn*, January 16, 2016, <https://www.dawn.com/news/1233341>, (accessed December 12, 2023).

⁷⁶ Human Rights Watch interview with Maryam Husain, Lahore, October 10, 2023.

The impact has been particularly severe on children, the elderly, people with disabilities, single women (including divorced women and widows with children living in extended family structures), and women-headed households.⁷⁷

Maryam Husain said that thousands of site-specific vendors, hawkers, pushcart vendors and their dependents were not taken into account; they were simply displaced, and their worksites disappeared overnight. For many, their daily income fell to zero, severely impacting food security and access to education for their children. The authorities evicted many long-term renters with no compensation; many lost their deposits and had stock damaged or destroyed. In areas immediately abutting the construction zone, stock damage from dust and construction debris as well as a 12-month period of reduced or no customer access was economically devastating, especially for small shop owners and renters (especially those operating from open faced shops) and vendors in fixed locations. In hundreds and possibly thousands of cases where the OLMT entailed only partial acquisition or destruction of properties, the authorities limited compensation to only the acquired part of the property, even though the remainder was rendered unusable.⁷⁸

Failure to Ascertain Residents' Rights

International law obligates governments to “take measures aimed at conferring legal security of tenure on those persons and households currently lacking such protection, in genuine consultation with affected persons and groups.”⁷⁹ Secure land tenure gives residents clear legal protections against the government or private entities making competing claims to the land. When evictions occur, clear rights to the land place residents in a stronger position to negotiate reasonable conditions for vacating their housing or land and adequate compensation. The Committee on Economic, Social and Cultural Rights has stated that irrespective of the type of tenure, all persons should possess a degree of security of tenure that guarantees legal protection against forced evictions, harassment, and other threats.⁸⁰

⁷⁷ In a patriarchal society such as Pakistan, widows and divorced women often face discrimination and social ostracism.

⁷⁸ Human Rights Watch Interview with Maryam Husain, Lahore, October 10, 2023.

⁷⁹ UN Committee on Economic, Social and Cultural Rights, “The right to adequate housing,” General Comment No. 4, UN Doc. HRI/GEN/1/Rev.7 (1991), para. 7.

⁸⁰ UN Committee on Economic, Social and Cultural Rights, General Comments 4 and 7 and UN Commission on Human Rights, Resolutions 2004/28.

Human Rights Watch found that insecure tenure in Pakistan is a key reason low-income residents are particularly vulnerable to forced evictions. Insecure tenure in Pakistan results from several factors, including inadequate land legislation and lack of public information about land rights and urban management policies; inadequate registration procedures; and a consequent false perception of security of tenure by residents.⁸¹

In the mass eviction cases researched by Human Rights Watch, the government failed to ascertain whether people had any formal title or other legal entitlement to the land before evicting them. Pakistan has a poor land ownership registration mechanism, with poor enforcement of contracts, corruption, and inefficiencies in government departments responsible for recording property ownerships. According to Malik Irfan, a lawyer, who has represented dozens of people evicted for development projects in Lahore since 2014, ownership disputes over property allotted to refugees arriving from India after August 1947 have yet to be decided in the courts in Pakistan.⁸² He said:

For most people, it's almost impossible to conclusively, definitively, prove that they own their house. This means that the government can evict them, demolish their houses, and even refuse to acknowledge that they were owners. Hence, the confusion regarding property ownership enables the government's power to evict anyone and pay whatever they want.⁸³

One Islamabad resident who had been evicted in 2022 said that “the government never asked for any document; they are not interested in the documents, they are just interested in the land and getting it quickly.”⁸⁴ People from Lahore, Karachi, and Islamabad who had also been evicted told Human Rights Watch that in their experience the authorities were not keen to spend time and energy in ascertaining their exact legal status. In cities where informality pervades the land tenure system and the government has failed for decades to provide efficient and accessible land registration mechanisms, it is not only illegal but also

⁸¹ Arif Hasan, “How do Karachi’s poor see themselves,” *Dawn*, January 29, 2023, <https://www.dawn.com/news/1733976>, (accessed February 4, 2023).

⁸² Human Rights Watch Interview with Malik Irfan, Lahore, September 21, 2023.

⁸³ Human Rights Watch Interview with Malik Irfan, Lahore, September 21, 2023.

⁸⁴ Human Rights Watch Interview with Muhammad Liaquat, Islamabad, September 27, 2023.

unreasonable to make proper expropriation procedures and compensation dependent on formal titles.⁸⁵

Dismantling Buildings and Cutting Services to Residents

Human Rights Watch documented several cases in which local authorities began dismantling buildings and cutting water, sewer, electricity, gas, and telephone lines even as homeowners who had refused to accept the government's compensation or resettlement offers remained in their homes. These actions showed a serious disregard for residents' health and safety and also appear to be an effort to forcibly evict the homeowners by rendering the houses uninhabitable.

In early 2021, municipal authorities in Karachi told Ramiz, 49, a shopkeeper, that he had to vacate his shop. He went to court to contest the eviction. According to Ramiz,

They couldn't evict me since they didn't want to commit contempt of court, but they turned off the electricity and disconnected the water supply. We had installed the water supply ourselves. Who would come to a grocery shop that is completely dark? I lost more than 70 percent of my sales immediately and had no option but to leave.⁸⁶

Arif, 31, lived with his family in a small house in Lahore. On the first floor he had a tailor shop, and the two floors above were a joint family residence for six people. In August 2015, local authorities began demolishing properties to acquire land for a government infrastructure project. City government officials accompanied by local police emptied areas ahead of demolition using a mixture of coercion, misinformation, threats, and violence, giving as little as two hours' notice to occupants to vacate. Police and government officials visited homes day and night to pressure occupants to leave, and in many areas, gas, electricity and water supplies were cut for days and weeks at a time. Arif said:

The government officials came and began demolishing the building while my old parents, wife, and child were still in the building on the second and

⁸⁵ Arif Hasan, "How do Karachi's poor see themselves," *Dawn*, January 29, 2023, <https://www.dawn.com/news/1733976>, (accessed February 4, 2023).

⁸⁶ Human Rights Watch Interview with Ramiz Khan, Karachi, October 24, 2023.

third floor. My brother and I pleaded with them to stop since the building would collapse. They gave us 30 minutes to vacate the building. They stopped the demolition halfway but having done enough damage to make it uninhabitable since it looked like it would crumble at any moment. They would partially damage buildings and houses and move on to the next one since that would mean they could evict the maximum number of people in the least amount of time and could come and demolish the buildings completely at their own leisure and without resistance later.⁸⁷

Harassment and Unnecessary or Excessive Use of Force

Pakistani rights groups have documented officials' use of threats, intimidation and unnecessary or excessive force to enforce evictions for development projects carried out under the LAA.⁸⁸ Evictions sometimes have taken place in highly charged circumstances, leading to clashes between a community's residents and police.⁸⁹

Under international standards, the government must ensure that prior to carrying out any evictions, all feasible alternatives are explored in consultation with the affected community, with a view to avoiding, or at least minimizing, the need to use force.⁹⁰

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which set out international law on the use of force in policing situations, provide that security forces should as far as possible apply nonviolent means before resorting to the use of force. Whenever the lawful use of force is unavoidable, the authorities should use restraint and act in proportion to the seriousness of the offense. Lethal force may only be used when strictly unavoidable to protect life.⁹¹

⁸⁷ Human Rights Watch Interview with Arif Shah, Lahore, September 22, 2023.

⁸⁸ Muhammad Younas, "Pakistan: Forced evictions and socio-economic costs for vulnerable communities," April 2013, Urban Resource Center, <https://urckarachi.org/wp-content/uploads/2020/07/Pakistan-Eviction-paper-URC-Karachi-1.pdf>, (accessed November 4, 2023).

⁸⁹ Muhammad Younas, "Pakistan: Forced evictions and socio-economic costs for vulnerable communities," April 2013, Urban Resource Center, <https://urckarachi.org/wp-content/uploads/2020/07/Pakistan-Eviction-paper-URC-Karachi-1.pdf>, (accessed November 4, 2023).

⁹⁰ Committee on Economic, Social, and Cultural Rights, General Comment 7, para. 13.

⁹¹ Ibid.

Police officers accompanying municipal officials to enforce evictions generally carry firearms and have access to tear gas and water cannons. They direct bulldozers and sometimes destroy or confiscate residents' personal property, including furniture, household appliances, and clothing. The arbitrary destruction and confiscation of residents' personal belongings is unlawfully punitive.

In several cases, the authorities have used force and criminal prosecutions including anti-terrorism cases against those resisting or refusing to hand over their land.⁹² In Lahore, the Ravi Riverfront Urban Development Project was begun in August 2020 purportedly to address Lahore's many problems – pollution, sewage, water, housing, and employment. The project, covering more than 100,000 acres along the Ravi River in Punjab province, is among the largest infrastructure projects in Pakistan. Proposed plans would create the “world's largest riverfront city,” with a population of 12 million.⁹³

To advance the Ravi River project, the government has acted on behalf of private developers to acquire the necessary property, 85 percent of which is agricultural land occupied by nearly one million farmers, laborers, and business owners.⁹⁴ Affected farmers who have challenged the legality of the land seizures have faced intimidation and criminal charges brought by the governmental development authority, provincial authorities, and project developers.

Since 2020, Lahore authorities have criminally charged more than 100 farmers with resisting or refusing to hand over land they occupied for the government project.⁹⁵ Accounts by farmers along with corroborating photos and video show evidence of intimidation, harassment, and use of force to evict farmers. Farmers and activists have alleged that despite a Supreme Court ruling limiting the amount of land the project could acquire, officials have continued to seize land.⁹⁶

⁹² “Pakistan: Farmers Forcibly Evicted for Urban Project,” *Human Rights Watch*, April 11, 2023, <https://www.hrw.org/news/2023/04/11/pakistan-farmers-forcibly-evicted-urban-project>.

⁹³ Ibid.

⁹⁴ Shah Meer Baloch, “‘We will be homeless’: Lahore farmers accuse ‘mafia’ of land grab for new city,” *The Guardian*, November 2, 2021, <https://www.theguardian.com/global-development/2021/nov/02/we-will-be-homeless-lahore-farmers-accuse-mafia-of-land-grab-for-new-city>, (accessed December 16, 2023).

⁹⁵ Ibid.

⁹⁶ Ibid.

Baoo Bhatti was a farmer who resisted handing over his farmland to the government. At midnight in June 2021, he was arrested at his house and taken to a police station in another district. He said, “my daughters screamed in horror when the police came in four vehicles to raid my house. The policemen broke down the entrance of the house to arrest me.”⁹⁷ On the same night, police also raided the home of Salman Sajjad Warraich, a community leader organizing farmers to resist the forcible acquisition of their lands. The police climbed over the walls of his house, broke down its entrance, and arrested his son. His family alleges the police also took away two mobile phones during the raid.⁹⁸

⁹⁷ Tanveer Ahmed, “Opposition to Ravi river front housing project: Government arrests farmers to take over their land,” *Lok Sujag*, July 2, 2021, <https://loksujag.com/story/ruda-FIR-against-farmers-eng>, (accessed December 16, 2023).

⁹⁸ Ibid.

IV. Impact of Evictions

International human rights standards provide that evictions should not result in homelessness or render individuals vulnerable to violations of other human rights.⁹⁹ The UN Committee on Economic, Social and Cultural Rights has said that “[w]here those affected are unable to provide for themselves, the government must take all appropriate measures...to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.”¹⁰⁰

Inadequate Shelter and Loss of Livelihood

In many of the situations Human Rights Watch documented, evictions resulted in deprivation and in some cases homelessness. The LAA does not contain provisions for rehabilitation and resettlement of those affected.¹⁰¹ Cash payments are frequently inadequate and delayed, resulting in at least an interim period of homelessness.

In larger cities, evictions often drive low-income residents to find housing in suburbs or to move to villages. In many cases, the skill sets of those displaced are not suited for a rural context, leaving them with no choice but to pursue unskilled labor to survive. Kashif Rehan, 35, was an electrician who focused on repairing and servicing air conditioners in Islamabad. Kashif earned Rs40,000 (\$144) a month before he was evicted in an anti-encroachment operation in 2021. Following the eviction, given the high rents in Islamabad, he moved to a nearby village. His income has shrunk dramatically since then. “Only affluent people have air conditioners that need to be repaired,” he said. “No one in the village had air conditioners and hence my skills were useless.”¹⁰²

The LAA does not provide adequately for any loss of income or livelihood from evictions. In many situations that Human Rights Watch documented, eviction and subsequent

⁹⁹ UN Committee on Economic, Social and Cultural Rights, General Comment No. 7, para. 16.

¹⁰⁰ UN Committee on Economic, Social and Cultural Rights, General Comment No. 7, para. 16.

¹⁰¹ Fizzah Sajjad, “Land Acquisition, Resettlement and Rehabilitation Policies – The Need for a New Approach,” *MHRC*, February 23, 2022, <https://mhrc.lums.edu.pk/land-acquisition-resettlement-and-rehabilitation-policies-the-need-for-a-new-approach>, (accessed December 16, 2023).

¹⁰² Human Rights Watch Interview with Kashif Rehan, Islamabad, September 27, 2023.

displacement can have a disastrous impact on the income of those impacted. According to Fizzah Sajjad, an urban planning expert:

In its current form, the [LAA] critically remains silent on the issue of rehabilitation and resettlement, offering no recourse to families who lose their land, are inadequately compensated, and are unable to replace their assets or source of livelihood through the market. In such instances, families experience downward social mobility, are disconnected from community ties, deprived of asset ownership, housing, and/or their source of livelihood. This has been documented in detail across major urban centers in Pakistan.¹⁰³

Razia Khatoon had been running a small shop selling women's clothing items in Anarkali bazaar, Lahore, for nearly 20 years. She was the sole earner for her family and, along with her husband and three children, lived in a house the next street over. In 2016, both her house and shop were marked for demolition for construction of the metro train. She said:

We were given compensation that was the cost of the shop and the house. But the cost of the shop is not only the land and the debris: it is the clients, the customers. Everyone in the bazaar and the *mohalla* [residential community] knew me and bought stuff from me. If I set up a shop in another area as an outsider, it would take me 20 more years to get to the level of sales that I had before the demolition.¹⁰⁴

Impact on Access to Children's Right to Education

Forced evictions have serious implications for access to education for displaced people. In some cases, the impact is direct, with the local school being demolished. During the construction of the Orange Line Metro Train in Lahore, at least 42 educational institutions were either partially or completely destroyed.¹⁰⁵ According to an activist:

¹⁰³ Fizzah Sajjad, "Land Acquisition, Resettlement and Rehabilitation Policies – The Need for a New Approach," *MHRC*, February 23, 2022, <https://mhrc.lums.edu.pk/land-acquisition-resettlement-and-rehabilitation-policies-the-need-for-a-new-approach>, (accessed December 16, 2023).

¹⁰⁴ Human Rights Watch interview with Razia Khatoon, Lahore, October 8, 2023.

¹⁰⁵ Sher Ali Khan, "Why is the Orange Line Metro Train in Lahore Highly Controversial," *Herald*, April 23, 2018, <https://herald.dawn.com/news/1398510>, (accessed December 12, 2023).

Educational institutions and other service provisions are already [overrepresented] in the train demolition zone and catchment areas. In a context where there were 50-plus students per classroom, the partial acquisition of land had a significant impact. Of those that have been fully or partially demolished only [one] was relocated (to our knowledge) two months after the school was demolished. This was due to public pressure and was not part of any pre-planned move.¹⁰⁶

In many cases of forced evictions, there is an interim period between people being displaced and finding new places to live. Often, people have to move to new locations that are at a distance from their previous houses, requiring them to find new schools and clinics. Children leaving schools coupled with parents losing employment in a country with a very high school dropout rate means that many children never go back to school. Girls are more likely to be pushed out of school permanently when the family faces a crisis due factors including gender discrimination, child marriage, sexual harassment, and insecurity in traveling longer distances to school. Dr. Shehryar, a former civil servant working with displaced groups, said:

Forced eviction and displacement often has disastrous consequences for access to health and education. In Pakistan, particularly for the socio-economically vulnerable segment in urban contexts, the social and communal contacts developed in neighborhoods are critical for accessing municipal service, getting employment, school admissions, and affordable health care. Once these people are displaced and the community broken, survival becomes difficult and naturally [so do] things like accessing health care and education.¹⁰⁷

Forced evictions often cause children to miss long periods of schooling or stop going to school entirely. According to a Karachi-based organization working on forced evictions and land rights, the anti-encroachment campaign that followed heavy monsoon rains in 2020

¹⁰⁶ Human Rights Watch Interview with Maryam Husain, Lahore, December 8, 2023.

¹⁰⁷ Human Rights Watch Interview with Shehryar Javed, Lahore, September 22, 2023.

ultimately disrupted schooling of over 30,000 students.”¹⁰⁸ This impact on education can be particularly devastating since evictions often happen in low-income areas where rates of enrollment are already poor. For many parents, the most fundamental barrier to sending their children to school is poverty, with even relatively low costs putting education out of reach for poorer families.

Many children in Pakistan are out of school because they are working. Sometimes they are engaged in paid work, while many children—almost always girls—are kept home to do housework and caregiving in the family home. Evictions result in further poverty incentivizing families compelling children to work instead of being sent to school.

Muhammad Ansar was in grade 9 when his house was demolished in Lahore and the family was forced to move. He said:

I was a regular student enrolled in the local government school. Once we were told to move during the construction of the train, we had no resources to stay in Lahore and moved to Sheikhpura district [an adjoining district]. For the next several months, we had no source of income since my father’s shop was demolished. My father, my brother, and I worked daily wage jobs, and I wasn’t enrolled in any school. Then, I got a job in a factory and the education chapter of my life was closed. Even now, I sometime think back to that time.¹⁰⁹

Displacement can also lead to greater distances and commute time to schools. This has a disproportionate impact on girls. One woman who was evicted in Karachi and resettled at Lyari Basti, a residential settlement outside the city said: “My daughter has studied up to matric [grade 10]. But there is no college in the area, so she can’t continue further education. I wanted to educate her more. But how could she travel? She is a single girl; that is why I had to halt her education.”¹¹⁰

¹⁰⁸ Arif Hasan, “During Covid-19, many governments have stopped forced evictions. But not Pakistan”, *Dawn*, May 11, 2021, <https://scroll.in/article/994486/during-covid-19-many-governments-have-stopped-forced-evictions-but-not-pakistan>, (accessed April 5, 2024).

¹⁰⁹ Human Rights Watch interview with Muhammad Ansar, Lahore, April 6, 2024.

¹¹⁰ Land, Governance & the Gendered Politics of Displacement in Urban Pakistan, International Development Research Centre, April 2021, http://karachiurbanlab.com/assets/downloads/IDRC_Report.pdf, (accessed April 6, 2024).

The loss of possessions such as schoolbooks and uniforms during evictions, in addition to the disruption to parents' lives can have a serious effect on children's ability of children to attend school. Nasira Bibi, a domestic worker, was evicted in June 2021 from her house on the outskirts of Islamabad. A widow, she lived with her three children, ages 8, 10 and 11. She said:

The government school that my children went to didn't charge a school fee, but I had to pay for the schoolbooks, stationery, school uniforms and bags. When my house was razed, we lost all our school supplies as they were buried under the debris. I had to move to my sister's house in Lahore and after weeks of begging and pleading, the school in that area admitted my children. However, we had no school supplies and no money to buy them. It took me several more weeks to save enough money to get the school supplies and by then my children had missed the deadline for the annual exam and missed one year of school.¹¹¹

Impact on Access to Health Care

Pakistan has deep-rooted and widespread deficiencies in providing access to health care to its population. Its health indicators are among the worst in South Asia and among peer economies.¹¹² The victims of forced evictions are often poor and living in informal residential settlements and face additional barriers to accessing health care. Unsanitary conditions in densely populated informal settlements make the inhabitants particularly vulnerable to disease and illness.¹¹³

¹¹¹ Human Rights Watch interview with Nasira Bibi, Lahore, April 6, 2024.

¹¹² "Health at a Glance: Asia Pacific 2018," 2018, World Health Organization, https://www.oecd-ilibrary.org/social-issues-migration-health/health-at-a-glance-asia-pacific-2018_health_glance_ap-2018-en, (accessed April 4, 2024). Pakistan spends only 2.8 percent of its Gross Domestic Product (GDP) on health, significantly below World Health Organization (WHO) standards. Ibid. According to Sehat Kahani, a Pakistani healthcare nongovernmental organization, more than 50 percent of Pakistanis do not have access to basic primary healthcare services, and approximately 42 percent have no health care. Pakistan does not have a constitutionally mandated right to health care. The constitution says that the state should provide "medical relief," but this principle is unenforceable. Constitution of Pakistan, 1973, Part II, Chapter 2, Art. 38, <https://www.pakistani.org/pakistan/constitution/part2.ch2.html>, (accessed April 4, 2024).

¹¹³ A 2016 International Development Research Centre (IDRC) report on the state of infrastructure in Pakistan's urban informal settlements found that a drastic overhaul was needed in urban planning especially for public health and access to decent work. Nausheen Anwar, "Gender and Violence in Urban Pakistan," International Development Research Centre, March 2016, <https://idl-bnc-idrc.dspacedirect.org/items/7d4b1696-ccb7-4d4f-aoe9-41ff38971b1d>, (accessed April 5, 2024).

Research by the Karachi Urban Lab over 18 months in 2020 that focused on 13 informal settlements in different districts of Karachi found households of eight to nine people living on plots as small as 20 square yards.¹¹⁴ About 40 percent had at least one family member who required special medical and social care, of whom 70 percent were at heightened risk of contracting viral illness.¹¹⁵

A 46-year-old woman in Karachi who was facing eviction in February 2020, said:

My mother is ill. Often, I have to take her to Jinnah Hospital in the middle of the night. I can usually take a rickshaw and get her there immediately. Right now, we're in the middle of the city. How will I be able to rush my mother to the hospital if I am in a remote area? How will I adjust somewhere else?¹¹⁶

Zain Ali, an office clerk, was evicted in 2017 when his house in Lahore was demolished for an infrastructure project. His father was 80 years old at the time and was immobilized due to paralysis. Zain spoke about the experience of losing social support and the access to health care for his father:

The hospital was just a couple of hundred meters from our house. I could take my father by pushing his wheelchair to the hospital. Since we had lived in the area all our lives, the pharmacist knew me and my family and would even give me routine medicines on credit. Most importantly, I knew if—god forbid—in an emergency I needed to take my father to the hospital even in the middle of the night, I could. After we had to move to the outskirts of the city, I lost all connections with the doctors and pharmacists, the hospital was two kilometers away and I didn't have the support of the

¹¹⁴ In locations where permission to construct vertically had been granted, household sizes went up high as 30 people per 80 square yards of plot. Abira Ashfaq, "Understanding Urban Resilience Migration, Displacement & Violence in Karachi," 2020, Karachi Urban Lab, http://karachiurbanlab.com/assets/downloads/Understanding_Urban_Resilience_Migration_Displacement_&_Violence_in_Karachi.pdf, (accessed April 5, 2024).

¹¹⁵ Ibid.

¹¹⁶ Land, Governance & the Gendered Politics of Displacement in Urban Pakistan, International Development Research Centre, April 2021, http://karachiurbanlab.com/assets/downloads/IDRC_Report.pdf, (accessed April 6, 2024).

community. My father passed away less than one year after we were displaced.¹¹⁷

A woman in Karachi whose house had been earmarked for demolition explained the significance of social and community ties in medical care, particularly in low-income neighborhoods:

No one can imagine the nightmare I am living right now. If they destroy my home, I have nowhere to go. I have a son with special needs. All social support I have is in this neighborhood. My son can't live more than a few days without ... the support of the people of this neighborhood. The government should not destroy our homes just because we are poor. We have many children, older people and family members with special needs including physical [disabilities] and mental health [conditions].¹¹⁸

The UN special rapporteur on the right to adequate housing has said that to ensure the right to health, all evicted persons who need medical care, including those with disabilities, “should receive the medical care and attention they require to the fullest extent practicable and with the least possible delay.” Furthermore, special attention should be paid to the health needs of women and children, and ensuring that ongoing medical treatment is not disrupted as a result of eviction or relocation.¹¹⁹ To the extent assistance for relocation is not covered, economic damage should take into consideration – among other elements – access to health and medical care.¹²⁰

¹¹⁷ Human Rights Watch interview with Zain Ali, Lahore, April 6, 2024.

¹¹⁸ Land, Governance & the Gendered Politics of Displacement in Urban Pakistan, International Development Research Centre, April 2021, http://karachiurbanlab.com/assets/downloads/IDRC_Report.pdf, (accessed April 6, 2024).

¹¹⁹ UN Human Rights Council, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari A/HRC/4/18 5 February 2007, para. 54 <https://www.right-docs.org/doc/a-hrc-4-18/>.

¹²⁰ Ibid., para. 63.

Recommendations

To the Pakistan Parliament

- Reform or repeal the Land Acquisition Act 1894 to ensure that Pakistan’s domestic legal regime is aligned with its international human rights law obligations and international norms. This means prohibiting all forced evictions, regardless of ownership or tenure status of those affected, and ensuring that all public land acquisition practices involve:
 - Respecting human dignity and the general principles of reasonableness, proportionality and due process;
 - Exploring all feasible alternatives to eviction in consultation with affected persons prior to carrying out any evictions; with attention to the impact on individual potential evictees due to factors including gender, ethnicity, caste, age, religion, and disability, among others;–
 - Engaging in genuine consultations with those affected;
 - Providing adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
 - Providing adequate and effective legal or other appropriate remedies are available to any person claiming that their right to protection against forced evictions has been violated or is under threat of violation;
 - Providing access to justice throughout the process and not just when eviction is imminent;
 - Providing the availability of legal aid to persons who are in need to seek legal redress;
 - Providing adequate compensation for any loss of property; and
 - Ensuring that that evictions should never result in individuals being rendered homeless or vulnerable to violations of other human rights.
- The law should also uphold the right to resettlement, which includes the right to alternative land of better or equal quality and housing that needs to satisfy the following criteria for adequacy:
 - accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, and access to essential services such as health care and education;

- non-discrimination in the application of public evictions, including arbitrary displacements that results in altering the ethnic, religious or racial composition of the affected population;
 - no relocation of Indigenous peoples without their free, prior and informed consent; includes provisions for resettlement and rehabilitation.
- The legal framework should ensure that where land acquisition is absolutely necessary, people should be resettled close to their homes prior to demolitions, compensated for their losses, and offered rehabilitation assistance for any loss in assets and livelihood. It should clearly and narrowly define the limits of the power to take land for public interest purposes, and cover all affected people irrespective of their tenure status.
- Legislation should make the process for land acquisition for public purposes more transparent and participatory.
- Legislation should provide for the right to appeal to an independent body to adjudicate disputes over land rights and levels of compensation.

To the Federal and Provincial Governments

- Mandate active, free, and meaningful participation by affected communities in all phases of development planning: assessment, analysis, planning, implementation, monitoring, and evaluation.
- Guarantee adequate, market value compensation to all rights-holders and occupants of the land and businesses.
- Ensure that evictions should never render individuals homeless or vulnerable to the violation of other human rights. Displaced people who are moved from where they have been living need to be given access to alternative housing and to food, education, health care, and employment and other livelihood opportunities.
- Investigate and appropriately prosecute officials responsible for unnecessary or excessive use of force, and arbitrary destruction of personal property during evictions.

To Municipal Authorities

- Evictions, when necessary and justified, should be granted permission only when they are authorized following a fair and transparent public process, including:

- Establishing an objective and justified need for the eviction, genuine consultation with the affected communities, and an assessment of alternative measures to eviction.
- All members of the affected community including low-income people, women, older people, people with disabilities and children should be informed of, and have the opportunity to be involved in, this process.
- Evictions, when justified, should be preceded by adequate and reasonable notice to all affected persons prior to the scheduled date of eviction ensuring that notice period includes enough time for negotiation of compensation and for resettlement arrangements.
- Ensure that all officials receive appropriate professional training for carrying out their public security responsibilities. Ensure local officials act in accordance with international law enforcement standards, such as the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

To Key International Actors

- Provide capacity-building assistance to local organizations and civil society groups so they can better monitor the compliance of government agencies with human rights obligations in development projects. In particular, provide technical training on: financial auditing; housing and land development issues; best practices on regulating and administering land; and the mechanisms for implementing economic, social, and cultural rights.
- Governments and financial institutions that are creditors to the Pakistani government of Pakistan should commit to ensuring that their policies and practices, including with respect to the repayment of public debt, do not hinder the Pakistani government's ability to fund policies necessary for the protection of the right to adequate housing and other rights.
- The UN special rapporteur on adequate housing should write to the Pakistan government raising concerns about forced evictions and should request an invitation to conduct a mission to Pakistan.

Acknowledgements

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(left) Residents from Mujahid and Wahid Colonies, Karachi, Pakistan, demand resettlement one year after being evicted, November 26, 2023.
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(front cover) Homes in Mujahid Colony, Karachi after being demolished, 2022.
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“I Escaped with Only My Life”

Abusive Forced Evictions in Pakistan

Pakistani authorities frequently use a colonial-era law, the Land Acquisition Act, to forcibly evict thousands of low-income residents, shop owners, and street vendors to facilitate public and private development projects across the country. In addition to losing their homes, many of those evicted frequently lose their livelihoods and access to essential public services, such as schools and health care. These practices worsen social and economic inequalities, disproportionately burdening people and households with low incomes often from ethnic minority backgrounds.

“*I Escaped with Only My Life*” describes how in the vast majority of mass eviction cases, the authorities fail to provide adequate consultation, notice, and a means of redress. During many evictions the police use unnecessary or excessive force to remove tenants from their housing and property, including beatings, arbitrary arrests, and destruction of personal property. The fact that the government promotes these projects as serving important public functions does not reduce the avoidable harm done to those affected or the government’s obligation to address those harms.

Human Rights Watch calls on the Pakistani government to urgently reform its colonial-era land laws and cease the use of forced evictions. The government should plan and carry out any necessary resettlements in a lawful and orderly way that respects people’s rights to housing, livelihoods, and safety.