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# **PAKISTAN 2012 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Pakistan is a federal republic. With the election of the national assembly and the president and head of state Asif Ali Zardari in 2008, democratic rule was restored after years of military government. After the Supreme Court ruled in June that then prime minister Syed Yousuf Raza Gilani was ineligible to hold public office, the National Assembly elected Raja Pervez Ashraf of the Pakistan People's Party (PPP) as prime minister and head of government by a majority vote, following negotiations between the ruling and opposition coalitions. The PPP and its federal coalition partners controlled the executive and legislative branches of the national government and three of the four provincial assemblies. The military and intelligence services nominally reported to civilian authorities but essentially operated without effective civilian oversight. The police generally reported to civilian authority, although there were instances in which it acted independently.

The most serious human rights problems were extrajudicial and targeted killings, forced disappearances, and torture, which affected thousands of citizens in nearly all parts of the country.

Other human rights problems included poor prison conditions, arbitrary detention, lengthy pretrial detention, a weak criminal justice system, insufficient training for prosecutors and criminal investigators, a lack of judicial independence in the lower courts, and infringements on citizens' privacy rights. Harassment of journalists, some censorship, and self-censorship continued. There were some restrictions on freedom of assembly and some limits on freedom of movement. Religious freedom violations and discrimination against religious minorities continued, including some violations sanctioned by law. Corruption was widespread within the government and the police forces, and the government made few attempts to combat the problem. Rape, domestic violence, sexual harassment, "honor" crimes and other harmful traditional practices, abuse, and discrimination against women remained serious problems. Child abuse and commercial sexual exploitation of children persisted. Widespread human trafficking--including forced and bonded labor--was a serious problem. Societal discrimination against national, ethnic, and racial minorities continued, as did discrimination based on caste, sexual orientation, gender identity, and HIV status. Lack of respect for worker rights continued.

Lack of government accountability remained a pervasive problem. Abuses often went unpunished, fostering a culture of impunity. Authorities punished government officials for human rights violations in very few instances.

Violence, abuse, and social and religious intolerance by militant organizations and other nongovernmental actors contributed to a culture of lawlessness in some parts of the country, particularly Balochistan, Sindh, Khyber Pakhtunkhwa (KP, formerly known as the North West Frontier Province), and the Federally Administered Tribal Areas (FATA).

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary or Unlawful Deprivation of Life**

There were many reports that the government or its agents committed arbitrary or unlawful killings.

Security forces reportedly committed extrajudicial killings in connection with conflicts in Balochistan, FATA, and KP (see section 1.g.). The Human Rights Commission of Pakistan (HRCP) issued an August 30 fact-finding mission report on Balochistan that called for a probe into accusations of state agencies' involvement in extrajudicial killings and forced disappearances. According to the report, dumping of bodies and forced disappearances continued in the province, while perpetrators enjoyed impunity. It stated that the bodies of at least 57 missing persons were found in different parts of Balochistan since January. The report indicated that there were no fundamental changes to the situation regarding enforced disappearances since 2011. The report held out the possibility of elections to integrate Baloch nationalists back into the political process, which could improve conditions on the ground, but pointed to an increase in targeted killings, abuses against Shia Hazaras, and "Talibanization" as worrying trends. On March 14, the National Assembly unanimously adopted a resolution calling for a comprehensive law to regulate intelligence and security agencies often blamed for extrajudicial killings and forced disappearances of dissidents. During the year a parliamentary committee, led by Senator Raza Rabbani, looked into killings in Balochistan in 2011. In October Senator Rabbani presented a five-point formula to improve the situation. However, the committee did not conclude its findings or make recommendations by year's end. In May another special parliamentary committee was formed on missing persons. In July a cabinet committee on Balochistan was formed, headed by Federal Minister for Defense Naveed Qamar.

Extreme physical abuse while in official custody allegedly caused some deaths of persons accused of crimes. The nongovernmental organization (NGO) Society for Human Rights and Prisoners' Aid (SHARP) reported 181 civilian deaths after encounters with police, compared with 61 in 2011. SHARP reported nine deaths in jails, compared with 89 in 2011. The police stated that these deaths occurred when suspects attempted to escape, resisted arrest, or committed suicide.

According to a report published in the daily newspaper *The Nation* on June 30, police had killed more than 890 alleged “gangsters” in at least 1,100 encounters in Punjab Province since 2008. Of these, police killed at least 124 alleged gangsters in 147 encounters in the first six months of the year alone. Human rights observers, family members, and the media reported that security forces staged many of the deaths. Lengthy trial delays and failures to discipline and consistently prosecute those responsible for killings contributed to a culture of impunity.

According to the Asian Human Rights Commission (AHRC), extrajudicial killings of nationalist political activists in Sindh Province were on the rise. A February 15 AHRC report stated that authorities found more than a dozen bodies of persons who were shot in Sindh since January. According to the report, most of the victims were student activists linked to nationalist groups. AHRC concluded the bodies belonged to activists who had been “arrested by intelligence personnel in the presence of police officers and taken to the torture cells run by military and its intelligence agencies.” According to the Jeay Sindh Qaumi Mahaz (JSQM) and other Sindh nationalist parties, intelligence agencies poisoned prominent nationalist leader and JSQM chairman Bashir Khan Qureshi on April 7. Qureshi's death sparked violence across Sindh, which resulted in the death of at least two more JSQM workers.

In a January 23 statement, the HRCP expressed serious concern over the recovery in Peshawar of the body of Abdul Saboor, one of 11 persons held on charges of involvement in the 2011 attack on the army general headquarters in Rawalpindi. He was the fourth civilian detained in the case to have died under mysterious circumstances in the second half of 2011.

Politically motivated killings also continued. In Balochistan nationalist, political, and intellectual leaders were targets of attacks during the year. On January 31, in Karachi, unknown assailants shot and killed Jhumer Domki, the wife of Sardar Bakhtyar Khan Domki, a member of the Balochistan Assembly and elder sister of the Baloch Republican Party's president, Nawabzada Brahamdagh Bugti. Jhumer's 14-year-old daughter Janan Domki and her driver were also killed in the

attack. According to investigators, the killing was a message for Brahamdagh Bugti, to whom Switzerland granted political asylum in 2011. Baloch leaders expressed alarm that for the first time female members of a prominent Baloch family were targeted, which they viewed as indicating a new and disturbing trend.

The South Asia Terrorism Portal reported that journalists, teachers, students, and human rights defenders also were targeted in Balochistan. In total, at least 690 civilians were believed to be victims of the violence in Balochistan during the year. According to a July 31 Interior Ministry report, at least 868 persons had been killed in Balochistan since 2010. The report stated that Lashkar-e-Jhangvi, Lashkar-e-Balochistan, Baloch Musalla Difa Tanzeem, and the Baloch Liberation Army were involved in disrupting law and order in the province.

In December an Amnesty International report documented several cases of security force abuse. For example, in February 2011 soldiers arrested Jahanzeb, a poultry farmer from Swabi, Khyber Pakhtunkhwa, at his home. More than a year later, on June 27, Jahanzeb's body was found dumped in Haripur District, about 46 miles from where he was arrested. Authorities did not begin an investigation into case by year's end.

There were significant reports of politically motivated killings by political factions or unknown assailants in the city of Karachi, Sindh. According to the HRCP, a total of 1,257 persons were killed in Karachi during the first six months of the year; 972 of them were victims of targeted killings, including 135 political activists and 27 killed for sectarian reasons. In August 2011 the National Assembly formed a 17-member all-party committee headed by Minister for Religious Affairs Syed Khursheed Ahmed Shah to probe the killings and violence in Karachi and Balochistan. The committee was required to submit its report in two months; however, it had not done so by year's end.

The elected civilian government, especially the coalition partner KP-based Awami National Party (ANP), remained the target of attacks. On February 27, seven people were killed and 20 others wounded when a bomb planted in a motorcycle exploded after senior ANP leaders left a public meeting in Nowshera, KP. On July 13, at least eight people were killed and 22 others injured in a bomb blast during a political rally organized by the ANP in the Kuchlak area of Quetta, Balochistan. On December 22, senior ANP leader and provincial minister Bashir Ahmed Bilour was killed along with eight others when a suicide bomber blew himself up in a party meeting in Peshawar, KP. A Tehrik-e-Taliban Pakistan (TTP) spokesman, Ehsanullah Ehsan, claimed responsibility for the blast and Bilour's assassination.

There were no new developments in the case of Malik Mumtaz Qadri, whose appeal of a death sentence for the January 2011 killing of Punjab's then governor Salman Taseer was pending at year's end. There were no new developments in the investigation into the March 2011 killing of then federal minister for minorities Shahbaz Bhatti. Two residents of Faisalabad were arrested in early 2012 in connection with the Bhatti assassination; however, the man who implicated them was later deemed mentally unstable, and authorities expressed little hope of resolving the case.

During the year militants and terrorist groups killed hundreds and injured thousands with bombs, suicide attacks, and other forms of violence (see section 1.g.).

#### **b. Disappearance**

Kidnappings and forced disappearances continued, with reports of disappearances in nearly all areas of the country. Some police and security forces held prisoners incommunicado and refused to disclose their location. Human rights organizations reported that many Sindhi and Baloch nationalists were among the missing, and there were reports of disappearances during the year in connection with the conflicts in FATA and KP (see section 1.g.).

Nationalist political parties in Sindh Province, including JSQM, reported disappearances and claimed that some of their members were in the custody of the intelligence agencies.

According to a July 31 Interior Ministry report, at least 619 persons had been kidnapped and 2,390 had disappeared in Balochistan since 2010. The Supreme Court continued its hearings on missing persons' cases. In KP more than 200 petitions pertaining to missing persons were pending before the Peshawar High Court. The Sindh High Court heard approximately 35 petitions about missing persons. It was common for hundreds of family members to visit the courts whenever such cases were heard. According to Amnesty International, during the year the courts gained unprecedented access to individuals secretly detained by the country's security authorities, highlighting the importance of an independent justice system. In February the remaining seven of the 11 prisoners who had mysteriously disappeared outside Rawalpindi's Adiala Jail in 2010 were brought before the Supreme Court in Islamabad looking severely emaciated, some with urine bags protruding from their trousers. The court ordered officials to provide

proper food and medical treatment to the seven prisoners and to allow their families to visit them.

On August 16, the Peshawar High Court also took action on its own regarding the recovery of bodies packed in sacks. The court pointed out that 16 bodies were recovered in Peshawar in a single month, while reports of bodies found in other parts of KP continued throughout the year. Some of these bodies were of missing persons whose cases had been brought before the court by their family members.

The three-member Judicial Commission of Inquiry on Enforced Disappearance, formed in 2010 and headed by Justice Javed Iqbal, continued its proceedings. On May 11, State Minister for Interior Imtiaz Safdar Warraich stated that 138 cases had been transferred to the commission, it had received 538 new cases, and it had disposed of 209 cases. On June 10, the newspaper *Daily Times* quoted Justice Iqbal as stating that the total number of missing persons was 460, with the majority from Punjab, Sindh, and KP. The UN Working Group on Enforced or Involuntary Disappearances alleged that the commission had too narrow a mandate and was failing to record statements of released individuals to gain information about the circumstances of their disappearances or to use this information to bring perpetrators to justice. The UN group criticized the commission for its failure to investigate the role of intelligence agencies, the main organs accused of involvement in acts of forced disappearances. Baloch groups rejected the commission's findings, accusing it of siding with intelligence agencies.

Disappearances from Balochistan remained a problem, with Baloch political groups demanding political and human rights. Starting in April Chief Justice Iftikhar Muhammad Chaudhry began hearing a case on law and order in Balochistan at the Supreme Court's Quetta registry. The chief justice ordered officials in Balochistan to produce all missing persons and continued to examine allegations about involvement of state agencies, especially Frontier Corps, in these disappearances and killings. As a result some missing Baloch persons were recovered, but the whereabouts of many remained unknown. On October 12, an interim order issued by the Supreme Court said that the Balochistan government had failed to curb human rights violations, target killings, and kidnappings for ransom in the province. It asked the federal government to take immediate action under the constitution to provide security for the province.

According to the NGO Voice of Baloch Missing Persons, more than 400 persons disappeared between January and December. The bodies of 140 missing persons also were found, whereas 10 people were killed in an army operation in Mashkay,

Awaran district of Balochistan, in December. The NGO estimated that more than 14,800 persons had disappeared in Balochistan since 2001. The number of missing persons that the organization was able to document in detail was considerably lower.

On January 5, Dale Khalil, a program officer for the International Committee of the Red Cross (ICRC), was kidnapped, and the captors demanded a ransom of \$30 million. On April 29, his headless body was found in Quetta. A note on the body stated that the Taliban killed him.

In September the UN's Working Group on Enforced or Involuntary Disappearances made its first visit to the country at the government's invitation. During the 10-day visit, the delegation met with government officials and civil society representatives in Islamabad, Karachi, Lahore, Peshawar, and Quetta. The working group noted that while cases continued to be reported to authorities, there were controversies surrounding the statistics and the nature of the practice of forced disappearances. The UN group welcomed the judiciary's role in shedding light on the whereabouts of missing persons, but it expressed concern that relatives of victims reported that perpetrators had not been prosecuted and convicted. The working group underscored the need to reinforce the Judicial Commission of Inquiry on Enforced Disappearances, as well as to ensure the oversight and the accountability of law enforcement and intelligence agencies and provide protection for victims and witnesses. The group also recommended that a new and autonomous crime of enforced disappearance be included in the criminal code, following the definition in the 2006 International Convention on the Protection of All Persons from Enforced Disappearances and incorporating all the attendant legal consequences.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution prohibits torture and other cruel, inhuman, or degrading treatment, but there were reports that security forces, including the intelligence services, tortured and abused individuals in custody. The law has no specific section against torture; it sanctions "hurt" but does not mention punishing perpetrators of torture. At year's end the government had yet to legislate on torture provisions as provided under the UN Convention Against Torture, which it ratified in 2010.

According to the AHRC, the absence of proper complaint centers and a particular section in the criminal code to define and prohibit torture contributed to the spread

of such practices. The AHRC stated that there had been no serious effort by the government to make torture a crime and added that the state provided impunity to the perpetrators, who were mostly either police officers or members of the armed forces.

SHARP reported that police tortured persons in more than 9,300 cases, compared with 8,000 cases in 2011. SHARP and other human rights organizations reported that methods of torture included beating with batons and whips, burning with cigarettes, whipping the soles of feet, prolonged isolation, electric shock, denial of food or sleep, hanging upside down, and forced spreading of the legs with bar fetters. Torture occasionally resulted in death or serious injury. Observers noted the underreporting of torture throughout the country.

There were reports that police personnel employed cruel and degrading treatment and punishment. On August 4, *The News* reported that a man and woman were paraded naked by the police after being arrested on charges of “intent to commit adultery” in Gambat, Sindh, on July 27. Authorities suspended the responsible station house officer and two of his assistant subinspectors.

On September 3, the *Daily Times* reported that police personnel brutally beat and tortured the chief of the NGO Sungi Development Foundation, Asad Rahman, as well as his son, Mahmood Rahman, when the two responded to a traffic accident near their home in Lahore. The superintendent of police suspended a subinspector involved in the police actions. On September 9, members of civil society came together to protest police torture.

There were reports that police and security forces raped women. The government rarely took action against those responsible. A June 12 press release by Karachi-based War Against Rape deplored the growing number of rape cases that were being “settled out of court” in Karachi. It said that between January 1, 2008, and December 31, 2011, of 315 cases investigated by the organization and 60 cases taken for prosecution, an estimated 22 cases (approximately 37 percent) ended in an out-of-court settlement or a “compromise” brokered by police, prosecutors, and judges. “The police and the judiciary were seen to actively pressure survivors (or members of their families) to accept settlements and forgo their right to a fair trial,” the Karachi group claimed. There also were reports that police sexually abused street children (see section 6, Children).

On June 9, the *Express Tribune* reported that border military police personnel gang-raped five young women between the ages of 15 and 21 near Fort Munro in

Dera Ghazi Khan, Punjab. The girls, who were visiting Fort Munro, alleged that the police officers took them to a check post for “routine checking” before raping them. A case was registered against five persons the girls identified. Authorities arrested three of the accused and suspended all police personnel who were present in the police station during the incident.

The practice of cutting off a woman’s nose or ears, especially in connection with “honor” crimes, was reported often, but government officials did little to combat the practice (also see section 6, Women). Parallel local council meetings (jirgas) consist of assemblies of tribal elders who make decisions by consensus; their communities recognize their decisions as legal. These jirgas announced inhuman punishments, such as honor killings for those accused of violating tribal customs or offering a woman or girl in marriage to the opposing clan to settle a dispute.

### **Prison and Detention Center Conditions**

Conditions in prisons and detention centers were harsh and life threatening. Problems such as overcrowding and inadequate medical care were widespread.

Physical Conditions: Prison conditions often were extremely poor and failed to meet international standards. Police sometimes tortured and mistreated those in custody and, at times, killed prisoners inside police facilities. Overcrowding was common, except for the cells of wealthy or influential prisoners. Provincial governments were the primary managers of prisons and detention centers. Human rights groups that surveyed prison conditions found sexual abuse, torture, and prolonged detention prevalent. The groups said that prisons could not be described as correctional institutions because the conditions in many of the prisons were so inhumane that criminals often left more hardened than before their incarcerations.

Inadequate food and medical care in prisons led to chronic health problems and malnutrition for those unable to supplement their diets with help from family or friends. In many facilities provisions for sanitation, ventilation, lighting, and access to potable water were inadequate.

Most prison facilities were of antiquated construction, without the capacity to control indoor temperatures. A system existed for basic and emergency medical care, but it did not always function effectively. Prisoners sometimes had to pay bribes, and bureaucratic procedures slowed access to medical care. Foreign prisoners often remained in prison long after completion of their sentences because they were unable to pay for deportation to their home countries.

There were reports of prison riots during the year. Grievances that provoked the riots included overcrowding, deprivation of legal rights, slow disposition of cases, behavior of the jail administration, and lack of facilities. On July 14, *Dawn* reported that one prisoner was killed and many others injured after violence broke out in Hyderabad Central Jail. The trouble began after prisoners took hostage 15 jail police personnel in their barracks. At least six officers received minor injuries when police tried to rescue jail staffers held hostage by prisoners.

Minority prisoners generally were afforded poorer facilities than Muslims and often suffered violence at the hands of fellow inmates. Christian and Ahmadi communities claimed that their members were more likely to be abused in prison. The Center for Legal Aid and Assistance reported that conditions were often worse for those prisoners accused of violating the blasphemy laws.

SHARP estimated that during the year the nationwide prison population was an estimated 97,850 while the capacity of prisons was about 36,000. According to an April 4 *Daily Times* report, the Law and Justice Commission of Pakistan revealed that the load on the jails had been reduced considerably after implementation of the judicial policy of 2009. Prior to its implementation, there were 63,000 prisoners in various jails in Punjab, three times the capacity of the province's jails. The policy's implementation led to quick disposal of cases, which ultimately decreased the figure to 51,000. Similarly, in Sindh the number of prisoners had been reduced from 20,000 to 13,500. Even after these reductions, overcrowding remained a problem.

SHARP estimated the number of female prisoners as of December at 1,400. According to the International Crisis Group, in 2011 there were 82 remanded female prisoners in Sindh, 30 convicted, and one condemned. Punjab, with 670, had the largest population of female prisoners in the country but only one prison for them in Multan. KP and Balochistan, with 121 and 21 female prisoners respectively, did not have separate prisons for women.

Police often did not segregate detainees from convicted criminals. Prisoners with mental illness usually lacked adequate care and were not separated from the general prison population.

Prison officials often kept juvenile offenders in the same facilities as adults, but in separate barracks. Nevertheless, at some point during their imprisonment, children

were mixed with the general prison population. Often children were subjected to abuse, rape, and violence from other prisoners and prison staff.

According to the Society for the Protection of the Rights of the Child (SPARC), the bulk of juvenile prisoners were kept in Punjab's 29 prisons. As of December 2011, there were 833 child prisoners in Punjab; 88 were convicted and 745 were in the trial process. In the country's four provinces combined, there were 1,267 juvenile prisoners in the trial process and 165 convicted juveniles. SPARC stated that juvenile prisoners were among the worst off in the country. The jail conditions in which they were held were extremely poor. Many spent longer periods behind bars because they were unable to afford bail. Rather than being rehabilitated, the majority of child prisoners became hardened criminals by spending long periods in the company of adult prisoners.

Juveniles accused of terrorism or narcotics offenses were not protected under the Juvenile Justice System Ordinance. SPARC reported that children as young as age 12 were arrested under the Antiterrorism Act for terrorism. Children convicted under the act could be sentenced to death, although there were no cases in which a child was executed under the act.

Women were held in separate spaces from men in some, but not all, prisons. There were many reports of violence against women and rape in the prisons.

The 18th amendment to the constitution mandates that religious minority prisoners be given places to worship inside jails. It was not clear whether this law was implemented.

According to SHARP, the government did little to improve conditions in detention facilities and failed to monitor existing conditions. As a result the situation appeared to deteriorate.

Administration: There is an ombudsman for detainees, with a central office in Islamabad and one in each province. Although a complaint system existed for prisoners to submit grievances, it did not function effectively. Inspectors general of prisons visited prisons and detention facilities to monitor conditions, but visits were not regular. According to government officials, this system was based on complaints filed by individuals reporting misbehavior of civil servants.

According to SHARP, by law prison authorities must permit prisoners and detainees to submit complaints to judicial authorities without censorship and to

request investigation of credible allegations of inhuman conditions. After submitting a complaint, an inmate must remain in the same prison with the same prison authorities. Therefore, although there were many problems and an available channel for complaints, prisoners often remained silent to avoid confrontation with the jail authorities.

Monitoring: The ICRC reported great difficulty in accessing detention sites, in particular those holding security-related detainees. In 2010 the ICRC suspended prison visits in Punjab because it could no longer have regular access to detainees in that region, and at the end of January it closed its offices in Lahore. In August the ICRC published a news release indicating it would continue to work in the country but on a reduced scale, reducing staff by approximately 75 percent and its operating locations from 10 to two. The announcement came three months after the killing of the ICRC health program manager in Quetta.

Despite dialogue with the government, authorities did not authorize ICRC visits to any detention sites in the provinces most affected by violence--KP, FATA, and Balochistan. However, the governments of Sindh, Gilgit-Baltistan, and Pakistan-administered Kashmir permitted the ICRC to conduct independent monitoring in civil prisons. ICRC delegates made confidential reports on their findings, offered recommendations to authorities, and, where relevant, initiated water-sanitation improvement projects.

Authorities at the local, provincial, and national levels permitted some human rights groups and journalists to monitor prison conditions for juveniles and female inmates.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, but authorities did not always comply. This problem was compounded by widespread corruption.

#### **Role of the Police and Security Apparatus**

Police have primary internal security responsibilities for most of the country. By law control of local police falls under the Ministry of Interior. The Rangers are a paramilitary organization under the authority of the Ministry of Interior, with branches in Sindh and Punjab. The armed forces are responsible for external security. During the year there were times when the government assigned domestic security responsibilities to the armed forces.

The Frontier Crimes Regulations (FCR) provide the framework for law and order in FATA. The FCR has long been criticized for several harsh and inhuman provisions, some of which were mitigated when President Zardari amended the FCR in August 2011. Major changes in the FCR related to banning the collective responsibility of a tribe, restricting the arbitrary nature of the powers of political agents or district coordination officers, and granting citizens the right to challenge the decisions of political agents in courts.

A political agent who reports to the president through the KP is responsible for implementing the FCR. In lieu of police, multiple law enforcement entities operated in FATA. These entities included the paramilitary Frontier Scouts, which report to the Ministry of Interior in peacetime and the army in times of conflict; the Frontier Constabulary, which patrols the area between FATA and KP; levies, which operate in FATA and report to the political agent; khassadars (hereditary tribal police), which help the political agent maintain order; and lashkars (tribal militias), which are convened by tribal leaders to deal with temporary law and order disturbances.

Police effectiveness varied greatly by district, ranging from reasonably good to ineffective. Some members of police committed human rights abuses or were responsive to political interests. The AHRC reported that in September police tortured and killed a Christian man, Niamat Masih, while he was in custody at the Saddar Police Station in Arifwala, Punjab. Police took his body to Pakpattan Hospital following his death, amid protests from the local Christian community.

Frequent failure to punish abuses contributed to a climate of impunity. Police and prison officials frequently used the threat of abuse to extort money from prisoners and their families. The inspectors general, district police officers, district nazims (chief elected officials of local governments), provincial interior or chief ministers, the federal interior minister, the prime minister, or courts can order internal investigations into abuses and order administrative sanctions. Executive branch and police officials can recommend, and the courts can order, criminal prosecution. These mechanisms were used occasionally.

The court system remained the only means available to investigate abuses by security forces.

Police often failed to protect members of religious minorities, including Christians, Ahmadis, and Shia Muslims, from attacks.

There were improvements in police professionalism during the year. As in previous years, the Punjab provincial government conducted regular training in technical skills and protection of human rights for police at all levels. During the year police were active in thwarting attempts by protesters to reach foreign embassy property during protests against a film that protesters believed defamed the Prophet Muhammad. Unlike in previous years, police did not indiscriminately fire lethal weapons into the crowd.

### **Arrest Procedures and Treatment While in Detention**

A First Information Report (FIR) is the legal basis for any arrest. Police ability to initiate an FIR is limited; however, for certain crimes the police may initiate an FIR. Often a different party must file the FIR, depending on the type of crime, irrespective of whether there is reasonable proof of a crime. An FIR allows police to detain a suspect for 24 hours, after which a magistrate can order detention for an additional 14 days if police show that the detention is material to the investigation. Some authorities did not observe these limits on detention. There were reports that authorities filed FIRs without supporting evidence to harass or intimidate detainees or did not file them when adequate evidence was provided unless the complainant paid a bribe.

Individuals frequently had to pay bribes to visit a prisoner. Foreign diplomats could meet with prisoners when they appeared in court and could usually meet with citizens of their countries in prison, although government officials sometimes delayed access.

Arbitrary Arrest: There were reports that some police detained individuals arbitrarily without charge or on false charges to extort bribes for their release. There were reports that some police also detained relatives of wanted individuals to compel suspects to surrender (also see section 1.f.).

Pretrial Detention: Police routinely did not seek a magistrate's approval for investigative detention and often held detainees without charge until a court challenged the detention. When requested, magistrates approved investigative detention without requiring further justification. In cases of insufficient evidence, police and magistrates sometimes colluded to issue new FIRs, thereby extending detention beyond the 14-day period.

The district coordination officer may recommend preventive detention for as long as 90 days to the provincial home department and, with the approval of the Home Department, can extend it for an additional 90 days. The law stipulates that detainees must be brought to trial within 30 days of their arrest.

Judges sometimes denied bail at the request of police or the community or upon payment of bribes. In some cases trials did not start until six months after the FIR, and at times individuals remained in pretrial detention for periods longer than the maximum sentence for the crime with which they were charged. SHARP estimated that approximately 75 percent of the prison population was awaiting trial. The high number of inmates awaiting trial remained a large burden on the country's jails. In some cases detainees were informed promptly of charges brought against them.

NGOs reported that bail sometimes was denied in blasphemy cases under the premise that, because defendants faced the death penalty, they were likely to flee.

Special rules apply to cases brought to court by the National Accountability Bureau (NAB), which under the law established courts for corruption cases. Suspects may be detained for 15 days without charge (renewable with judicial concurrence) and, prior to being charged, may be deprived of access to counsel. During the year the NAB rarely exercised this power. All offenses under the NAB are nonbailable, and only the NAB chairman has the power to decide whether to release detainees.

Antiterrorism courts had the discretion to deny bail for some charges if the court had reasonable grounds to believe the accused was guilty.

Under the FCR in FATA, each tribal agency is administered by a political agent, who has legal authority to detain individuals preventively and require "bonds" to prevent undesired activity. In August 2011 the FCR was amended to exempt women over age 65 and children below age 16 from collective punishment. Collective punishment is applied incrementally, starting with the first immediate male family members, followed by the subtribe, and continuing outward. Although this reduces its scope, the FCR assigns collective punishment without regard to individual rights. Human rights NGOs expressed concern about the concept of collective responsibility, as authorities used it as a pretext to detain members of fugitives' tribes, demolish their homes, confiscate or destroy their property, or lay siege to a fugitive's village pending his surrender or punishment by his own tribe in accordance with local tradition. Under the amended FCR,

indefinite detention is not allowed, and appeals can be made before the FCR tribunal. If wrongfully punished, prisoners have the right to compensation. Cases must be decided within a specified period of time, and arrested persons can be released on bail. Prisoners must be brought before FCR authorities within 24 hours of detention, curtailing the arbitrary right of political agents to arrest and hold persons for up to three years. The accused have the right of appeal via a two-tiered system, which starts with an appellate authority composed of an FCR commissioner and an additional judicial commissioner.

Under the FCR in FATA and the Provincially Administered Tribal Areas (PATA), security forces may restrict the activities of terrorism suspects, seize their assets for up to 48 hours, and detain them for as long as one year without charges. Human rights and international organizations reported that an unknown number of individuals allegedly affiliated with terrorist organizations were held indefinitely in preventive detention, tortured, and abused. In many cases these prisoners were held incommunicado and were not allowed prompt access to a lawyer of their choice; family members often were not allowed prompt access to detainees.

The Actions in Aid of Civil Power Regulation 2011, which came into force in June 2011, grants wide powers to the military. The regulation allegedly responded to the need for a permanent federal statute to regulate the armed forces and give them legal authority to handle detainees under civilian supervision when called upon by the government. Retroactive to 2008, the regulation empowers the KP governor in FATA and the KP government in PATA to direct the armed forces to intern suspected terrorists. Critics stated that the regulation violated the constitution because, among other things, it empowers the armed forces to occupy property, makes statements or depositions by military officers sufficient to convict an accused, and makes all evidence collected, received, or prepared by the interning authority admissible and dispositive of guilt. Others noted that the regulation establishes a legal framework where none previously existed, prohibits the abuse or misuse of force by the military, and allows for more transparent treatment of detainees by requiring registration upon apprehension and providing a legal process for transfer of detainees from military to civilian authorities for prosecution. It also creates an appeals process for detainees and their relatives and, importantly, limits the powers of the armed forces in administering the regulation. Reports in November and December 2011 indicated that transfers of detainees had begun.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, but the judiciary often was subject to external influences, such as fear of reprisal in terrorism cases. In nonpolitical cases the media and the public generally considered the high courts and the Supreme Court credible.

There were extensive case backlogs in the lower and superior courts, as well as other problems that undermined the right to effective remedy and the right to a fair and public hearing. According to Chief Justice Chaudhry, more than 1.6 million cases were pending in the district and the superior courts as of August. Delays in justice in civil and criminal cases were due to antiquated procedural rules, weak case management systems, costly litigation, and weak legal education.

The jurisdiction of the Supreme Court and the high courts does not extend to several areas that operate under separate judicial systems. For example, Azad Kashmir has its own elected president, prime minister, legislature, and court system independent of the country's judiciary. Gilgit-Baltistan also has a separate judicial system.

Many lower courts remained corrupt, inefficient, and subject to pressure from prominent wealthy, religious, and political figures. The politicized nature of judicial promotions increased the government's control over the court system. Unfilled judgeships and inefficient court procedures continued to result in severe backlogs at both the trial and appellate levels.

Informal justice systems lacking the legal protections of institutionalized justice systems continued, especially in rural areas, and often resulted in human rights violations. Feudal landlords and other community leaders in Sindh and Punjab, and tribal leaders in Pashtun and Baloch areas, continued to hold local council meetings (known as panchayats or jirgas), at times in defiance of the established legal system. Such councils settled feuds and imposed tribal penalties on perceived wrongdoers, including fines, imprisonment, or at times the death penalty. Women often were sentenced to violent punishments or death for "honor"-related crimes (see section 6, Women). In Pashtun areas, primarily located in FATA, such councils were held under the outlines of the FCR. Assistant political agents, supported by tribal elders of their choosing, are legally responsible for justice in FATA and conduct hearings according to Islamic law and tribal custom. Under the pashtunwali code of conduct, a man, his family, and his tribe are obligated to take revenge for wrongs, real or perceived, to redeem their honor. Frequently disputes arose over women and land. They often resulted in violence.

The traditional settling of family feuds in tribal areas, particularly those involving killing, could result in giving daughters of the accused in marriage to the bereaved. Many tribal councils instituted harsh punishments, such as the death penalty, “honor killings,” or watta-satta marriages (exchange of brides between clans or tribes).

The AHRC reported that since 2002 more than 4,000 individuals, two-thirds of them women, have died by order of jirga courts in the country. Although the superior courts declared these rulings illegal, the AHRC reported that some of those involved in implementing jirgas were members of parliament.

### **Trial Procedures**

The civil, criminal, and family court systems provide for public trial, presumption of innocence, cross-examination by an attorney, and appeal of sentences. There are no trials by jury. Although defendants have the right to be present and consult with an attorney, courts appointed attorneys for indigents only in capital cases. Defendants bear the cost of legal representation in lower courts, but a lawyer can be provided at public expense in appellate courts. Defendants can confront or question witnesses brought by the prosecution and present witnesses and evidence on their behalf. Defendants and attorneys have legal access to government-held evidence relevant to their cases. Due to the limited number of judges, a heavy backlog of cases, lengthy court procedures, frequent adjournment, and political pressure, cases routinely lasted for years, and defendants had to make frequent court appearances.

SPARC stated that juvenile prisoners were subject to a slow process due to a lack of special juvenile courts or judges, and it concluded that a fair and just juvenile justice system did not exist in the country.

The Anti-Terrorism Act allows the government to use special streamlined courts to try persons charged with violent crimes, terrorist activities, acts or speech designed to foment religious hatred, and crimes against the state. After arrest, suspects must be brought before the antiterrorism courts within seven working days, but the courts are free to extend the period. Human rights activists criticized the expedited parallel system, charging it was more vulnerable to political manipulation.

Cases under the Hudood Ordinance (a law enacted in 1979 by the military ruler Zia-ul-Haq to implement a strict interpretation of Islamic law by enforcing punishments for extramarital sex, false accusation of extramarital sex, theft, and

drinking of alcohol) are appealed first to the Federal Shariat Court (FSC). The Supreme Court has ruled that in cases in which a provincial high court decides in error to hear an appeal in a Hudood case, the shariat courts lack authority to review the provincial high court's decision. The Supreme Court may bypass the Shariat Appellate Bench and assume jurisdiction in such appellate cases. The shariat courts may overturn legislation they judge inconsistent with Islamic tenets, but such cases are appealed to the Shariat Appellate Bench of the Supreme Court and ultimately may be heard by the full bench of the Supreme Court.

Courts routinely failed to protect the rights of religious minorities. Laws prohibiting blasphemy continued to be used discriminatorily against minority Muslims, Christians, Ahmadis, and members of other religious groups. Lower courts often did not require adequate evidence in blasphemy cases, and some accused and convicted persons spent years in jail before higher courts eventually overturned their convictions or ordered them freed.

In 2009 Muslim villagers accused a Christian woman, Aasia Bibi, of blasphemy after a dispute at work. Police arrested Bibi, and she was denied bail under the blasphemy laws. In 2010 a court sentenced Bibi to death, the first woman sentenced to death for blasphemy. The verdict touched off a massive debate about the blasphemy laws, with religious extremists calling for her execution and more moderate voices calling for her pardon or an appeal of the guilty verdict. At year's end Bibi was waiting for her appeal to be heard at the Lahore High Court. (See also the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).)

The case of Rimsha Masih, a young Christian girl arrested August 16 on blasphemy charges, once again brought international attention to the blasphemy laws and a strong reaction within the country against abuse of the laws. On November 20, the Islamabad High Court dismissed charges against Masih, who remained in protective custody at year's end. Judicial proceedings continued for Imam Khalid Jadoon Chishti, the man accused of framing Masih. However, some of the original witnesses against Imam Chishti subsequently retracted their statements.

### **Political Prisoners and Detainees**

Some Sindhi and Baloch nationalist groups claimed that their members were marked for arrest and detained based on their political affiliation or beliefs. Under the 2009 Aghaz-e-Huqooqe Balochistan package (which was intended to address

the province's political, social, and economic problems), the government announced a general amnesty for all Baloch political prisoners, leaders, and activists in exile, as well as those allegedly involved in "antistate" activities, dropping all cases against Baloch leaders. Despite the amnesty, some Baloch groups claimed that the illegal detention of nationalist leaders by state agencies continued.

### **Civil Judicial Procedures and Remedies**

Persons may petition the courts to seek redress for various human rights violations, and courts often took such actions. Individuals may seek redress in civil courts against government officials, including on grounds of denial of human rights in civil courts. Observers reported that civil courts seldom, if ever, issued official judgments in such cases, and most cases were settled out of court. Although there were no official procedures for administrative redress, informal reparations were common.

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The law requires court-issued search warrants for property but not for persons. Police sometimes ignored this requirement and stole items during searches. Police seldom were punished for illegal entry. Sometimes police detained family members to induce a suspect to surrender (see section 1.d.). In cases pursued under the Anti-terrorism Act, the government allowed security forces to search and seize property related to the case without a warrant.

Several domestic intelligence services monitored politicians, political activists, suspected terrorists, and the media. These services included the Inter-Services Intelligence agency, the police Special Branch, and Military Intelligence. Credible reports indicated that authorities routinely used wiretaps and intercepted and opened mail without the requisite court approval. NGOs suspected that authorities monitored mobile phones and electronic correspondence.

NGOs alleged that intelligence personnel often harassed family members of Baloch nationalists. Collective punishment, which involved detention of relatives or members of the same tribe, took place in FATA under the FCR (see section 1.d.).

Although the government generally did not interfere with the right to marry, local officials on occasion assisted influential families in preventing marriages that the

families opposed. The government also failed to prosecute cases in which families punished members (generally women) for marrying or seeking a divorce against the wishes of other family members.

#### **g. Use of Excessive Force and Other Abuses in Internal Conflicts**

During the year militant and terrorist activity continued in different KP and FATA areas, and there were numerous suicide and bomb attacks in all four provinces and FATA. Security forces reportedly committed extrajudicial killings. Militants and terrorist groups, including the TTP, a militant umbrella group, targeted civilians, journalists, schools, community leaders, security forces, and law enforcement agents, killing hundreds and injuring thousands with bombs, suicide attacks, and other forms of violence. Militant and terrorist groups often attacked religious minorities. A low-level separatist insurgency continued in Balochistan.

The government implemented some measures to protect the population. The Pakistani military continued to conduct counterinsurgency and counterterrorism operations in the FATA to stem the TTP militancy. The government also took actions to weaken terrorist ties around the country and prevent recruitment by militant organizations. For example, law enforcement agencies reported the seizure of large caches of weapons in urban areas such as Islamabad and Karachi. Police arrested Karachi gang members and TTP commanders who provided logistical support to militants in the tribal areas. Police arrested would-be suicide bombers in major cities of the country, confiscating weapons, suicide vests, and attack planning materials. The government continued to operate a center in Swat to rehabilitate and educate former child soldiers.

Poor security, intimidation by security forces and militants, and the control the government and security forces exercised over access by nonresidents to FATA continued to make it difficult for human rights organizations and journalists to report on military abuses in the region.

Political, sectarian, and ethnic violence in Karachi worsened during the year. According to the Citizens-Police Liaison Committee, 2,124 people were killed in Karachi, the most since records began nearly 20 years ago. The tenuous balance between political parties and the ethnic and sectarian groups they represent was broken by significantly altered demographics in the city. The 2005 earthquake that devastated the northern part of the country and the 2010 floods that affected seven million Sindhis resulted in a large influx of citizens from different ethnic groups to Karachi. Although there was no precise total of new city residents, the growth of

illegal settlements, both within the city and along its outskirts, suggested a tremendous rise in Sindhi, Baloch, and Pashtun migrants. Political parties and their affiliated gangs vied for political and economic control of these new populations by independently assessing their “allegiances.” The parties engaged in a turf war over “bhatta” (extortion) collection privileges and “ownership” over katchi abadis (illegal/makeshift settlements). The flashpoints of violence in Karachi were Lyari, Orangi, Katti Pahari, Qsba Colony, Pak Colony, and Shah Faisal Colony.

Killings: During the year there were reports of civilian casualties and extrajudicial killings committed by government security forces during operations against militants. The Asian Legal Resource Center documented many cases of extrajudicial killings. On November 18, *The Express Tribune* reported that Punjabi police official Ismatullah Khan Niazi confessed to the extrajudicial killing of 25 individuals. On April 9, Interior Minister Rehman Malik informed the Senate that in the preceding two years, in 2,488 acts of terrorism, as many as 3,169 persons were killed and 9,479 others injured. In the first 11 months of 2011, 2,489 civilians and 735 security personnel were killed as a result of terrorist attacks across the country.

Militant and terrorist bombings in all four provinces and in FATA resulted in hundreds of deaths and thousands of injuries. According to the South Asia Terrorism Portal, during the year terrorist and extremist attacks and operations to combat insurgency resulted in 6,211 deaths, of which nearly 3,007 were civilians, more than 732 were security forces, and more than 2,472 were terrorists or insurgents.

Security personnel remained a target of militant attacks throughout the year. On May 5, the *Daily Times* reported that a teenage suicide bomber killed 24 people, including civilians and Bajaur Levy chief Subedar Major Muhammad Javed and deputy chief of Bajaur Levy Fazle Rabi, in a suicide attack in Khar Bazaar, Bajaur Agency. Claiming responsibility for the attack, TTP spokesman Ehsanullah said that Rabi was the main target, adding that the latter was involved in the killing of senior al-Qaida militant Sheikh Marwan. Fazle Rabi had survived several such attempts. In July the TTP released a video showing the heads of 17 soldiers it claimed to have killed in a cross-border attack on a checkpoint in the Upper Dir, KP. On August 31, the TTP released another video showing a militant commander posing with 12 heads arranged on the ground, which he claimed were of soldiers who had disappeared following fighting with militants in Bajaur Agency.

There were also reports that groups prohibited by the government conducted attacks against civilians in Balochistan. For example, on June 27, at least seven people were killed and as many as 30 injured, some of them critically, when a remote-controlled bomb exploded at the Sibi Railway Station in Balochistan. Attacks against settlers who were ethnically non-Baloch residents of the province continued during the year. On July 12, the daily *Dawn* reported that the bodies of seven coal mine workers who were kidnapped from the Soorang mining fields near Quetta and then shot and killed were found dumped on a roadside in the hills of Degari. The miners were ethnic Pashtuns from the Swat valley, KP, and were employed by a private mining company, the United Mineral Company.

Sectarian violence also escalated in Balochistan, KP, and Gilgit Baltistan, with multiple targeted attacks against Shias. According to a September 5 statement by Human Rights Watch (HRW), while sectarian violence was a long-standing problem in the country, attacks against ordinary Shias had increased significantly in recent years. HRW stated that at least 320 members of the Shia population were killed in targeted attacks during the year. More than 100 were killed in Balochistan Province, the majority from the Hazara community. According to a report by Balochistan's provincial home department published in the *Express Tribune* on July 1, more than 400 Shias and Hazaras died as a result of sectarian violence in the province in the 2008-12 period. Another 450 persons were injured in more than 110 sectarian attacks from 2008 to 2011, and an estimated 100 pilgrims were killed during the first half of 2012. During the year there were killings of Shia pilgrims in Gilgit Baltistan and at least three major attacks on passenger buses. For example, on August 16, more than a dozen gunmen forced 19 Shia passengers off four buses in the Mansehra district and shot them at point blank range.

Abductions: During the year there were reports of civilians kidnapped or taken hostage by militant groups in FATA, KP, Punjab, and Balochistan. Unidentified assailants kidnapped Khalil Dale, a British national working for the ICRC, while he was enroute to his home in Quetta. On April 29, Dale's body was found with a note indicating he was killed due to failure to pay a ransom.

In August 2011 two high-level kidnappings were reported in Lahore, Punjab. Assailants took Warren Weinstein from his home. In December 2011 al-Qaida claimed responsibility for Weinstein's abduction. On May 7, al-Qaida released a proof-of-life video of Weinstein. In addition, armed gunmen took Shab haz Taseer, son of the murdered Punjab governor, from his car. In March the Taliban claimed responsibility for Taseer's kidnapping. According to the *Dawn*, in July Punjab

Law Minister Rana Sanaullah stated that the Inter-Services Intelligence agency had been negotiating with militants for Taseer's ransom and release. At year's end neither had been released.

Child Soldiers: Nonstate militant groups kidnapped boys and girls and used fraudulent promises to coerce parents into giving away children as young as age 12 to spy, fight, or die as suicide bombers. The militants sometimes offered parents money, often sexually and physically abused the children, and used psychological coercion to convince the children that the acts they committed were justified. On May 4, *The Express Tribune* reported a teenage suicide bomber killed at least 24 people and injured 66 in an attack in Khar Bazaar, Bajaur Agency. The TTP later claimed responsibility for the attack.

Other Conflict-related Abuses: On August 18, *The News* reported that a senior professor in the psychiatry department of Bolan Medical College, Ghulam Rasool Kakar, who was kidnapped on August 1 for ransom, had returned home in Quetta. Because of his abduction, the health sector was badly affected in Balochistan, as emergency operation theaters and outpatient departments of government and private hospitals were closed in the province for an indefinite period in protest. On October 19, Taliban militants shot Malala Yousafzai, a 14-year-old campaigner for human rights. She was singled out for the attack while returning home from school in a van in the Swat area of KP. The schoolgirl survived serious head wounds and was flown to the United Kingdom for medical care. Several senior government officials criticized the attack and promised swift action against the perpetrators. Maulvi Fazlullah, the leader of the Tehreek-e-Nafaz-e-Shariat-Mohammadi and accused of organizing the attack, was believed to reside in eastern Afghanistan.

Militants bombed government buildings and attacked and killed female teachers and polio vaccination workers. The TTP particularly targeted girls' schools to demonstrate its opposition to girls' education; however, the TTP also destroyed boys' schools. Military operations created hardships for the local civilian population when militants closed key access roads and tunnels and attacked communications and energy networks, disrupting commerce and food and water distribution. Nine people, including five women, responsible for administering the government's polio vaccination campaign, were killed in different cities. As a result polio vaccinations were suspended but later resumed. (The country remains one of three in the world where polio has yet to be eradicated.) The TTP claimed responsibility for one of the killings.

In KP elected civilian government officials and their families, especially those representing the ANP, were targets of attacks.

As a result of militant activity and military operations in KP and FATA that began in 2008 and continued through 2012, large population displacements occurred. Although an estimated 1.9 million conflict-affected persons returned home during the past two years, there were still more than one million internally displaced persons (IDPs) living with host communities, in rented accommodations, or in camps at the beginning of the year. The government and UN agencies such as the Office of the UN High Commissioner for Refugees (UNHCR) and UNICEF collaborated to provide assistance and protection to those affected by the conflict and to assist in their return home (see section 2.d.).

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The law provides for freedom of speech and press. However, there was some censorship, and threats, harassment, violence, and killings led journalists and editors to practice self-censorship.

Freedom of Speech: According to the constitution, every citizen has the right to free speech, subject to “any reasonable restriction imposed by law in the interest of the glory of Islam” or the integrity, security, or defense of the country; however, the government impeded criticism by monitoring political activity. Citizens could criticize the government publicly or privately, but they were restricted when criticizing the military. Blasphemy laws restricted individuals’ right to free speech concerning matters of religion and religious doctrine.

Freedom of Press: The independent media were active and expressed a wide variety of views; journalists often criticized the government. Previously unreported events, such as persecution of minorities, were covered; however, journalists were restricted when criticizing or questioning the role of the military. Section 99 of the penal code allows the government to restrict information that might be prejudicial to the national interest. Threats and violence against journalists who reported on sensitive problems such as security force abuses occurred during the year. The government also impeded criticism by monitoring political activity and controlling the media. In May the Committee to Protect Journalists (CPJ) reported that the government-controlled Pakistan Electronic Media Regulation Authority (PEMRA) sent broadcasters a media advisory with the

names of 40 banned organizations. The television stations were not to give them any coverage, including conducting interviews with their leaders. PEMRA also asked channels to stop broadcasting political satires and parodies of political leaders.

There were numerous independent English, Urdu, and regional-language daily and weekly newspapers and magazines. To publish within Azad Kashmir, owners of newspapers and periodicals had to obtain permission from the Kashmir Council and the Ministry of Kashmir Affairs. The Ministry of Information and Broadcasting controlled and managed the country's primary wire service, the Associated Press of Pakistan, the official carrier of government and international news to the local media. The military had its own media-monitoring wing within Inter Services Public Relations, the military's public relations department. The government-owned and -controlled Pakistan Television and Pakistan Broadcasting Corporation operated radio stations throughout the country. The law does not extend to FATA or PATA, and the law allowed independent radio stations to broadcast in FATA with the permission of the FATA Secretariat.

There were instances in which the government shut down private television channels and blocked certain media outlets from broadcasting. The broadcasters asserted that the broadcast laws were vague, leading to instances of abuse and arbitrary broadcast restrictions by PEMRA. The NGO Intermedia reported that Pakistan Television did not operate under the purview of the law and benefitted from a monopoly on broadcast license fees. According to Freedom House, authorities used the PEMRA rules to silence the broadcast media, by either suspending licenses or threatening to do so.

Private cable and satellite channels broadcast domestic news and were critical of the government, despite some self-censorship. Private radio stations existed in major cities, but their licenses prohibited news programming. Some channels evaded this restriction by discussing news in talk shows. International radio broadcasts, including the BBC and the Voice of America, were normally available. There is a complete blockade of Indian television news channels.

Violence and Harassment: During the year security forces, political parties, militants, and other groups subjected media outlets and journalists and their families to violence and harassment. Journalists were abducted. Media outlets that did not practice self-censorship were often the targets of retribution.

According to the CPJ, seven journalists were killed during the year for reporting on sensitive topics. Reporters Without Borders reported 10 journalists killed and two imprisoned. According to the South Asia Media Commission's Media Monitor 2012 report, 13 journalists were killed during the year. A number of journalists also reportedly were subjected to physical attack, harassment, intimidation, kidnapping, or other forms of pressure during the year. The CPJ included the country in its annual "impunity index" because the government allowed deadly violence against members of the press to go unpunished.

On May 28, Abdul Qadir Hajizai, a correspondent with the Karachi-based, Balochi-language news channel Wash News, was shot and killed in Balochistan. According to media reports, Hajizai was heading home when armed men riding on a motorcycle opened fire on him in Washuk District.

Censorship or Content Restriction: The few small, privately owned wire services and media organizations generally practiced self-censorship, especially in news reports involving the military. Private cable and satellite channels also practiced self-censorship at times. The government continued to restrict and censor some published material, while blasphemy and anti-Ahmadi laws restricted publication on certain topics. Foreign books needed to pass government censors before being reprinted, but there were no reports of book bans during the year. Books and magazines could be imported freely but were subject to censorship for objectionable sexual or religious content. Obscene literature, a category the government defined broadly, was subject to seizure.

In early August the Supreme Court ordered PEMRA to take measures to stop "obscenity" on television channels. The court issued the order while hearing two petitions filed by former judge Wajihuddin Ahmed and former Jamaat-e-Islami chief Kazi Hussain Ahmed against obscenity in electronic media. The court also directed PEMRA to define the term "obscenity" in the Pakistani context.

Nongovernmental Impact: Militants and criminal elements killed, kidnapped, beat, and intimidated journalists and their families, leading many to practice self-censorship. Conditions for reporters covering the conflict in FATA, KP, and Balochistan remained difficult, with a number of correspondents detained, threatened, expelled, or otherwise prevented from covering events there by militant or local tribal groups. In several instances militants attacked journalists' homes in retaliation for their reporting.

## **Internet Freedom**

There were reports of some restrictions on Internet access and reports that the government monitored Internet use, some e-mail, and Internet chat rooms. According to a Freedom House report, the government justified politically motivated restrictions on Internet freedom as necessary for security purposes. There were also reports that the government attempted to control some Web sites, including extremist and proindependence Baloch sites. The provincial government in Balochistan blocked access to a Baloch human rights blog run by journalists.

The law creates a number of offenses involving the misuse of electronic media and systems and the use of such data in other crimes. It also stipulates that cyberterrorism resulting in a death is punishable by the death penalty or life imprisonment.

The Ministry of Information Technology blocked 13,000 “obscene” Web sites on February 12. On September 17, in response to violent protests related to the “Innocence of Muslims” video, the Supreme Court ordered PEMRA to block YouTube until the video was removed from all YouTube global sites. YouTube remained blocked at year’s end.

The Pakistan Telecommunications Authority (PTA) is responsible for the establishment, operation, and maintenance of telecommunications and has complete control of all content broadcast over telecommunications channels. In July 2011 the PTA ordered Internet service providers to report if customers were using virtual private networks (VPNs) and voice-over-Internet protocol (VOIP) to browse the Internet or communicate. The PTA insisted that the ban on VPN access was intended to shut down illegal call centers and enable authorities to monitor potentially criminal behavior. At year’s end VPNs and VOIP were both accessible.

Restrictions on Internet traffic were enforced during the year. Over the course of the year, the government cut off access to BuzzFeed and restricted access to other social Web sites.

Internet usage is limited in the country, with approximately 20 million users, according to government statistics.

### **Academic Freedom and Cultural Events**

The government generally did not restrict academic freedom. However, members of student organizations, typically with ties to political parties, fostered an atmosphere of violence and intolerance that limited the academic freedom of fellow students. On some university campuses in Karachi and Lahore, armed groups of students, most commonly associated with the All Pakistan Mutahidda Students Organization (affiliated with the Muttahida Qaumi Movement) and the Islami Jamiat Talaba (affiliated with Jamaat-e-Islam) clashed with and intimidated other students, instructors, and administrators over issues such as language, syllabus content, examination policies, grades, doctrines, and dress. These groups frequently influenced the hiring of staff, admissions to universities, and sometimes the use of institutional funds. They generally achieved such influence through a combination of protest rallies, control of campus media, and threats of mass violence. In response university authorities prohibited political activity on many campuses, but the ban had limited effect. Jamaat e-Islam also influenced the leadership of International Islamic University in Islamabad to prevent cogender educational or extracurricular activities on campus.

In addition to public schools, there exists a large network of madrassahs under the supervision of five major governing bodies. These schools vary in the curriculum they provide, although some such institutions provide a limited scope of teaching, with a focus on Islamist texts.

There was minor government interference with art exhibitions or other musical or cultural activities. The Ministry of Culture operated the Central Board of Film Censors, which previewed and censored sexual content and any content that glorified Indian heroes, leaders, or military in foreign and domestic films before exhibition in the country. In nationwide protests on February 21, rioters burned down Karachi's Nishat cinema, which had opened in 1947 and displayed movies from India, Pakistan, and Hollywood. The government also banned several artists and arrested others on charges of "vulgar public dance performances" in the theaters of Lahore.

## **b. Freedom of Peaceful Assembly and Association**

The law provides for freedom of assembly and freedom of association, subject to restrictions.

### **Freedom of Assembly**

Although the constitution provides for the freedom of assembly, the government placed selective restrictions on it. By law district authorities can prevent gatherings of more than four persons without police authorization. The law permits the government to ban all kinds of rallies and processions, except funeral processions, for reasons of security.

Authorities generally prohibited Ahmadis from holding conferences or gatherings.

There were several successful protests, strikes, and demonstrations throughout Sindh, both peaceful and violent. Law enforcement agencies did not have the capacity to intervene and prevent these gatherings.

### **Freedom of Association**

The constitution provides for freedom of association subject to restrictions imposed by law. According to the now-dissolved Ministry of Social Welfare and Special Education, there were more than 100,000 NGOs working in the country; however, due to the fragmented legal and regulatory framework, the exact number of NGOs was not known.

During the year threats to civil society continued, with “softer targets” such as schools more frequently becoming a focus of attacks. On May 1, the *Daily Times* reported that unidentified militants blew up a government girls’ school with explosives in the Mian Dheri area of Swabi, KP. The school building was partially damaged, but no casualties or injuries were reported since the building was vacant at the time of the incident. Most parents in troubled areas of KP avoided sending their children to schools as a result of the terror threat.

According to a May 7 report by the Pakistan Humanitarian Forum, since 2009 militants and criminals had killed at least 19 aid workers and abducted more than 20. On July 4, Fareeda Afridi, a women’s rights activist, was shot and killed outside her home in Jamrud Town of Khyber Agency while she was going to her office. Her killing followed threats from the Taliban, which opposed women working in offices. In many parts of the country, female NGO workers were accused of not observing cultural norms, such as not wearing veils, encouraging other women to work outside the home, and working alongside male colleagues.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of internal movement and for uninhibited foreign travel, emigration, and repatriation, but the government limited these rights.

The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, and other persons of concern.

In-country Movement: The government's restrictions on access to certain areas of FATA, KP, and Balochistan, often due to security concerns, hindered the ability of humanitarian assistance providers to deliver aid to vulnerable populations.

Foreign Travel: The law prohibits travel to Israel, and the country's passports include a statement that they are "valid for all countries except Israel." Government employees and students must obtain "no objection certificates" from the government before traveling abroad. This requirement rarely was enforced for students.

Persons on the Exit Control List were prohibited from foreign travel. Although the list was intended to prevent those with pending criminal cases from traveling abroad, no judicial action was required for the Ministry of Interior to add a name. The list sometimes was used to harass human rights activists or leaders of nationalist parties. Those on the list had the right to appeal to the courts for removal of their names.

#### **Internally Displaced Persons (IDPs)**

The government does not have laws to protect IDPs but implemented policies to assist them, meeting the UN *Guiding Principles on Internal Displacement*. Registration of women continued to be a problem. In more conservative regions of the country, particularly rural areas, authorities did not uphold or enforce a woman's right to be registered.

At the end of the year, approximately 758,000 persons originating from KP and FATA remained displaced, according to the UNHCR. During the year the number of IDPs fluctuated due to militant activity and military operations. The majority of conflict-affected IDPs resided with host families, in rented accommodations, or to a lesser extent in camps. As of September Jalozai camp in Nowshera District of KP hosted the largest in-camp conflict-affected IDP population, with 64,983 persons. In addition, Togh Serai camp in KP hosted 5,821, and New Durrani camp in FATA hosted 15,662, mostly originating from Khyber Agency.

The government continued to facilitate voluntary returns to multiple agencies with support from the international humanitarian community. Nearly 58,000 IDPs returned to their homes by the end of the year.

The government required humanitarian organizations assisting civilians displaced by military operations to request no objection certificates to access Mohmand and Kurram agencies in FATA. The requirement to obtain the certificates delayed the delivery of UN assistance to Mohmand and Kurram beneficiaries by one to two weeks. The government established IDP camps inside the agencies where military operations took place despite the access and security concerns raised by humanitarian agencies. Humanitarian agencies providing assistance in the camps were exposed to the danger of travelling to and within FATA. There were a number of security incidents in the Jalozai and Togh Sarai camps during the year due to tensions caused by massive influxes of persons and registration and food distribution problems. The UNHCR reported three deaths and many more injuries. In addition, the UNHCR had to withdraw international staff from the camps due to security concerns; however, as of September no UNHCR personnel were harmed. UN agencies maintained access to the camps, and there were no reports of involuntary returns.

The government coordinated with the UNHCR for the voluntary and safe return of IDPs. For IDPs who were not ready to return, the government coordinated support with the UNHCR and other international organizations. The World Food Program distributed food rations to IDPs displaced by conflict.

### **Protection of Refugees**

The country is a party to neither the 1951 UN Convention relating to the Status of Refugees nor its 1967 Protocol.

Access to Asylum: No legislation provides for asylum or refugee status. The country lacks a legal and regulatory framework for the management of refugees and migration. Although there is no legislation excluding asylum seekers and refugees from the provisions of the law regarding illegal entry and stay or conferring legal status, the government in most cases provided protection against the expulsion or involuntary return of registered refugees to countries where their lives or freedom would be threatened. The country cooperated with the UNHCR in protecting, assisting, and voluntarily repatriating Afghan refugees.

Since 1979 the government has provided temporary protection to millions of refugees from Afghanistan. According to the UNHCR, at year's end an estimated 1.66 million registered Afghan refugees remained in the country, while another 83,423 voluntarily repatriated to Afghanistan. Two additional Voluntary Repatriation Centers became operational in March in Bannu and Timergara in KP, but the government closed the Bannu center in August due to security concerns. There were no credible estimates of how many Afghans were undocumented or unregistered, but estimates put the number at more than one million. The law states that anyone born in the country is a citizen. However, the courts' interpretation of this law was that the principle of birth in the country could not be read in isolation and independently of the other sections of the act concerning citizenship by descent in the case of the children of Afghan refugees. The courts decided that due to the "temporary" nature of Afghans' presence in the country, the law would not apply to the Afghan population, and Afghan children therefore were not granted Pakistani citizenship. Under the Secure Card for Afghan Citizens project, the National Database and Registration Authority (NADRA) issued birth certificates to 776, 683 Afghan children below the age of 18, identifying them as Afghan citizens.

The current Proof of Registration cards (PoR--the official documents held by registered refugees that allow them to remain legally in the country) were due to expire in December, but the prime minister extended their validity until June 30, 2013. At the time of the extension, the prime minister also announced the formation of a cabinet committee, headed by the Ministry of States and Frontier Regions, which is charged with designing a new policy for the stay of Afghan refugees. The UNHCR expected that the government would continue to respect the principle that repatriation must be voluntary. On the other hand, the International Organization for Migration reported that harassment by local authorities, including police forces, increased during the year.

The government generally abstained from forcibly returning Afghans with PoR cards, and during the year the UNHCR received reports of only five deportations of PoR card holders, four of whom later returned to Pakistan. According to the UNHCR, the government deported a total of 7,648 undocumented Afghan nationals (nonrefugees) during the year, a decrease of 20 percent compared with the same period the previous year.

Fewer than half of registered Afghan refugees lived in 83 refugee villages in KP (71), Balochistan (11), and Punjab (one). Nearly 60 percent of registered Afghans lived in urban areas. More than half of this population came from five provinces in Afghanistan: Nangarhar, Kabul, Kunduz, Logar, and Paktya.

Refugee Abuse: Police in many cases demanded bribes from refugees. There were first-hand accounts of members of the intelligence services harassing refugees. There were also many reports of extortion of refugees who participated in the UNHCR's voluntary repatriation process and received repatriation grants (\$150 in cash assistance per family member, upon return to Afghanistan).

Refugees faced societal discrimination and abuse from local communities, whose members resented economic competition and blamed refugees for high crime rates and terrorism. Single women, female-led households, and children working on the streets were particularly vulnerable to abuse and trafficking.

Employment: Refugees were not allowed to work legally, but many worked as day laborers or in informal markets. Refugees often were exploited in the informal labor market. Refugee women and children were particularly vulnerable, accepting underpaid and undesirable positions in workplaces.

Access to Basic Services: Afghan refugees could avail themselves of the services of the police and courts, but some, particularly the poor, were afraid to do so. Any refugee registered with both the UNHCR and the government-run Commissionerate of Afghan Refugees was, in theory, able to obtain admission to public education facilities after filing the proper paperwork. In practice most registered Afghans attended private Afghan schools or schools sponsored by the international community. There were no reports that officials denied refugees access to a health facility because of their nationality.

In many instances local governments or even individuals determined which rights and services Afghan refugees could use. For example, the government did not formally allow refugees to open bank accounts, and only one bank commonly

worked with refugees. In these cases NADRA regularly verified for banks the identity of refugees who wished to open accounts.

Although there is no legislation specifically permitting Afghans to obtain a driver's license, Afghans drove a large percentage of the trucks in KP. There were a number of Afghan private schools, including those funded by foreign assistance, but Afghan children usually were able to attend the country's primary schools. For older students, particularly in cities, access to education remained difficult. Even Afghans who grew up in Pakistan needed a student visa to attend the country's universities, but they qualified for student visas on the basis of their PoR cards.

Durable Solutions: For the mainstreaming of refugee programs in the development and annual programs of UN agencies, the UNHCR has signed memoranda of understanding with UNESCO, the World Health Organization, UNICEF, and the UN Entity for Gender Equality and the Empowerment of Women to strengthen partnerships in finding durable solutions for Afghan refugees. Under the Refugee Affected and Hosting Areas initiative--a joint initiative among the government, UN, and implementing partners under the framework of UN reforms in Pakistan--more than 1,080 projects had been completed since the initiative was launched in 2009, mainly in the provinces of Balochistan and KP. These provinces were home to high concentrations of Afghan refugees.

In 2011 the UNHCR initiated a quadripartite consultation process to develop a multiyear solutions strategy (2012-14) for Afghan refugees. This initiative involved the principal countries in the region--Afghanistan, the Islamic Republic of Iran, and Pakistan--and the UNHCR. The Solutions Strategy for Afghan Refugees was adopted with renewed international support in May.

The 2010-12 Management and Repatriation Strategy for Afghans in Pakistan contemplated the possibility of legal alternative stay solutions for refugees, along with voluntary repatriation. Such measures included issuing 150,000 work permits to registered Afghans for students, businesspersons or investors, and skilled laborers; granting permanent residency to Afghan refugees' female-headed households; issuing business permits to refugees who had invested more than five million rupees (\$51,450); and encouraging Afghan students to continue or complete their studies in the country. At year's end the government had not implemented the management and repatriation strategy.

The government did not accept refugees for resettlement from other countries or facilitate local integration. While the government did not have a system to confer

refugee status or asylum, it generally abstained from forcibly returning other foreigners with asylum certificates or refugee cards granted by the UNHCR, which had the responsibility of determining refugee status in the absence of government procedures.

### **Stateless Persons**

Statelessness continued to be a problem during the year. There is no national legislation on statelessness, and the government does not recognize the existence of stateless persons. International and national agencies estimated there were possibly thousands of stateless persons deriving from the breakup of India and Pakistan, and of Pakistan and Bangladesh.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The law provides the majority of citizens with the right to change their government peacefully. The country held national and provincial elections in 2008 that brought opposition parties to power. Gilgit-Baltistan, Azad Kashmir, and FATA have different political systems. Of these, only FATA had representation in the national parliament.

Residents of FATA are represented in the national parliament but do not have a voice in federal decision making over the tribal areas, an authority that belongs to the president. Tribal residents do not have the right to change their local government, because unelected civilian bureaucrats nominally ran the tribal agencies. The elected councils in FATA, set up in 2007 to provide local representation within the tribal areas, did not have an active role in governing the tribal areas. In August 2011 President Zardari signed the Extension of the Political Parties Order 2002 to the Tribal Areas. Through this decree the government allows political parties to operate freely in FATA.

Azad Kashmir has an interim constitution, an elected unicameral assembly, a prime minister, and a president, who is elected by the assembly. Both the president and legislators serve five-year terms. Of the 49 assembly seats, 41 are filled through direct elections and eight are reserved seats (five for women and one each for representatives of overseas Kashmiris, technocrats, and religious leaders). However, the federal government exercised considerable control over the structures of government and electoral politics. Its approval is required to pass legislation, and the federal minister for Kashmir affairs exercised significant

influence over daily administration and the budget. The Kashmir Council, composed of federal officials and Kashmiri assembly members and chaired by the federal prime minister, also holds some executive, legislative, and judicial powers. The military retains a guiding role on issues of politics and governance. Those who do not support Azad Kashmir's accession to Pakistan were barred from the political process, government employment, and educational institutions. They also were subject to surveillance, harassment, and sometimes imprisonment by security services.

### **Elections and Political Participation**

Recent Elections: In 2008 the country held national parliamentary elections that brought former opposition parties into a coalition government led by the PPP under the leadership of Yousuf Raza Gilani, who was replaced by Prime Minister Raja Pervazi Ashraf in 2012. The elections were postponed multiple times, the last time due to the assassination of PPP leader Benazir Bhutto in 2007. In the 2008 indirect presidential election, Asif Ali Zardari, Bhutto's widower, became president, succeeding Pervez Musharraf, who had resigned. The broad coalition government was dissolved in 2009, leaving the PPP to govern with a smaller majority in league with several partners.

For the 2008 elections, the Election Commission of Pakistan reportedly accredited approximately 25,000 domestic observers, the majority of whom were from the Free and Fair Election Network (FAFEN). The EU and Democracy International also observed. In 2008, for the first time in the country's history, the election commission released the certified results of the elections broken down by polling station, a step toward greater transparency. The government permitted all existing political parties to contest the elections; although several boycotted, the largest parties participated. International and domestic observers found the 2008 parliamentary election competitive and noted that the results appeared to reflect the will of the voters, despite significant flaws in the process. In particular, observers noted that some police pressured candidates and political party workers by threatening to register cases against them. Police often reportedly did not allow rallies for opposition parties and pressured individuals to vote for certain parties. FAFEN documented cases in which intelligence services pressured candidates to withdraw.

The International Foundation for Electoral Systems noted that formal adjudication of challenges of disputed election results was weak and that the high courts did not meet statutorily prescribed deadlines for adjudication in the majority of cases.

Political Parties: There were no undue restrictions on political parties. In most areas there was no interference with the rights to organize, run for election, seek votes, or publicize views. In Balochistan there were reports that security agencies and separatist groups harassed local political parties such as the Balochistan National Party and the Balochistan Student Organization.

Participation of Women and Minorities: No laws prevent women from voting; however, cultural and traditional barriers in tribal and rural areas impeded some women. There are 60 seats in the National Assembly reserved for women. The reserved seats were apportioned on the basis of total votes secured by the candidates of each political party contesting elections to the general seats. Of the 758 seats in provincial assemblies, 128 were reserved for women. One-third of the seats in local councils were reserved for women. In some districts social and religious conservatives prevented women from becoming candidates. Women also participated actively as political party members but were not always successful in securing leadership positions within parties, with the exception of the women's wing. There are women serving as federal ministers, including Foreign Minister Hina Rabbani Khar and Farzana Raja, chairperson of Benazir Income Support Program. A woman, Fehmida Mirza, served as the Speaker of the National Assembly.

In the March by-election in Mianwali, Punjab, a jirga was held in which local leaders decided to bar women from voting.

The government required voters to indicate their religion when registering to vote. To register to vote, the government required Ahmadis to declare themselves as non-Muslims. Ahmadis consider themselves Muslims, and as a result, the community was unable to vote.

The constitution reserves four seats in the Senate for religious minorities, one for each of the four provinces. These seats are filled through indirect elections held in the provincial assemblies. Ten national assembly seats are reserved for members of religious minorities. The seats are apportioned to parties based on the percentage of seats each won in the assembly. Under the law minorities held 23 reserved seats in the provincial assemblies: eight in Punjab, nine in Sindh, three in KP, and three in Balochistan.

Women and minorities are also allowed to contest for unreserved seats.

#### Section 4. Corruption and Lack of Transparency in Government

The law provides for criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices. Corruption was pervasive in politics and government, and various politicians and public office holders faced allegations of corruption, including bribery, extortion, cronyism, nepotism, patronage, graft, and embezzlement.

Corruption within the lower levels of the police was common. A 2010 survey by Transparency International noted that the major cause of corruption was lack of accountability, followed by low salaries. Some police charged fees to register genuine complaints and accepted money for registering false complaints. Bribes to avoid charges were commonplace. Critics charged that appointments of station house officers were politicized.

Anecdotal reports persisted about corruption in the judicial system, including reports of small-scale facilitation payments requested by court staff. Lower-court judges lacked independence, and superior court judges sometimes pressured them on how to decide a case. Lower courts remained corrupt, inefficient, and subject to pressure from prominent wealthy, religious, and political figures. Government involvement in judicial appointments increased the government's control over the court system.

In March 2011 the Federal Investigation Agency arrested former religious affairs minister Hamid Saeed Kazmi in a case relating to his alleged corruption in arranging residential accommodations for Pakistani hajj pilgrims in Saudi Arabia in 2010. The case was pending in the Supreme Court at year's end. On June 12, the *New York Times* reported prominent businessman Malik Riaz accused Chief Justice Iftikhar Chaudhry's son, Arsalan Iftikhar, of receiving cash kickbacks and money for trips to London and Monte Carlo in return for favorable treatment to Riaz in cases related to his real estate business. Subsequently, the government established the Suddle Commission to investigate the case.

The NAB serves as the highest-level anticorruption organization, with a mandate to eliminate corruption through awareness, prevention, and enforcement. Government officials forced the former NAB chairman to resign in June 2010 but did not appoint the new NAB chairman, retired admiral Fasih Bokhari, until October 2011.

The 2007 National Reconciliation Ordinance (NRO), promulgated under former president Musharraf, provided an amnesty mechanism for public officials who were accused of corruption, embezzlement, money laundering, murder, and terrorism between January 1, 1986, and October 12, 1999. In 2009 the Supreme Court declared the NRO null and void and reopened all 8,000 cases against those who had received amnesty, including the president, ministers, and parliamentarians. In 2010 the Zardari government filed a review petition challenging the Supreme Court's 2009 decision and requesting its review. In 2011 the Supreme Court dismissed the government's review petition, upholding its earlier decision finding the NRO null and void. In November the government complied with an NRO-related directive instructing it to send a letter to the Swiss authorities seeking mutual legal assistance over alleged illicit funds that had been expatriated from Pakistan. Subsequently, the Supreme Court dismissed its review petition of Prime Minister Raja Pervez Ashraf.

The law allows any citizen access to public records held by a public body of the federal government, including ministries, departments, boards, councils, courts, and tribunals. It does not apply to government-owned corporations or provincial governments. The bodies must respond to requests for access within 21 days. Certain records are restricted from public access, including classified documents, those that would be harmful to a law enforcement case or an individual, or those that would cause grave and significant damage to the economy or the interests of the nation. NGOs criticized the ordinance for having too many exempt categories and for not encouraging proactive disclosure.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Other groups that reported on issues implicating the government, military, or intelligence services faced restrictions on their operations. Very few NGOs had access to KP, FATA, and some areas in Balochistan. While government officials were sometimes cooperative, they were only somewhat responsive to these groups' views. The PPP-led government delayed or blocked issuance of visas to international staff members of organizations whose work challenged the image of the government. There were also reports that security agencies blocked the issuance of visas for international staff members due to concerns about their activities and links to foreign governments.

Security threats were a problem for NGO workers due to the instability in FATA and KP, and organizations that promoted women's rights faced particular challenges.

UN and Other International Bodies: A September 10-18 UN Working Group on Enforced or Involuntary Disappearances conducted a fact-finding mission in the country. The mission was of symbolic importance, but the group faced difficulty in meeting several relevant government stakeholders.

Government Human Rights Bodies: The Senate and National Assembly Standing Committees on Law, Justice, Minorities, and Human Rights held hearings on a range of problems, including honor crimes, police abuse of the blasphemy law, and the Hudood Ordinance. The committees served as useful forums in which to raise public awareness of such problems, but their final decisions generally adhered to government policy. The committees did not do more than conduct broad oversight. The Parliamentarians' Commission for Human Rights, an interparty caucus of parliamentarians, lobbied for reform in several areas.

In May President Zardari signed the National Commission for Human Rights Bill authorizing the establishment of an independent and powerful human rights commission. According to the bill, the commission is to consist of 10 members headed either by a retired judge of the Supreme Court or by a human rights expert. There are to be reserved seats--one for a woman and another for a person belonging to a religious minority. The commission would have the authority to hold any institution accountable for its human rights violations. HRW had urged President Zardari not to sign the bill to authorize the formation of the commission until it was revised to "authorize investigations of the military and the intelligence agencies for human rights violations."

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution provides for equality for all citizens and broadly prohibits discrimination based on race, religion, caste, residence, or place of birth; however, in practice there was significant discrimination based on each of these factors.

### **Women**

Rape and Domestic Violence: Rape is a criminal offense, with punishment that ranges from a minimum of 10 to 25 years in prison and a fine to the death penalty. The penalty for gang rape is either death or life imprisonment, but in practice

sentences were often less severe. Although rape was frequent, prosecutions were rare. Spousal rape is not a crime under the penal code.

As in previous years, the government's enforcement of the Women's Protection Act of 2006 was poor. The act brought the crime of rape under the jurisdiction of criminal rather than Islamic courts. In cases of rape, by law police are not allowed to arrest or hold a woman overnight at a police station without a civil court judge's consent. The law requires a complaint to be made directly to a sessions court, a trial court for heinous offences. After recording the victim's statement, the sessions court judge officially lodges a complaint, after which police can then make arrests. While this procedure was meant to eliminate abuses relating to social norms that make it difficult for women to seek legal redress with police, NGOs reported that it created other barriers for rape victims who could not afford to travel to the courts or access the courts. Rape continued to be a severely underreported crime due to societal taboos that prevented persons from speaking about it.

In 2010 the FSC declared several clauses of the Women's Protection Act un-Islamic and unconstitutional. The verdict sought to reinstate certain provisions of the 1979 Hudood Ordinance and expand the FSC's jurisdiction in cases of adultery and false accusations of adultery. The FSC directed its judgment to the federal government as well as the provincial and Islamabad high courts for implementation. The federal government appealed the FSC's decision to the Supreme Court in May 2011. The Supreme Court had not set a hearing date by year's end.

There were no reliable national, provincial, or local statistics on rape due to underreporting and the lack of any centralized law enforcement data collection system. However, based on media reports, the Aurat Foundation estimated that nationally 3,461 women were raped between 2008 and 2011, with 827 rapes and gang rapes in 2011.

According to the Aurat Foundation and others, prosecutions of reported rapes were rare. Police and NGOs reported that false rape charges sometimes were filed in different types of disputes, reducing the ability of police to assess real cases and proceed with prosecution. NGOs reported that police were at times implicated in rape cases. NGOs also alleged that police sometimes abused or threatened victims, demanding that they drop charges, especially when police received bribes from suspected perpetrators. Some police demanded bribes from some victims before registering rape charges, and investigations were sometimes superficial. While the

use of post-rape medical testing increased during the year, medical personnel in many areas did not have sufficient training or equipment, which further complicated prosecutions. Extrajudicial resolutions to rape accusations were common, with a victim often forced to marry her attacker.

On March 21, three men kidnapped a 13-year-old girl from her house and gang-raped her in the Ratta Amral area of Rawalpindi, Punjab. When her father approached the police, they refused to register the FIR. On April 16, the rape victim tried to commit suicide, after which the Supreme Court took notice of the case on its own action. Authorities suspended three police officers accused of misuse of authority and delaying the registration of the rape case by almost one month; however, the case ended in an out-of-court settlement when the victim's family agreed to withdraw its complaint in return for compensation of one million rupees (\$10,300).

Women's rights activist Farzana Bari stated that those who committed crimes against women generally enjoyed strong connections in society and were more powerful and resourceful than the victims. In many cases the victim's family came under pressure and opted for an out-of-court settlement. Bari suggested that to discourage settlements of such cases, the offense against women or other citizens from vulnerable segments of society should be considered an offense against the state. According to Bari, if the state were to register such cases, the individual families would not be in a position to choose an out-of-court settlement, allowing for proper punishment of the offenders.

Rape by police officials also was a problem (see section 1.c.).

No specific law prohibits domestic violence, which was a widespread and serious problem. Husbands reportedly beat and occasionally killed their wives. Other forms of domestic violence included torture, physical disfigurement, and shaving the eyebrows and hair off women's heads. In-laws abused and harassed the wives of their sons. Dowry and family-related disputes often resulted in death or disfigurement by burning or acid.

According to the Aurat Foundation, the media reported 8,539 cases of violence against women in 2011, compared with 8,000 in 2010. The foundation's data showed that, among the abuses registered, there were reports of 1,575 women killed, 2,089 abducted, 610 victims of domestic violence, 110 sexually assaulted, 44 victims of acid attacks, 29 victims of burning, 827 raped, and 758 as having committed suicide. The foundation noted that its analysis attributed the reduction

in reporting to a declining law and order situation in Sindh and Balochistan, making it difficult to access information.

Women who tried to report abuse faced serious challenges. Police and judges were sometimes reluctant to take action in domestic violence cases, viewing them as family problems. Instead of filing charges, police typically responded by encouraging the parties to reconcile. Authorities usually returned abused women to their abusive family members. Women were reluctant to pursue charges because of the stigma attached to divorce and their economic and psychological dependence on relatives. Relatives were hesitant to report abuse due to fear of dishonoring the family.

To address societal norms that disapproved of victims who reported gender-based violence and abuse, the government established women's police stations, staffed by female officers, to offer women a safe haven where they could safely report complaints and file charges. Men are also able to utilize these police stations. Women's police stations continued to struggle with understaffing and limited equipment. Training for female police officers and changing cultural assumptions of male police officers also remained challenges. Due to restrictions on women's mobility and social pressures related to women's public presence, utilization of women's police centers was limited, but NGOs and officials reported that use was growing and that more centers were needed.

The government operated the Crisis Center for Women in Distress, which referred abused women to NGOs for assistance. A total of 26 government-funded Shaheed Benazir Bhutto centers for women across the country provided women with temporary shelter, legal aid, medical treatment, and psychosocial counseling. These centers served women who were victims of exploitation and violence. Victims later were referred to a "darul aman" or a shelter house (approximately 200 centers for women and children who were victims were established with funds from the Provincial Women Development Department). These centers provided shelter, access to medical treatment, limited legal representation, and some vocational training. Many government centers were full beyond capacity and lacked sufficient staff and resources. In some cases women were abused at the government-run shelters, found their movements severely restricted, or were pressured to return to their abusers.

Harmful Traditional Practices: At times women were victims of various types of societal violence and abuse, including honor killings; facial, bodily, and genital mutilation; forced marriages; imposed isolation; and being used to settle disputes.

Women often were treated as chattel, and perpetrators were often husbands and other male family members.

A 2004 law on honor killings and the Prevention of Anti-Women Practices Act 2011 criminalizes acts committed against women in the name of traditional practices. Despite these laws, hundreds of women reportedly were victims of honor killings. Many cases went unreported and unpunished. The Aurat Foundation reported 2,341 honor killings between 2008 and 2011 and estimated that less than 2 percent of all honor killings were reported. The practice of “karo-kari” or “siyah kari” continued across the country. (Karo-kari, a Sindhi term, is a form of premeditated honor killing that occurs if a family, community, tribal court, or jirga determines that adultery or some other “crime of honor” occurred. Karo-kari means “black male” (karo) and “black female” (kari), metaphoric terms for someone who has dishonored the family or is an adulterer or adulteress.) Once a woman is labeled as a kari, male family members have the self-authorized justification to kill her and any coaccused karo to restore family honor. In many cases the karo is not killed or is able to flee.

Human rights groups criticized the federal law banning honor killings because it allows the victim or the victim’s heirs to negotiate physical or monetary restitution with the perpetrator in exchange for dropping charges. On August 1, a 22-year-old woman, Raheela Sehto was shot and killed inside a courtroom in Hyderabad, Sindh. Her brother, Javed Iqbal Shaikh, a lawyer by profession, was the one who killed her, claiming that she had “brought shame” on his family for marrying a man of whom the family disapproved. Raheela and Zulfikar Sehto had married in a Hyderabad court after the woman’s family turned down the marriage proposal.

On November 25, a tribal jirga in Shikarpur District ordered a man to give his two sisters and a niece in marriage to members of an opposing family in order to settle an honor dispute. The dispute originated in a case that occurred six months earlier when a villager claimed that his wife had an affair with another man. The man expelled his wife from the house. The jirga’s decision was intended to resolve the dispute between the two families. The chief justice of the Supreme Court took notice of this case, and police arrested nearly 20 men in connection with it.

In May it was reported that that a local jirga in Kohistan had condemned to death five girls of the Azadkhel tribe and two boys of the Salehkhel tribe for clapping and singing at a local wedding held in March. A relative of the girls later claimed that the four girls seen in the video, along with a teenage girl who was also present at the scene, were killed on May 30 in accordance with the tribal decree. The

Supreme Court took suo motu (acting on its own cognizance) notice of the case and sent a fact-finding mission to the area on June 4 that reported the women were alive. When the commission met Molvi Javed, the head of the jirga, it was informed that no killings had taken place. Following this finding, the case was disposed of but the relative of the girls kept claiming the girls had been killed.

Police in Sindh established karo-kari cells with a toll-free telephone number in the districts of Sukkur, Ghotki, Khairpur, and Nausharo Feroze for persons to report karo-kari incidents. Because honor crimes generally occurred within families, many went unreported. However, police and NGOs reported that increased media coverage enabled law enforcement to take some action against a limited number of perpetrators.

The practice of cutting off a man's or a woman's nose or ears, especially in relation to honor crimes, was reported (also see section 1.c.). For example, on June 2, the *Express Tribune* reported that a man, Qasim, was beaten and his nose and ears cut off for marrying a woman without her family's consent in Basti Feeta Kata, near Sadiqabad, Punjab.

Many young girls and women were victims of forced marriages arranged by their families. Although forced marriage is a criminal offense and many cases were filed, prosecution remained a problem. There were reports of citizens abroad bringing their daughters back to the country, taking away their legal documents, and forcing them into marriage against their will.

The practice of buying and selling brides also continued in rural areas, although prohibited by law. Many tribes, communities, or families continued the practice of sequestering women from all contact with men other than their relatives. Despite prohibitions on handing over women as compensation for crimes or as a resolution of a dispute (also known as "vani" or "swara"), the practice continued in Punjab and KP. In rural Sindh landowning families continued the practice of "marriage to the Quran," forcing a female family member to stay unmarried to avoid division of property. Property of women married to the Quran remained under the legal control of their fathers or eldest brothers, and such women were prohibited from contact with any man older than age 14. These women were expected to stay in the home and not to contact anyone outside their families.

In response to these problems, the Senate passed the Prevention of Anti-Women Practice Amendment Act in December 2011. The law criminalizes and punishes giving a female in marriage to settle a civil or criminal dispute; depriving a woman

of her rights to inherit movable or immovable property by deceitful or illegal means; coercing or in any manner compelling a woman to enter into marriage; and compelling, arranging, or facilitating the marriage of a woman with the Quran, including forcing her oath on the Quran to remain unmarried or not to claim her share of an inheritance. During the same session, the Senate also unanimously passed the Acid Control and Acid Crime Practice Bill 2010, which makes maiming or killing via corrosive substance a crime and imposes stiff penalties against perpetrators. As with other laws, these measures are not applicable to FATA and PATA unless the president issues a notification to this effect.

A third bill, passed in December 2011, provides for economic and other support to women in prison who are unable to defend themselves legally or post bail for lack of familial support and funds.

On March 8, International Women's Day, the president signed the National Commission on the Status of Women Bill into law, which accords the commission new financial and administrative autonomy and thereby better scope to investigate violations of women's rights.

NGOs and women's activists stressed that while these laws were positive steps, implementation remained a serious challenge.

Sexual Harassment: In 2010 two comprehensive laws, the Criminal Law Amendment Act 2010 and the Protection Against Harassment of Women at Workplace Act, were enacted to prevent and criminalize sexual harassment in the workplace and in the public sphere. In December 2010 Musarrat Hilali was appointed the country's first federal ombudsman for protection against harassment of women at work. By January 2012 the office had received 41 cases; 35 cases were disposed of by the authorities. Under the law all provinces were to establish provincial-level ombudsmen. In July Sindh became the first province to appoint a provincial ombudsman to redress complaints relating to sexual harassment. Despite these measures, sexual harassment remained a widespread problem. Press reports indicated that harassment was especially high among domestic workers and nurses. In a survey conducted by the *Daily Times* in 2010, female government and private sector employees complained about the abusive behavior of their male colleagues and senior officials. They said some officers sought "undue favors" by blocking salaries, benefits, promotions, transfers, and postings.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of children but often lacked the information and means to do

so. Young girls and women were especially vulnerable to problems related to sexual and reproductive health and reproductive rights. They often lacked information and means to access care. Spousal opposition also contributed to the challenges women faced in obtaining contraception or delaying pregnancy. Access by women, particularly in rural areas, to health and reproductive rights education remained difficult due to social constraints. For these same reasons data collection was also difficult.

Only 39 percent of births took place in the presence of a skilled birth attendant; within the poorest 20 percent of the population, this figure dropped to 16 percent. According to the *2006-2007 Demographic and Health Survey*, 35 percent of women received no prenatal care. According to UNICEF's data, 61 percent of woman received antenatal care at least once during their pregnancy or delivery, with only 28 percent receiving it four times or more.

According to UNICEF's *2009 State of the World's Children Report*, the country had a maternal mortality rate of 276 deaths per 100,000 live births; the high rate was attributed to lack of information and services. Women in rural areas were at twice the risk of dying of birth-related causes than women in urban areas (maternal mortality rates of 319 and 175 deaths per 100,000 live births, respectively). The rate increased to 785 deaths per 100,000 live births in Balochistan Province. Few women in rural areas had access to skilled attendants during childbirth, including essential obstetrics and postpartum care. According to UNICEF, the situation for mothers and children in the country was complicated by deteriorating security, which caused displacement and affected access to medical services, especially in KP and FATA.

According to a 2007 UN Population Fund estimate, only 17 percent of the country's women between the ages of 15 and 24 knew that a person could reduce HIV risk through condom use. Women were less likely than men to be diagnosed and treated for sexually transmitted infections due to the social stigma attached to visiting a doctor, among other factors. According to the UNAIDS 2009 report, the country had an estimated 98,000 HIV cases, of which approximately 28,000 were women age 15 or older; the National Aids Control Program estimated that only 5 percent of cases were actually recorded. Although HIV prevalence among women was less than 1 percent, some groups of women, including professional prostitutes, women and girls forced into prostitution, and wives of migrant workers, were highly vulnerable.

Discrimination: Women also faced legal and economic discrimination. The law prohibits discrimination on the basis of sex, but authorities did not enforce this provision. Women faced discrimination in family law, property law, and the judicial system. Family law provides protection for women in cases of divorce, including requirements for maintenance, and lays out clear guidelines for custody of minor children and their maintenance. However, many women were unaware of these legal protections or unable to obtain legal counsel to enforce them. Divorced women often were left with no means of support, as their families ostracized them. Women are legally free to marry without family consent, but women who did so frequently were ostracized or faced becoming the victims of honor crimes.

The inheritance law also clearly discriminates against women; however, the Anti-Women Practices Act, passed in December 2011, makes it illegal to deny women inheritance of property by deceitful means. Female children are entitled to one-half the inheritance of male children. Wives inherit one-eighth of their husband's estate. In practice women often received far less than their legal entitlement.

Women faced significant discrimination in employment and frequently were paid less than men for similar work. In many rural areas of the country, strong societal pressure prevented women from working outside the home. Some tribes continued the traditional practice of sequestering women from all contact with men other than relatives.

## **Children**

Birth Registration: Citizenship is derived by birth in the country; however, for children born abroad after 2000, citizenship can be derived by descent if either the mother or the father is a citizen and the child is registered with the proper authorities (see section 2.d., Protection of Refugees, for an exception regarding Afghan refugees).

Reporting of births is voluntary, and records are not kept uniformly, particularly in rural areas where children are born at home. In lieu of a birth certificate, individuals often used school records attested to by the headmaster or principal of the school or matriculation certificates, both of which identify the father and the date of birth. NADRA issues identity documents, including birth certificates, and uses mobile teams to register children in rural areas. The number of unregistered births was not available. While the government reported that more than 75 percent of the population was registered, actual figures may be lower. Public services,

such as education and health care, were available to children without a birth certificate.

Education: The constitution mandates that the government provide free and compulsory education to all children between the ages of five and 16. In practice government schools often charged parents for the cost of books, uniforms, and other materials. Parents of lower economic means sometimes chose to send children to madrassahs, where they received free room and board, or to NGO-operated schools.

According to government estimates (2009-10), 57.7 percent of the population over age 10 was literate and 45.3 percent of women were literate, reflecting more limited educational access for girls. Many NGOs believed that the actual percentages were much lower, particularly in rural and tribal areas. More than 40 percent of girls never enroll in school.

The biggest barrier to girls' education was the lack of access. Public schools, particularly beyond the primary grades, were not available in many rural areas, and those that existed were often too far away for a girl to travel unaccompanied. In addition, despite cultural beliefs that boys and girls should be educated separately after primary school, the government often failed to take measures to provide separate rest room facilities or separate classrooms, and there were more government schools for boys than for girls. The attendance rates for girls in primary, secondary, and postsecondary schools were lower than for boys across the board. In addition, certain tribal and cultural beliefs often prevented girls from attending schools.

Medical Care: Although boys and girls had equal access to government facilities, families were more likely to seek medical assistance for boys.

Child Abuse: Child abuse was widespread. Young girls and boys used as domestic servants were abused, beaten, and made to work long hours by employers, who in some cases were relatives. According to an August 2011 article in *Dawn*, more than 170,000 children lived on the streets. Up to 90 percent were abused sexually on the first night that they slept outside, and 60 percent accused police of sexually abusing them.

The penal code defines statutory rape as sexual intercourse with a female younger than age 16. The punishment for rape is death or 10 to 25 years' imprisonment and a fine. Gang rape is punishable by death or life imprisonment.

There were no known limits on child IDPs' access to government services, although some civil society organizations demanded improvement in these services.

Child Marriage: Despite legal prohibitions, child marriages occurred. The law sets the legal age of marriage at 18 for men and 16 for women and prescribes punishment and fines, ranging from imprisonment up to a month, 1,000 rupees (\$10), or both. In practice, the penalties were too low to have any deterrent effect.

A World Population Foundation survey in 2009 found that 49 percent of women between the ages of 20 and 24 were married before the age of 18. In 2008 the Family Planning Association of Pakistan estimated that child marriages made up 32 percent of marriages in the country. In rural areas poor parents sometimes sold their daughters into marriage, in some cases to settle debts or disputes.

Sexual Exploitation of Children: Child pornography is illegal under obscenity laws. Children were sold into prostitution (see section 7.c.). Socioeconomic vulnerabilities led to the sexual exploitation of children, as well as the trafficking of children for sexual exploitation. Many children working in exploitative begging situations at bus terminals and on the side of the road were abused sexually and physically.

Karachi and interior Sindh saw continuing cases of sexual abuse of children in madrassahs. In 2011 a tribal council in Jacobabad charged a local Deobandi cleric with confining and sexually abusing a young girl for a period of one year at the madrassah he operated. In December 2011 Sindh police raided a Deobandi madrassah on the outskirts of Karachi and discovered 68 captive boys, many of whom reported sexual abuse by the custodians of the madrassah.

Infanticide or Infanticide of Children with Disabilities: According to the Edhi Foundation, 480 dead infants were recovered during 2011, a decrease from 1,210 found during 2010. The death toll was greater among girls; nine of 10 dead infants that the charity found were girls. Edhi reported that up to 200 infants were left at its centers each year and that it handled thousands of requests for adoption by childless couples. By law anyone found to have abandoned an infant can be jailed for seven years, while anyone guilty of secretly burying a child can be imprisoned for two years. Murder is punishable by life imprisonment, but the crime of infanticide was rarely prosecuted.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at [http://travel.state.gov/abduction/country/country\\_5836.html](http://travel.state.gov/abduction/country/country_5836.html).

### **Anti-Semitism**

There were no known Jewish communities in the country. Anti-Semitic sentiments were widespread in the vernacular press. In one case the magazine *Nazaria-e-Pakistan* published an article containing claims that "Judaism and Brahmanism are names for racism" and referring to "the international Jewish drama of 9/11."

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law provides for equality of the rights of persons with disabilities, but the provisions were not always implemented in practice. After dissolution of the former Ministry of Social Welfare and Special Education in April 2011, its affiliated departments, including the Directorate General for Special Education, National Council for the Rehabilitation of the Disabled, and National Trust for the Disabled, were handed over to the Capital Administration and Development Division. The special education and social welfare offices were devolved to the provinces and are responsible for protecting the rights of persons with disabilities.

In the provinces social welfare departments worked for the welfare and education of persons with disabilities. In Sindh the minister for bonded labor and special education is mandated to address the educational needs of persons with disabilities. At the higher-education level, special departments provided special education at Allama Iqbal Open University, the University of the Punjab, and Karachi University. According to the Leonard Cheshire Foundation, most children with disabilities did not attend school; at the primary level specifically, the percentages for those out of school were 50 percent for girls and 28 percent for boys.

The government declared the federal capital and provincial capitals as disabled-friendly cities and granted permission to persons with disabilities to take central superior service exams. It also established 127 special education centers in main

cities. Employment quotas at the federal and provincial levels require public and private organizations to reserve at least 2 percent of jobs for qualified persons with disabilities. In practice, this right was protected only partially due to a lack of adequate enforcement mechanisms. Families cared for most individuals with physical and mental disabilities. In some cases criminals forced persons with disabilities into begging and took most of the proceeds they received.

Organizations that refused to hire persons with disabilities could choose to pay a fine to a disability assistance fund. This obligation was rarely enforced. The National Council for the Rehabilitation of the Disabled provided job placement and loan facilities as well as subsistence funding. There were no restrictions on the rights of persons with disabilities to vote or participate in civil affairs. However, voting was challenging for persons with disabilities because of severe difficulties in obtaining transportation and access to polling stations.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual conduct is a criminal offense; in practice, the government rarely prosecuted cases. Gay men and lesbians rarely revealed their sexual orientation. No laws protect against discrimination on the basis of sexual orientation or gender identity. Systematic discrimination against lesbian, gay, bisexual, and transgender persons was widely acknowledged privately, but insufficient data existed for accurate reporting on these forms of discrimination, due in part to severe societal stigma and fear of recrimination for those who come forward.

Society generally shunned transgender persons, eunuchs, and hermaphrodites, referred to as “hijras,” who often lived together in slum communities and survived by begging and dancing at carnivals and weddings. Some also were involved in prostitution. Hijras often were denied places in schools or admission to hospitals, and landlords often refused to rent or sell property to them. Hijras’ families often denied them their fair share of inherited property.

In November 2011 the Supreme Court ordered the national Election Commission to reach out to the hijra community and register its members to vote in advance of the March 2012 Senate elections.

### **Other Societal Violence or Discrimination**

Societal attitudes toward HIV-positive individuals were changing, but social discrimination continued. Cases of discrimination often went unreported due to the stigma faced by HIV/AIDS patients. In addition to operating treatment centers, the National Aids Control Program held rallies and public campaigns and spoke in mosques about birth control and AIDS awareness. The government established 13 HIV treatment and care centers nationwide, which provided comprehensive HIV care services.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

In April 2010 the 18th amendment to the constitution devolved labor legislation and policies to the four provinces. It stipulated that laws would remain in force “until altered, repealed, or amended by the competent authority,” that is, the provincial governments. At the same time, the federal Industrial Relations Act (IRA) expired, and provinces were expected to implement their own IRAs. This did not happen until mid-2011. In March parliament passed a new IRA, which takes International Labor Organization (ILO) conventions into account but does not apply to the four provinces, only the Islamabad Capital Territory (ICT) and trade federations that operate in more than one province. Therefore, the vast majority of the nation’s workforce is under the jurisdiction of provincial labor laws. Punjab’s IRA, for example, violates ILO conventions because it bans unions in companies with 50 or fewer employees. The role of the federal government to ensure compliance with ILO conventions remains unclear in the wake of devolution. The only federal government body remaining with any authority over labor issues is the Ministry of Human Resource Development, whose role is limited to compiling statistics to demonstrate compliance with ILO conventions. Even so, at year’s end the government had yet to respond with specific progress reports on the various provinces. The ILO noted that the passage of provincial IRAs governing labor relations took place without tripartite consultation or resolution of problems in the former federal legislation, including the inability of agricultural workers to form worker associations. At the provincial level, collective bargaining rights continued to exclude banking and financial sector workers, forestry workers, hospital workers, self-employed farmers, and persons employed in an administrative capacity or managerial capacity.

Despite passage of the four provincial-level IRAs, there was no federal law covering nationwide or transprovincial unions between April 2010 and July 2011, meaning that such organizations had no authority to exist and no mandate. This

legal gap included unions at nationwide entities such as Pakistan International Airlines and the Pakistan Water and Power Development Authority. The new Industrial Relations Ordinance (IRO) passed in July 2011 rectified these issues, but the directive applied only to transprovincial unions and unions operating inside the ICT. The IRO expired in March, and the IRA 2012 took effect immediately thereafter. However, IRA 2012, like the stop-gap measure before it, addresses only transprovincial and ICT unions. Most of the nation's workforce was not covered by any federal labor regulations of any kind.

In addition, labor unions noted that, without any federal-level legislation or federal-level entity responsible for labor, the continued existence of the National Industrial Relations Commission stood in question, and there was no government representative to respond to or negotiate with international labor bodies or ensure compliance with international norms. The federal IRA 2012 stipulates that the commission can adjudicate and determine industrial disputes within the ICT to which a trade union/federation of trade unions is a party, and any other industrial dispute, which is determined by the government to be of national importance. This provision does not provide a forum specifically for interprovincial disputes but appears to allow for the possibility that such a dispute could be resolved in the commission.

The role of the federal government in labor issues was unclear at year's end. It lacked a strong coordination role and provided no minimum standards for acceptable labor practices. Observers noted that effective enforcement of treaty requirements would be difficult in this ambiguous regulatory environment.

Worker organizations noted that capacity and funding for labor relations implementation at the provincial level was limited and that there was controversy over the federal government's decision to maintain control of the Workers Welfare Fund and Employees Old-Age Benefits Institution.

State administrators, government and state enterprises, workers in export processing zones, and public sector workers are prohibited from collective bargaining and striking, but labor groups reported the law was not applied during the year. The provincial industrial relations acts also address and limit strikes and lockouts. For example, the Khyber Pakhtunkhwa Industrial Relations Act specifies that where any "strike or lockout lasts for more than 30 days, the government may, by order in writing, prohibit the strike or lockout" and must then refer the dispute to a labor court.

In 2009 the Sindh High Court struck down the long-standing practice of regulating labor through finance bills. This ruling casts into doubt the validity of minimum wage laws and mandatory contributions to employee benefit funds. Resolution of this ambiguity remained a top priority for labor leaders during the year.

The labor disputes involving the Young Doctors Association remained unresolved at year's end. The association requested increased stipends and allowances, and the government said it would look into the association's demands. The Lahore High Court asked the doctors to end their strike and initiated contempt of court proceedings against them when they refused to. The proceedings, initiated on September 17, continued at year's end.

Other federal-level laws also define illegal strikes, picketing, and other types of protests as "civil commotion." This carries a penalty of up to life imprisonment and states that any gathering of four or more persons is subject to police authorization--a provision that authorities may use against trade union gatherings because devolution did not alter the federal government's authority on criminal matters.

Labor groups, international organizations, and NGOs continued to express concern about the devolution of the laws, noting that certain labor issues, including minimum wages, worker rights, national labor standards, and observance of international labor conventions, should remain within the purview of the federal government. Observers also continued to raise concerns about the provinces' varying capacity and commitment to adopt and enforce adequate labor laws.

Labor leaders also stressed the need for legislation to cover the rights of workers in the informal and agricultural sectors. The majority of factory workers were employed as contract labor with no fringe benefits beyond basic wages and no long-term job security, even if they remain with the same employer for months or years. Factory managers were often unable to ascertain the identity of fire or other work-related accident victims because these individuals generally did not appear in official records.

Enforcement of labor laws remained weak, in large part due to lack of resources and political will. Most unions functioned independently of government and political party influence. Labor leaders anecdotally raised concerns about the use of "yellow unions" by employers to prevent effective unionization.

There were no reported incidents of the government dissolving a union without due process. However, it is possible for a union to be administratively “deregistered” without judicial review.

Unions were able to organize large-scale strikes, but strikes were often broken up by police and used by employers to justify dismissals. Marches and protests also occurred regularly despite the repercussions, although union leaders were often arrested and in some cases charged under antiterrorism and antistate laws.

Violence and other freedom of association issues persisted throughout the year. In March police used batons and tear gas against a demonstration by female health workers in Sindh Province; in June eight doctors were injured and 50 arrested during a demonstration in Quetta; and in July 65 people were killed when the military deployed troops to disperse mass protests in Karachi.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, cancels all existing bonded labor debts, forbids lawsuits for the recovery of such debts, and establishes the district vigilance committee system to implement the act. The ILO noted that federal and provincial acts prohibit employees from leaving their employment without the consent of the employer or from striking, as doing so subjects them to penalties of imprisonment that may involve compulsory labor.

The government did not enforce federal law largely due to technical flaws, federal and local government structural changes, and a lack of budget implementation. As a result, when law enforcement officers registered bonded labor offenses, they did so under other sections of the penal code, including kidnapping and illegal confinement.

The use of forced and bonded labor was widespread and common in many industries across the country. NGOs estimated that nearly two million persons were in bondage, primarily in Sindh and Punjab. A large proportion of bonded laborers were low-caste Hindus as well as Christians and Muslims with lower socioeconomic backgrounds. Bonded labor was common in the agricultural sector, including the cotton, sugarcane, and wheat industries, and in the brick, coal, glass, and carpet industries. Bonded laborers often were unable to determine when their debts were fully paid, in part because contracts were rare and employers were able to take advantage of bonded laborers’ illiteracy to alter debt amounts or the price laborers paid for seed and fertilizer. In some cases landowners restricted laborers’

movements with armed guards or sold laborers to other employers for the price of the laborers' debt.

Boys and girls also were bought, sold, rented, or kidnapped to work in illegal begging rings, domestic servitude, and agriculture as bonded laborers. Illegal labor agents charged high fees to parents with false promises of decent work for their children and later exploited them by subjecting the children to forced labor in domestic servitude, unskilled labor, small shops, and other sectors. NGOs and police reported markets where girls and women were bought and sold for labor (see section 7.c.).

Some bonded laborers returned to their former status after they were free, due to a lack of alternative employment options. Ties between landowners, industry owners, and influential politicians hampered effective elimination of the problem. For example, some local police were unable to pursue landowners or brick-kiln owners effectively because they believed that higher-ranking police officers, pressured by politicians or the owners themselves, would not support their efforts to carry out investigations according to the law.

The KP, Punjab, and Sindh ministries of labor continued to register brick kilns and workers to regulate the industry better and ensure that workers had access to labor courts and other services. The Punjab Department of Labor also continued a project to combat bonded labor in brick kilns through which it helped workers obtain national identity cards and interest-free loans and opened schools at brick-kiln sites.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The constitution expressly prohibits the employment of children below the age of 14 in any factory, mine, or other hazardous site. The law limits a child's workday to seven hours, including a one-hour break after three hours of labor, and sets permissible times of day for work and time off. Children are not allowed to work overtime or at night, and a child should have one day off per week. In addition, the law requires employers to keep a register of children working for them for labor inspectors to verify. These prohibitions and regulations do not apply to family businesses or government schools.

The law protects all children younger than age 18 from exploitation and defines exploitative entertainment as all activities related to human sports or sexual practices and other abusive practices. Parents who exploit their children are also liable under the law. The law makes bonded labor by children punishable by up to five years in prison and 50,000 rupees (\$515) in fines. The government considers four occupations and 34 processes illegal for children, including street vending, surgical instrument manufacturing, deep-sea fishing, leather manufacturing, brick making, production of soccer balls, and carpet weaving. Despite this, there were reports of children working in all of these areas.

Because the Federal Ministry of Labor and Manpower was dissolved during the devolution of labor issues to the provinces, it is unclear whether coordination of child labor issues at the national level remains effective. Labor inspection was carried out at the provincial rather than national level, which contributed to an uneven application of labor law, and in reality enforcement efforts were not adequate to meet the scale of the problem. Inspectors had little training and insufficient resources and were susceptible to corruption. Labor inspections became even more infrequent after devolution, with no floor for the minimum frequency of inspections. Authorities allowed NGOs to perform inspections without interference, and SPARC noted that government officials usually cooperated with their visits.

Authorities often did not impose penalties on violators; when they did, the penalties were not a significant deterrent. Although authorities obtained hundreds of convictions for violations of child labor laws, the fines were too low to deter violations.

Due to weak government enforcement of child labor laws, child labor remained pervasive. NGOs and government sources noted that the 2010 and 2011 floods proved devastating for children, with the destruction of schools and dire financial situations compelling families to put children to work. According to the HRCP and SPARC, there were 10 million to 11.5 million child laborers, many of them in agriculture and domestic work. Children reportedly worked in the production of incense, cotton, wheat textiles, tobacco, sugar cane, gemstones, and stone crushing.

Approximately 70 percent of nonagricultural child labor took place in small workshops, complicating efforts to enforce child labor laws, since by law inspectors may not inspect facilities employing fewer than 10 persons.

Children were forced to work in the brick-kiln, glass bangle, and carpet-weaving industries, as well as agriculture, as part of fulfilling their families' debt obligation to feudal landowners or brick-kiln owners. UNICEF estimated the number of children working in brick kilns at 250,000. In August researchers estimated that there were approximately two million bonded laborers, many of whom included entire families with children.

Poor rural families sometimes sold their children into domestic servitude or other types of work, or they paid agents to arrange for such work, often believing that their children would work under decent conditions. Some children sent to work for relatives or acquaintances in exchange for education or other opportunities ended up in exploitative conditions or forced labor.

Children also were kidnapped and/or sold into organized begging rings, domestic servitude, and child prostitution.

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The minimum wage for unskilled workers was 8,000 rupees (\$82) per month, except in Punjab, where it was 9,000 rupees (\$93) per month. Provincial governments' minimum wage boards set skilled and semiskilled sector minimum wages, which vary by province. The government's 2011-12 Economic Survey considered the poverty line to be 3,389 rupees (\$34.87) per month. Significant sectors of the workforce, including those in the informal sector, domestic servants, and agricultural workers, were not covered by minimum wage laws.

The law provides for a maximum workweek of 48 hours (54 hours for seasonal factories) with rest periods during the workday and paid annual holidays. Additional benefits required under the labor code include official government holidays, overtime pay, annual and sick leave, health care, education for workers' children, social security, old age benefits, and a workers' welfare fund.

These regulations do not apply to agricultural workers, workers in factories with fewer than 10 employees, domestic workers, or contractors. In addition, such workers do not have the right to access "worker courts" to seek redress of grievances and were otherwise extremely vulnerable to exploitation. The inapplicability of many labor laws and the lack of enforcement by the government

gave employers in many sectors relative impunity with regard to working conditions, treatment, work hours, and pay.

Provincial governments have primary responsibility for enforcing national labor regulations. Enforcement was ineffective due to limited resources, corruption, and inadequate regulatory structures. In Sindh provincial policies against surprise inspections severely limited effective enforcement. In Punjab routine factory labor inspections were replaced by a self-declaration system whereby factory owners post declarations about workplace safety, health, and wage issues in their factories. Factories are then chosen at random for inspection, but declarations are not mandatory and there are no penalties for not complying with the self-declaration policy. Balochistan and KP continued to allow surprise inspections. Many workers remained unaware of their rights, especially in the informal sectors. Given the serious restrictions on labor inspections and the impact of limited resources and corruption, inspections and concomitant penalties were insufficient to deter violations of labor laws.

Health and safety standards were poor in all sectors. There was a serious lack of adherence to mine safety and health protocols. For example, many mines had only one opening for entry, egress, and ventilation. Workers could not remove themselves from dangerous working conditions without risking loss of employment. Informal sector employees faced multiple precarious situations, particularly in less visible, informal sectors such as domestic work. There were no official statistics on workplace fatalities and accidents during the year, but on September 11, at least 24 people, including children, were killed when a fire broke out at a shoe factory in Lahore, the same day a fire killed approximately 300 in a factory in Karachi.