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PAKISTAN

COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

7 June 2012

Contents

Preface

Latest News

EVENTS IN PAKISTAN FROM 25 MAY TO 7 JUNE 2012

Useful news sources for further information

REPORTS ON PAKISTAN PUBLISHED OR ACCESSED BETWEEN 25 MAY AND 7 JUNE 2012

Paragraphs

Background Information

1. GEOGRAPHY 1.01
Map 1.09
Telecommunications 1.10
Public holidays 1.13
2. ECONOMY 2.01
3. HISTORY 3.01
4. RECENT DEVELOPMENTS: OCTOBER 2011 TO APRIL 2012 ..... 4.01
5. CONSTITUTION 5.01
6. POLITICAL SYSTEM 6.01
Federal legislature 6.05
Provincial governments 6.09
Pakistan Administered Kashmir (Azad Kashmir) 6.11
Line of Control 6.17
Map 6.21
Gilgit-Baltistan (formerly known as the Northern Areas) 6.22

Human Rights

7. INTRODUCTION 7.01
8. SECURITY SITUATION 8.01
US airstrikes 8.15
Militant activity 8.20
Balochistan (Baluchistan) 8.30
Federally Administered Tribal Areas (FATA) 8.43
Khyber Pakhtunkhwa (KP) (formerally known as the North West Frontier Province – NWFP) 8.53
Pakistani Taliban 8.62
Sectarian violence 8.73
9. SECURITY FORCES 9.01
Police 9.02
Armed forces 9.11
Other government forces 9.15
Intelligence agencies 9.18
Human rights violations by government forces 9.22
Arbitrary arrest and detention 9.26
Torture 9.28
Extra-judicial killings 9.36

 The main text of this COI Report contains the most up to date publicly available information as at 24 May 2012. Further brief information on recent events and reports has been provided in the Latest News section to 7 June 2012.

Disappearances 9.46
Avenues of complaint 9.57
10. MILITARY SERVICE 10.01
11. JUDICIARY 11.01
Organisation 11.01
Shariat Courts (Islamic law) 11.10
Anti-Terrorism Act and courts 11.15
Military courts and the Army Act 11.20
Frontier Crimes Regulation (FCR) 11.24
Tribal justice system – Jirgas 11.30
Independence 11.46
Fair trial 11.51
Double jeopardy 11.62
Penal code 11.64
Qisas and Diyat ordinances 11.65
Blasphemy laws 11.69
Hudood Ordinances 11.74
Code of criminal procedure 11.84
12. ARREST AND DETENTION – LEGAL RIGHTS 12.01
First Information Reports (FIRs) 12.01
Detention, bail and sentencing 12.11
Convictions in absentia 12.16
13. PRISON CONDITIONS 13.01
14. DEATH PENALTY 14.01
15. POLITICAL AFFILIATION 15.01
Freedom of political expression 15.01
Freedom of association and assembly 15.09
Opposition groups and political activists 15.15
Politically motivated violence 15.19
16. FREEDOM OF SPEECH AND MEDIA 16.01
Journalists 16.16
17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS 17.01
18. CORRUPTION 18.01
National Reconciliation Ordinance (NRO) 18.07
National Accountability Bureau (NAB) 18.11
19. FREEDOM OF RELIGION 19.01
Demography 19.15
Constitution and legislation 19.19
Blasphemy laws 19.26
Legal procedures for blasphemy charges 19.52
Hudood Ordinances 19.54
Anti-terrorist laws 19.55
Apostasy 19.56
Interfaith marriage 19.62
Forced religious conversions 19.67
FATWA 19.73
Voting rights 19.78
Ahmadis 19.86
Background 19.86
Demography 19.88
Legislation discriminating against Ahmadis 19.91
Passports and ID cards 19.94

Khatme Nabuwaat 19.102
Violence and discrimination against Ahmadis 19.110
Societal discrimination 19.136
Christians 19.153
Demography 19.159
Violence and discrimination against Christians 19.161
Christian converts 19.182
Hindus and Sikhs 19.183
Shi'a and Sunni Muslims 19.194
Demography 19.196
Sectarian violence 19.198
20. ETHNIC GROUPS 20.01
Baloch 20.03
Hazaras 20.07
Mohajirs 20.12
Muttahida Qaumi Movement (MQM) 20.13
21. LESBIAN, GAY AND BISEXUAL (LGB) PERSONS 21.01
Legal rights 21.01
Treatment by, and attitudes of, state authorities 21.06
Societal treatment and attitudes 21.10
22. TRANSGENDER PERSONS 22.01
23. DISABILITY 23.01
24. WOMEN 24.01
Overview 24.01
Legal rights 24.11
Women's Protection Act 24.17
Political rights 24.24
Social and economic rights 24.35
Family laws: marriage, divorce and inheritance 24.42
Marriage 24.43
Divorce 24.58
Inheritance and child custody 24.66
Women in the workplace 24.72
Socio-economic indicators 24.77
Single women 24.80
Violence against women 24.88
Domestic violence 24.94
Honour killings 24.110
Love marriages 24.125
Rape 24.133
Assistance available to women 24.140
Government assistance 24.144
Non-governmental organisation (NGO) assistance 24.154
Women's health 24.161
25. CHILDREN 25.01
Overview 25.01
Basic legal information 25.07
Legal rights 25.09
Domestic legislation 25.11
Judicial and penal rights 25.19
Violence against children 25.35
Underage/forced marriage 25.45

 The main text of this COI Report contains the most up to date publicly available information as at 24 May 2012. Further brief information on recent events and reports has been provided in the Latest News section to 7 June 2012.

Child labour 25.53
Childcare and protection 25.60
Children's homes 25.69
Education 25.73
Madrassas 25.92
Health and welfare 25.101
26. TRAFFICKING 26.01
Overview 26.01
Trafficking to and from Pakistan 26.02
Trafficking within Pakistan 26.06
Prosecution 26.07
Assistance to victims of trafficking 26.09
27. MEDICAL ISSUES 27.01
Overview of availability of medical treatment and drugs 27.01
HIV/AIDS – anti-retroviral treatment 27.18
Tuberculosis 27.20
Cancer treatment 27.21
Kidney dialysis 27.27
Mental health 27.29
28. HUMANITARIAN ISSUES 28.01
Floods August 2011 ..... 28.02
Floods July/August 2010 ..... 28.03
29. FREEDOM OF MOVEMENT 29.01
30. INTERNALLY DISPLACED PERSONS (IDPS) 30.01
31. FOREIGN REFUGEES 31.01
Afghan refugees 31.06
32. CITIZENSHIP AND NATIONALITY 32.01
National identity cards 32.03
33. FORGED AND FRAUDULENTLY OBTAINED OFFICIAL DOCUMENTS 33.01
34. EXIT AND RETURN 34.01
Passports 34.06
Exit Control List (ECL) 34.11
Treatment of failed asylum seekers 34.16
35. EMPLOYMENT RIGHTS 35.01
36. LAND DISPUTES 36.01

Annexes

Annex A – Chronology of major events
Annex B – Political organisations
Annex C – Terrorist and extremist groups
Annex D – Prominent people
Annex E – Glossary of local terms for tribal customs
Annex F – List of abbreviations
Annex G – References to source material – numerical
Annex H – References to source material – alphabetical
Annex I – Correspondence from Foreign and Commonwealth Office

Preface

i This Country of Origin Information (COI) report has been produced by the COI Service, UK Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 24 May 2012. The 'Latest News' section contains further brief information on events and reports accessed from 25 May to 7 June 2012. The report was issued on 7 June 2012.

ii The report is compiled wholly from material produced by a wide range of external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

iii The report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links may be provided. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

iv The structure and format of the report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

v The information included in this report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.

vi As noted above, the report is a compilation of extracts produced by a number of information sources. In compiling the report no attempt has been made to resolve discrepancies between information provided in different source documents though COI Service will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. Reports do not aim to bring consistency of spelling but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

vii The report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

viii This report and the accompanying source material are public documents. All reports are published on the UKBA website and the great majority of the source material for the report is readily available in the public domain. Where the source documents identified are available in electronic form, the relevant weblink has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from COI Service upon request.

ix Reports are published regularly on the top 20 asylum intake countries. Reports on countries outside the top 20 countries may also be produced if there is a particular operational need. UKBA officials also have constant access to an information request service for specific enquiries.

x In producing this report, COI Service has sought to provide an accurate, up to date, balanced and impartial compilation of extracts of the available source material. Any comments regarding this report or suggestions for additional source material are very welcome and should be submitted to COI Service as below.

Country of Origin Information Service
UK Border Agency
St Anne House
20-26 Wellesley Road
Croydon, CR0 9XB
United Kingdom
Email: cois@homeoffice.gsi.gov.uk
Website: http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi/

INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's COI material. The IAGCI welcomes feedback on UKBA's COI Reports and other COI material. Information about the IAGCI's work can be found on the Independent Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

xii In the course of its work the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at http://icinspector.independent.gov.uk/country-information-reviews/

xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the

decision or proposal to designate a particular country for NSA, nor of the NSA process itself. The IAGCI can be contacted at:

Independent Advisory Group on Country Information
Independent Chief Inspector of the UK Border Agency
5th Floor, Globe House
89 Eccleston Square
London, SW1V 1PN
Email: chiefinspectorukba@icinspector.gsi.gov.uk
Website: http://icinspector.independent.gov.uk/country-information-reviews/

Return to contents

 The main text of this COI Report contains the most up to date publicly available information as at 24 May 2012. Further brief information on recent events and reports has been provided in the Latest News section to 7 June 2012.

Latest News

EVENTS IN PAKISTAN FROM 25 MAY 2012 TO 7 JUNE 2012

The Latest News provides a non-exhaustive selection of significant events since 25 May 2012. Further information may also be available from the list of useful sources below.

The Home Office is not responsible for the content of external websites.

6 June Officials in Pakistan are travelling to a remote north-western region to find out if four women, who apparently sang and watched as two men danced, have been murdered in an honour killing.

BBC News
Pakistan probes 'honour killings' of four women, 6 June 2012
http://www.bbc.co.uk/news/world-asia-18341379
Date accessed 7 June 2012

4 June Three US drone strikes in as many days on suspected militants in North Waziristan have killed 27 people, Pakistani intelligence officials say.

Reuters
Pakistan condemns U.S. drone strikes, 4 June 2012
http://www.reuters.com/article/2012/06/04/us-pakistan-usa-drones-idUSBRE8530MS20120604
Date accessed 7 June 2012

Return to contents

REPORTS ON PAKISTAN PUBLISHED OR ACCESSED BETWEEN 25 MAY 2012 AND 7 JUNE 2012

The Home Office is not responsible for the content of external websites.

United Nations High Commissioner for Refugees (UNHCR)
Eligibility Guidelines for Assessing the International Protection Needs of Members of Religious Minorities from Pakistan, 14 May 2012
http://www.unhcr.org/refworld/pdfid/4fb0ec662.pdf
Date accessed 25 May 2012

Austrian Centre for Country of Origin & Asylum Research Documentation (ACCORD)
Pakistan-administered Kashmir (Azad Kashmir and Gilgit-Baltistan), COI Compilation
7 May 2012
http://www.unhcr.org/refworld/pdfid/4fba0d042.pdf
Date accessed 25 May 2012

USEFUL NEWS SOURCES FOR FURTHER INFORMATION

A list of news sources with Weblinks is provided below, which may be useful if additional up to date information is required to supplement that provided in this report. The full list of sources used in this report can be found in Annex G – References to source material. An alphabetical list can be found in Annex H – References to source material – alphabetical.

AlertNet (Thomson Reuters) http://www.alertnet.org/thenews/newsdesk/index.htm?news=all
British Broadcasting Corporation (BBC) http://news.bbc.co.uk
Cable News Network (CNN) http://edition.cnn.com/WORLD/?fbid=i0gUtrVnUAy
Integrated Regional Information Networks (IRIN) http://www.irinnews.org/
Pakistan Institute for Peace Studies (PIPS) http://san-pips.com/
South Asia Terrorism Portal (SATP) http://www.satp.org/

Return to contents
Go to sources

 The main text of this COI Report contains the most up to date publicly available information as at 24 May 2012. Further brief information on recent events and reports has been provided in the Latest News section to 7 June 2012.

Background Information

1. GEOGRAPHY

1.01 The Foreign and Commonwealth Office (FCO) Country Profile for Pakistan, updated 21 February 2012, noted that the country is "... about three-and-a-half times the size of the UK. It shares borders with 4 countries: India to the east, China to the north east, Iran to the south west and Afghanistan along the western and northern boundaries." **(Geography)** Pakistan covers a land area of 803,940 sq. km. (499,545 sq. miles) **[11b] (Pakistan today)**

1.02 Pakistan (official name – Islamic Republic of Pakistan) is divided into four provinces – Punjab, Sindh, Balochistan and Khyber-Pakhtunkhwa (KP) (formerly known as North West Frontier Province or NWFP) – (US Department of State (USSD) Background Note: Pakistan, 6 October 2010) **[3a] (Government)** and two territories – the Federally Administered Tribal Areas (FATA) and the Islamabad Capital Territory. (CIA World Factbook, Pakistan, 18 April 2012, accessed 4 May 2012) **[4a] (Government)** The FATA is composed of seven tribal agencies: Bajaur, Mohmand, Khyber, Kurram, Orakzai, North Waziristan, and South Waziristan. (USSD Background Note: Pakistan, 6 October 2010) **[3a] (Government)** The CIA World Factbook added that "... the Pakistani-administered portion of the disputed Jammu and Kashmir region consists of two administrative entities: Azad Kashmir and Gilgit-Baltistan." **[4a] (Government)**

1.03 Pakistan's population was estimated to be 187,342,721 (male: 96,234,516; female: 91,108,205) as of July 2011. (CIA World Factbook, Pakistan, 18 April 2012, accessed 4 May 2012) **[4a] (People)** Pakistan's principal cities (estimated population in brackets) are the capital, Islamabad (800,000) and Rawalpindi (1,406,214), which comprises the national capital area with a combined population of 3.7 million. Other major cities include Karachi (11,624,219), Lahore (6,310,888), Faisalabad (1,977,246) and Hyderabad (1,151,274). (USSD Background Note: Pakistan, 6 October 2010) **[3a] (Geography)**

1.04 As noted in the CIA World Factbook, updated 18 April 2012, accessed 4 May 2012, the main ethnic groups of Pakistan comprised of "Punjabi 44.68%, Pashtun (Pathan) 15.42%, Sindhi 14.1%, Sariaki 8.38%, Muhajirs [Mohajirs] 7.57%, Balochi 3.57%, other 6.28%." **[4a] (People)** According to the 1998 census, 95 per cent of Pakistan's population was Muslim, the majority being Sunni with Shi'a minority of approximately 25 per cent. Hindu's, Christians Parsis/Zoroastrians, Bahais, Sikhs, Buddhists, Ahmadis, and others, comprise of a further five per cent. (USSD July-December, 2010 International Religious Freedom Report, 13 September 2011) **[3l] (Section I)**

1.05 The Constitution of Pakistan of 1973 states:

"(1) The National language of Pakistan is Urdu, and arrangements shall be made for its being used for official and other purposes within fifteen years from the commencing day.

"(2) Subject to clause (1), the English language may be used for official purposes until arrangements are made for its replacement by Urdu.

"(3) Without prejudice to the status of the National language, a Provincial Assembly may by law prescribe measures for the leaching, promotion and use of a Provincial language in addition to the National language." **[29n] (Part XII: Chapter 4, Article 251)**

1.06 The CIA World Factbook, dated 18 April 2012, accessed 4 May 2012, stated that the main languages of Pakistan were "Punjabi 48%, Sindhi 12%, Siraiki (a Punjabi variant) 10%, Pashtu 8%, Urdu (official) 8%, Balochi 3%, Hindko 2%, Brahui 1%, English (official; lingua franca of Pakistani elite and most government ministries), Burushaski, and other 8%." **[4a] (People)** Ethnologue's Languages of the World, Sixteenth edition, published in 2009, stated: "The number of individual languages listed for Pakistan is 72. Of those, all are living languages." **[15] (Languages of Pakistan)**

1.07 Regarding languages in Pakistan, Jane's Sentinel Security Assessment noted in its section on Demography, updated 24 March 2011, that "Of Pakistan's 20 spoken languages, Punjabi, Sindhi, Urdu, Pashto and Balochi are Indo-Aryan in origin. These vernaculars extend across the northern Indian subcontinent, manifesting themselves in a number of local dialects. Pakistan's official language, Urdu, is spoken as a native tongue by just eight per cent of the population, the majority of whom are Mohajirs..." **[1a] (Demography: Language)**

1.08 The Independent Advisory Group on Country Information (IAGCI) Evaluation of the Country of Origin Information (COI) Report on Pakistan, by Professor Shaun Gregory, of the Pakistan Security Research Unit, University of Bradford, dated 26 April 2011, stated that although eight per cent of Pakistani's have Urdu as their first language, an estimated 80 to 90 per cent use Urdu as their second functional language making it a virtual lingua franca. **[126a]**

MAP

1.09 Map of Pakistan, dated January 2004, extracted from United Nations Cartographic Section (click on map for full access).

[82a]

TELECOMMUNICATIONS

1.10 The International Organization for Migration (IOM) noted in its Returning to Pakistan Country Information fact sheet, updated 4 January 2010, that:

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"The telecommunications industry is growing in Pakistan. Pakistan Telecommunication Company Limited (PTCL) is Pakistan's most reliable and largest converged service carrier, providing consumers and businesses all over the country with all telecommunication services, from basic voice telephony to data, Internet, video-conferencing and carrier services. Mobile phone companies have not only increased in number but they have also expanded their operations to the remotest parts of the country, offering an excellent service to their clients." **[85a] (p24)**

1.11 The same source listed the mobile phone companies operating in Pakistan, which included Mobilink, Ufone, Warid Telecom, Telenor Pakistan and Zong. **[85a] (p25)**

1.12 With regards to the internet, the IOM fact sheet stated "The Internet is available in all the major cities of the country, as well as in many remote areas. The majority of people use dial-up connections." **[85a] (p24)**

PUBLIC HOLIDAYS

1.13 The Economist Intelligence Unit's Country Report for Pakistan, dated 15 May 2012, listed Pakistan's public holidays for 2012: "February 4th (Eid-i-Milad-un-Nabi); March 23rd (Pakistan Day); May 1st (Labour Day); August 14th (Independence Day); August 19th (Eid al-Fitr); October 26th (Eid al-Adha); November 9th (Allama Iqbal Day); November 24th (Ashura); December 25th (birth of Quaid-i-Azam). (Ashura, Eid-i-Milad-un-Nabi, Eid al-Fitr and Eid al-Adha are dependent on the Islamic lunar calendar, and their dates may therefore vary slightly from those listed)." **[2c] (Basic data: Public holidays)**

1.14 The Government of Pakistan's Ministry of Minorities website, accessed 18 May 2011, officially declared the 11 August as "Minorities Day". **[29q]**

See also Ethnic groups and Freedom of religion

Return to contents
Go to sources

2. ECONOMY

2.01 The Human Rights Commission of Pakistan (HRCP) noted in its annual report, 'State of Human Rights in 2011' (HRCP Report 2011), published March 2012, that "A working paper by the National Accounts Committee, an official body, illustrated that in the aftermath of severe floods and debilitating load shedding, Pakistan's Real Gross Domestic Product (GDP) declined to 2.39 percent in 2010-2011 against the target of 4.5 percent. The largest decline in GDP was due to lack of electricity, gas and water supply." **(p207)** The report added that as many as 36 million Pakistani's lived below the poverty line. **[27i] (p192)**

See also Humanitarian issues

2.02 The US Department of State (USSD) Background Note: Pakistan, dated 6 October 2010, reported that "Agriculture accounts for about 21% of GDP and employs about 42% of the labor force. The most important crops are cotton, wheat, rice, sugarcane, fruits, and vegetables, which together account for more than 75% of the value of total crop output. Despite intensive farming practices, Pakistan remains a net food importer. Pakistan exports rice, fish, fruits, and vegetables and imports vegetable oil, wheat, cotton (net importer), pulses, and consumer foods." **[3a] (Agriculture and natural resources)**

2.03 The HRCP Report 2011noted with regards to employment that:

"According to the official Labour Force Survey (LFS) for 2011, the total workforce in the country stood at 57.3 million out of which 51.9 million were stated to be employed... The number of unemployed women was stated to have decreased to 1.18 million from 1.21 million." **(p189)** The LFS "...concluded that unemployment in the country rose to 6 percent of the totalworkforce from 5.6 percent in 2009-10. That meant that the total number of unemployed rose by 280,000 people during 2011. However, contrary to the official survey the Chief Economist for the Planning Commission claimed that the rate of unemployment actually stood at 35 percent of the total workforce in 2011. **[27i] (p191)**

2.04 The same source noted "Protests were observed all over the country throughout the year demanding [the] minimum wage to be substantially increased from the prevailing Rs. 7,000 per month. The minimum wage remained unchanged at the end of 2011 and there were numerous reports where even that meagre amount was not paid to the workers." The report added that non-payment of salaries, pensions, and delays in payment, continued in 2011. **[27i] (p202)**

See also Employment rights

2.05 As at 30 April 2012, 1 US Dollar = 90.06273 Pakistan Rupee and 1 British Pound = 146.433 Pakistan Rupee. (Oanda, accessed 30 April 2012) **[96a]**

Return to contents
Go to sources

3. HISTORY

For more detail on Pakistan's history see Freedom House, Freedom in the World: Pakistan, the Foreign and Commonwealth Office Pakistan Country Profile, and the US Department of State Pakistan Background Note.

3.01 The Freedom House report Freedom in the World: Pakistan 2011, published 26 July 2011, stated that:

"Pakistan was created as a Muslim homeland during the partition of British India in 1947, and the military has directly or indirectly ruled the country for much of its independent history. As part of his effort to consolidate power, military dictator Mohammad Zia ul-Haq amended the constitution in 1985 to allow the president to dismiss elected governments. After Zia's death in 1988, successive civilian presidents cited corruption and abuse of power in sacking elected governments headed by prime ministers Benazir Bhutto of the Pakistan People's Party (PPP) in 1990 and 1996, and Nawaz Sharif of the Pakistan Muslim League (PML) in 1993.

"Sharif, who returned to power in the 1997 elections, was deposed in a military coup after he attempted to fire the army chief, General Pervez Musharraf, in 1999. Musharraf appointed himself 'chief executive' (and later president), declared a state of emergency, and suspended democratic institutions." **[5a]**

3.02 The US Department of State (USSD) Background Note: Pakistan, dated 6 October 2010, cited:

"On June 20, 2001, Musharraf named himself as president and was sworn in... In a referendum held on April 30, 2002, Musharraf's presidency was extended by 5 more

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years. The handover from military to civilian rule came with parliamentary elections in November 2002, and the appointment of a civilian prime minister, Mir Zafarullah Khan Jamali. Having previously promised to give up his army post and become a civilian president, General Musharraf announced in late 2004 that he would retain his military role. In August 2004, Shaukat Aziz was sworn in as prime minister, having won a parliamentary vote of confidence, 191 of 342 votes, in which the opposition abstained." **[3a] (Historical overview: Pervez Musharraf)**

See also sections on Women and Freedom of religion

3.03 Jane's Sentinel Security Assessment noted in its Executive Summary, dated 10 October 2011, that:

"Eight years of military rule, which saw Pakistan become increasingly unstable towards the end of 2007, drew to a close following the 2008 general elections. The storming of the Lal Masjid (Red Mosque) in Islamabad in July 2007, the sacking of Chief Justice Iftikhar Chaudhry in March 2007 and the imposition of emergency rule enraged the country's radical Islamists and energised its civil society. Faced with impeachment, then president Pervez Musharraf resigned in August 2008, ushering in an elected civilian coalition government led by the Pakistan People's Party (PPP). The civilian government's tenure has been characterised by tensions with coalition partners and the judiciary, as well as a frail economy, ethnic and criminal violence in the commercial hub of Karachi, social unrest over electricity shortages, rising unpopularity over ongoing US air strikes in the tribal areas and frequent terrorist attacks. These tensions were exacerbated by the discovery that Al-Qaeda leader Osama bin Laden was living in the city of Abbottabad, where he was subsequently killed by US special forces in May 2011... Many of Pakistan's key cities have fallen victim to jihadist attacks, and the army has responded with a campaign against militants in the northwest. These have not, however, included an operation in North Waziristan, where the US is demanding that Pakistan uproot the Haqqani network." **[1a] (National overview)**

See also sections on Judiciary and Security situation

Return to contents
Go to sources

4. RECENT DEVELOPMENTS: OCTOBER 2011 TO APRIL 2012

4.01 BBC News reported on 26 April 2012 that Prime Minister Gilani was found guilty of contempt although he was only given a symbolic sentence and would not serve prison time. A detailed judgement was not issued at the time so it was unclear whether Gilani would be convicted under a specific clause in the Constitution which would automatically bar him from office. However, there were calls from the opposition for him to step down. **[35j]**

4.02 On 19 January 2012, Prime Minister Yousaf Raza Gilani appeared in court accused of contempt after ignoring demands to reopen a money laundering case against President Zardari. Gilani claimed that under the constitution the President was immune from prosecution. (The Guardian, 19 January 2012) **[113d]**

4.03 On 12 December 2011, The Express Tribune reported that the Prevention of Anti-Women Practices (Criminal Law Amendment) Bill 2011 was passed by Pakistan's

Senate. The new law includes jail terms and fines for those who violate women's rights, by engaging in practices such as the forced marriage practices of swara and wani, child marriage or other crimes against women, such as 'marriages' to the Holy Quran. **[92e]**

4.04 The same source reported that the Acid Control and Acid Crime Prevention Bill 2010 was unanimously passed by the Senate, adding that:

"The purpose of the bill is to control the import, production, transportation, hoarding, sale and use of acid to prevent misuse and provide legal support to acid and burn victims... The amendment in Section 336-B [of the Pakistan Penal Code] states: 'Whoever causes hurt by corrosive substance shall be punished with imprisonment for life or imprisonment of either description which shall not be less than fourteen years with a minimum fine of Rs1 million'." **[92e]**

4.05 The Human Rights Commission of Pakistan (HRCP) reported in its annual report, the State of Human Rights in 2011, published March 2012, that 943 women were killed in the name of "honour" during the year 2011. The same source also recorded (from the media) 366 cases of domestic violence against women. **[27i] (p166-167)**

See also Women: Legal rights, Honour killings and Domestic violence

4.06 On Pakistan's security situation, the Economist Intelligence Unit (EIU) noted in its Country Report for Pakistan, dated 1 April 2012, that:

"Violence in the capital of Sindh province, Karachi, surged in 2011 but subsided following a government crackdown. In late March 2012, however, at least 14 people were killed in a fresh outbreak of violence. Armed gunmen opened fire on a bridge used by commuters in a part of the city dominated by ethnic Pashtuns, leading to a police crackdown. Targeted killings took place in other parts of the city, prompting the Muttahida Qaumi Movement (MQM), which is politically dominant in Karachi, to call for a day of mourning on April 1st. This marked the third strike in the city in a week. Nawaz Sharif, the leader of the main opposition party at national level, the Pakistan Muslim League (Nawaz), called for stronger action against those responsible for violence in the city." **[2g]**

4.07 The EIU added:

"The situation in FATA also remains troubled. On March 10th Pakistan's security forces killed at least 41 militants and injured many more in clashes and bombing raids in Orakzai and Khyber agencies. According to officials, aircraft destroyed four militant bases in Orakzai and rebels attacked a military convoy. The army claimed to have killed many militants, although a spokesman for Tehrik-e-Taliban Pakistan (TTP, an alliance of Islamist militant groups) claimed that the army had suffered heavy losses and that its bases had been evacuated prior to the bombings. In Khyber, clashes between helicopter gunships and militants led to casualties on both sides. These battles followed the deaths of at least 73 people on March 2nd. At least ten soldiers and 23 militants were killed in clashes in Khyber, while 23 militants from Lashkar-e-Islami, a militant group, were killed when a suicide bomber blew himself up." **[2g]**

For details on the security situation, see Militant activity, Sectarian violence and Politically motivated violence

Return to contents
Go to sources

 The main text of this COI Report contains the most up to date publicly available information as at 24 May 2012. Further brief information on recent events and reports has been provided in the Latest News section to 7 June 2012.

5. CONSTITUTION

5.01 For its full text plus recent amendments see The Constitution of the Islamic Republic of Pakistan. **[29n]**

5.02 Europa World Online, undated, accessed 26 July 2011, noted that "The Constitution was promulgated on 10 April 1973, and amended on a number of subsequent occasions... **[6] (Constitution and Government)** The Preamble upholds the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam. The rights of religious and other minorities are guaranteed… Fundamental rights are guaranteed and include equality of status (women have equal rights with men), freedom of thought, speech, worship and the press and freedom of assembly and association… (The Constitution of Pakistan) **[29n]**

5.03 Europa World Online also noted:

"In April 2010 a number of far-reaching constitutional reforms (the Eighteenth Amendment Bill), ceding key presidential powers to the Prime Minister and legislature, were signed into law, following unanimous approval by the National Assembly and Senate earlier that month. The main components of the amendments, which effectively terminated the Seventeenth Amendment enacted by President Musharraf in December 2003 (including the LFO) and transformed the president into a largely titular head of state, were: the divestment of the presidential mandate to dismiss elected governments and to appoint military chiefs and the transferral of these powers to the prime minister; the appointment of judges was transferred from the president to a judicial commission headed by the Chief Justice (with nominations to be approved by a parliamentary committee); the chief election commissioner was no longer to be appointed by the president; the election of the prime minister and of provincial chief ministers was no longer to be conducted by secret ballot; the president no longer had the power unilaterally to impose emergency rule in a province; the two-term limit on the holding of the premiership was lifted (thus allowing for Nawaz Sharif potentially to stand for another term as prime minister); and the NWFP was renamed Khyber Pakhtoonkhwa (a long-standing demand of the ethnic Pashtuns who dominate that region)." **[6] (Country profile: Contempory Political history; Domestic Political Affairs)**

5.04 The US Commission on International Religious Freedom (USCIRF) stated in its Annual Report 2012, covering events from April 2011 to February 2012, published March 2012, that "...the 18th amendment specifically stipulated that the prime minister must be a Muslim and did not address the constitution's anti-Ahmadi provisions." **[53c] (p122)**

5.05 The text of the Eighteenth Amendment Bill was published on the Council on Foreign Relations website, dated 19 April 2010. **[90]**

5.06 The Asian Human Rights Commission (AHRC) noted in its report, The State of Human Rights in Pakistan in 2011 (AHRC Report 2011), published 10 December 2011, that "Through the [18th] amendment the powers of the federal government were devolved to the provinces but after the passage of more than 18 months the process of devolution were stopped [for] unseen reasons." **[52g] (p6)**

5.07 The Freedom House report Freedom in the World: Pakistan 2011, published 26 July 2011, noted "At the end of the year, both houses of Parliament also passed the 19th Amendment, strengthening the role of the senior judiciary in making appointments to

superior courts and thus neutralizing a potential source of conflict between the executive and judiciary." **[5a]**

Return to contents
Go to sources

6. POLITICAL SYSTEM

6.01 The Foreign and Commonwealth Office (FCO) noted in its 2011 Human Rights and Democracy Report, published April 2012, that "Concerns persist about the primacy of parliament within the Pakistani system, especially the extent of civilian government control over the military and intelligence services, and the threat of the government being undermined through extra-constitutional means. With federal and provincial elections due by May 2013, important questions remain about Pakistan's ability to run free, fair and credible elections." **[11r]**

6.02 The Asian Human Rights Commission (AHRC) noted in its report, The State of Human Rights in Pakistan in 2011 (AHRC Report 2011), published 10 December 2011, that:

"Pakistani society and the government remain under the strong hold of the military which does not allow them to interfere in the affairs of the armed forces. Pakistan remains a highly militarized society where economic, political, foreign affairs and judicial policies are dictated by the military. The laws for the benefits of women, religious minorities and against the torture and enforced disappearances cannot be made without the prior to approval from the military. The parliament has been made redundant and the decisions of the parliament are occasionally reverted through the judiciary on the behest of the military." **[52g] (p2)**

6.03 The International Crisis Group (ICG) stated in its report Reforming Pakistan's Electoral System, dated 30 March 2011, that:

"Electoral rigging has hampered Pakistan's democratic development, eroded political stability and contributed to the breakdown of the rule of law. Facing domestic pressure for democracy, successive military governments rigged national, provincial and local polls to ensure regime survival. These elections yielded unrepresentative parliaments that have rubber-stamped extensive constitutional and political reforms to centralise power with the military and to empower its civilian allies. Undemocratic rule has also suppressed other civilian institutions, including the Election Commission of Pakistan (ECP), which is responsible for holding elections to the national and four provincial assemblies, and local governments. With the next general election in 2013 – if the Pakistan Peoples Party (PPP)-led government completes its full five-year term – the ruling party and its parliamentary opposition, as well as the international community, should focus on ensuring a transparent, orderly political transition through free, fair and transparent elections." **[20c] (Executive summary and recommendations)**

6.04 The ICG report added that, despite reforms under the eighteenth amendment to the constitution, further changes were needed:

"To curtail opportunities for the military to manipulate the political process, the ECP must be made independent, impartial and effective. The commission remains poorly managed, inadequately resourced, under-staffed and under-trained... Highly inaccurate voters lists are responsible for disenfranchising millions. Polling procedures are often manipulated; accountability mechanisms for candidates and political parties seldom

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employed; and the electoral code of conduct routinely flouted... Many discriminatory laws remain in place, including easily manipulated qualification criteria requiring electoral candidates to be of good Islamic character. Moreover, an interventionist military high command appears bent on shaping the political order to its liking... In the past, both the PML-N and the PPP have instead chosen to collude with the military at times." **[20c] (Executive summary and recommendations)**

FEDERAL LEGISLATURE

6.05 Europa World online, undated, accessed 26 July 2011, noted that:

"The President is a constitutional Head of State, who is normally elected for five years by an electoral college, comprising the Federal Legislature and the four provincial assemblies. The former consists of a lower and upper house – the National Assembly and Senate. There are 342 seats in the National Assembly, with 272 members directly elected (on the basis of adult suffrage), 60 seats reserved for women and 10 for non-Muslims. The term of the National Assembly is five years. The Senate comprises 104 seats; the provincial assemblies directly elect 92 members – of whom four have to be non-Muslims, 16 have to be women and a further 16 technocrats (including ulema , Muslim legal scholars) – and of the remaining 12 members, the Federally Administered Tribal Areas return eight members and the remaining four are elected from the Federal Capital Territory by members of the Provincial Assemblies. The term of the Senate is six years, with one-half of the membership being renewed every three years. The Prime Minister is elected by the National Assembly and he/she and the other ministers in the Cabinet are responsible to it." **[6] (Country profile: Constitution and Government)**

6.06 The Human Rights Commission of Pakistan noted in its annual report, 'State of Human Rights in 2011' (HRCP Report 2011), published March 2012, that:

"Rather than being directly elected, members of religious minorities were nominated to parliament by political parties'heads. The [HRCP] working group said that parliamentarians nominated in this manner often sought to please the party head rather than serving the minority community, which the parliamentarians did not deem their electorate... four senators from the minority communities were to be elected to the Senate in early 2012... reserved for them under the 18th Amendment." **[27i] (p142-143)**

6.07 In its country report for Pakistan, dated 15 March 2012, the Economist Intelligence Unit (EIU) reported on the elections held for nearly one half of the Senate (upper house of parliament), which were held in March 2012. The EIU stated:

"The Pakistan People's Party (PPP), which heads the governing coalition, won 19 of the 45 Senate seats being contested in the March [2012] elections, increasing its majority to 41 members. The PPP along with its allies – the Awami National Party (with 12 seats), the Pakistan Muslim League (Quaid-i-Azam), which holds five seats, and the Muttahida Qaumi Movement (six seats) – now hold a comfortable majority in the Senate. The ruling coalition also controls 216 seats in the 335-member National Assembly." **[2b] (Political scene: The PPP emerges victorious following Senate elections)**

6.08 The terms of the Constitution state "The President.-(1) There shall be a President of Pakistan who shall be the Head of State and shall represent the unity of the Republic. (2) A person shall not be qualified for election as President unless he is a Muslim of not less than forty-five years of age and is qualified to be elected as member of the National Assembly." **[29n]** The US Department of State's July-December, 2010 International

Religious Freedom Report (USSD IRF Report 2010), published 13 September 2011 noted "All senior officials, including members of Parliament, must swear an oath to protect the country's Islamic identity." **[3l] (Section II: Legal/Policy Framework)**

PROVINCIAL GOVERNMENTS

6.09 The USSD Background Note: Pakistan, dated 6 October 2010, stated that "Each of the four provinces – Punjab, Sindh, Khyber-Pakhtunkhwa [formerly North West Frontier Province] and Balochistan – has a chief minister and a provincial assembly. The Northern Areas [Gilgit-Baltistan], Azad Kashmir, and the Federally Administered Tribal Areas (FATA) are administered by the federal government but enjoy considerable autonomy. The cabinet, National Security Council, and governors serve at the president's discretion." **[3a] (Government and political organization)**

6.10 The International Crisis Group (ICG) reported on 12 August 2011, that on that date:

"...Pakistani President Asif Ali Zardari signed the extension of the Political Party Order (2002) to the Federally Administered Tribal Areas (FATA), fulfilling one of his government's key pledges related to the militancy-ridden tribal belt... This move will allow political parties to operate legally in FATA for the first time... Now, as proper members of mainstream political parties, FATA's legislators will represent and be subject to party policy, and able to campaign on party platforms in the next election. Political party recruitment and activism, even in a controlled environment, will also help broaden participation beyond a relatively small tribal elite of maliks (tribal elders), and fill a political vacuum that militants, smugglers and other criminals, big and small, have exploited for decades." **[20a]**

See also Political affiliation

Return to contents
Go to sources

PAKISTAN ADMINISTERED KASHMIR (AZAD KASHMIR)

6.11 The Freedom House Freedom in the World Kashmir (Pakistan) 2011 report, published 18 August 2011, stated

"When British India was partitioned into India and Pakistan in 1947, the Hindu maharajah of Jammu and Kashmir tried to maintain his principality's independence, but he eventually ceded it to India in return for autonomy and future self-determination. Within months, India and Pakistan went to war over the territory. Following a UN-brokered ceasefire in 1949, Pakistan refused to withdraw troops from the roughly one-third of Jammu and Kashmir that it had occupied, but unlike India, it never formally annexed its portion. The Karachi Agreement of April 1949 divided Pakistani-administered Kashmir into two distinct entities – Azad (Free) Kashmir and the Northern Areas. Pakistan retained direct administrative control over the Northern Areas, while Azad Kashmir was given a degree of nominal self-government." **[5b]**

6.12 The same source added:

"Conditions in Pakistani-administered Kashmir were stable in 2010, although political infighting in Azad Kashmir led to the resignation of the prime minister in July [2010]. Nationalist groups' demands for greater autonomy remained unfulfilled, and ongoing talks between India and Pakistan yielded little substantive progress on the Kashmir

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dispute. The territory continued to suffer from sectarian strife and limits on freedoms of expression and association, among other human rights abuses." **[5b]**

6.13 Jane's Sentinel Security Risk Assessment for Pakistan noted, in its section on Pakistan-Administered Kashmir (AJK), dated 1 December 2011, that:

"AJK is still governed by the 1974 interim constitution (the constitution is designated interim by the Assembly as AJK is not yet independent) that allows for limited self-government through a president, prime minister and state council, although in reality power ultimately rests with the central government in Islamabad... **(Constitution)** "The national government exercises political control over AJK through the Azad Jammu and Kashmir Council... **(Executive)** [which] is a legislative body and the de facto upper house to the Azad Jammu and Kashmir Legislative Assembly. The council's main function is to act as a conduit between the federal government of Pakistan and the administration in PAK. It is chaired by the prime minister of Pakistan, and the vice-chairman is the president of AJK." **[1a] (Leadership)**

6.14 The US Department of State Country Report on Human Rights Practices 2011 (USSD Report 2011), published 24 May 2012, stated that Azad Kashmir had no representation in the national parliament, but:

"... 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." **(Section 3)** The same source noted that Azad Kashmir had "... a court system independent of the country's judiciary." **[3n] (Section 1e)**

6.15 The Associated Press of Pakistan (APP) reported on 26 June 2011 that: "The Pakistan People's Party (PPP) has secured [a] majority in Azad Jammu and Kashmir (AJK) Legislative Assembly by securing 19 seats in elections on Sunday. According to unofficial results of 34 seats so far, Pakistan Muslim League (N) stood at second position by grabbing nine seats, Muslim Conference got third position with four seats besides two independents." **[123a]**

6.16 The USSD Report 2009, published 11 March 2010, stated that Kashmiris displaced from Indian-held Kashmir that had entered Pakistan were entitled to the same rights as full citizens. **[3b] (Section 2d)**

Return to contents
Go to sources

Line of control

6.17 Under the Karachi Agreement a cease-fire line was established between Pakistan and India, supervised UN military observers (UNMOGIP – United Nations Military Observer Group in India and Pakistan). "In July 1972, India and Pakistan signed an agreement defining a Line of Control [LoC] in Kashmir which, with minor deviations, followed the same course as the ceasefire line established by the Karachi Agreement in 1949. India took the position that the mandate of UNMOGIP had lapsed, since it related specifically to the ceasefire line under the Karachi Agreement. Pakistan, however, did not accept this position." (UNMOGIP Background, date accessed 22 September 2010) **[89]**

6.18 UNMOGIP also noted:

"Given the disagreement between the two parties over UNMOGIP's mandate and functions, the Secretary-General's position has been that UNMOGIP could be terminated only by a decision of the Security Council. In the absence of such an agreement, UNMOGIP has been maintained with the same arrangements as established following December 1971 ceasefire. The tasks of UNMOGIP have been to observe, to the extent possible, developments pertaining to the strict observance of the ceasefire of 17 December 1971 and to report thereon to the Secretary-General.

"The military authorities of Pakistan have continued to lodge complaints with UNMOGIP about ceasefire violations. The military authorities of India have lodged no complaints since January 1972 and have restricted the activities of the UN observers on the Indian side of the Line of Control. They have, however, continued to provide accommodation, transport and other facilities to UNMOGIP." **[89]**

6.19 The Freedom in the World 2010 Kashmir (India) report stated: "Kashmiris are generally free to move around the state. A bus service across the LOC was launched in 2005, and trade across the line reopened in early 2008 for the first time in 60 years." **[5c]**

6.20 Following a 2009 opinion poll, conducted on both sides of the LoC, a Chatham House paper, Kashmir: Paths to Peace, dated May 2010, stated, with regards to freedom of movement, that "The LoC is an almost complete barrier to movement. 8% of the respondents claimed to have friends or family living on the other side of the LoC but only 1% of the total population had visited in the last five years. Less than 5% knew anyone who had crossed the LoC in the last five years." **[86] (p20)**

See also: Freedom of movement

Return to contents
Go to sources

Map

6.21 United Nations Military Observer Group in India and Pakistan (UNMOGIP) map showing line of control as of September 2009 (click on map for full access):

(United Nations Cartographic Section) **[82b]**

GILGIT-BALTISTAN (FORMERLY KNOWN AS THE NORTHERN AREAS)

6.22 The Freedom House Freedom in the World Kashmir (Pakistan) 2011 report, published 18 August 2011, noted:

"The August 2009 Gilgit-Baltistan Empowerment and Self-Governance Order (GBESGO), which renamed the region and replaced the Northern Areas Legal Framework Order (LFO) of 1994, provided for a somewhat more powerful legislative body, the Gilgit-Baltistan Legislative Assembly (GBLA), with the authority to choose a chief minister and introduce legislation on 61 subjects. While the government argued that the GBESGO established full internal autonomy, nationalist groups noted that a governor appointed by the Pakistani president would still be the ultimate authority and could not be overruled by the new assembly. Moreover, many subjects were excluded from the assembly's purview.

"In November 2009 elections for the GBLA, the Pakistan People's Party (PPP), which was the ruling party at the federal level, won 12 of 24 directly elected seats; 10 of the remainder were divided among four other parties and four independents, and voting for two seats was postponed. Syed Mehdi Shah, head of the PPP's Gilgit-Baltistan chapter, became the region's chief minister. Doctor and social worker Shama Khalid was appointed as governor in March 2010, but her tenure was cut short in September when she died of cancer; Wazir Baig, speaker of the GBLA, served as an acting replacement through year's end." **[5b]**

6.23 The USSD Report 2010 noted that "Gilgit-Baltistan (formerly known as the Northern Areas) also has a separate judicial system. The Gilgit-Baltistan Self-governance Order 2009 instituted a separate judiciary, legislature, and election commission for the region.

Formerly the laws of the country were extended to the Gilgit-Baltistan at the discretion of the Ministry for Kashmir and Gilgit-Baltistan. The Gilgit-Baltistan Chief Court did not have all the powers of a high court." **[3g] (Section 1e)**

6.24 Jane's Sentinel Security Risk Assessment for Pakistan noted, in its section on Pakistan-Administered Kashmir (AJK), dated 1 December 2011:

"The anomalous constitutional situation of Gilgit-Baltistan has led to resentment within sections of the population about the territory's lack of political identity... dissatisfaction has arisen within Gilgit-Baltistan, counter-intuitively leading to demands for separation from Pakistan despite the region's historical pro-Pakistan policy. Some political and religious figures have called for either an independent state of Kashmir including AJK and Indian-administered Kashmir, or a separate state of Balawaristan (from Boloristan, an older name for Gilgit-Baltistan)... Although still relatively benign, with few indications of any organised armed groups pursuing these demands, and although to date there has been little support for their activities, the situation is a concern for the stability of PAK in the medium term should any group attempt to organise resistance to Pakistani control." **[1a] (Separatism)**

Return to contents
Go to sources

Human Rights

7. INTRODUCTION

7.01 The Foreign and Commonwealth Office (FCO), in its 2011 Human Rights and Democracy Report (FCO Report 2011), published April 2012, identified Pakistan as a country of concern with regards to its human rights, and observed that:

"Despite some positive steps in 2011, there continue to be serious concerns about human rights in Pakistan, including the rule of law; investigation of allegations of torture; freedom of religion or belief; the death penalty; women's rights; children's rights; extrajudicial killings; access to water, healthcare and education; and free and fair elections. Reporting on the International Covenant on Economic, Social and Cultural Rights (ICESCR) is seriously delayed. Pakistan remains near the bottom on a range of crucial indicators, including the UN Human Development Index (at 145 out of 183, Pakistan is a low-development country), gender gap (133 out of 135) and corruption (134)." **[11r]**

7.02 The FCO Report 2011 observed some important progress, including, in September 2011, the removal of:

"...the majority of the reservations that it lodged when ratifying the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against Torture (CAT) in June 2010. These treaties create binding legal obligations for Pakistan. In December, legislation was passed criminalising discriminatory and violent practices against women, and a National Commission on Human Rights was established. The engagement of the Supreme Court on human rights issues has meant that a number of high-profile cases of human rights violations have been addressed through the legal system." **[11r]**

7.03 The Express Tribune reported on 12 March 2012 that the Senate passed the National Commission of Human Rights Act 2011. The bill allows the National Commission of Human Rights (NCHR) to investigate cases of abuse committed by the authorities, including the armed forces and intelligence agencies, although in such cases would only be able to make recommendations to the government. The NCHR may also visit any government detention facility to ensure applicable laws relating to inmates are being complied with. **[92f]**

7.04 The Asian Human Rights Commission (AHRC) stated in its report, The State of Human Rights in Pakistan in 2011 (AHRC Report 2011), published 10 December 2011, that:

"The state has become dysfunctional in providing basic human rights to the people. Though the parliament exists it either cannot assert its constitutional duties or does not want to assert itself in the presence of the powerful military which is dominating both internal and external affairs. The parliament has not been allowed to implement the financial, external and judicial matters which are still beyond the access of elected representatives of the people... The year 2011 was started with the killings of hundreds of persons including the killings of high profile personalities, the governor of a province and a federal minister of minority affairs, by the extremist religious groups who seeped in to the law enforcement agencies. The arrest of one Christian lady, Aasia Bibi, on Blasphemy's baseless charges from some mosque leaders leads to the religious intolerance and fanaticism at its highest peak." **[52g] (p1)**

7.05 The US Department of State Country Report on Human Rights Practices 2011 on Pakistan (USSD Report 2011), published 24 May 2012, stated that:

"The most serious human rights problems were extrajudicial killings, torture, and disappearances committed by security forces, as well as by militant, terrorist, and extremist groups, which affected thousands of citizens in nearly all areas of the country. Two prominent political figures, Punjab governor Salman Taseer and federal minister for minorities Shahbaz Bhatti, were assassinated due to their support for revisions of the blasphemy law and for Aasia Bibi, a Christian who had been sentenced to death under the law.

"Other human rights problems included poor prison conditions, instances of 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. The number of religious freedom violations and discrimination against religious minorities increased, 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, 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.

"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)." **[3n] (Executive summary)**

7.06 The Human Rights Commission of Pakistan noted in its annual report, State of Human Rights in 2011 (HRCP Report 2011), published March 2012, welcomed some positive developments in 2011, including the "Ratification of a key child rights instrument, extension of Political Parties Act to FATA, introduction of laws to promote women's rights, religious minorities getting representation in the Senate, and a right to statutory bail for detainees in prisons..." **[27i] (p1)**

7.07 However, the HRCP Report 2011 added that:

"Unfortunately, the inability to introduce implementation mechanisms for international human rights treaties ratified by Pakistan remained unchanged, as did the indifference to or complicity with banning women from voting, and curbing disappearances and extrajudicial killings. The moratorium on executions stayed informal. The prisons remained at breaking point. Nothing was done to revive elected student unions in educational institutions or end the glut of weapons across the country. The public education system remained a scandal, the budgetary allocations to public healthcare fell

even further, the government ceded ground to extremists and was utterly unprepared at the framework level to cope with internal displacement and its impact." **[27i] (p1)**

7.08 Human Rights Watch (HRW) noted in its World Report 2012 on Pakistan, published 22 January 2012, that:

"Pakistan had a disastrous year in 2011, with increasing attacks on civilians by militant groups, skyrocketing food and fuel prices, and the assumption of neartotal control of foreign and security policy by a military that operated with complete impunity. Religious minorities faced unprecedented insecurity and persecution. Freedom of belief and expression came under severe threat as Islamist militant groups murdered Punjab Governor Salmaan Taseer and Federal Minorities' Minister Shahbaz Bhatti over their public support for amending the country's often abused blasphemy laws. Pakistan's elected government notably failed to provide protection to those threatened by extremists, or to hold the extremists accountable." **[7i] (p362)**

7.09 The same report added:

"Security continued to deteriorate in 2011, with militant and sectarian groups carrying out suicide bombings and targeted killings across the country. The Taliban and affiliated groups targeted civilians and public spaces, including marketplaces and religious processions. Ongoing rights concerns include the breakdown of law enforcement in the face of terror attacks, a dramatic increase in killings across the southwestern province of Balochistan, continuing torture and ill-treatment of criminal suspects, and unresolved enforced disappearances of terrorism suspects and opponents of the military. Abuses by Pakistani police, including extrajudicial killings, also continued to be reported throughout the country in 2011." **[7i] (p362)**

7.10 The Foreign and Commonwealth Office (FCO) noted in its Country Profile for Pakistan, updated 21 February 2012, that "The British Government continues to be concerned about the human rights situation in Pakistan, particularly that of religious minorities. The cases of individuals facing the death penalty on blasphemy charges have attracted parliamentary and public interest in the UK. Other human rights issues of concern include discrimination against the Ahmadi community, forced marriages, honour killings, child and bonded labour and the treatment of women, particularly in rural communities." **[11b] (Human rights)**

7.11 The Asian Human Rights Commission (AHRC) reported on 15 March 2011 that more than 8,000 prisoners remained on 'death row', some having been there for 20 years. Despite the number having risen from 5,447 in 2005 there has been no increase in the capacity of Pakistan's prisons. **[52c]**

7.12 The AHRC Report 2010 added that the Pakistan government "...has been unable to commute these death sentences because of strong resistance from powerful groups such as the higher judiciary and the military." **[52e] (p1)**

See also Death penalty

7.13 Amnesty International noted in its Annual Report 2012, for Pakistan, published 24 May 2012, that:

"The human rights situation remained poor, with security and intelligence officials often complicit in violations. The authorities were frequently unwilling or unable to protect

women, ethnic and religious minorities, journalists and other vulnerable groups from abuses, and bring perpetrators to justice. Promises by federal and provincial authorities aimed at improving the rule of law in violence-wracked Balochistan province – including greater oversight of police and the paramilitary Frontiers Corps, increased recruitment of ethnic Baloch into the civil service, and a rise in the province's share of the national budget – had little effect." **[13h]**

7.14 Pakistan has signed and in some cases ratified a number of international human rights instruments, including:

- International Convention on the Elimination of All Forms of Racial Discrimination;
- Convention on the Rights of the Child;
- Convention on the Elimination of All Forms of Discrimination Against Women;
- Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment;
- International Covenant on Civil and Political Rights. (UN Human Rights, Pakistan, accessed 7 September 2011) **[79d] (Status of ratifications)**

Return to contents
Go to sources

8. SECURITY SITUATION

8.01 The Pakistan Institute for Peace Studies (PIPS) reported in its Pakistan Security Report 2011 (PIPS Report 2011), dated January 2012, that:

"The last half of the year 2011 was a period of comparative peace in Pakistan in terms of internal armed conflict, acts of terrorism and the consequent casualties. A decrease in the number of suicide attacks and drone strikes were the major contributing factors. Although the security situation is slowly improving as violence has decreased 24 percent in the last two years, Pakistan is still among the most volatile regions in the world." **[100a] (p3)**

8.02 The same source added "The security situation in Punjab, Kashmir and Islamabad improved considerably but violent incidents increased in the provinces of Khyber Pakhtunkhwa (KP), Balochistan and FATA [Federally Administered Tribal Areas] in 2011. The writ of the state was partially restored in parts of FATA, but the security situation remained volatile as militants dislodged from their strongholds constantly managed to relocate to other parts of FATA." **[100a] (p3)**

8.03 Human Rights Watch noted in its World Report 2012 (HRW World Report 2012), published 22 January 2012, covering 2011 events, that "Suicide bombings, armed attacks, and killings by the Taliban, al Qaeda, and their affiliates targeted nearly every sector of Pakistani society, including journalists and religious minorities, resulting in hundreds of deaths. The US and others alleged that the military and Inter Services Intelligence (ISI) were complicit with these networks, claims the military and government adamantly denied." **[7i] (p366)**

See also Security forces: Intelligence agencies

8.04 The Human Rights Commission of Pakistan stated in its annual report, 'State of Human Rights in 2011' (HRCP Report 2011), published March 2012, that:

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"While the number of terrorist attacks and casualties in those attacks declined in 2011, militancy, growing lawlessness and ethnic, sectarian and political violence exposed the government's inability to ensure security and law and order for people in large parts of the country. The persistent and increasingly bloody violence in the country's financial capital Karachi claimed hundreds of lives and only seemed to be getting worse in a city where the political parties and crime mafia were believed to have joined hands to pursue their respective agendas. In addition to crime in Balochistan, the ethnic and sectarian undertones of conflict in the province and the government's inability to find political solutions to essentially political matters made matters worse. Sectarian attacks and clashes were reported from many parts of the country." **[27i] (p48)**

8.05 The PIPS Report 2011 cited that:

"As many as 1,966 terrorist attacks, perpetrated by militants, nationalist insurgents as well as sectarian related violence, claimed the lives of 2,391 people and injured another 4,389 across Pakistan in 2011. The highest number of terrorist attacks (675) for any region in the country in 2011 was reported from the Federally Administered Tribal Areas (FATA). The insurgency hit province of Balochistan and Khyber Pakhtunkhwa (KP) were the second and third most volatile regions of the country in 2011 where 640 and 512 terrorist attacks were reported, respectively. Meanwhile, 58 terrorist attacks were reported in Karachi and 21 in other parts of Sindh, 30 in Punjab, 26 in Gilgit Baltistan and four in the federal capital Islamabad. No terrorist attack was recorded in Azad Jammu and Kashmir during the year under review." **[100a] (p5)**

8.06 The South Asia Terrorism Portal (SATP) provided different statistics on the number of fatalities in terrorism-related incidents in 2011, stating in its Pakistan Assessment 2012, accessed 21 March 2012, that:

"... the Federally Administered Tribal Areas (FATA) remained the most volatile region, followed by KP, Sindh, Balochistan, Punjab and Gilgit-Baltistan, in terms of terrorism related fatalities. FATA recorded 3,034 fatalities in 2011, as compared to 5,321 in 2010; KP accounted for 1,026 fatalities in 2011, as compared to 1,212 in 2010; Sindh registered 1,054 fatalities in 2011, as compared to 238 in 2010; Balochistan had 711 fatalities in 2011, as compared to 347 in 2010; while Punjab recorded 137 fatalities in 2011, as compared to 317 in 2010." **[61b]**

8.07 The HRCP Report 2011 provided further statistics, stating:

"As many as 44 suicide attacks were reported across Pakistan in 2011, claiming the lives of 669 people as against 1,159 deaths in 67 suicide bombings in the previous year. Twenty- seven of these attacks occurred in Khyber Pakhtunkhwa, killing 438 people. Most of the casualties were civilians. In all, at least 1,887 incidents of attack by militants, nationalist insurgents and sectarian-related violence were recorded. These claimed the lives of 2,307 people and injuries to 4,341 others across Pakistan. As many as 643 terrorist attacks were reported in FATA, the highest for any region in the country, followed by Baloc his tan (615), Khyber Pakhtunkhwa (497) Sindh (75, including 56 in Karachi), Punjab (28), Gilgit Baltistan (24) and Islamabad (3)." **[27i] (p56)**

8.08 The PIPS Report 2011 also provided a breakdown of terrorist attacks in Pakistan during 2010 by Province/area, as well as the nature of the attacks. **[100a] (p5)**

8.09 In its section on Conflict and Security, the PIPS provided timelines of Civilian Casualties in Armed Conflicts in Pakistan **[100b]** and Casualties in Suicide Attacks in Pakistan from

2007 to present, accessed 9 March 2012. **[100c]** The same source provided monthly updates on the general security situation in Pakistan in its Pakistan Security Reports, accessed 5 April 2012. **[100h]**

8.10 Reporting on the number of casualties as a result of all violence and terrorist related attacks, the PIPS Report 2011 stated that the number of fatalities decreased from 10,003 in 2010 to 7,107 in 2011. Injuries also declined from 10,283 in 2010 to 6,736 in 2011. **[100a] (p5)**

8.11 The South Asia Terrorism Portal (SATP) reported in its Pakistan Assessment 2012, accessed 21 March 2012, that, overall, terrorist violence in Pakistan caused 6,142 fatalities during 2011, dropping from 7,435 in 2010. The report stated there was a large increase in the deaths of civilian and Security Force (SF) personnel, although a drop in militant deaths. According to the SATP database 2,580 civilians, 765 SF personnel and 2,797 militants were killed in 2011. **[61b]**

8.12 The United States Department of State (USSD) Country Reports on Terrorism 2010, published 18 August 2011, stated for Pakistan that:

"In 2010, Pakistan continued to experience high levels of terrorism and Pakistan-based terrorist organizations continued to threaten internal, regional, and global security. Violence resulted from both political and sectarian conflicts throughout the country, with terrorist incidents occurring in every province. While government authorities arrested many alleged perpetrators of terrorist violence, few convictions resulted. The Pakistani military continued to conduct operations in areas with known terrorist activity but was unable to expand its operations to all areas of concern. Increased sectarian violence between the Sunni and Shia communities and against religious minority communities also resulted in numerous attacks with high casualties. These attacks continued the trend of employing suicide bombers and remotely detonated explosives to perpetrate violence. Attacks using similar methods were also carried out against government and police facilities." **[3d] (Chapter 2. Country Reports: South and Central Asia Overview)**

8.13 The US Department of State Country Report on Human Rights Practices 2011 (USSD Report 2011), published 24 May 2012, stated that:

"During the year militant and terrorist activity continued in different areas of KP and FATA, and there were numerous suicide and bomb attacks in all four provinces and FATA. 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 insurgency continued in Balochistan.

"The government implemented some measures to protect the population. 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.

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"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." **[3n] (Section 1g)**

8.14 Jane's noted in the Executive Summary, updated 10 October 2011, of its Sentinel Security Assessment for Pakistan, that:

"Despite a series of offensives, extremist violence remains the most pressing threat to stability. Recent offensives include Operation Rah-e-Nijat (Road to Deliverance) against the Pakistani Taliban in South Waziristan, following the death of Baitullah Mehsud, and the March 2010 offensive in Orakzai tribal agency. While the army may temporarily secure the key population areas in the Mehsud-dominated parts of the agency, it is unlikely to be able either to hold these parts over the short term or to extend the writ of the state to the region over the long term. A series of incidents have highlighted the deterioration in security and the growing symbiotic relationship between Punjabi-based and tribal-based jihadist organisations: most notably the 20 September 2008 attack on the Marriott Hotel and a series of high-profile attacks throughout 2009 in Punjab's key cities. The most audacious attack to date was the 11 October 2009 storming of the Pakistani army General Headquarters in Rawalpindi. Tension along the Afghan border, primarily in the tribal areas, has greatly increased, with areas of Khyber Pakhtunkhwa also witnessing almost daily violence, especially the capital of Peshawar." **[1a] (Security threats)**

Return to contents
Go to sources

US AIRSTRIKES

8.15 The Long War Journal, last updated 23 February 2012, accessed 9 March 2012, noted in its report Charting the data for US airstrikes in Pakistan, 2004 – 2012, that:

"The US ramped up the number of strikes in July 2008, and has continued to regularly hit at Taliban and Al Qaeda targets inside Pakistan. There have been 286 strikes [in] total since the program began in 2004; 276 of those strikes have taken place since January 2008. Since 2006, there have been 2,195 leaders and operatives from Taliban, Al Qaeda, and allied extremist groups killed and 138 civilians killed... Over the past six years, the strikes have focused on two regions: North and South Waziristan. Over the past two years, there has been a dramatic shift in the location of the strikes. In 2009, 42% of the strikes took place in North Waziristan and 51% in South Waziristan. In 2010, 89% of the strikes have taken place in North Waziristan and 6% in South Waziristan." **[37a]**

8.16 The Bureau of Investigative Journalism recorded in its analysis, the Covert Drone War, accessed 12 August 2011, that 291 US airstrikes (239 since the Obama administration) had killed between 2,292 to 2,863 people in total, which included 385 to 775 civilians. **[124a]**

8.17 The Long War Journal provided a list, last updated 26 January 2012, accessed 9 March 2012, of Senior al Qaeda and Taliban leaders killed in US airstrikes in Pakistan, 2004 - 2012. **[37b]**

8.18 The Pakistan Institute for Peace Studies (PIPS) provided a timeline of Casualties in Drone Attacks in Pakistan, which included 'high value' targets reportedly killed, from 2004 to present, accessed 9 March 2012. **[100d]**

8.19 The HRCP Report 2011 noted:

"According to media reports, there were 74 drone strikes in the country in 2011.As many as 517 people were killed in these attacks. The drone strikes in 2011 were fewer in number and in terms of casualties than the previous year, when 134 strikes had claimed the lives of 957 people. That could partly have been on account of a hiatus in strikes twice during the year. First when alleged CIA operative Raymond Davis was detained in Lahore for the murder of two Pakistani citizens in January and latter [sic] following the November 26 [2011] NATO airstrikes on Pakistan's military's posts along the border with Afghanistan.

"There is no way of independently verifying claims but human rights acttivists have reported significant civilian casualties as a result of the strikes. Women and children were also reported to have been killed in some strikes. According to media reports, which were also of ten not f irst-hand accounts, many people killed in drone strikes in FATA were civilians. Pakistan insisted that it had not authorised the strikes but made no efforts to raise the matter internationally despite observations by international law and UN experts that drone attacks were manifestly illegal." **[27i] (p50-51)**

MILITANT ACTIVITY

8.20 Reporting on the violence in Pakistan, dated 19 December 2011, Reuters AlertNet stated:

"Pakistan's western border areas are racked by violence as separatists and pro-Taliban militants fight government forces to try to extend their control. Hundreds of thousands of people have been displaced by the fighting, many of them out of reach of aid agencies. The main areas affected are Khyber-Pakhtunkhwa (formerly known as North West Frontier Province) and the semi-autonomous Federally Administered Tribal Areas (FATA) which have a strong Taliban presence, and Baluchistan where separatists are seeking greater political autonomy and control over local mineral resources." **[10b] (In detail)**

8.21 The HRCP Report 2011 noted that:

"In the conflict zones, where the military or paramilitary forces were facing off militants, the focus was on defeating the militants by military force and curbing crime, restoration of the law order did not appear to be as much of a priority. In Khyber and Kurram agencies of FATA sectarian tensions and attacks forced the minority Shia community to fend for itself. The Hazara Shias of Balochistan, who did not give any cause for offence to anyone and did not believe in taking up arms were visited by repeated massacres by banned sectarian groups that appeared to have no problem in moving about despite the litany of security check posts in Quetta and other big cities of the province." **[27i] (p56-57)**

8.22 Amnesty International stated in its Annual Report 2012, published 24 May 2012, that:

"The Pakistani Taleban targeted civilians and carried out indiscriminate attacks using improvised explosive devices (IEDs) and suicide bombings. Several tribal elders were victims of targeted killings. The Taleban also tried to assassinate a number of politicians

affiliated with the Awami National Party. According to the government, 246 schools (59 girls' schools, 187 boys' schools) were destroyed and 763 damaged (244 girls' schools, 519 boys' schools) in Khyber Pakhtunkhwa province as a result of the conflict with the Taleban, depriving thousands of children of access to education. Threats of violence from the Pakistani Taleban imposed severe restrictions on access to health services, education and participation in public life for women and girls." **[13h] (Abuses by armed groups)**

8.23 Jane's noted in its Executive summary, updated 10 October 2011, that:

"Despite tribal-based and Punjab-based militant groups operating in the country with relative impunity, militancy in Pakistan is not ethnically segregated. This means that militants from the Federally Administered Tribal Areas (FATA) have often been arrested during raids on Punjab-based organisations, while Punjabi members of Lashkar-e-Jhangvi [LeJ] and Jaish-e-Mohammed [JeM] from urban centres in Pakistan's heartland often operate for brief stints with the TTP [Tehrik-e-Taliban Pakistan] in the tribal belt before returning to their home districts. Indeed since 2002 LeJ members have become increasingly embedded in Pakistani Taliban factions based in the tribal areas. Furthermore, despite the death of Baitullah Mehsud in August 2009, security has continued to deteriorate in the tribal areas as well as in other parts of the country, namely Punjab. This has less to do with the appointment of Hakimullah Mehsud as Baitullah's successor than with the reality that militancy does not depend on individual commanders but on a grassroots network whose foundations are madrassahs, mosques and training camps scattered in villages, districts and urban centres across Pakistan." **[1a] (Extremist militancy)**

8.24 The State of Human Rights in Pakistan in 2011, by the Asian Human Rights Commission (AHRC Report 2011), published 10 December 2011, reported on the abduction of Shahbaz Taseer, son of assassinated governor of Punjab, Salam Taseer, by the militant banned group Lashkar-e-Jhangvi (LeJ). The report noted:

"It is confirmed that he is being held in the tribal badlands of Waziristan; his captors are religious extremists, and Taseer was sold to Taliban by the LeJ. It was reported that the LeJ is negotiating through the Punjab government for the release of Qadri [Salam Taseer's assassin, Mumtaz Qadri] in exchange for Shahbaz Taseer. The negotiations are apparently being carried out under the supervision of the law minister of Punjab province who is notorious for having relationships with the banned militant groups. Therefore all efforts for the release of Shahbaz have been in the interests of the militant organisations." **[52g] (p40)**

8.25 Reporting on the kidnapping of children by militants, the Human Rights Commission of Pakistan noted in its annual report, the State of Human Rights in 2011 (HRCP Report 2011), published March 2012, that:

"In September 2011, Taliban militants kidnapped 30 Pakistani boys from FATA as they picnicked just over the Afghan border. Sixty children were initially seized, but 20 children under the age of 12 years were immediately released and another ten were recovered through efforts of Pakistani officials. Of the 30 who continued to be in captivity, 17were released in the first week of 2012. A similar incident had occurred in June 2009 when hundreds of Pakistani students from the tribal North Waziristan region were kidnapped by the Taliban, all were later released unharmed." **[27i] (p181)**

8.26 The South Asia Terrorism Portal (SATP) reported in its Intelligence Review, Volume 9, No. 11, dated 20 September 2010, on militant attacks against North Atlantic Treaty

Organisation (NATO) convoys travelling to Afghanistan via Pakistan. The report stated that on 22 June 2010, the TTP "...pasted posters in the main market in Landikotal in the Khyber Agency, warning those connected with the supply or transport of goods to NATO Forces in Afghanistan to stop doing so, or face attacks on their homes. The posters declared, further, that all those protecting supplies deserved to be killed. The warning was written on the letterhead of the TTP with the name, sign and stamp of Hakeemullah Mehsud, the TTP chief." **[61f]**

8.27 The Economist Intelligence Unit (EIU) noted in its Country Report for Pakistan, dated 7 October 2009, that "... the government and the military have encouraged the creation of lashkars (village militias) to help to counter the threat posed by TTP and TTP-linked groups in FATA and neighbouring parts of the NWFP. The government and the military provide intelligence and 'logistical support' (which may or may not include arms) to the militias; villagers provide arms of their own, ranging from guns to axes to sticks." **[2f] (The Political Scene)**

8.28 The Daily Times reported on 22 October 2011, in an analysis of lashkars, that:

"... due to the utter lack of state protection, several communities in FATA and Khyber Pakhtunkhwa have made anti-Taliban lashkars to protect themselves from the Taliban atrocities. The lashkars, made up of poor peasants, drivers and people who run small business are no match for the well-financed, well-armed, well-trained, battle hardened multi-ethnic Taliban and al Qaeda militants. The government of Pakistan provides no support to the lashkars in terms of weapons, fuel and rations for the lashkar volunteers and has left them exposed to the violent wrath of the Islamist militants. Entire communities who provided volunteers for the lashkars have tremendously suffered and continue to suffer with no certain future in sight. Hundreds of anti-Taliban lashkar leaders have been killed. Women and school children have been attacked. Funerals as well as marriage ceremonies in such communities have been attacked, killing countless people. Their small businesses, like shops, have been attacked." **[55c]**

8.29 During the course of 2008 through to 2011, there were numerous clashes between the authorities and militants, primarily in the FATA and Khyber-Pakhtunkhwa (KP). There were also a number of attacks and suicide bombs against targets in Pakistan's principal cities. The South Asia Terrorism Portal (SATP) provides a comprehensive timeline of events from 2002 to date, for the country generally and for individual provinces/territories. **[61c]** Reuters Alertnet, Pakistan violence Timeline, updated 19 December 2011, also provides a useful summary of significant events up to 2011. **[10b]**

See also subsection: Federally Administered Tribal Areas and Pakistani Taliban

Return to contents
Go to sources

Balochistan (Baluchistan)

8.30 In its briefing on Pakistan violence, dated 19 December 2011, Reuters AlertNet stated "Baluchistan lies to the southwest of FATA [Federally Administered Tribal Areas], bordering both Iran and Afghanistan, and is made up primarily of Baluch and Pashtun ethnic groups. Baluch tribal militants are fighting a decades-long insurgency for greater political autonomy and control over local mineral resources. Afghan Taliban fighters also operate in the area." **[10b] (In detail: Baluchistan)**

8.31 The HRW World Report 2012, covering 2011 events, observed:

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"Conditions markedly deteriorated in the mineral-rich province of Balochistan. Human Rights Watch documented continued 'disappearances' and an upsurge in killings of suspected Baloch militants and opposition activists by the military, intelligence agencies, and the paramilitary Frontier Corps. Baloch nationalists and other militant groups also stepped up attacks on non-Baloch civilians, teachers, and education facilities, as well as against security forces in the province. Pakistan's military continued to publicly resist government reconciliation efforts and attempts to locate ethnic Baloch who had been subject to 'disappearances.'

"The government appeared powerless to rein in the military's abuses. Human Rights Watch recorded the killing of at least 200 Baloch nationalist activists during the year, as well as dozens of new cases of disappearances. The dead included Abdul Ghaffar Lango, a prominent Baloch nationalist activist, and Hanif Baloch, an activist with the Baloch Students Organisation (Azad).

"Since the beginning of 2011, human rights activists and academics critical of the military have also been killed in the province. They include Siddique Eido, a coordinator for the nongovernmental Human Rights Commission of Pakistan (HRCP); Saba Dashtiyari, a professor at the University of Balochistan and an acclaimed Baloch writer and poet; and Baloch politician Abdul Salam. Three employees of the BGP Oil and Gas company were killed and four injured in an attack in eastern Balochistan in September; the Baloch Liberation Army, a militant group, claimed responsibility for the attack." **[7i] (p364)**

8.32 The SATP noted in its Balochistan Assessment 2012, covering 2011 events, that:

"Balochistan has for long earned notoriety as the land of extra judicial killings, disappearances, SF [Security Forces] high handedness, and repression, as well as a playground for terrorists operating beyond the frontiers of the Country. The Province witnessed 711 fatalities, including 542 civilians, 122 SF personnel and 47 militants in 2011, as against 347 fatalities, comprising of 274 civilians, 59 SF personnel and 14 militants in 2010, according to partial data compiled by the Institute for Conflict Management (ICM, all data till December 31, 2011. These numbers are likely to be underestimates, as access to media and independent observers is severely restricted in Balochistan). Overall fatalities in 2011 thus increased by 104.89 per cent over the preceding year." **[61g]**

8.33 The Pakistan Institute for Peace Studies (PIPS) provided monthly updates on the conflict and security situation in its Balochistan Watch, accessed 5 April 2012. **[100e]**

8.34 The SATP noted in its Balochistan Assessment 2010, that there were "...at least six active insurgent groups in Balochistan: the Balochistan Liberation Army (BLA), the Baloch Republican Army, the Baloch People's Liberation Front, the Popular Front for Armed Resistance, the Baloch Liberation Front (BLF) and [the Balochistan Liberation United Front] BLUF." The same source added that the BLUF was the "...most radical of the three Baloch separatist groups even though it isn't clear if these are separate or overlapping factions operating under different names." **[61i]**

8.35 The HRCP Report 2010 observed:

"The federal government banned five Baloch organisations including the Baloch Liberation Army (BLA), Baloch Liberation Front (BLF), Baloch Republican Army (BRA), Lashkar-e-Balochistan (LB) and Baloch Musalla Difa Organization. Interior Minister

Rheman Malik said the five organisations were involved in suicide attacks, rocket attacks and killing of innocent people. He said no organisation using the name of 'army' or 'lashkar' would be allowed to work in the province and the security forces would launch targetted operation[s] against them. He said the State Bank of Pakistan had been asked to freeze the accounts of these organisations. Baloch separatist organisations often did not allow civil society outfits and non-Baloch political parties to freely carry out their activities in the province." **[27e] (p178)**

See also Political affiliation – Opposition groups and political activists

8.36 The HRCP Report 2010 stated:

"In Balochistan, militant insurgents continued to target the security forces and non-Baloch residents of the province. Non-Baloch teachers were murdered in targeted killings. Many teachers were reported to have sought transfer to educational institutions in Pashtun-majority areas of Balochistan or resigned and migrated to other provinces. Baloch militant organisations often claimed responsibility for murder of the academic staff and tried to justify their acts as revenge for the excesses committed by the law enforcing agencies against the Baloch political activists." **[27e] (p84)**

8.37 The same report added:

"In September, HRCP expressed serious concern at the government's decision to give policing powers in Balochistan to the Frontier Corps (FC) and called the decision a retrogressive step. It said that the FC did not have a good reputation in Balochistan and demanded a reversal of the decision and political initiatives to address the situation. As many as 118 people were killed and 40 injured in 117 targeted killings in Balochistan in 2010. Those killed included at least 29 non-Baloch and 17 members of the Shia Hazara community." **[27e] (p84)**

8.38 BBC News reported on 24 November 2010 that, according to Balochistan's chief minister, Sardar Aslam Raisani, "Pakistan's security agencies are involved in extrajudicial killings in Balochistan." The minister claimed that "'Some of the abductions and killings are definitely carried out by security agencies...' He also stressed that some of the deaths were the responsibility of tribesmen who have been fighting for greater political autonomy." The BBC added "Human rights organisations say kidnappings and murders of political dissidents are at an all-time high in the province." **[35f]**

8.39 The Human Rights Commission of Pakistan (HRCP) undertook a fact-finding mission to Balochistan from the 4-7 May 2011. Its findings, including extrajudicial killings, killings by militants, and disappearances, were published in the HRCP report Balochistan: Blinkered Slide into Chaos, published June 2011. The report included a list of missing persons, missing persons found dead, and victims of targeted and sectarian killings. **[27h]**

See also Section: Security forces, Human rights violations by government forces: Extrajudicial killings and Disappearances

8.40 The SATP website provides a comprehensive timeline of incidents in Balochistan from 2003 through to 2012 in its Balochistan Timeline, accessed 12 March 2012. **[61d]**

8.41 Jane's reported in its Executive Summary, updated 10 October 2011, that in an attempt to address the route cause of conflict, a "Balochistan package" (Aghaz-e-Haqooq-i-Balochistan) was presented before parliament on 24 November 2009:

"Key issues addressed by the 39-point-package include the acknowledgement 'that the question of provincial autonomy needs to be revisited and the ownership of the provinces over their resources reasserted in the constitution' and the determination 'to correct the wrongs of history, by conferring the political, economic and cultural rights of the provinces'. Specific proposals comprise far-reaching constitutional, political, administrative and economic measures… So far, the government's initiative has received widespread support, including from the main opposition party Pakistan Muslim League-Nawaz (PML-N); however, a few Baloch MPs have indicated that these proposals did not yet go far enough." **[1a] (Balochi Separatism)**

8.42 The SATP's Balochistan Assessment 2012 stated that the Aghaz-e-Haqooq-i-Balochistan had failed to deliver. SATP noted "The package, included six constitutional, five political, 16 administrative and 34 economic proposals, and set a three-years implementation period. It has, however, so far succeeded in 'delivering' just 34 of the 61 proposals – though even for these the actual benefits accruing to the people are questionable. The Federal and Provincial Governments are, moreover, yet to initiate several mega-projects that are part of the reforms package." **[61g]**

Federally Administered Tribal Areas (FATA)

8.43 Amnesty International stated in its report "As If Hell Fell On Me": The Human Rights Crisis in Northwest Pakistan, published 10 June 2010, that "FATA comprises seven so-called Agencies: Khyber, Kurram, Orakzai, Mohmand, Bajaur, South Waziristan and North Waziristan. The 1998 census, the last available accurate set of data, registered close to 3.2 million people living in the Federally Administered Tribal Areas; current estimates suggest close to 3.9 residents in an area slightly smaller than Belgium at 27.22km[sq]." **[13e] (p20)**

8.44 Reuters AlertNet noted in its briefing on Pakistan violence, updated 19 December 2011, that "Pakistani Taliban tribal groups control large swathes of the Federally Administered Tribal Areas (FATA). They draw much of their resources from jihadi groups and their countrywide networks of mosques and religious seminaries, or madrasas... The areas of most concern include South Waziristan, North Waziristan and Bajaur. South Waziristan has numerous training camps for suicide bombers and has been described by U.S. officials as the world's most dangerous place." **[10b] (In detail: Federally Administered Tribal Areas)**

8.45 Critical Threats, a project of the American Enterprise Institute for Public Policy Research (AEI), reported on 10 March 2011, that "North Waziristan agency is considered to be the epicenter of international terrorism. In addition to serving as a haven for al Qaeda's leadership, North Waziristan (nestled between eastern Afghanistan and northwest Pakistan) also provides shelter to organizations such as the Haqqani network, the Tehrik-e-Taliban Pakistan (TTP), the Islamic Movement of Uzbekistan (IMU), Lashkar-e-Jhangvi (LeJ), and Lashkar-e-Taiba (LeT), among others." **[101a]**

8.46 The South Asia Terrorism Portal (SATP) noted in its FATA Assessment 2012, covering events in 2011, that:

"... FATA continues... to deserve it[s] reputation as the 'most dangerous place on earth'. Despite registering a 43 per cent decline in overall terrorism-related fatalities, from 5,321 in 2010 to 3,034 in 2011, according to partial data compiled by the South Asia Terrorism Portal (SATP), FATA remained the most violent region, certainly, in South Asia. The numbers gain added significance in view of the fact that FATA has a tiny population of just 3.34 million, less than two per cent of Pakistan's total. The fatalities among the civilians (488) as well as SFs [Security Forces] (233), remain very high, despite a 9.62 and 11 per cent decline, respectively, in 2011, as compared to the previous year. On the other hand, militant fatalities have declined dramatically, from 4,519 in 2010, to 2,313 in 2011, accounting for nearly 96.46 per cent of the total decline in fatalities (2,287) over this period. Militant fatalities nearly halved between 2010 and 2011, an index of the growing reluctance of Pakistani SFs to engage on the ground." **[61h]**

8.47 The HRCP Report 2011 stated "As many as 643 terrorist attacks were reported in FATA, the highest for any region in the country..." **[27i] (p56)**

8.48 The Pakistan Institute for Peace Studies (PIPS) provided weekly updates on the conflict and security situation in the FATA in its KP and FATA Conflict Monitor, accessed 5 April 2012. **[100f]**

8.49 The Express Tribune reported on 4 July 2011 that the Pakistan army had "... launched an air and ground offensive in Kurram region on the Afghan border, its first major military operation since the May 2 killing of Osama bin Laden." The report quoted army spokesman Major General Athar Abbas as saying "The operation has been launched with the aim of clearing the region of militants who have indulged in kidnapping and suicide attacks on security installations and forces there..." **[92c]**

8.50 Integrated Regional Information Networks (IRIN) reported on 18 July 2011 that around 85,000 people had been displaced from Kurram Agency by the military operation. **[41c]**

See also Internally displaced persons (IDPs)

8.51 The AI report "As If Hell Fell On Me"... stated:

"In its military operations, Pakistan has deployed a wide array of security forces, including army soldiers, Inter-Service Intelligence agents, tribal levies called lashkars (official tribal militias) and khassadars (tribal police), the Frontier Constabulary (an armed police force operating in FATA border areas), and the Frontier Corps (a paramilitary force). The army and Frontier Corps (FC) are the two forces with the primary responsibility for maintaining law and order in FATA." **[13e] (p32)**

See also Security forces

8.52 In its section on Security, updated 23 April 2012, Jane's reported that:

"In spite of major military, and subsequent diplomatic, efforts at pacification, Pakistan's tribal frontier region abutting Afghanistan, the Federally Administered Tribal Areas (FATA), remains highly volatile and unrest has spread to settled areas of KP [Khyber PakhtunKhwa]. The border with Afghanistan is straddled by tribes of ancient lineage whose members cross freely for social and (mainly illegal) commercial purposes. In spite of sustained efforts on the part of Pakistan's security forces the border remains porous and the tribes continue to resist interference in their affairs. Confrontation

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between government forces and the region's inhabitants has alienated the tribes to an unprecedented degree, which has compelled Islamabad to undertake a strategy that continues to fluctuate between military offensives and political engagement. Successive government peace accords from 2004 onwards have done little to improve security in the region or expand the writ of the government. Moreover, the flow of militants from the FATA to Afghanistan continues unchecked and has increased significantly in recent months as manifested in the Afghan province of Nuristan where the Pakistani Taliban took control of remote districts near the Pakistan border." **[1a] (Security: Terrorist/Insurgent threat)**

The South Asia Terrorism Portal (SATP) provides a comprehensive timeline of incidents in FATA from 2002 to the present. **[61c]**

See also sub-section Pakistani Taliban

Return to contents
Go to sources

Khyber-Pakhtunkhwa (KP) (formerly known as North West Frontier Province – NWFP)

8.53 The online version of Encyclopaedia Britannica, accessed 13 July 2011, stated that Khyber Pakhtunkhwa, the northernmost province of Pakistan, is bordered by Afghanistan to the west and north, Azad Kashmir and Gilgit Baltistan to the east and northeast, Punjab province to the southeast and Balochistan to the southwest. Peshawar is the capital city. The source noted "On the western boundary of Khyber Pakhtunkhwa, along the Afghan border, are the federally administered tribal areas, a series of semiautonomous areas that are ethnically homogeneous with the province but not politically connected to it." The population of KP was estimated in 2006 to be 21,392,000 in an area covering 28,773 square miles (74,521 square km). **[66a]**

8.54 The AI report "As If Hell Fell On Me"... stated:

"In March 2009, the Awami National Party government of NWFP agreed to the demands of the Malakand-based Tehrik-e-Nifaz-e-Shariat-e-Mohammadi (TNSM) to introduce Islamic law and set up Islamic courts in Malakand division, with religious courts deciding all cases after 16 February 2009. The peace agreement also required that the army dismantle all checkposts, release captured insurgents including those responsible for unlawful killings and other abuses. The National Assembly passed the Nizam-e-Adl Act [Nizam-e-Adl Regulation – NAR] 2009 in April; it was signed into law by President Zardari, allegedly under pressure from the military leadership, on 13 April 2009. However, in the same month, insurgents extended their operations into neighbouring Buner district, effectively breaking the peace accord." **[13e] (p37)**

8.55 The US Department of State's July –December, 2010 International Religious Freedom Report (USSD IRF 2010), published 13 September 2011, stated that:

"Amid growing incidents of violence by the militants, the army launched a military operation in April 2009 resulting in the largest mass migration in the country's history since partition and clearing much of the territory claimed by the Taliban. The NAR has been inoperative since the start of military operations in April 2009. At the end of the reporting period, military operations were ongoing in the FATA and KPk Province, and the government's authority has been restored in many parts of the region." **[3l] (Section II)**

8.56 The HRCP Report 2011 recorded 497 terrorist attacks in Khyber Pakhtunkhwa. Twenty-seven suicide attacks accounted for the deaths of 438 people. **[27i] (p56)**

8.57 The Pakistan Institute for Peace Studies (PIPS) provided weekly updates on the conflict and security situation in Khyber Pakhtunkhwa in its KP and FATA Conflict Monitor, accessed 5 April 2012. **[100f]**

8.58 The South Asia Terrorism Portal noted in its Intelligence Review Volume 9, No. 17, dated 1 November 2010 that:

"On June 14, 2009, the Pakistan Army made the absurd claim that its operations had rendered the Swat Valley free of militants. Between June 14, 2009, and October 31, 2010, however, according to partial data compiled by the South Asia Terrorism Portal (SATP), 1,041 persons were killed in the Valley, including 907 militants, 105 civilians and 29 Security Forces' (SF) personnel, in a least 159 incidents. In the wider Khyber Pakhtunkhwa (KP, formerly known as the North West Frontier Province) province within which Swat is located, fatalities over this period totalled at least 2,985, including 1,778 militants, 962 civilians and 245 SF personnel, in 2349 incidents [these may be significant under-estimates, as information flows from regions of conflict in Pakistan are erratic and unreliable] " **[61f]**

8.59 On 18 May 2009, Human Rights Watch expressed concern about the unnecessary risk posed to civilians caused by "The Taliban's use of landmines and human shields and the Pakistan army's aerial and artillery attacks..." The report added that "Residents in the town of Mingora, the epicenter of the fighting, told Human Rights Watch that Taliban militants have laid landmines in the town and prevented many civilians from fleeing, using them as 'human shields' to deter attack. Pakistani forces appeared to have taken insufficient precautionary measures in aerial and artillery attacks that have caused a high loss of civilian life." **[7h]**

See also Section: Internally Displaced Persons

8.60 Reuters news reported on 5 April 2010 that according to the Human Rights Commission of Pakistan, 249 extrajudicial killings took place in Swat between 30 July 2009 and 22 March 2010. Pakistan's army denied any involvement in such killings. **[10e]**

See also Section: Security forces, Human rights violations by government forces: Extrajudicial killings

8.61 The Foreign and Commonwealth Office, in its regularly updated Travel Advice on Pakistan, updated 29 April 2012, listed suicide bombings and other major militant incidents that occurred during 2011. **[11a]** The South Asia Terrorism Portal provides a comprehensive timeline of incidents in KP from 2003 to the present. **[61k]**

Return to contents
Go to sources

PAKISTANI TALIBAN

8.62 Jane's Sentinel Security Assessment reported in its section on non-state armed groups, updated 19 April 2012, that:

"The Tehrik-e-Taliban Pakistan (TTP) was formed in December 2007 as an umbrella group that would enable the numerous pro-Taliban groups operating in Pakistan's

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Federally Administered Tribal Areas (FATA) and Khyber Pukhtoonkhwa (formerly the NWFP) to co-ordinate their activities and consolidate their growing influence in the region. The constituents of the TTP already posed a significant threat throughout FATA and in areas of Khyber Pukhtoonkhwa, regularly confronting and defeating Pakistani security forces, while their ability to deploy suicide bombers made them a threat throughout the rest of Pakistan, even in military strongholds such as the garrison city of Rawalpindi. In addition, their control of much of the Afghanistan-Pakistan border has enabled them to forge strong operational links with the Afghan Taliban. Like the Afghan Taliban, the TTP's ultimate objective is the creation of an Islamic emirate governed according to their fundamentalist Deobandi interpretation of sharia (Islamic law). However, unlike earlier Pakistani Taliban groups which focused solely on supporting the Afghan Taliban against the US-led coalition, the TTP is explicitly revolutionary, and is committed to overthrowing the Pakistani government. Following the failure of two high-profile government peace initiatives, military operations against the group have increased, particularly with the Bajaur Agency in August 2008; Swat in April/May 2009; and South Waziristan in October 2009. The TTP suffered an additional setback in August 2009 when its founder and inspirational leader, Baitullah Mehsud, was killed. However, the TTP remains a powerful force on the ground in Pakistan's tribal areas under the new leadership of Hakimullah Mehsud, and remains capable of conducting high-yield suicide bomb attacks on hard targets throughout the country." **[1a] (Islamist groups)**

8.63 On the Tehrik-e-Nefaz-e-Shariat-e-Mohammadi (TNSM), Jane's Sentinel Security Assessment, Security section, updated 23 April 2012, noted that:

"On 16 February 2009, the provincial [KP] government agreed a truce with Sufi Mohammed's TNSM. As part of the truce, the provincial government agreed to implement sharia in the former Malakand division through the enforcement of the Nizam-e-Adl Regulation 2009 order. The truce followed the April 2008 peace accord that the NWFP government signed with Sufi Mohammad, which paved the way for his release from prison that year..." **[1a] (Security: Religious Militant)**

8.64 The TNSM rose to prominence in the mid-1990s following Swat's merger with Pakistan in 1969, afterwhich its judicial system broke down due to corruption and lengthy trial procedures. Prior to the merger Swat's judicial system was a mixture of tribal and Sharia laws, allowing for swift dispensation of justice. Sufi Mohammed's son-in-law, Maulana Fazlullah, heads a breakaway faction of the TNSM that is the main threat to government control in Swat and the Makaland division. Fazlullah's group, which belongs to the umbrella Tehrik-e-Taliban Pakistan (TTP) organisation, has led an insurgency in Swat since 2007. Fazlullah's group "...has set up parallel administrative structures in some of the districts of the former Malakand division, has burnt down numerous girls' schools and killed (often by beheading) artists, teachers, government officials, policemen, paramilitary soldiers and army troops." (Jane's, 23 April 2012) **[1a] (Security: Religious Militant)**

8.65 Harvard University's Belfar Center for Science and International Affairs noted in an article dated April 2009 that:

"The Punjabi Taliban network is a loose conglomeration of members of banned militant groups of Punjabi origin – sectarian as well as those focused on the conflict in Kashmir – that have developed strong connections with Tehrik-i-Taliban Pakistan (TTP), Afghan Taliban and other militant groups based in the Federally Administered Tribal Areas (FATA) and North-West Frontier Province (NWFP) [Now Khyber Pakhtunkhwa – KP].

They shuttle between FATA and the rest of Pakistan, providing logistical support to FATA- and Afghan-based militants to conduct terrorist operations deep inside Pakistan. Between March 2005 and March 2007 alone, for example, about 2,000 militants from southern and northern Punjab Province reportedly moved to South Waziristan and started different businesses in an effort to create logistical support networks. Given their knowledge about Punjabi cities and security structure, they have proved to be valuable partners for the TTP as it targets cities in Punjab, such as Lahore, Rawalpindi and Islamabad...

"The most recent use of the name began in 2007, when Maulvi Nazir, a militant leader who with some official Pakistani support challenged Uzbek foreign fighters residing in South Waziristan, was hailed by some as a leader of the Punjabi Taliban. This allegation arose because Maulvi Nazir attracted many Punjabi recruits from banned organizations to fight Uzbek foreign fighters." **[116a]**

8.66 The HRCP Report 2010 stated:

"Interior Minister Rehman Malik was quoted as saying that the LJ [Lashkar-e-Jhangvi] and the SSP [Sipah-e-Sahaba Pakistan] were united under the banner of the Punjabi Taliban, with the southern districts of Punjab as their hub. The interior minister said 726 workers of the banned outfits were present in southern Punjab. One hundred most wanted militants belonged to this region and out of a total of 13,500 registered madrassas (seminaries) in Punjab, 7,281 were located there." **[27e] (p173)**

8.67 The Amnesty International report "As If Hell Fell On Me": The Human Rights Crisis in Northwest Pakistan, published 10 June 2010, stated:

"It is difficult to delineate exactly how the Pakistani Taleban and their allied insurgent groups in FATA and northwestern Pakistan are organized, who commands them, and where they get their support: the groups' allegiances have shifted several times in recent years, and groups or parts of groups have moved from place to place, both within tribal agencies and across the border into Afghanistan. While most share an extreme religiously inspired militant ideology and a Pashtun identity, they vary widely in objectives and focus. However, many of the groups now share an operational plan, and have demonstrated that they possess effective chains of command and the ability to impose discipline on their ranks when they so desire." **[13e] (p30)**

8.68 The same report added:

"In each of the FATA Agencies (and some parts of NWFP), the Pakistani Taleban followed a pattern similar to the strategy employed by the Taleban in Afghanistan in the mid 1990s. First, they attempted to gain the sympathies of the people by offering an alternative to the weak and inequitable governance system (in the case of Pakistan, as established under the FCR [Frontier Crimes Regulation]) and combating official corruption and ordinary criminal activity. After Taleban or other insurgents initially gained effective control over an area, they used violence and public punishments to impose codes of conduct based on their own radical interpretations of Islamic law, or Shari'a.

"The Taleban's violent conduct quickly shocked many locals, even though many people in northwest Pakistan adhered to conservative religious and cultural practices. Though the region has a history of insurgency and conservative religious rule, its culture was based on old tribal norms, which differed significantly from the Taleban's ideology. As

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discussed below, the Taleban aggressively moved to weaken the existing tribal structure by killing or intimidating tribal elders and government officials, and their interpretation of Islamic law was much harsher than that espoused by most of the residents of northwest Pakistan. The Taleban forced men to maintain long beards; wear caps; not smoke, watch television, or listen to music; attend religious teachings; and pray five times a day at mosque. They used violence to force women to stay inside if not veiled, and to be accompanied by a male relative outside the home. Girls, too, were told to attend schools, if at all, wearing all-encompassing veils. Taleban forces also began to launch attacks against the government, those believed to support the government, and other political rivals. Local tribal elders told Amnesty International that militants began attacking military look-out posts (also known as pickets), bridges, schools, hospitals, electricity and mobile telephone towers, markets, and shops, civilian and military convoys, anti-Taleban tribal elders, and so-called spies." **[13e] (p39)**

8.69 AI also noted that:

"One of the hallmarks of the Taleban's takeover of a territory has been the imposition of tribunals that apply their harsh interpretation of Islamic law. Over the past few years Taleban 'tribunals' and other local systems of informal justice have been increasingly proliferating in Bajaur, Mohmand Agency, Orakzai, Khyber, and Waziristan agencies, and, at least for some time, in Swat and other areas of Malakand. Militants openly boasted of their enforcement operations: 'Yes, we have arrested people and beaten them. One person was fined 5,000 rupees for not sporting a beard. Another two doctors were beaten,' said a member of Haji Namdar's forces in Khyber Agency. Other punishments imposed and carried out range from shaving a person's head as a form of humiliation, to unlawful killings and public punishments such as lashing." **[13e] (p43)**

See also Judiciary: Tribal Justice System

8.70 The United States Commission on International Religious Freedom (USCIRF) noted in its Annual Report 2010 (USCIRF Report 2010), published May 2010, that:

"By early 2009, Sunni extremists gained effective control in large portions of rural northwestern Pakistan, where they killed hundreds of Shi'a civilians, imposed a harsh, Taliban-style of justice, and displaced Shi'a, Sikh, Hindu, and other minority populations. Jizya (the traditional tax on non-Muslims under Islamic law) was imposed on Sikhs and Hindus and violence was threatened for non-compliance. Sunni extremists destroyed shrines and tombs with religious or cultural significance to other Muslims, notably the shrine of revered Pashtun poet and Sufi mystic Rahman Baba, which was bombed in March 2009." **[53a] (p93)**

8.71 The USCIRF Report 2012, published March 2012, covering events from April 2011 to February 2012, stated "Armed extremists, some with ties to violent extremist groups or the Pakistani Taliban, continued their attacks, including bombings, against Barelvi Sufis, Shi'a Muslims, Ahmadis, and Christians. Sectarian or religiously-motivated violence reached beyond Pakistan's tribal northwest, targeting groups in major urban centers and foreign countries." **[53c] (p122)**

See also subsection Sectarian violence and the section on Freedom of religion

8.72 Minority Rights Group International (MRG) noted in its report on minorities in the NWFP, dated 11 August 2009, that "The Taliban have... used terror tactics to intimidate residents into supporting them." MRG further noted that "In addition to public executions

and floggings, the Taliban have distributed videos of violent acts, such as beheadings, committed against civilians..." **[88a] (p3)**

See also subsections Khyber Pakhtunkhwa, Federally Administered Tribal Areas and Militant activity for detail on clashes between Taliban and government forces. For information on militant groups see Annex C: Terrorist and extremist groups

Return to contents
Go to sources

SECTARIAN VIOLENCE

8.73 Jane's noted in its section on Non-State Armed Groups, updated 21 June 2010, that "Pakistan's population is predominantly Sunni Muslim, but there are significant Shia minorities in some parts of the country. Periodically the Shia community has been subjected to violent attacks by the Sunni community, some of which have been reciprocated." **(Sectarian Groups)**

8.74 The South Asia Terrorism Portal noted in its South Asia Intelligence Review, dated 23 April 2012, that:

"The idea of Shias as a 'heretical' sect has become an entrenched dogma of mainstream Sunni politics in Pakistan. On April 18, 2012, National Assembly Standing Committee (NSC) during a meeting told the National Assembly Human Rights Committee (NAHRC) that more than 650 Shias in Quetta, the provincial capital of Balochistan, and 450 in the Dera Ismail Khan District of Khyber Pakhtunkhwa (KP) were targeted and killed 'recently' (no date was specified) though the statement was issued in the context of the Shia-Hazara killings between March 29 and April 17, 2012.)

"According to partial data compiled by South Asia Terrorism Portal (SATP) there have been at least 772 incidents of sectarian violence in Pakistan from January 1, 2005, to April 22, 2012, which have claimed at least 2,175 lives [these are likely to be underestimates, as information flows from many of the conflict-ridden regions of Pakistan are severely restricted]." **[61l] (Volume 10, No.42)**

8.75 The Asian Human Rights Commission (AHRC) accounted in its report, The State of Human Rights in Pakistan in 2011 (AHRC Report 2011), published 10 December 2011, on the assassination of 26 Shi'a pilgrims by members of Lashkar-e-Jhangvi (LeJ), 30 miles south of Quetta, Balochistan province. A further three Shi'a's were killed by unidentified gunmen as they travelled to the incident. **[52g] (p41)**

8.76 On 17 February a suicide bomber detonated his explosives outside a mosque in a Shia community in Kurram Agency, killing at least 26 people. Fazal Saeed, leader of a breakaway faction of the Pakistani Taliban, claimed responsibility for the attack, stating that the Shi'a community of Parachinar, Kurram's main town, were involved in activities against them. (Reuters, 17 February 2012) **[10g]**

8.77 On 28 February gunmen killed at least 18 Shi'a Muslim bus passengers in a sectarian attack in the northern Pakistani district of Kohistan, which borders the Swat valley. The attackers are reported to have checked the identity cards of all the passengers before removing the Shi'as and shooting them. (BBC News, 28 February 2012) **[35g]**

8.78 The USCIRF Report 2011 cited that:

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"Violent extremists targeted Shi'a processions and mosques during the reporting period, particularly in the province of Balochistan. On May 5, 2011, extremists opened fire on a group of Hazara Shi'a in Quetta, Balochistan province, killing at least eight and wounding 10 more. Lashkar-e-Jhangvi (LeJ), a banned sectarian militant group that is anti-Shi'a, claimed responsibility for the attack. LeJ perpetrated a follow-up attack against Shi'a Muslims later in May in Quetta, killing seven more and wounding six. In January 2012, 18 Shi'a were killed during a religious processional by a bomb blast in Punjab province. Three Shi'a lawyers were murdered near the Karachi city court in January. In February, 31 Shi'a Muslims were killed and dozens injured in Kurram agency when a suicide bomber targeted a local mosque. According to Pakistani press sources, security forces shot and killed two Shi'a Muslims who were protesting the bombing.

"Attacks on Shi'a pilgrims occurred throughout the year, many perpetrated by LeJ. In June, an attacker fired repeatedly into a bus carrying Shi'a Muslims in southwestern Pakistan, killing three people and wounding nine. In July in Quetta, two separate attacks killed 18 Shi'a Muslims and injured dozens. In September, seven Shi'a Muslims were killed in Kurram agency when unidentified gunmen opened fire on a minibus. That same month near Quetta, a bus of Shi'a pilgrims travelling to Iran was attacked. The passengers were ordered to disembark, were lined up and shot, and 26 were killed. A follow-up attack that same day on relatives trying to collect the bodies claimed three more lives. LeJ claimed responsibility. In October, another bus of Shi'a pilgrims was attacked, with victims lined up and shot, killing 13. That same month, police arrested 70 individuals suspected of involvement in the sectarian violence...

"At least 18 people were killed in late February in the Kohistan district of Khyber-Pakhtunkhwa Province when militants affiliated with Jundullah, a banned Sunni extremist group, attacked a bus of Shi'a. The attackers reportedly pulled all the victims off the bus and checked their identity cards before shooting them. At least seven people were reported to be wounded." **[53c] (p123)**

8.79 In its Executive Summary, updated 17 May 2011, Jane's noted that:

"Ethnic and sectarian violence has plagued Pakistan for almost two decades. For example, in the commercial hub of Karachi, resentment of commercially successful Mohajirs (Urdu-speaking migrants from India after partition), has fuelled violent conflict with non-Mohajirs, formerly local Sindhis but now mostly immigrant Pashtuns. Activists from the Muttahida Qaumi Movement (MQM), the Awami National Party (ANP) and the religious Jamaat-i-Islami (JI) party were among those killed in recent targeted killings. Mohajirs largely comprise the MQM party, which wields considerable influence in urban Sindh, especially Karachi. Ethnic polarisation is endemic in Karachi, with the city sharply divided between Sindhis, Balochis, Mohajirs, Pashtuns and Punjabis.... A spate of killings claimed 24 lives in mid-January 2011, forcing the PPP, which has a mostly Sindh base, to counsel restraint to its coalition partners, the Mohajir-backed MQM and Pashtun-backed Awami National Party (ANP). Tensions have historically been high between all these ethnic groups... On 28 May 2010, co-ordinated attacks on two separate Ahmadi mosques in Lahore left close to a 100 people dead, one of the deadliest sectarian attacks in recent years, highlighting how religiously polarised and conservative Pakistani society is." **[1] (Communal and sectarian violence)**

8.80 The HRCP Report 2011 stated, with regards to sectarian violence, that:

"At least 389 people were killed and 601 injured in incidents of violence targeted against various Muslim sects in 2011. These included five suicide attacks believed to have sectarian motives, in which 77 people were killed and 179 injured. The flashpoints included Karachi, Lahore, Hangu and Nowshera districts of Khyber Pakhtunkhwa, Quetta and Mastung in Balochistan and Khyber and Kurram tribal districts in FATA. The suicide bombings included one in Lahore targetting a Shia Chehlum procession, two suicide bombings at a shrine in Dera Ghazi Khan district, a suicide attack targeting a Muharram procession in Karachi, and a suicide attack in Quetta targeting the Hazaras.

"The targets in sectarian-related attacks included Shia pilgrims, mosques/Imambargahs, shrines, vehicles carrying members of the Shia community, and prayer leaders and religious parties' activists." **[27i] (p83)**

8.81 The South Asia Terrorism Portal (SATP) provided statistics on sectarian violence in Pakistan from 1989 to 2012 (based on news reports), accessed 30 April 2012, and stated that in 2011 there were 203 deaths and 297 people injured in 30 sectarian incidents. Between January and 22 April 2012, SATP recorded 41 sectarian incidents, 164 deaths and 176 people injured. **[61a] (Sectarian Violence in Pakistan)**

8.82 The Pakistan Institute for Peace Studies (PIPS) provided monthly updates on the sectarian violence in Karachi in its Karachi Watch, accessed 5 April 2012. **[100g]**

See also Freedom of Religion, Shi'a and Sunni Muslims: Sectarian violence, and Political Affiliation: Politically motivated violence

Return to contents
Go to sources

9. SECURITY FORCES

9.01 The Amnesty International report "As If Hell Fell On Me": The Human Rights Crisis in Northwest Pakistan, published 10 June 2010, stated:

"In its military operations, Pakistan has deployed a wide array of security forces, including army soldiers, Inter-Service Intelligence agents, tribal levies called lashkars (official tribal militias) and khassadars (tribal police), the Frontier Constabulary (an armed police force operating in FATA border areas), and the Frontier Corps (a paramilitary force). The army and Frontier Corps (FC) are the two forces with the primary responsibility for maintaining law and order in FATA." **[13e] (p32)**

POLICE

9.02 The US Department of State Country Report on Human Rights Practices 2011 (USSD Report 2011), published 24 May 2012, stated that:

"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. At times during the year they also were assigned domestic security responsibilities.

"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 on August 12

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[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.

"The FCR is implemented through a political agent who reports to the president through the KP governor. In lieu of police, multiple law enforcement entities operated in FATA. These 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 the police committed human rights abuses or were responsive to political interests." **[3n] (Section 1d)**

See also Judiciary: Frontier Crimes Regulation

9.03 The same source noted:

"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, federal interior minister, 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 sometimes were used." **[3n] (Section 1d)**

9.04 The USSD Report 2011 added "There were improvements in police professionalism during the year. As in previous years, the Punjab provincial government conducted regular training and retraining in technical skills and protection of human rights for police at all levels." **[3n] (Section 1d)**

9.05 The Human Rights Commission of Pakistan (HRCP) and the Commonwealth Human Rights Initiative (CHRI) noted in its joint report, Police Organisations in Pakistan (HRCP/CHRI Report 2010), published May 2010, that in 2008 there were a total of 1,392 police stations across the country **(p23)** with a strength of nearly 325,000 officers. **[27f] (p33)**

9.06 Jane's noted in its section on Security and Foreign Forces, updated 17 April 2012, that, as estimated in 2011, the Pakistan police force's total strength was 354,000. The report noted:

"At present Pakistan has only about 354,000 police personnel for a population of 170 million and the mandated strength is rarely reached, especially in rural areas where most criminal activity occur. It is estimated that Punjab, Pakistan's most populous province, has a 180,000-strong police force of which only 40,000 are permanently stationed in police stations. Lahore, with 10 million inhabitants, has only 25,000 police and Karachi, the city with the highest incidence of crime and with a population of more than 16 million, has around 29,000 police. The number of terrorist attacks against police

has dramatically risen in recent years, from 113 in 2005 to around 2,000 in 2009. The Khyber Pakhtunkhwa police force lost 353 policemen in 2009 in terrorism-related incidents. In August 2010, the head of the Frontier Constabulary was one of the most senior security officials ever to be killed by militants in the country. Since May 2011 the Pakistani Taliban have launched numerous deadly attacks on police targets to avenge the killing of Al-Qaeda leader Osama bin Laden. These include a suicide attack on a Frontier Corps training centre, killing at least 80 troops, and an execution-style killing of 16 policemen in Dir district." **[1a] (Police)**

9.07 The Free and Fair Election Network (FAFEN), a network of 42 civil society organisations working to foster democratic accountabilities in Pakistan, stated in a press release dated 20 February 2012, that FAFEN observers visited 131 police stations in 71 districts of the Punjab, Sindh and Islamabad Captial Territory (ICT) during October and December 2011. The observers found that a number of sanctioned posts for male staff were vacant with only 3,114 positions out of 3,993 occupied in Punjab, 1,320 out of 1,905 filled in Sindh, and 49 out of 140 occupied in the ICT. All sanctioned posts for female staff were occupied at the police stations visited." **[130b]**

9.08 Jane's noted that:

"Pakistan's four provincial police forces are independent entities that take orders from federal government on issues of national security only. Large conurbations maintain separate forces that fall within the provincial chain of command. There are no police in the Federally Administered Tribal Areas of North West Frontier Province.

"Each force is headed by an inspector general whose deputies oversee police operations within specific provincial sectors. Inspector generals are directly accountable to the central Ministry of the Interior whereas all levels junior to that report to the provincial civil service. District superintendents are key figures in implementing the edicts of their superiors on a day-to-day basis.

"Pakistani police are regularly charged with quelling sectarian violence and investigating cases of religious intolerance. The police have been unable to stem the tide of targeted killings, especially of members of the minority Shia and Christian communities.

"The PSP [Police Service of Pakistan] is the career federal civil service body from which senior police officers are drawn. Junior officers are appointed by provincial governments. PSP cadres are assigned to serve with provincial governments or to central government bodies. Recruits are selected annually by examination, and the body's decent pay rates and prestige ensure that competition is keen. Successful candidates receive two years of training at the Police Training College in Sihala, near Islamabad, and are then assigned to duty. Postings and promotions are frequently subject to political interference." **[1a] (Police)**

9.09 The FAFEN report dated 20 February 2012 observed that some Station House Officers (SHOs) expressed their dissatisfaction at understaffing, lack of logistical support, fuel, stationary, clean drinking water and electricity connections as well as low salaries and strenuous work hours. **[130b]**

9.10 Sify News reported on 18 November 2010 that:

"A large number of police officials across Pakistan have been booked for rape and human rights violations in the last three years, says an official report submitted to the

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interior ministry. The report submitted by the National Police Bureau to the ministry of interior said that 78 police officials in Sindh province were involved in 91 cases – 61 in 2008, 22 in 2009 and eight till mid 2010. Though the year 2008 saw 61 cases of rape and human rights violations in Sindh involving 44 police officials, not a single official was sent to prison..." **[102a]**

See also subsection: Human rights violations by government forces

For further information on the organisation of the Pakistan police see the Human Rights Commission of Pakistan (HRCP) and the Commonwealth Human Rights Initiative (CHRI) joint report, Police Organisations in Pakistan, published May 2010. **[27f]**

Return to contents
Go to sources

ARMED FORCES

9.11 The USSD Report 2011 observed that "The armed forces are responsible for external security. At times during the year, they were also assigned domestic security responsibilities." **[3n] (Section 1d)**

9.12 The total strength of Pakistan's armed forces was recorded as 590,000 (520,000 Army, 45,000 Air Force and 25,000 Navy personnel), with 500,000 reservists. (Jane's: Armed Forces, 23 January 2012) **[1a] (Summary)**

9.13 Jane's noted in its section on the Army, updated 1 February 2012, that the Pakistan army "…The army is large, well trained, reasonably well equipped and senior leadership is of a high quality, although there is some evidence of dilution due to 'rank creep'. There is no evidence of religious extremism among senior officers, largely due to tight monitoring of promotion and selection boards by successive army chiefs, although it appears there may be some extremists in junior ranks." **(Summary)** The report added that "Reserves are intended as individual replacements and reinforcements and training is minimal, being for a triennial three week period. Reservists, however, are drawn in the main from recent service-leavers, who remain liable for service to the age of 45 and have readily-employable skills." **[1a] (Sustainment)**

19.14 The USSD Report 2011 noted:

"The Actions in Aid of Civil Power Regulation 2011, which came into force on June 23, grants wide powers to the military. The regulation allegedly responded to the need for a permanent federal statute to regulate the armed forces when called upon in aid of civil power in order to give them legal authority to handle detainees under civilian supervision. Retroactive to 2008, the regulation empowers the KP [Khyber Pakhtunkhwa] governor in the FATA [Federally Administered Tribal Areas], and the KP government in the PATA [Provincially Administered Tribal Areas], to direct the armed forces to intern suspected terrorists. Critics said that the regulation violated the country's 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 both 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." **[3n] (Section 1d)**

See also Judiciary: Military courts and the Army Act

Return to contents
Go to sources

OTHER GOVERNMENT FORCES

9.15 Other government forces of Pakistan include the Border guards, consisting of the Frontier Corps (FC) with a total strength of 80,000, and Pakistan Rangers, total strength 44,000. The Pakistan Rangers are responsible for policing the border with India along with other internal security tasks as required. The FC is deployed along the border with Afghanistan under two commands – FC (NWFP [now Khyber Pakhtunkhwa]) and FC (Balochistan). (Jane's, Security and Foreign Forces, 17 April 2012) **[1a]** Jane's noted that:

"…in recent years, particularly since the Pakistani Army was deployed to the tribal areas in 2003 - triggering an ongoing insurgency and a severe deterioration in the security situation - the FC (NWFP) has suffered from increased demoralisation, exacerbated by the lack of weaponry, equipment and adequate training. Indeed, the FC (NWFP) has borne the brunt of the fighting against fellow Pashtun Pakistani tribal militants and foreign Islamic militants over the past five years. There have been an increasing number of desertions from the FC, particularly following the insurgencies in South and North Waziristan agencies in the FATA between 2004 and 2006. In addition, more than 1,000 soldiers, both from the Pakistan Army and the FC, have been killed to date in the fighting in the tribal areas and in Swat district in Khyber Pakhtunkhwa [formerly NWFP].

"The Pakistani government has expanded the Frontier Corps and their role in fighting Islamist militants. The decision to upgrade the force was the result of extensive consultations between the governments of Pakistan and the United States, and came after an agreement to kick-start a multi-year effort to reinforce the FC." **[1a] (Border Guards)**

9.16 Other forces include the National Guard with 180,000 personnel and the Maritime Security Agency (Coast Guard), with 4,000 personnel. (Jane's, Security and Foreign Forces, 17 April 2012) **[1a] (Security forces)**

9.17 The Amnesty International report "As If Hell Fell On Me"... stated:

"In addition to the regular uniformed forces, tribal elders have formed tribal militias or laskhars (literally, 'armies'). The institution of the tribal lashkar, originally a tribal irregular volunteer militia, has undergone a transformation during the past few years; it is not a permanent defence force but is an irregular force with a localized mission and hence not accustomed to being directed by a central authority for a sustained purpose. In many instances, tribes, frustrated at insurgent operations including unlawful killings, harassment, intimidation and displacement, set up lashkars for their protection. The army, relying on the superior local knowledge of tribesmen, has of late encouraged and in some cases armed such militias to fight insurgents, in the FATA region as well as in NWFP. Laskhars have fought militants in several of the FATA's seven agencies; insurgents, in return, have targeted lashkar members and unlawfully killed anti-Taleban

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tribal elders who have ties to the laskhars as well as relatives of lashkar members." **[13e] (p33)**

Return to contents
Go to sources

Intelligence agencies

9.18 Jane's noted in its Security and Foreign Forces section, updated 17 April 2012, that:

"Pakistan's three primary intelligence agencies are the Directorate for Inter-Services Intelligence (ISI), the Intelligence Bureau (IB) and the Military Intelligence (MI). While all three ostensibly exist to safeguard Pakistan's national security, such is the level of mistrust between them that this overarching goal is frequently lost among inter-agency tension. The MI and ISI deal primarily with military matters while IB focuses on internal affairs.

"In April 2009, the federal government established the National Counter Terrorism Authority (NACTA), which has been given the responsibility of co-ordinating the work of all intelligence agencies. A former director general of the Federal Investigation Agency (FIA) and highly experienced police officer, Tariq Pervez, was appointed as its head. However, Tariq Pervez stepped down in March 2011 after repeated attempts to pass the NACTA bill failed due to disagreements within the Ministry of the Interior. In June 2011, the Pakistani government transferred director general of the FIA, Malik Mohammad Iqbal, to head the NACTA. However, the NACTA still requires legislation to make the body fully functional and has been actively undermined by the ISI." **[1a] (Intelligence agencies)**

9.19 Reporting on the size of the ISI, Reuters noted on 8 October 2010 that "Its size is not publicly known but… is widely believed to employ tens of thousands of agents, with informers in many spheres of public life." The same source reported that there was speculation by US defence officials that elements of the ISI were "… interacting improperly with the Taliban and other insurgent groups…" **[10d]**

9.20 In its country report for Pakistan, dated 15 March 2012, the Economist Intelligence Unit (EIU) stated that Lieutenant-General Zahir ul-Islam was appointed as the head of Pakistan's main intelligence agency, the Inter-Services Intelligence (ISI). The EIU added:

"General ul-Islam takes over from Lieutenant-General Ahmed Shuja Pasha, who ran the ISI from 2008. Although the ISI officially reports to the prime minister, the head of the agency is considered the country's second most important military figure, after the army chief, a position that is currently held by General Ashfaq Kayani. General Kayani is said to have enjoyed a close relationship with General Pasha, which stood the latter in good stead, particularly when the ISI was rocked by a series of scandals in 2011. Tensions between the ISI and the US hit a new high last year following the killing by US special forces of Osama bin Laden, the founder and leader of the al-Qaida global terrorist network, in Pakistan in May [2011]. In September the chairman of the US Joint Chiefs of Staff at the time, Admiral Mike Mullen, alleged that a pro-Taliban terrorist group operating out of Pakistan, the Haqqani network, was a 'virtual arm' of the ISI." **[2b] (Political scene: A new head of the ISI is appointed)**

9.21 The Freedom House report Freedom in the World: Pakistan 2011, published 26 July 2011, stated "The military's Directorate for Inter-Services Intelligence (ISI) has a

particularly strong hold over all security-related decision making. However, the new Parliament has functioned more effectively than its predecessor, holding important policy debates and overturning key decisions of the former government." **[5a]**

Return to contents
Go to sources

HUMAN RIGHTS VIOLATIONS BY GOVERNMENT FORCES

9.22 The Asian Human Rights Commission (AHRC) stated in its report, The State of Human Rights in Pakistan in 2011 (AHRC Report 2011), published 10 December 2011, that "The situation of abductions, forced disappearances and extrajudicial killings has been prevalent not only in Balochistan but all through Pakistan and the government has done nothing to rein in the intelligence agencies believed to be responsible, despite overwhelming evidence that this is so." **[52g] (p49)**

9.23 Amnesty International noted in its report "As If Hell Fell On Me"... that:

"Taleban and allied armed groups have systematically and widely engaged in human rights abuses in FATA and neighbouring areas of northwest Pakistan. But many civilians from these areas told Amnesty International that they had no less fear of military operations, as was demonstrated in Malakand when more than two million people fled their homes at the onset of military operations in April 2009 or again in South Waziristan in October 2009, where 200,000 people fled as the army moved in. Many residents blamed the Taleban for placing military forces within civilian areas, raising the likelihood of harm to civilians during operations. But government forces are also culpable of systematic and widespread human rights violations in FATA and NWFP, both in the course of military operations and by subjecting suspected insurgents to arbitrary arrest, enforced disappearance and apparent extrajudicial execution." **[13e] (p49)**

9.24 Sify News reported on 18 November 2010 that:

"A large number of police officials across Pakistan have been booked for rape and human rights violations in the last three years, says an official report submitted to the interior ministry. The report submitted by the National Police Bureau to the ministry of interior said that 78 police officials in Sindh province were involved in 91 cases – 61 in 2008, 22 in 2009 and eight till mid 2010. Though the year 2008 saw 61 cases of rape and human rights violations in Sindh involving 44 police officials, not a single official was sent to prison..." **[102a]**

9.25 Human Rights Watch noted in its World Report 2012, published 22 January 2012, that "Abuses by Pakistani police, including extrajudicial killings,... continued to be reported throughout the country in 2011." **[7i] (p362)**

Return to contents
Go to sources

Arbitrary arrest and detention

9.26 The USSD Report 2011 observed:

"There were reports that authorities filed FIRs [First Information Reports] 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.

"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.

"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." **[3n] (Section 1d)**

9.27 Human Rights Watch noted in its World Report 2012 (HRW World Report 2012), published 22 January 2012, covering 2011 events, that:

"Security forces routinely violate basic rights in the course of counterterrorism operations. Suspects are frequently detained without charge or are convicted without a fair trial. Thousands of suspected members of al Qaeda, the Taliban, and other armed groups – who were rounded up in a country-wide crackdown that began in 2009 in Swat and the Federally Administered Tribal Areas – remain in illegal military detention; few have been prosecuted or produced before the courts. The army continues to deny lawyers, relatives, independent monitors, and humanitarian agency staff access to persons detained in the course of military operations." **[7i] (p366)**

See also Arrest and detention – legal rights

Return to contents
Go to sources

Torture

9.28 The USSD Report 2011 cited that:

"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 about torture; it sanctions only 'hurt' and does not mention punishing perpetrators of torture. The NGO SHARP [non-governmental organisation – Society for Human Rights and Prisoners' Aid] reported that, as of December 15 [2011], police tortured persons in more than 8,000 cases, compared with findings of 4,069 cases in 2010. 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 accusations that security forces raped women during interrogations. The government rarely took action against those responsible." **[3n] (Section 1c)**

9.29 The Asian Human Rights Commission (AHRC) observed in its report, The State of Human Rights in Pakistan in 2011 (AHRC Report 2011), published 10 December 2011, that the Pakistan government "... ratified the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture (CAT) but then immediately revealed reservations on many of their articles making their ratification harmless to the state." However, in June 2011, some of the reservations were withdrawn although it remained to be seen if this would be the case in practice. **[52g] (p2)**

9.30 The AHRC Report 2011 stated:

"... there has been no serious effort by the government to make torture a crime in the country. Rather, the state provides impunity to the perpetrators who are mostly either policemen or members of the armed forces... Domestic jurisprudence concerning the use of torture is underdeveloped in Pakistan. The appreciation to exercise the right, as envisaged under Article 14 (2) of the Constitution, has thus far been minimal... in claims against torture, victims bear the burden of proof, and there are no independent investigating agencies that are empowered to inquire into a complaint against torture." **[52g] (p64)**

9.31 The same source added that "Torture in custody is a serious problem affecting the rule of law in Pakistan. It is used as the most common means by which to obtain confessional statements and also for extracting bribes. Torture in custody has become endemic and on many occasions the police and members of the armed forces have demonstrated torture in open place to create fear in the general public." **[52g] (p64)**

9.32 The HRCP Report 2009 stated:

"The SC [Supreme Court] took suo motu notice of the appeal of the daughter of a Balochistan National Movement activist, Wahid Bakhsh, who had complained of torture in custody. On being produced in the court, Wahid Bakhsh declared that he had been kept in an Anti terrorist Force (ATF) torture cell where conditions of detention were worse than at the notorious Abu Gharaib jail in Iraq. The Chief Justice inquired whether these torture cells were run by the government and whether they existed across the country. The court was informed that the Balochistan Home Secretary had declared the ATF cell a sub-jail. At the same time, the court disposed of a suo motu notice regarding torture cells in Islamabad when the Islamabad Police told the court that there was no torture cell under Islamabad police's control." **[27c] (p35)**

9.33 The HRCP Report 2010 stated on so-called torture cells that:

"During suo motu hearing of a case of police torture on suspects outside a police station in Chiniot (Punjab) the Supreme Court directed the Punjab government to shut down private torture cells being run by police, make drastic changes in police training manuals, maintain strict discipline and hold senior police officers, including inspectors general, accountable. The court also sought from the Punjab police a comprehensive report containing affidavits from police officers that there were no private torture cells in their areas of jurisdiction." **[27e] (p48)**

9.34 The AHRC Report 2011 stated that it had "... identified 52 such detention centres run by the military where people who were arrested and disappeared are kept incommunicado and tortured for several months to extract the confessions." **[52g) (p64)**

9.35 The same report added that the police were the main peretrators of torture, and stated "... torture cases have to be reported to the police, therefore the police, being the main perpetrators of torture refuse to register the cases. This is the main reason why official data about the cases of torture is not available." **[52g] (p64)**

See also Avenues of complaint

Return to contents
Go to sources

Extra-judicial killings

9.36 The Foreign and Commonwealth Office noted in its 2011 Human Rights and Democracy Report (FCO Report 2012), published April 2012, that "During 2011, there were continued reports of allegations of extrajudicial killings and other ill-treatment and torture by state agencies, particularly in Balochistan." **[11r]**

9.37 The USSD Report 2011 noted:

"There were many reports that the government or its agents committed arbitrary or unlawful killings. There were reports of extrajudicial killings in connection with conflicts in Balochistan, FATA (Federally Administered Tribal Areas) and KP (Khyber Pakhtunkhwa)...

"Some deaths of individuals accused of crimes allegedly resulted from extreme physical abuse while in official custody. As of December [2011] the nongovernmental organization (NGO) Society for Human Rights and Prisoners' Aid (SHARP) reported 61 civilian deaths after encounters with police and 89 deaths in jails, a decrease from the previous year. The police stated these deaths occurred when suspects attempted to escape, resisted arrest, or committed suicide. 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." **[3n] (Section 1a)**

9.38 Human Rights Watch (HRW) reported on 13 July 2011 on the upsurge of unlawful killings of suspected militants and opposition figures in Balochistan by the military, intelligence agencies and the paramilitary Frontier Corps (FC). The report noted:

"Across Balochistan since January 2011, at least 150 people have been abducted and killed and their bodies abandoned – acts widely referred to as 'kill and dump' operations, in which Pakistani security forces engaged in counterinsurgency operations may be responsible. Assailants have also carried out targeted killings of opposition leaders and activists. Human Rights Watch has extensively documented enforced disappearances by Pakistan's security forces in Balochistan, including several cases in which those 'disappeared' have been found dead... While Baloch nationalist leaders and activists have long been targeted by the Pakistani security forces, since the beginning of 2011, human rights activists and academics critical of the military have also been killed..." **[7f]**

Further information on killings in Balochistan by suspected militants can be found in the HRW report "Their Future is at Stake": Attacks on Teachers and Schools in Pakistan's Balochistan Province, dated 13 December 2010. **[7g]**

9.39 The Human Rights Commission of Pakistan (HRCP) undertook a fact-finding mission to Balochistan from the 4-7 May 2011. Its findings, including extrajudicial killings, killings by militants, and disappearances, were published in the HRCP report Balochistan: Blinkered Slide into Chaos, published June 2011. The report included a list of missing persons, missing persons found dead, and victims of targeted and sectarian killings. **[27h]**

See also Security situation: Balochistan (Baluchistan)

9.40 On 8 June 2011 an unarmed teenager was shot and killed by paramilitary forces in Karachi. The incident, caught on film and broadcast on national television, showed the teenager arguing with soldiers before they shot him in the leg leaving him to die of his injuries. On 29 June 2011 a Pakistani court charged six members of the Sindh Rangers and one civilian with murder. (BBC News, 29 June 2011) **[35a]**

9.41 On 12 August 2011, BBC News reported that a paramilitary soldier had been sentenced to death for the killing of the unarmed teenager. Six other men were sentenced to life imprisonment. **[35i]**

See also Death penalty

9.42 The FCO Report 2011 cited other investigations/convictions into alleged extrajudicial killings:

"... the Balochistan High Court continues to investigate the killing of five Russians and a Tajik at a security checkpoint in May [2011]. Those responsible had initially claimed that the foreigners were suicide bombers and were armed with bombs and other weapons. This appeared to be contradicted from evidence of witnesses, including photographic evidence. However, witness protection remains a concern, highlighted by the murder in December of a doctor who had been a key witness in this case.

"The summer months saw considerable sectarian violence in Karachi, and over the course of the year over 1,500 deaths have been reported, along with serious human rights violations. At the end of August, the Supreme Court of Pakistan expressed its concerns at the levels of violence in Karachi, and emphasised the authorities' constitutional requirement to protect the lives of Pakistanis...

"In September [2011], courts convicted a total of 22 people for lynching two brothers in Sialkot, Punjab Province, in August 2010. The lynching took place in the presence of police officers, who have subsequently been convicted of dereliction of duty for failing to prevent the assembled mob from undertaking the attack. Of the 22 convicted, seven have been given death sentences, six life sentences, and the remaining nine, all policemen, were sentenced to three years in prison." **[11r]**

9.43 The USSD Report 2011 cited some examples of extrajudicial killings that took place during that year and in previous years. In many cases, and despite apparent evidence, no one was held accountable. **[3n] (Section 1a)**

9.44 Reporting on so-called 'police encounters', whilst stipulating that it was not in a position to determine how many of the encounters were genuine and where the police had no option but to kill a person, the HRCP Report 2011 noted that:

"Police encounters largely remained [a] euphemism for extrajudicial killings. Use of lethal force remained the defining characteristic of police encounters in 2011. According

to media reports, one person was killed in a police encounter every 26 hours during the year. A police encounter occurred every 34 hours on average. In the year under review, at least 254 police encounters took place across the country. As many as 337 suspects were killed in these encounters and another 71 were injured. As in previous years, the number of suspects captured alive after encounters remained very low by comparison. As many as 117 suspects were arrested following police encounters in 2011. Fifty-seven policemen were killed and 98 were injured in these encounters. In as many as 142 encounters, in which neither a policeman was killed nor injured, as many as 237 suspects were killed and another 51 injured." **[27i] (p51-52)**

9.45 In its report "As If Hell Fell On Me"..., Amnesty International noted:

"Shortly after internally displaced persons started returning to Malakand in mid-July in 2009 after the army regained control of most of this area, some 251 bodies of suspected militants were reportedly found in Swat, some hanging from poles with written notes attached to their bodies warning anyone supporting the Taleban of the same fate, some with torture marks and some with limbs tied together and bullet wounds in neck or head. The exact number of such killings, as well as the exact circumstances of most individual cases, is impossible to ascertain as the access of journalists and human rights activists is restricted. The HRCP said that in addition, at least two mass graves were found, including at least one in Kukarai village in Babozai tehsil and another in an area between Dewlai and Shah Dheri in Kabal tehsil. The HRCP said that witnesses to mass burials said at least in some cases the bodies appeared to be those of Taleban militants." **[13e] (p63-64)**

Return to contents
Go to sources

Disappearances

9.46 Human Rights Watch (HRW) noted in its Universal Periodic Review – 'UPR Submission April 2012', published 3 May 2012, that Pakistan had failed to adhere to its commitment to the International Convention for the Protection of All Persons from Enforced Disappearance. HRW added:

"In Balochistan, Human Rights Watch has documented how Pakistan's security forces, particularly its intelligence agencies, targeted for enforced disappearance ethnic Baloch suspected of involvement in the Baloch nationalist movement. Abductions are carried out in broad daylight, often in busy public areas, and in the presence of multiple witnesses. Victims are taken away from shops and hotels, public buses, university campuses, homes, and places of work.

"Victims of enforced disappearances in cases documented by Human Rights Watch are predominantly men in their mid-20s to mid-40s, although Human Rights Watch has also documented disappearances of three children and three instances of victims aged over 60 years. Most victims appear to have been targeted because of alleged participation in Baloch nationalist parties and movements. In several cases, people appeared to have been targeted because of their tribal affiliation, especially when a particular tribe, such as the Bugti or Mengal, was involved in fighting with Pakistan's armed forces." **[7j]**

9.47 The USSD Report 2011 noted:

"During the year 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.

"Nationalist political parties in Sindh Province reported disappearances and claimed that some of their members were in the custody of the intelligence agencies. Hindu communities in interior Sindh also reported an increase in kidnapping for ransom; many families fled to India as a result…" **[3n] (Section 1b)**

See also Freedom of religion: Hindus and Sikhs

9.48 Amnesty International noted in its report 'The Bitterest of Agonies' End Enforced Disappearances in Pakistan, published 30 August 2011, that:

"Since Pakistan became a key ally in the US-led 'war on terror' in late 2001, hundreds of people accused of links to terrorist activity have been arbitrarily detained and held in secret facilities... Dozens of missing individuals have been transferred from US detention or have reappeared in Pakistan during the past 10 years, but the whereabouts of hundreds of others, possibly held in secret detention in Pakistan or other countries, remain unknown... The clandestine nature of the arrests and detentions makes it impossible to know exactly how many have been subjected to enforced disappearance... In 2010, the Ministry for the Interior admitted to 965 disappearance cases for which there was some record, although there are differing claims on figures made by families, human rights groups and the state, ranging from 200 to 7,000." **[13i] (p2)**

9.49 The HRCP Report 2011 noted:

"The Supreme Court continued to hear petitions against enforced disappearance filed by the Human Rights Commission of Pakistan and other petitioners. In a hearing in August 2011], the Supreme Court ordered the government to complete the composition of the Commission of Inquiry on Enforced Disappearances and fill the post of its chairman, which had been vacant for nearly two months. In September [2011], the court was informed that a former judge of the Supreme Court had been made head of the commission.

"Giving details of the work of the commission on missing persons, the additional attorney general informed the court that of the 392 cases with the commission, 104 people had been traced while 96 did not fall under the category of missing persons and 138 people were still untraced. As these proceedings continued new cases of enforced disappearance also kept coming to the surface." **[27i] (p66)**

9.50 The same source added:

"During the year, HRCP was able to verify 62 cases of enforced disappearance. As many as 35 of these disappearances occurred in Balochistan. Of the cases in Balochistan, dead bodies of 17 missing persons were later found, 16 persons remained missing and only two were released. Most of the 35 persons had gone missing from two districts of Balochistan, Turbat (19) and Gwadar (7), while two each had gone missing from Hub and Mastung. The disturbing trend of the previous year of bodies of missing

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persons being found in deserted places continued. In 2011, dead bodies of 173 people stated to have been missing were found in Balochistan." **[27i] (p66-67)**

9.51 The AHRC Report 2010 stated, with regards to the Commission of Enquiry, that:

"The Commission to probe missing person's cases has not investigated or taken as seriously the lists of 168 children and 148 women. Two lists of disappeared persons were released separately, one by Voice for Baloch Missing Persons (VBMP), an NGO [non-governmental organisation] which works to document the cases of missing persons from the area and the other by the Provincial Interior Ministry of Balochistan. The missing people have allegedly been taken by Pakistani intelligence agencies for interrogation over their alleged link to Balochistan separatists and other militant groups in the country." **[52e] (p35)**

9.52 Amnesty International noted in its report 'The Bitterest of Agonies'..., that, at the Commission of Enquiry "There are no witness protection mechanisms in place, and relatives are often required to give information at the Commission in front of representatives of the same agencies they accuse of involvement in the disappearances of their loved ones." **[13i] (p7)**

9.53 Human Rights Watch (HRW) stated in its report "We can torture, kill, or keep you for years": Enforced Disappearances by Pakistan Security Forces in Balochistan, published 25 July 2011, that:

"The practice of enforced disappearances by state security forces has become a distinctive feature of the conflict in Balochistan. It continues unabated to the present.

"The exact number of new 'disappearances' perpetrated in recent years by Pakistan's security forces in the province remains unknown. Baloch nationalists claim 'thousands' of cases. Balochistan provincial authorities on several occasions have cited the figure of about 1,000 enforced disappearances. Pakistan's Interior Ministry has said that 1,102 Baloch were forcibly disappeared during General Musharraf's rule, which ended in August 2008. Many cases remain unreported as families and witnesses often prefer not to report cases to the authorities or human rights organizations because of fear of retaliation by the authorities." **[7a] (p6)**

9.54 The HRW report added that it had "... collected information on 'disappearances' that repeatedly implicates Pakistan's intelligence agencies and Frontier Corps, often acting in conjunction with local police." **[7a] (p6)**

9.55 The Human Rights Commission of Pakistan (HRCP) undertook a fact-finding mission to Balochistan from the 4-7 May 2011. Its findings, including disappearances, extrajudicial killings and killings by militants, were published in the HRCP report Balochistan: Blinkered Slide into Chaos, published June 2011. The report included a list of missing persons, missing persons found dead, and victims of targeted and sectarian killings. **[27h]**

See also subsection Extrajudicial killings and sections on Judiciary and Security situation: Balochistan (Baluchistan)

9.56 The AHRC Report 2010 also reported on disappearances in Pakistan Administered Kashmir (Azad Kashmir), allegedly at the hands of the Inter-Services Intelligence (ISI). The report stated:

"The intelligence agencies particularly, the Inter Services Intelligence (ISI), is accused of training and sending people inside Indian held Kashmir for the Jihad or providing information of militants working inside other parts of Kashmir. The family members of the disappeared people are also stating that when people who worked for intelligence agencies leave the Jihad and return to their normal lives they are nabbed by the ISI and shifted to unknown places as punishment for not working in the interests of national security." **[52e] (p45-46)**

Return to contents
Go to sources

AVENUES OF COMPLAINT

9.57 The HRCP/CHRI Report 2010 noted with regards to complaints against the police, that:

"In the event that a police officer does not fulfil his/her duties, or engages in active wrongdoing, the average citizen has some avenues of recourse. First, a citizen can lodge a complaint with the concerned police department as every provincial police establishment has some form of internal disciplinary proceeding...

"To this end, the Police Order, 2002 (and its subsequent amendments) created accountability mechanisms at the district, provincial and national levels. In regards to the district level, the Police Order established the District Public Safety and Police Complaints Commission (DPSPCC). The main responsibilities of the DPSPCC include: approve the Local Policing Plan; 'take steps to prevent the police from engaging in any unlawful activity arising out of compliance with unlawful or mala fide orders'; cause registration of FIR within 48 hours when warranted; hear complaints; conduct fact-finding; and refer a matter to the Provincial Public Safety and Police Complaints Commission if the Head of District Police does not act on the matter. A significant problem with DPSPCCs is that very few have been set up throughout Pakistan and when they have been set up, they have little impact since their powers are often merely recommendatory and not binding. The failure of these bodies to have 'teeth' means that they are often ignored." **[27f] (p30, Section 2.6)**

9.58 The USSD Report 2011 cited that:

"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, federal interior minister, 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 sometimes were used.The court system remained the only means available to investigate abuses by security forces." **[3n] (Section 1d)**

9.59 The same source stated:

"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." **[3n] (Section 1e)**

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9.60 The Asian Human Rights Commission (AHRC) noted in a statement dated 24 June 2011 that there was no means of protection for witnesses of torture by the armed forces, therefore discouraging victims of such from making complaints. AHRC added that "... in claims against torture, victims bear the burden of proof, and there are no independent investigating agencies that are empowered to inquire into a complaint against torture." **[52f]**

9.61 The same source added "The absence of proper complaint centres and no particular law to criminalise torture makes the menace of torture wide spread. The torture cases have to be reported to the police, therefore the police, being the main perpetrators of torture refuse to register the cases. This is the main reason why official data about the cases of torture is not available." **[52f]**

9.62 Amnesty International noted in its report 'The Bitterest of Agonies'... that, at the Commission of Enquiry (for disappearances) "There are no witness protection mechanisms in place, and relatives are often required to give information at the Commission in front of representatives of the same agencies they accuse of involvement in the disappearances of their loved ones." **[13i] (p7)**

See also subsection: Torture, and Corruption: National Accountability Bureau (NAB)

Return to contents
Go to sources

10. MILITARY SERVICE

10.01 Child Soldiers International (formerly The Coalition to Stop the Use of Child Soldiers) Global Report 2008 on Pakistan, covering the period between April 2004 and October 2007, reported that:

"The 1952 Pakistan Army Act allowed compulsory military service to be introduced in times of emergency, but this provision had not been used. Under Article 39 of the 1973 constitution, 'The State shall enable people from all parts of Pakistan to participate in the Armed Forces of Pakistan.' The Pakistan National Service Ordinance of 1970 stated that officers and jawans (soldiers) could be recruited between the ages of 17 and 23, and had to have at least a year's training before taking part in active service." **[33]**

10.02 The CIA World Factbook, last updated 18 April 2012, accessed 4 May 2012, stated that soldiers could not be sent into combat until they were 18 years of age. **[4a] (Military)** However, the US Department of Labor's 2008 Findings on the Worst Forms of Child Labor, released 10 September 2009, stated that "There [are] also reports of children under the minimum voluntary recruitment age of 17 years being involved in armed conflict." **[91] (p163)**

10.03 The US Department of State's July-December, 2010 International Religious Freedom Report (USSD IRF Report 2010), published 13 September 2011, noted that "Members of minority religious groups volunteered for military service in small numbers, and there were no official obstacles to their advancement; however, in practice non-Muslims rarely rose above the rank of colonel and were not assigned to politically sensitive positions. A chaplaincy corps provided services for Muslim soldiers, but no similar services were available for religious minorities." **[3l] (Section II)**

Return to contents
Go to sources

11. JUDICIARY

ORGANISATION

11.01 The Central Intelligence Agency (CIA) World Factbook, updated on 18 April 2012, accessed 4 May 2012, stated that Pakistan's legal system is based on a common law system with Islamic law influence. **[4a] (Government: Legal system)**

11.02 The US Department of State (USSD) Background Note on Pakistan, updated 6 October 2010, noted that:

"The judicial system comprises a Supreme Court, provincial high courts, and Federal Islamic (or Shari'a) Court. The Supreme Court is Pakistan's highest court. With the 18th Amendment now in place, the president names the most senior Supreme Court justice to be chief justice; also, the courts' and Parliament's influence are increased through a new judicial commission to oversee judges' appointments. Each province, as well as Islamabad, has a high court, the justices of which are appointed by the president after conferring with the chief justice of the Supreme Court and the provincial chief justice. The judiciary is proscribed from issuing any order contrary to the decisions of the president. Federal Sharia Court hears cases that primarily involve Sharia, or Islamic law. Legislation enacted in 1991 gave legal status to Sharia. Although Sharia was declared the law of the land, it did not replace the existing legal code." **[3a] (Government and Political Organization)**

11.03 The US Department of State Country Report on Human Rights Practices 2011 (USSD Report 2011), published 24 May 2012, stated "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." **[3n] (Section 1e)**

11.04 The Pakistani government website, accessed 8 September 2011, stated that the Supreme Court was at the "apex" of the judicial system and:

"…to the exclusion of every other Court in Pakistan, has the jurisdiction to pronounce declaratory judgements in any dispute between the Federal Government or a provincial government or between any two or more provincial governments…The Supreme Court, if it considers that a question of public importance, with reference to the enforcement of any of the Fundamental Rights ensured by the Constitution of Pakistan is involved, it has the power to make any appropriate order for the enforcement of fundamental rights…The Supreme Court has jurisdiction to hear and determine appeals from judgements, decrees, final orders or sentences passed by a High Court, the Federal Shariat Court and the Services Appellate Tribunals." **[29c] (Supreme Court)**

11.05 The same source added that the Supreme Court's decisions are binding in principle and in law for all other courts. At the district level there are also "Courts of District Judges" and "Courts of Civil Judges" both dealing with civil cases, while criminal matters are heard in "Courts of Sessions" and "Courts of Magistrates". Court of Sessions can hear cases punishable by death and those under the Hudood Ordinances. The Government website added that "An appeal against the sentence passed by a Sessions Judge lies to the High Court and against the sentence passed by a Magistrate to the Sessions Judge if the term of sentice [sic] is up to four years, otherwise to the High Court." **[29c] (High Court)**

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11.06 The same source added that there are also Special Courts and Tribunals to deal with specific types of cases, which included:

"Special Courts for Trial of Offences in Banks; Special Courts for Recovery of Bank Loans; Special courts under the Customs Act, Special Traffic Courts; Courts of Special Juges [sic] Anti-Corruption; Commercial Courts; Drug Courts; Labour Courts; Insurance Appellate Tribunal; Income Tax Appellate Tribunal and Services Tribunals. Appeals from the Special Courts lie to the High Courts, except in case of Labour Courts and Special Traffic Courts, which have separate forums of appeal. The Tribunals lie to the Supreme Court of Pakistan…Steps have been taken to overcome the problems of inordinate delays in dispensing justice and enormous cost involved in litigation- a legacy of the past…" **[29c] (High Court)**

11.07 On bail and delays trials the same Government website added:

"The Code of Criminal Procedure, 1898, has been amended to grant automatic concession of release on bail to the under-trial prisoners, if the continuous period of their detention exceeds one year in case of offences not punishable with death and two years in case of offences punishable with death. It also made incumbent on the criminal courts to take into consideration the period of detention spent by the accused as an under-trial prisoner while awarding sentence. No fee is payable in criminal cases and for filing any petition before the Federal Shariat Court. Court fee in civil cases up to the value of Rs [Rupees].25,000 has been abolished." **[29c] (High Court)**

11.08 The government source additionally noted that there is an Ombudsman overseeing the courts. The Wafaqi Mohtasib (Ombudsman):

"… is appointed by the President of Pakistan, holds office for a period of four years. He is not eligible for any extention [sic] of tenure, or for re-appointment under any circumstances. He is assured of security of tenure and cannot be removed from office except on ground of misconduct or of physical or mental incapacity. Even these facts, at his request, can be determined by the Supreme Judicial Council. Further, his office is non-partisan and non-political…The chief purpose of the Wafaqi Mohtasib is to diagnose, investigate, redress and rectify any injustice done to a person through maladministration on the part of a Federal Agency or a Federal Government official. The primary objective of the office is to institutionalise a system for enforcing administrative accountability." **[29c] (Wafaqi Mohtasib (Ombudsman))**

11.09 The USSD Report 2009 noted:

"Delays in justice in civil and criminal cases arose due to antiquated procedural rules, weak case management systems, costly litigation to keep a case moving in the system, and weak legal education. These problems undermined the right to effective remedy and the right to a fair and public hearing.

"There are several court systems with overlapping and sometimes competing jurisdictions: criminal; civil and personal status; terrorism; commercial; family; military; and Shariat. The Federal Shariat Court, according to Article 203 of the constitution, is an appellate court that can examine and decide whether any law is repugnant to the teachings of Islam. The passage of the Women's Protection Act does not negate the possibility of the Federal Shariat Court hearing appeals in certain cases. The Federal Shariat Court could hear appeals of cases involving parts of the Hudood Ordinance not

moved to the secular law provisions, including gambling, liquor possession and drinking, and fornication in the false promise of marriage." **[3b] (Section 1e)**

See also Constitution

Return to contents
Go to sources

Shariat Courts (Islamic law)

11.10 The USSD Report 2011 noted that:

"Cases under the Hudood Ordinance (a law enacted in 1979 by the military ruler Zia-ul-Haq to implement Islamic law by enforcing punishments mentioned in the Qur'an and Sunnah for extramarital sex, false accusation of extramarital sex, theft, and drinking of alcohol) are appealed first to the Federal Shariat Court. 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 Shariat Appellate Bench of the Supreme Court is the final court of appeal for shariat court cases. 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." **[3n] (Section 1e)**

11.11 The USSD Report 2010 added:

"There were many changes in PATA's [Provincially Administered Tribal Areas] judicial administration during the year. PATA, Khyber Pakhtunkhwa, including parts of the former princely states of Swat, Dir, and Chitral, are governed under Sharia law. Due to the country's military intervention in Swat, religious extremists and militants were no longer administering parallel judicial and administrative processes in the Malakand Division (which encompasses the district of Swat.) In addition, in 2009 the country's parliament and president formally enacted the Nizam-e-Adl Regulation 2009. The interpretation and enforcement of the law was sufficiently flexible that it was criticized by the Taliban that was formerly located in Swat. Contrary to Taliban desires, judges were appointed from the existing cadre of the country's judiciary and not from among 'religious scholars'.

"In combination with a new judicial policy originated by the Supreme Court, which provided strict time frames for the initiation of both criminal and civil prosecutions, as well as significant efforts by lawyers and judges to meet the new time lines, the backlog of cases in the Malakand Division was reduced dramatically, in some areas up to 90 percent. In turn this reduced the amount of time that accused individuals spent in jail without benefit of active court process." **[3g] (Section 1e)**

11.12 The US Department of State's July-December, 2010 International Religious Freedom Report for Pakistan (USSD IRF Report 2010), published 13 September 2011, stated that:

"The judicial system encompasses several different court systems with overlapping and sometimes competing jurisdictions that reflect differences in civil, criminal, and Islamic jurisprudence. The Federal Shariat Court and the Sharia bench of the Supreme Court serve as appellate courts for certain convictions in criminal court under the Hudood

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Ordinance, which criminalizes rape, extramarital sex, property crimes, alcohol, and gambling; judges and attorneys in these courts must be Muslim... The Federal Shariat Court applies to Muslims and non-Muslims, such as in cases relating to Hudood laws. Non-Muslims were allowed to consult the Federal Shariat Court in matters that affected them or violated their rights." **[3l] (Section II)**

11.13 Reporting on the Nizam-e-Adl Regulation (NAR – Islamic law), the USSD IRF Report 2010 noted that "The NAR has been inoperative since the start of military operations in April 2009." **[3l] (Section II)** In a letter dated 29 November 2010, a Foreign and Commonwealth Office (FCO) official at the British High Commission, Islamabad noted that "The Nizam-e-Adl Regulation 2009 is still in force in the Malakand Division." **[11m]**

11.14 The UN Committee on the Rights of the Child noted in its concluding observations to reports submitted by Pakistan with regards to the UN Convention on the Rights of the Child (UNCRC), dated 19 October 2009, that it was:

"...concerned that the revocation of all laws, instruments, customs or usages in large areas of NWFP and the imposition of sharia law, as set out in the Sharia Nizam-e-Adl Regulation of 2009, does not provide adequate guarantee for the implementation of the Convention. It is also concerned that some existing laws and regulations remain in conflict with principles and provisions of the Convention, in particular:

"(a) The Frontier Crimes Regulation of 1901 which remains in force in the Federally Administered Tribal Areas; and

"(b) The Zina and Hadood Ordinances, despite their revision through the Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2006." **[79c] (paragraph 10)**

See also subsections on Hudood Ordinances, Qisas and Diyat Ordinances, Frontier Crimes Regulation (FCR) and Tribal Justice system

Anti-Terrorism Act and courts

11.15 The USSD Report 2011 noted that:

"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." **[3n] (Section 1e)**

11.16 The USSD Country Reports on Terrorism 2010, published 18 August 2011, stated:

"The Anti-Terrorism Bill 2010, proposed on July 28, 2010, remained before Pakistan's parliament. It proposes 25 amendments to Pakistan's original anti-terrorism legislation, the Anti-Terrorism Act of 1997, including provisions that broaden the definition of terrorism, expand the authority of law enforcement agencies investigating terrorist incidents, authorize detention of subjects for 90 days before presenting them before a court, and allow increased electronic surveillance and wiretapping." **[3d] (Chapter 2. Country Reports: South and Central Asia Overview)**

11.17 The USSD Report 2011 stated that:

"Antiterrorism courts had the discretion not to grant bail for some charges if the court had reasonable grounds to believe the accused was guilty… 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." **[3n] (Section 1d)**

11.18 The Freedom House Freedom in the World: Pakistan 2011 report, published 26 July 2011, noted that "Other parts of the judicial system, such as the antiterrorism courts, operate with limited due process rights." **[5a]**

11.19 The Pakistan Anti-Terrorism (Amendment) Ordinance, 1999, accessed via the South Asia Terrorism Portal (SATP) on 19 May 2011, defines an act of terrorism and the penalties prescribed. **[61j]**

Return to contents
Go to sources

Military Courts and the Army Act

11.20 In Human Rights Watch's report, Destroying Legality: Pakistan's crackdown on Lawyers and Judges, published 19 December 2007, it was observed:

"As part of his effort to institutionalize the military's power even after a return to civilian rule, on November 10, 2007, Musharraf amended the 1952 Army Act to allow the military to try civilians for a wide range of offenses previously under the purview of the country's civilian judiciary. These include offenses punishable under:

- the Explosive Substances Act, 1908;
- prejudicial conduct under the Security of Pakistan Act, 1952;
- the Pakistan Arms Ordinance, 1965; the Prevention of Anti-National Activities Act, 1974;
- the Anti-terrorism Act, 1997;
- several sections of the Pakistan Penal Code.

"Under the amended Army Act civilians can now be tried in military courts for acts of treason, sedition and less specific offenses such as 'giving statements conducive to public mischief.'" **[7b]**

11.21 The same report added:

"…trials of civilians conducted by special military courts under the amended law will not be public, investigations will be conducted by military officers, and rules of evidence and procedures prescribed by law and the constitution for civilian trials will not apply. While the Pakistan security forces have long enjoyed impunity for serious abuses, the amendments to the Army Act will exacerbate the problem. First, by subjecting civilians to trial by military courts, family members of victims of military abuses will be even less willing to come forward than ever before. Secondly, the amendment to the Army Act making it retroactive to 2003 will permit the armed forces to claim as lawful the many

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illegal detentions for which it has been responsible in recent years. Before Musharraf dismissed Supreme Court justices and effectively took control of the Supreme Court, it was investigating some 400 cases of 'disappearances.' While some of these cases concerned terrorism suspects, many involved political opponents of the government. The Supreme Court under Chief Justice Chaudhry publicly stated that it had overwhelming evidence that Pakistan's intelligence agencies were illegally detaining terror suspects and other opponents and repeatedly urging the authorities to free such individuals or process them through the legal system. In response to pressure from the Supreme Court, scores of those who 'disappeared' were freed, but threatened with re-arrest or worse if they spoke publicly of their ordeal." **[7b] (Amendments to Laws under Emergency Rule)**

11.22 An article in Opendemocracy entitled 'Pakistan's multi-faceted crisis', dated 12 November 2007, noted that the amendment to the Army Act:

"…make[s] it possible to court-martial civilians, which has been condemned across the political spectrum… While officials defended this amendment by pointing out the difficulty in obtaining convictions of terrorists under the present criminal laws, critics note that (among many other things) civilians can now be brought before a military tribunal for 'giving statements conducive to public mischief'. This provision is open to such a wide interpretation that just about any of the thousands of lawyers, political activists and human-rights volunteers currently under arrest can be tried under it." **[78]**

11.23 The Human Rights Commission of Pakistan (HRCP) annual report, the State of human rights 2010, published 14 April 2011, (HRCP Report 2010), noted with regards to court martials "The SC [Supreme Court] ruled (July 16) that it had no jurisdiction to hear appeals against courtmartial decisions. Two former army officers, Lt. Col Khalid Abbasi and Lt. Col. Abdul Ghafar Babar, had petitioned the court to hear their appeals against their removal from service following court-martial proceedings. The CJ told the petitioners' counsel that it had already been decided that appeals of military personnel against court-martial decisions could not be heard." **[27e] (p54)**

Frontier Crimes Regulation (FCR)

11.24 The USSD Report 2011 noted that there is a separate legal system for the Federally Administered Tribal Areas (FATA), the Frontier Crimes Regulation (FCR), which:

"… provide[s] 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 on August 12 [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. The FCR is implemented through a political agent who reports to the president through the KP governor. In lieu of police, multiple law enforcement entities operated in FATA. These 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." **[3n] (Section 1e)**

11.25 Amnesty International noted in its report "As If Hell Fell On Me": The Human Rights Crisis in Northwest Pakistan, published 10 June 2010, that:

"The FCR, which does not provide legal guarantees for human rights in FATA and indeed effectively codifies authority for a range of human rights violations, is part of a tapestry of an antiquated and draconian system of limited government with little or no recognition of or respect for human rights, the rule of law, due process, political representation, or democratic institutions. Despite numerous recent promises by Pakistan's government to reform the FCR and improve the legal situation of the people of FATA and NWFP governed by this law, as of May 2010, the FCR continued to relegate millions of people in northwest Pakistan to second-class legal status." **[13e] (p26)**

11.26 The same source added:

"Though Part II of the Constitution of Pakistan of 1973 lists a range of 'fundamental rights', Part XII explicitly excludes most or all of the legal, judicial and parliamentary system of Pakistan from FATA; articles 247(3) of the Constitution explicitly excludes FATA from all acts of the Pakistani parliament and Supreme Court, respectively. Instead these areas are effectively placed under the direct executive control of the President of Pakistan, while the Governor of the NWFP acts as the President's representative. The President may make 'regulations' with respect to 'the peace and good governance' of FATA and specify which laws are or are not to be extended to FATA. Adult franchise was introduced in FATA in 1996; FATA representatives were elected on a non-party basis not to any FATA parliamentary body but to the National Assembly where they cannot exercise any legislative powers with regard to FATA. Interestingly, the President of Pakistan has the authority under the Constitution (article 247(6)) to end at any time the applicability of the FCR to any agency after consultation with a tribal jirga.

"Under the FCR, the federal government – effectively, the President of Pakistan – appoints a Political Agent (PA) for each FATA agency who exercises extensive administrative, judicial and executive powers. In exercise of his judicial powers under the FCR, on vaguely-defined grounds he can order that individuals or entire communities be detained without trial for years at a time, seize their property, and impose fines, all without any requirement of ordinary criminal trial. Except in the case of procedural flaws, his decision is final: the FCR precludes appeal to any court outside FATA, as the jurisdiction of Pakistan's higher judiciary is explicitly barred under Article 247(7) of the Pakistani constitution. Under Chapter III of the FCR, the PA may consult a Council of Elders (in practice a tribal jirga) to resolve disputes, including in criminal cases; such jirgas are traditionally made up of at least three maliks, all men appointed and dismissed by the PA on his subjective estimation as to whether the individual concerned adequately serves the interests of the region" **[13e] (p26-27)**

11.27 The government website of the FATA, accessed 27 February 2012, stated "All civil and criminal cases in FATA are decided under the Frontier Crimes Regulation 1901 by a jirga (council of elders). Residents of the tribal areas may, however, approach the apex courts (Supreme Court of Pakistan and Peshawar High Court) with a constitutional writ challenging a decision issued under the 1901 Regulation." **[58a] (Administrative system)**

11.28 However, the International Crisis Group (ICG) reported that on 12 August 2011 President Zardari signed the extension of the Party Political Order (2002) to the Federally Administered Tribal Areas (FATA). The ICG noted that the president also reportedly amended the Frontier Crimes Regulation (FCR):

"... to require that a prisoner be produced before the authorities within 24 hours of arrest, and given the right to bail, something that was previously denied to tribal populations. The president's spokesman said that FCR provisions that allow collective punishment of an entire tribe for crimes committed by a member or on their territory, would be 'softened' – indicating that perhaps women, children and elderly will be exempt from the collective punishment clause, as proposed in 2009." **[20a]**

See also Arrest and detention – legal rights

11.29 In a recent case reported in the HRCP Report 2010 "The Peshawar High Court (March 11) ordered the release on bail of Moazzam Khan and Haji Wazir Khan who were being detained in two separate cases under the collective responsibility provision of the Frontier Crimes Regulation (FCR)." The HRCP noted:

"The issues framed by the court were: 'whether inmates of tribal area are recognized as human beings by the constitution and as such the fundamental rights guaranteed by it have been given to them; whether violation of such rights is amenable to the constitutional jurisdiction of this court, whether the tribal area has been declared as conflict zones where armed forces are acting in aid of civil administration and whether in view of the provision contained in Article 245 of the constitution the high court can step in if and when such rights are violated'. The court came to the conclusion that it had a constitutional obligation to step in to ensure obedience to the constitution and the law." **[27e] (p60)**

See also subsections Shariat Courts (Islamic law), Tribal Justice system and Section: Security situation

Return to contents
Go to sources

Tribal Justice System – Jirgas

11.30 The USSD Report 2011 noted:

"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 even the death penalty. Women often were sentenced to violent punishments or death for 'honor'-related crimes... In Pashtun areas, primarily located in FATA, such councils were held under the outlines of the FCR. Assistant political agents, overseen by political agents and 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." **[3n] (Section 1e)**

11.31 The government website of the Federally Administered Tribal Areas (FATA), accessed 27 February 2012, stated:

"FATA is divided into two administrative categories: 'protected' areas are regions under the direct control of the government, while 'non-protected' areas are administered indirectly through local tribes.

"In protected areas, criminal and civil cases are decided by political officers vested with judicial powers. After completing the necessary inquiries and investigations, cognizance of the case is taken and a jirga is constituted with the consent of the disputing parties. The case is then referred to the jirga, accompanied by terms of reference. The jirga hears the parties, examines evidence, conducts further inquiries where needed, and issues a verdict which may be split or unanimous. The political agent, or an official appointed by the political agent for this purpose, examines the verdict in the presence of parties to the case and members of the jirga. If the verdict is found to be contrary to customary law or tainted with any irregularity, the case may be remanded to the same jirga for re-examination or the verdict may be rejected and a fresh jirga constituted. Where the verdict is held to be in accordance with customary law and free of irregularities, it is accepted and a decree is issued accordingly. An aggrieved party may challenge the decree before an appellate court, and a further appeal may be lodged with a tribunal consisting of the home secretary and law secretary of the federal or provincial government. Once appeals are exhausted, execution of the verdict is the responsibility of the political administration.

"In non-protected areas, cases are resolved through a local jirga at the agency level. Local mediators first intervene to achieve a truce (tiga) between parties in a criminal case, or to obtain security (muchalga) in cash or kind for civil disputes. Thereafter, parties must arrive at a consensus concerning the mode of settlement—arbitration, riwaj (customary law) or Shariah (Islamic law). Once the mode of settlement is agreed upon, mediators arrange for the selection of a jirga with the consent of the parties to the case.

"Where arbitration is selected, a jirga is nominated by consensus and given an open mandate (waak), with the understanding that its decision will be accepted by all parties. Here, the decision of the jirga cannot be challenged. In cases decided according to customary law or the Shariah, however, an aggrieved party may challenge the jirga's decision before another jirga of their own choice. The new jirga does not hear the case afresh but only examines the original decision to see whether it deviates from customary law or the Shariah. Further appeal may be referred to a third jirga and its decision is final.

"Implementation of jirga decisions in non-protected areas is the responsibility of the tribe. The jirga may mete out punishment to an offender, imposing a heavy fine. Occasionally, more serious measures may be taken such as expelling an individual or a family from the area, and confiscating, destroying or setting fire to homes and property. In such cases, the entire tribe bands together as a lashkar (army) to enforce the decision.

"While most disputes are settled internally, more serious matters may require the calling of a larger jirga made up of maliks, elders, the political agent, members of the National Assembly and Senate, and occasionally even representatives from neighbouring agencies or FRs [Frontier Regions]." **[58a] (Administrative System)**

11.32 The AHRC Report 2010 observed that:

"... the federal and provincial Governments did not heed the higher judiciary's pronouncement of Jirgas and Punchayats to be illegal and parallel systems of 'justice'

 The main text of this COI Report contains the most up to date publicly available information as at 24 May 2012. Further brief information on recent events and reports has been provided in the Latest News section to 7 June 2012.

and instructions to the Government to eradicate them, to punish those who participate in them, and to disallow their so-called judgements to be implemented (vide Sindh High Court and Supreme Court landmark judgements). This is still happening with total impunity all over the country, showing the Governments' lack of political will and commitment, a disregard for the sanctity of the Constitutional trichotomy of powers, and the helplessness of the law enforcement agencies and legal systems in the face of continuing arrogant political feudal and tribal patriarchal dispensations." **[52e] (p78)**

11.33 The HRCP Report 2010 stated "Despite repeated orders of the superior courts the institution of the jirga survived, especially in the tribal areas and some parts of the four provinces." The report gave some examples of jirga "justice" during 2010. **[27e] (p61)**

11.34 Dawn reported on 28 March 2012 that:

"The Supreme Court issued orders on Tuesday [27 March] to the provincial chief secretaries and inspectors general [sic] of police to ensure that girls and women were not exchanged to settle disputes through jirgas.

"A three-judge bench, headed by Chief Justice Iftikhar Mohammad Chaudhry, had taken up a petition of Chairperson of the National Commission on the Status of Women (NCSW), Anis Haroon, against the jirga system and a case filed earlier by anthropologist Samar Minallah against the 'swara' custom...

"The chief secretaries and police chiefs were ordered to take measures against violation of Section 310A of the Pakistan Penal Code (PPC) by initiating action against members of jirgas and punchayats. The section was introduced in compliance with a Supreme Court order after 2006 to provide a maximum punishment of 10-year rigorous imprisonment for giving a woman or girl in marriage to settle a dispute.

"In her petition, Ms Haroon said 87 jirgas were held in Sindh last year and 26 girls and women were exchanged for settling disputes. The district administrations did not appear to be interested in taking action against violators of women's fundamental rights." **[42b]**

11.35 The USSD Report 2010 cited "In specific areas noted in the Nizam-e-Adl regulation (often informally called the Sharia law) in PATA [Provincially Administered Tribal Areas], Sharia law is imposed, and judges, known as qazis, are assisted by religious scholars..." **[3g] (Section 1e)**

11.36 The Society for the Protection of the Rights of the Child report, The State of Pakistan's Children 2008, published May 2009 (SPARC Report 2008), stated that:

"The jirga system is a constitutionally recognised parallel judiciary. It is operational in the FATA and is controlled by the Frontier Crime Regulations (FCR). The Constitution of Pakistan acknowledges these 'Jirgas' as substitutes for the Supreme and High Courts, meaning that the judiciary or judicial systems and the laws applicable to the rest of the country are not available to them. Pakistan is a semi-feudal society, with powerful feudal lords. The supreme heads of the communities (Biradaries) make their own laws, their own system of justice (jirgas and panchayats) in which honour is perceived differently from the formal laws. In Pakistan, the Jirga system operates at the informal level in all the four provinces of Pakistan. Some of the features of its operation might differ from the Jirgas in other parts of the country but the principles and structures follow the same pattern. Its deep impact and influence is also felt in the cities, which are, extensions and composites of the rural settings." **[71c] (p36)**

11.37 The Asian Human Rights Commission (AHRC) noted in its report, The State of Human Rights in Pakistan – 2008 (AHRC Report 2008), published 11 December 2008, that:

"In a tribal court, witnesses and hearsay are the primary form of evidence and a verdict often rests on the reputation or power of a witness. Women are automatically considered sexually corrupt and their testimonies carry little weight. During a session spectators will gather and they tend to pick a side, after which they will heckle and pressure the decision makers. Needless to say, the most popular verdict may not always be a just one; it is difficult to reconcile justice with the will of an over-excited mob. Superstition also comes into play. In certain cases defendants have been told to walk on hot coals and if they feel and show no pain, then they are innocent..." **[52b] (p16)**

11.38 In its report, Pakistan: The tribal justice system, dated 30 July 2002, Amnesty International noted:

"Tribal jirgas [literally: meeting; faislo, a Sindhi term for both the meeting and the decision; panchayat, council of elders] consisting of elders of the tribe and headed by the sardar [head of a tribe] or, if the dispute is of less importance, local heads of the tribe, can either be called on an ad hoc basis or take place regularly. They deal with a range of issues, including conflicting claims to land and water, inheritance, alleged breaches of the 'honour' code and intra-tribal or inter-tribal killings. Many sardars or lower tribal leaders hold regular 'adjudication' days which are widely known and attended by people with a variety of complaints. Sardars have no formal training in 'adjudication'; sardars have told Amnesty International that they had learned how to conduct jirgas from their fathers; one sardar said, 'It's all in my head, there is no need to codify it ... I have my own intelligence to tell me what is just'. Others have claimed that while not codified, the principles of tribal justice are well defined." **[13b] (p7, The jirga or faislo or panchayat system)**

11.39 The report continued:

"A jirga can be initiated by a sardar who is aware of a feud and calls on the persons involved to submit to a jirga or by a complainant who approaches the sardar. On some cases the sardar alone will decide issues but major conflicts are brought before an assembly of elders. Both the complainant and the accused have to agree to appear before the jirga and to submit to their decision. Proponents of the system have described it as democratic: 'A democratic system prevails among the tribes. People only come to the sardar if both parties agree ... if the sardar is a respected person, people will come to him for resolution of conflicts', a sardar told Amnesty International.

"Proceedings begin by the complainant presenting his case and the other party then responding. Unlike in the formal judicial system in Pakistan which in some cases allows for trial in absentia, in the tribal system, the accused has to be present in person and present their case in person. In some cases, jirgas have been postponed when the accused did not present themselves..." **[13b] (p6, The process of jirga)**

11.40 The same source noted that:

"During the 'trial', all the people involved usually stay at the place of 'trial' as guests of the presiding person. 'We give the hospitality and telephones and food ... but we don't charge anything for our service', a tribal sardar told Amnesty International, acknowledging, however, that some tribal leaders are now asking for a fee. While generally 'proceedings' do not cost the 'litigants' anything, sardars taking fees are seen

by many observers as an indicator of the decline of the system. A former Commissioner of Larkana division, Aslam Sindhrani, pointed out to Amnesty International that sardars draw monetary benefit from holding jirgas besides benefits to their status." **[13b] (p6, The process of jirga)**

11.41 The USSD Report 2011 noted that:

"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 Sindh Minister for Human Rights, Nadia Gabol, called for a ban on jirgas in July 2010; however, there was no progress on this matter." **[3n] (Section 1e)**

11.42 Amnesty International noted in its report "As If Hell Fell On Me": The Human Rights Crisis in Northwest Pakistan, published 10 June 2010, that:

"Some of the 'tribunals' established by the Taleban in FATA were mobile while others permanent. Cases were often adjudicated by two qazis, or judges, appointed by the Taleban who were supposed to be learned scholars in Shari' a. In reality, locals questioned the knowledge of the qazis; in any case, their 'trial' procedures and methods of punishment were lacking in any legal basis, were arbitrary, discriminatory, and unfair, and clear abuse of the internationally-recognised human rights of those brought before them." **[13e] (p43)**

11.43 The AHRC Report 2009 stated that "More than 4000 people have died in Jirga-sanctified murders over the last six years, and two thirds of them have been women. Their deaths have often occurred under the most barbaric of circumstances. Many are charged with having a relationship outside of their marriages (an often fabricated claim,) while others are suspected of planning love marriages, as opposed to the arranged marriages planned by their families." **[52a] (p207)**

11.44 The same source added:

"In one recent case involving a Jirga, an 18-year old girl, trafficked to a family through marriage, was raped repeatedly by her father-in-law and other male members of the family. After she managed to escape, a Jirga was held and it was ordered that the girl be returned to her parents. However, a second Jirga ordered that she be returned to her husband and his family on the grounds that the girl's parents had taken money for the marriage of the girl. With the order of the Jirga, the girl was kidnapped on October 21, 2008 and her whereabouts remain unknown. The nephew of a provincial minister was reportedly involved in conducting the Jirga, and because of his involvement, the police are unwilling to take action. The involvement of ministers in the Jirga system demonstrates that the confluence of this illegal court system with the supposedly higher, established legal system speaks to the failure of Pakistan's legal system, through, and at the hands of its politicians and judges. In maintaining two legal systems, which are used at whim for personal gain, the pursuit of justice is rendered entirely impossible." **[52a] (p208)**

11.45 On 1 September 2008, The Telegraph reported on the defence of a jirga judgement by one of Pakistan's legislators. The report noted:

"A Pakistani politician has defended a decision to bury five women alive because they wanted to choose their own husbands. Israr Ullah Zehri, who represents Baluchistan

province, told a stunned parliament that northwestern tribesman had done nothing wrong in first shooting the women and then dumping them in a ditch. 'These are centuries-old traditions, and I will continue to defend them,' he said. 'Only those who indulge in immoral acts should be afraid.' The women, three of whom were teenagers and whose 'crime' was that they wished to choose who to marry, were still breathing as mud and stones were shoveled over their bodies, according to Human Rights Watch." **[104a]**

The Asian Human Rights Commission (AHRC) provided further information on the above incident. **[52d]**

See also Section Women: Honour killings

Return to contents
Go to sources

INDEPENDENCE

11.46 The USSD Report 2011 noted "The law provides for an independent judiciary, but in practice 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." **[3n] (Section 1e)**

11.47 The Human Rights Commission of Pakistan stated in its report, 'State of Human Rights in 2011' (HRCP Report 2011), published March 2012, that:

"Administration of justice in 2011 was overshadowed by what is often described as judiciary's activism. The matters taken up by the Supreme Court, some on being raised by interested parties and some others in the exercise of its suo motu jurisdiction, dominated the public debate, especially the media space, to such an extent that the other courts and cases attracted little attention. Throughout the year it seemed as if in addition to its normal work the country's apex judicial forum was also functioning as an ombudsman's office, as an administrative court, as an anti-corruption tribunal, as a supreme investigation agency, and as the sole defender of not only the constitution but also of public morality.

"While this expanded role gained the SC immense popularity, it also raised many questions regarding the impact of frequent and extensive invocation of suo motu powers on the court's normal work, the difficulties in avoiding the side effects of selective justice, and the consequences of the executive-judiciary or parliament-judiciary confrontation." **[27i] (p18-19)**

11.48 The AHRC Report 2010 noted "...in some cases the government was hesitant to implement the decisions of the Supreme Court." However, despite being in dispute with the government at times, the judiciary "asserted its independence from the executive." **[52e] (p1)**

11.49 The USSD Report 2009 cited that:

"In March [2009] in the wake of large-scale demonstrations from the Lawyers Movement and pressure from the opposition PML-N [Pakistan Muslim League – Nawaz] party, Prime Minister Gilani reinstated Iftikhar Chaudhry as Supreme Court Chief Justice. Gilani also reinstated 10 other judges to the Supreme Court and provincial High Courts. In doing so the prime minister restored all judges ousted by then president Musharraf in

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2007 who had not yet reached retirement age. Chief Justice Chaudhry forced the resignation of all Supreme and High Court judges who had taken oath under Musharraf's Provisional Constitutional Order in 2007. The newly restored superior judiciary is independent of executive branch influence but appears to be politicized in favor of the opposition based on its rulings in high-profile cases." **[3b] (Section 1e)**

11.50 The HRCP Report 2011 noted that "A large number of the cases taken up by the SC on urgent basis dealt with corruption in government offices, wrongful appointments and transfers and government's reluctance or inability to respect court orders. Throughout the year the executive and the judiciary appeared to be in a state of confrontation with each other, despite repeated denials from both sides and occasional exchange of courtesies between them." **[27i] (p19)**

See also Corruption and Freedom of speech and media

FAIR TRIAL

11.51 The Foreign and Commonwealth Office noted in its 2011 Human Rights and Democracy Report, published April 2012, that "The dire situation of the justice system in Pakistan continues to provide cause for concern, including in areas such as case handling, trial procedures, bail arrangements, the time taken for sentencing, prison conditions and parole." **[11r]**

11.52 The USSD Report 2011 cited that:

"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." **[3n] (Section 1e)**

11.53 The same source added:

"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. Delays in justice in civil and criminal cases arose due to antiquated procedural rules, weak case management systems, costly litigation to keep a case moving in the system, and weak legal education. According to Chief Justice Iftikhar Chaudhry, at the start of the new judicial year on September 12 [2011], 19,323 cases were pending before the Supreme Court. A total of 1.4 million cases were pending in the entire judicial system." **[3n] (Section 1e)**

11.54 The USSD Report 2011 also noted "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." **[3n] (Section 1e)**

See also Security forces: Avenues of complaint

11.55 The HRCP Report 2010 stated:

"The SC devoted considerable attention to the implementation of the National Judicial Policy of 2009 and put special emphasis on Alternative Dispute Resolution and legal education at the national judicial convention." **(p41)** However, "The frequent resort to the superior judges' suo motu powers again raised doubts about its efficacy and freedom from subjective factors. The time taken up by suo motu cases while the courts were short of judges affected the rate of disposal of other matters. As a result attention was drawn to the need for reviewing the functions of superior courts and restructuring the judiciary, by creating a constitutional court for instance, and by introducing a new system of checks and balances by creating regulatory bodies independent of the executive and the judiciary both." **[27e] (p42)**

11.56 The HRCP Report 2010 provided statistics on the number of court cases pending and decided between 1 June 2009 and 15 March 2010. **[27e] (p50)**

11.57 The Freedom House Freedom in the World: Pakistan 2011 report noted that "Lower courts remain plagued by corruption, intimidation, and a backlog of some 1.5 million cases that leads to lengthy pretrial detentions. A new National Judicial Policy that took effect in June 2009 aims to tackle all three problems, and appeared to have had some positive effects in 2010, with case backlogs dramatically reduced in certain areas." **[5a]**

11.58 The AHRC Report 2010 noted:

"The disposal of cases in the country is extremely slow, giving rise to the accumulation of cases before the courts and the inability of the judicial system to deliver justice in an acceptable and timely manner. The disposal of ordinary cases takes a minimum of five to six years in Pakistan's courts. If the cases go through the appeals process, they can take as long as 20 to 25 years, as each appeals court takes six to seven years to decide, and there are three to four such stages before reaching the Supreme Court." **[52e] (p19)**

11.59 With regard to cases dealt with by the National Accountability Bureau (NAB), the USSD Report 2011 observed that "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." **[3n] (Section 1d)**

See also Corruption

11.60 The AHRC Report 2010 stated that there was no specific law concerning to witness protection in Pakistan. The report noted "Due to this and because of the overall failure of the country's justice system, it is a practice in the country for the witnesses to be threatened or even murdered. Murders have happened even within the court premises." **[52e] (p22)**

11.61 With regards to charges being made under the blasphemy laws, the US Commission on International Religious Freedom Annual Report 2012 (USCIRF Report 2012), published March 2012 and covering events from April 2011 to February 2012, noted:

"Militants often pack courtrooms and publicly threaten violence if there is an acquittal. Lawyers who have refused to prosecute cases of alleged blasphemy or who defend those accused, as well as judges who issue acquittals, have been harassed, threatened, and even subjected to violence. The lack of procedural safeguards empowers accusers to use the laws to abuse religious freedom, carry out vendettas, or gain an advantage over others in land or business disputes or in other matters completely unrelated to blasphemy." **[53c] (p128)**

See also Freedom of religion: Blasphemy laws

For information on the penalties for absconding from trial see the Law and Justice Commission of Pakistan's Amendment in the Pakistan Penal Code 1860 to Provide Punishment for Absconding from Trial, undated, accessed 7 June 2011. **[29i]**

Return to contents
Go to sources

Double jeopardy

11.62 Following consultation with a law firm in Pakistan, a letter dated 12 February 2008 from the Foreign and Commonwealth Office (FCO) stated that:

"We [the Pakistan law firm] have reviewed the provisions of law relating to double jeopardy to ascertain whether any individual who has been convicted in the U.K and has served time can be tried and sentenced for the same crime on his return to Pakistan and would advise as:

"Under Section 403 of the Criminal Procedure Code, 1898 (the 'Code') no person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall during the pendancy [sic] of the acquittal or conviction be liable to be tried again for the same offence. However, a person so acquitted or convicted may be tried for (a) any distinct offence for which a separate charge might have been made i.e. where more than one offence are committed by the same person; (b) a different offence arising out of the consequences of the act which constituted the first offence but which consequences together with the act constitute a different offence and (c) any other offence constituted by the same acts which constituted the first offence but which the court which first tried him was not competent to try.

"To invoke Section 403 of the Code the following conditions must be satisfied:

"i) The accused has already been tried for the offence charged against him,
"ii) the trial was held by a court of competent jurisdiction, and
"iii) a judgment or order of acquittal or conviction has been issued." **[11g]**

11.63 The same letter noted that:

"The rule against 'autrefois convict' i.e. double jeopardy, has received recognition in Article 13(A) of the Constitution of the Islamic Republic of Pakistan 1973 (the 'Constitution') which provides a constitutional guarantee to the effect that no person shall be prosecuted or punished for the same offence more than once.

"To ascertain whether... [a] person convicted by a court in U.K. is covered by Section 403 of the Code it needs to be determined whether the conditions set out for invoking Section 403 of the Code are met... The Code is silent on the issue of whether the term

'court of competent jurisdiction' as used therein extends to cover a foreign court of competent jurisdiction. However, where the legislature has intended to extend cover of any statute to foreign courts it has done so by specific reference i.e. in the Control of Narcotic Substances Act, 1997 specific reference is made to a 'foreign court of competent jurisdiction' and it is therefore safe to conclude that a 'court of competent jurisdiction' for purposes of Section 403 of the Code has to be a court within the territorial jurisdiction of Pakistan...

"Likewise, the constitutional guarantee provided by Article 13 (A) of the Constitution will, in our opinion, not extend to an offence which has been tried and convicted outside Pakistan as the doctrine of dual sovereignty permits successive prosecutions by two states for the same conduct." **[11g]**

PENAL CODE

11.64 For full text and recent amendments see the Pakistan Penal Code (Act XLV of 1860) **[21a]**

Qisas and Diyat Ordinances

11.65 Shirkat Gah – Women's Resource Centre, Pakistan, made a 'Stakeholders Joint Submission for Pakistan's Review in The Human Rights Council -14th Session, October 2012' (Shirkat Gah Stakeholders Joint Submission), undated, accessed 8 May 2012, in which it stated:

"Currently, as per the law, murder is primarily a crime against the person rather than a crime against the State and is governed by the provisions of Qisas and Diyat introduced in the criminal law in the year 1990 as part of the effort to 'Islamize' laws in Pakistan. These changes redefined the offences of murder and manslaughter along with their punishments in 'Islamic' terms and the provision for retribution or blood money was made available. The introduction of the Qisas and Diyat provisions have provided a statutory right to the heirs of the deceased to pardon the killer/s, ask for compensation or demand retribution. These provisions have also exempted some relations from any mandatory imprisonment sentences. A parent can kill a child or a grandchild and the only sentence under the law is blood money, though the Court has the discretion to sentence the accused to imprisonment for twenty five years depending upon the facts and circumstances of the case. There is no minimum sentence mentioned in the law. In practice however, it is rare for a parent to be sentenced with imprisonment for killing his own child. There is a similar provision for a spouse killing the other spouse provided there is a living child at the time of the killing. These provisions prove handy in cases of 'honour' killings as the majority of such murders of women in Pakistan are committed by family members who either benefit from these provisions or are 'forgiven' by the heirs of the deceased." **[132a] (p8-9)**

11.66 The USSD International Religious Freedom Report 2004 (USSD IRF Report 2004) stated with regards to the Qisas and Diyat provisions that "Christian activists alleged that when a Muslim kills a non-Muslim, the killer can redress the crime by paying Diyat to the victim's family; however, a non-Muslim who kills a Muslim does not have that option and must serve a jail sentence or face the death penalty. The compensation paid to the family of a non-Muslim or a woman is also less than that offered to a man." **[3h] (Section II)**

11.67 The USSD Report 2010 observed, however, that although the Criminal Law (Amendment) Act 2005 had increased the penalties for karo kari and other forms of honour killings, "... human rights groups criticized the act because it allows the victim or the victim's heirs to negotiate physical or monetary restitution with the perpetrator in exchange for dropping charges, known as 'qisas' and 'diyat'." **[3g] (Section 1e)**

11.68 The USSD IRF Report 2010 stated "Religious minorities claimed that the amounts of monetary restitution were far higher for minority offenders and far lower for minority victims than for Muslims." **[3l] (Section II)**

See also above sub-sections Shariat Courts (Islamic law) and Tribal Justice System and Women: Honour killings

Blasphemy Laws

11.69 The US Department of State's July-December, 2010 International Religious Freedom Report (USSD IRF Report 2010) observed that "Freedom of speech was subject to 'reasonable' restrictions in the interest of the 'glory of Islam,' as stipulated in sections 295(a), (b), and (c) of the penal code. The consequences for contravening the country's blasphemy laws were death for defiling Islam or its prophets; life imprisonment for defiling, damaging, or desecrating the Qur'an; and 10 years' imprisonment for insulting 'another's religious feelings'." **[3l] (Section II)**

11.70 The USCIRF Report 2012 stated that:

"Two prominent Pakistani officials – Punjab Governor Salman Taseer and Federal Minister for Minorities Affairs Shahbaz Bhatti – were assassinated in early 2011, during the previous reporting period, because of their opposition to Pakistan's flawed blasphemy law. On January 2 [2011], Salman Taseer was assassinated by one of his police bodyguards, Mumtaz Qadri, who later confessed that he had killed the governor because of his views on blasphemy. Sentenced to death by an anti-terrorism court on October 1, his case is on appeal and he is being represented by a former chief justice of the Lahore High Court, Khawaja Muhammad Sharif. The Barelvi Sufi group Sunni Ittehad Council and other organizations protested the sentence. The judge and his family have fled to Saudi Arabia due to death threats. Taseer's son also was abducted in August by militants and remains missing.

"On March 2, 2011, Shahbaz Bhatti, a longtime Christian activist for religious freedom and the first-ever Christian in Pakistan's federal cabinet, was assassinated outside his mother's home in Islamabad by members of Tehrik-i-Taliban, commonly known as the Pakistani Taliban. Bhatti had received multiple death threats because of his advocacy against the blasphemy law, including one from Tehrik-i-Taliban threatening to kill him if he was reappointed to the cabinet. The investigation into his murder has made little progress, with initial efforts focusing on the Christian community and Bhatti's family. The government announced the issuance of arrest warrants in December for three Pakistanis residing in the Persian Gulf region. All of those arrested for suspected involvement have been released." **[53c] (p123)**

19.71 The USCIRF Report 2011 noted with regards to attempts to reform the blasphemy laws:

"In November 2010, Sherry Rahman, a PPP parliamentarian, tabled a bill reforming the blasphemy laws. Rahman's amendments would have: removed the death penalty and ensured that punishments are proportionate; included the requirement of premeditation

or intent; ensured that anyone making false or frivolous accusations is penalized; and amended the penal code in accordance with Article 20 of the International Covenant on Civil and Political Rights to make any advocacy of religious hatred that constitutes incitement to discrimination or violence a punishable offence. However, her party did not support the bill and Rahman received numerous death threats. Other quarters of the political spectrum also expressed support for some reform. In December 2010, the Council of Islamic Ideology, a government-sponsored advisory board, recommended that the blasphemy law be amended to prevent its misuse against any individuals irrespective of their religion, but opposed removing the death penalty.

"After the murders of Governor Taseer and Minister Bhatti, Prime Minister Gilani and other PPP officials stated that reform was no longer being considered. Since the killings, the Prime Minister has repeatedly stated that the government will not permit abuse, but that it has no plans to amend the law. Sherry Rahman was successfully pressured to withdraw her legislation and is rarely seen in public." **[53b] (p116)**

11.72 The Asian Human Rights Commission (AHRC) stated in its report, The State of Human Rights in Pakistan in 2011 (AHRC Report 2011), published 10 December 2011, that the judge of an Anti-terrorist court who awarded the death sentence to the killer of Punjab governor, Salman Taseer, was forced to flee Pakistan after receiving threats from lawyers and religious fundamentalists in protest of his judgement made against Mumtaz Qadri. **[52g] (p44)**

11.73 The HRCP Report 2011 stated that "Violence and intimidation of those accused of blasphemy continued as the government distanced itself from any move to reform the relevant law and surrendered space to extremist elements." **[27i] (p82)**

For full text and recent amendments see the Pakistan Penal Code (Act XLV of 1860) **[21a]** For detail on the provisions of the laws and their impact on various religious groups, and further information on the deaths of Salman Taseer and Shahbaz Bhatti, see Section: Freedom of Religion: Blasphemy Laws and Christians

Return to contents
Go to sources

Hudood Ordinances

11.74 The Human Rights Commission of Pakistan, accessed 13 October 2008, cited a report published in 2003 by the National Commission on the Status of Women which stated that:

"In 1979 the following four Hudood Ordinances were enforced:

1. Offence of Zina [i.e. rape, abduction, adultery and fornication] (Enforcement of Hudood) Ordinance, 1979
2. Offence of Qazf [i.e. false accusation of zina] (Enforcement of Hadd) Ordinance, 1979
3. Offence Against Property [i.e. theft] (Enforcement of Hudood) Ordinance, 1979
4. Prohibition [i.e. of alcohol and narcotics] (Enforcement of Hadd) Order, 1979." **[27b]**

11.75 The Freedom House Freedom in the World: Pakistan 2011 report noted that "The Sharia court enforces the 1979 Hudood Ordinances, which criminalize extramarital sex and several alcohol, gambling, and property offenses. They provide for Koranic

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punishments, including death by stoning for adultery, as well as jail terms and fines. In part because of strict evidentiary standards, authorities have never carried out the Koranic punishments." **[5a]**

11.76 The USSD Report 2010 added "...although the 2006 Women's Protection Act (WPA) amended the Hudood Ordinance, women were still in prison awaiting trial under these laws; however, there was a decline with the passage of the WPA." **[3g] (Section 1c)**

11.77 The United States Commission on International Religious Freedom cited in its Annual Report 2012 (USCIRF Report 2012), published March 2012, that:

"In 2006, the Protection of Women Act removed the crime of rape from the sphere of the Hudood Ordinances and put it under the penal code, thereby eliminating the requirement that a rape victim produce four male witnesses to prove the crime. Under the law, convictions for rape must be based on forensic and circumstantial evidence. The Act also prohibited a case of rape from being converted into a case of fornication or adultery, which had been possible under the Hudood laws. Marital rape once again was made a criminal offense, as it had been prior to the implementation of the Hudood laws in 1979. However, an offense of fornication was included in the penal code, punishable by imprisonment for up to five years. In December 2010, the Federal Shariat Court ruled that key sections of the 2006 law were unconstitutional and un-Islamic, which threatened to undermine these reforms entirely. The federal government is appealing and has taken no action to implement the ruling." **[53c] (p130)**

11.78 The Offence of Zina (Enforcement Of Hudood) Ordinance, 1979, 9 Feburary 1979, states under Sections 4 and 5:

"4. Zina:

"A man and a woman are said to commit 'Zina' if they wilfully have sexual intercourse without being married to each other. Explanation: Penetration is sufficient to constitute the sexual intercourse necessary to the offence of Zina.

"5. Zina liable to hadd:

(1) Zina is zina liable to hadd if-

(a) it is committed by a man who is an adult and is not insane with a woman to whom he is not, and does not suspect himself to be married; or

(b) it is committed by a woman who is an adult and is not insane with a man to whom she is not, and does not suspect herself to be, married.

(2) Whoever is guilty of Zina liable to hadd shall, subject to the provisions of this Ordinance, -

(a) if he or she is a muhsan, be stoned to death at a public place; or

(b) if he or she is not muhsan, be punished, at a public place; with whipping numbering one hundred stripes." **[21b]**

11.79 Definitions, as prescribed by the Hudood Ordinance, are offered in Section 2:

"2. Definitions:

"In this Ordinance, unless there is anything repugnant in the subject of context:

(a) 'adult' means a person who has attained, being a male, the age of eighteen years or, being a female, the age of sixteen years, or has attained puberty;...

(b) 'hadd' means punishment ordained by the Holy Quran or Sunnah;

(d) 'Muhsan' means

(i) a Muslim adult man who is not insane and has had sexual intercourse with a Muslim adult woman who, at the time he had sexual intercourse with her, was married to him and was not insane; or

(ii) a Muslim adult woman who is not insane and has had sexual intercourse with a Muslim adult man who, at the time she had sexual intercourse with him, was married to her and was not insane;..." **[21b]**

11.80 An LLB (Bacholer of Laws) paper, Recent developments 2009 2660028 Introduction to Islamic law, published by the University of London, undated, stated:

"The offence of Zina is defined as 'adultery' if one of the parties is married at the time the intercourse occurs and 'fornication' if they are not. The [Protection of Women (Criminal Law Amendment)] 2006 Act inserts a new offence of fornication into the penal code. The offence is punishable by imprisonment for up to five years and a fine not exceeding 10,000 Rupees. The new offence is, however, safeguarded from abuse by the creation of a new offence of false accusation of fornication. The new provision provides that anyone who brings or gives false evidence of fornication shall be punished with imprisonment up to five years and a fine of up to 10,000 Rupees. Very importantly, once a prosecution for fornication results in an acquittal, the trial judge can, in the same proceedings, try and sentence the person bringing the charge.

"The offence of adultery is the only offence retained by the Zina Ordinance itself. It is an offence for anyone to make a false accusation of adultery. The punishment for the offence follows the punishment of fornication in the penal code. A new definition of 'confessions' has been added to the Ordinance. The new definition serves to prevent women being placed in the invidious position of having been deemed to have 'confessed' to Zina when they brought an accusation of rape before the court, which the court found unproven." **[118a] (p5)**

11.81 The same source noted:

"Finally, the 2006 Act amends the procedure governing sexual offences under both the penal code and the Zina Ordinance. Any complaint of adultery must be lodged directly in court, not made to the police. The judge hearing the case must examine on oath the complainant and at least four adult male eye-witnesses, who the court has established to be truthful. The witnesses must testify on oath to the committing of the act of penetration, i.e. the strict evidence required by the Sharia... **(p5)**

"The procedure regarding allegations of fornication follows that of allegations of adultery, but only two actual eye-witnesses are required. The complainant and the eye-witnesses must be examined in court before the judge can issue a summons for the accused to attend the court." **[118a] (p6)**

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11.82 The Human Rights Commission of Pakistan noted in its report, the State of Human Rights in 2008 (HRCP Report 2008), published 1 April 2009, that "In order to award the 'Hadd' punishment, the evidence of a non-Muslim can only be accepted if the accused is also non-Muslim. In addition, Muslims are liable for stricter penal sanctions than non-Muslims for the same crime e.g. Hadd for rape and zina. Muslims can be stoned to death, while non-Muslims receive 100 lashes. So far, though, Hadd punishment has not been carried out against anyone." **[27a] (p73, Freedom of thought, conscience and religion)**

11.83 On the release of women imprisoned under the Hudood Ordinance, the USSD IRF Report 2009 stated that "Approximately 2,500 women have been released… Many were unable to return to their homes because of social ostracism. A few others remained in custody, and most were housed in government-run shelters. The women, who were arrested under the Hudood Ordinance on charges of fornication, adultery, and possession of liquor, are now having their cases heard under the Women's Protection Bill." **[3c] (Section II)**

See also Section: Freedom of Religion: Hudood Ordinances, and Section: Women: Women's Protection Act

CODE OF CRIMINAL PROCEDURE

11.84 The Code of Criminal Procedure, 1898, as amended by Act II in 1997, is available on the Punjab Police's website. The document codifies the arrest and trial process, and provides procedural guidance, among other things, on the power of the courts; arrest, escape and recapture; compelling appearance before a court; production of documents and movable property before a court; unlawful assembly; and proceedings in prosecution cases. **[38]**

Return to contents
Go to sources

12. ARREST AND DETENTION – LEGAL RIGHTS

First Information Reports (FIRs)

12.01 The United States Department of State Country Report on Human Rights Practices 2011 (USSD Report 2011), published 24 May 2012, stated that:

"A First Information Report (FIR) is the legal basis for any arrest. Police ability to initiate an FIR is limited, but for certain crimes the police may initiate an FIR. Often a different party must file the FIR, depending on the type of crime, not 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 their investigation. In practice 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...

"There were reports that some police detained individuals arbitrarily without charge or on false charges to extort payment for their release. There were reports that some police also detained relatives of wanted individuals to compel suspects to surrender.

"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." **[3n] (Section 1d)**

12.02 The Citizens Police Liaison Committee (CPLC) of Pakistan noted on its website, accessed 14 March 2011, that a First Information Report (FIR):

"...is a written document prepared by the police when they receive information about the commission of a cognizable offence. It is a report of information that reaches the police first in point of time and that is why it is called the First Information Report. It is generally a complaint lodged with the police by the victim of a cognizable offence or by someone on his/her behalf. Anyone can report the commission of a cognizable offence either orally or in writing to the police. Even a telephonic message can be treated as an FIR. It is a duty of police to register FIR without any delay or excuses. Non-registration of FIR is an offence and can be a ground for disciplinary action against the concerned police officer." **[121a]**

12.03 The CPLC went on to describe a cognizable and non-cognizable offence:

"Cognizable Offence: A cognizable offence is one in which the police may arrest a person without warrant. They are authorized to start investigation into a cognizable case on their own and do not require any orders from the court to do so.

"Non-cognizable Offence: A non-cognizable offence is an offence in which a police officer has no authority to arrest without warrant. The police cannot investigate such an offence without the court's permission." **[121a]**

12.04 The Free and Fair Election Network (FAFEN), a network of 42 civil society organisations working to foster democratic accountabilities in Pakistan, stated in a press release dated 20 February 2012, that FAFEN observers visited 131 police stations in 71 districts of the Punjab, Sindh and Islamabad Captial Territory (ICT) during October and December 2011. The report noted that people at 22 per cent of the monitored police stations stated they had to pay bribes for registering First Information Reports. **[130b]**

12.05 In a Response to Information Request, dated 4 November 2010, on the subject of First Information Reports, the Immigration and Refugee Board of Canada (IRB) reported that, in correspondence with a representative of the Human Rights Commission of Pakistan (HRCP) on 8 October 2010, the HRCP representative stated "... while police in one area of Pakistan can become aware of an FIR against someone in another area of the country, they generally do not unless the police in the original jurisdiction call attention to a particular FIR as, for example, in a case that is particularly serious, politicized, or subject to public attention or that requires police to more actively search for a suspect." **[12q]**

12.06 On the same subject, the IRB recorded that in correspondence with a Lahore-based lawyer on 6 October 2010, the lawyer stated:

"[T]here is no national system to track FIRs, and there is no systematic coordination between various police organisations at inter-provincial level or inter-organisation level. Police officers in one district will not be able to know about the FIRs registered elsewhere unless a circular is issued intimating them of offence and suspects. So,

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unless police is really after the accused, and get orders to search and seize in other districts or provinces the accused may remain at large." **[12q]**

12.07 The IRB noted that in connection with terrorist-related cases, the same lawyer added:

"[I]n many terrorism cases (suicide bomb attacks etc.) news of the incident spreads like fire in the jungle. Concerned police often releases sketches of the suspects. Further, in many terrorism cases if [a] FIR is registered against certain recognisable/named person(s) that information should travel beyond the originating district but the police are not efficient, or well resourced. So there can be many lapses even in serious cases.…

"[T]errorism cases are treated more seriously, so to say. And I believe information on terrorism suspects is circulated in other districts of the same province or other provinces more often and quickly. But this does not necessarily mean this is done diligently and efficiently in every case." **[12q]**

See also Judiciary: Anti-terrorism Act and courts

12.08 The IRB continued, with regard to the acquisition of a passport when a FIR had been issued, that:

"The HRCP Representative explained that, since the registration of FIRs by police is a provincial responsibility and passports are issued by the national government, even a person that was the accused in multiple FIRs would not be barred from obtaining a passport unless the central government had specifically ordered that a passport not be issued to him or her... The Lawyer likewise stated that, if the accused remains 'at large,' an FIR should not be an obstacle to acquiring a passport since '[s]omeone accused of a bailable offence can get a protective bail before arrest' and, if the case against them is not strong, can seek bail from High Court..." **[12q]**

12.09 On the subject of exit control in Pakistan, the IRB noted in a Response to Information Request dated 19 November 2007 that, following correspondence with a Karachi-based lawyer on 31 October 2007 "... Pakistani citizens who have an FIR [sic] registered against them can still leave Pakistan, and he added that the 'lodging of [a] FIR by itself does not automatically stop a person from leaving Pakistan. Many FIRs are baseless, bogus and lodged to harass ... opponents but ultimately found frivolous and dismissed'." **[12l]**

See also Exit and return: Passports and Exit Control List (ECL)

12.10 The International Crisis Group (ICG) reported that on 12 August 2011 President Zardari signed the extension of the Party Political Order (2002) to the Federally Administered Tribal Areas (FATA). The ICG noted that the president also reportedly amended the Frontier Crimes Regulation (FCR):

"... to require that a prisoner be produced before the authorities within 24 hours of arrest, and given the right to bail, something that was previously denied to tribal populations. The president's spokesman said that FCR provisions that allow collective punishment of an entire tribe for crimes committed by a member or on their territory, would be 'softened' -- indicating that perhaps women, children and elderly will be exempt from the collective punishment clause, as proposed in 2009." **[20a]**

See also Judiciary: Frontier Crimes Regulation (FCR)

Detention, bail and sentencing

12.11 The USSD Report 2011 noted:

> "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.
>
> "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.
>
> "The law defines bailable and nonbailable offenses. On April 18, President Zardari signed the Code of Criminal Procedure (Amendment) Bill, 2011, which grants statutory bail to prisoners undergoing trial and to convicts whose trials and appeals are pending over a prescribed time limit. Under the law prisoners undergoing trial are entitled to statutory bail if charged with any offense not punishable by death and if they have been detained for one year. In the case of an offense punishable by death, the accused is eligible for statutory bail if the trial has not been concluded in two years.
>
> "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 in some cases individuals remained in pretrial detention for periods longer than the maximum sentence for the crime with which they were charged. SHARP [Society for Human Rights and Prisoners' Aid] estimated that in 2010 approximately 55 percent of the prison population was awaiting trial. This situation remained unchanged due to a lack of change in the judicial system. 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." **[3n] (Section 1d)**

12.12 The Human Rights Commission of Pakistan noted in its report, State of Human Rights 2009 (HRCP Report 2009), published February 2010, that:

> "The Supreme Court (CJ [Chief Justice] and five judges) ruled that the prison term of a convict who was allowed the benefit of section 382-B CrPC [Criminal Code of Procedure 382B - Period of detention to be considered while awarding sentence of imprisonment] should be counted from his day of arrest and not from the date of conviction. The court observed that the pre-sentence period a convict spent in prison should not go unaccounted for. It ruled that refusal to allow remission of pre-sentence custody period to a convict, whom the court had granted the benefit of section 382-B CrPC, was tantamount to deprivation of his liberty within the contemplation of the constitution." **[27c] (p41)**

12.13 The HRCP Report 2011 noted with regards to pre-trial detainees that:

> "As in earlier years, much of the prison population comprised [of] under-trial prisoners. The preference for custodial sentences swelled prisoners numbers as many remained jailed for the sole reason that they could not afford to pay the small fines that stood in

the way of their release... In overcrowded jails it was next to impossible to keep convicted hardened criminals and under-trials or first-time offenders separate... **(p60)** In April, the president signed into law a bill that entitled under-trial prisoners to statutory bail if they were charged with any offence that was not punishable by death and had been in detention for one year." **[27i] (p61)**

12.14 The same source added "As many as 65 percent (35,215) of the prison inmates in Punjab were yet to be convicted and were detained under trial... As many as 10,865 inmates in the prisons in Sindh were under trial." **[27i] (p62)**

12.15 The USSD Report 2011 noted:

"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 not to grant bail for some charges if the court had reasonable grounds to believe the accused was guilty.

"Under the FCR in FATA, political agents had 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 still assigns collective punishment without regard to individual rights." **[3n] (Section 1d)**

See also Corruption and Frontier Crimes Regulation (FCR)

Convictions in absentia

12.16 The Daily Times noted in an article dated 8 June 2010 that "The government contended that convictions in absentia had no place in the Pakistani law, adding that it had been a settled principle of the country's laws since the inception of the state. 'Conviction in absentia is contrary to Article 10-A of the constitution, which provides that a person shall be entitled to a fair trial and due process...'" **[55f]**

12.17 One Pakistan News reported on 21 January 2010, that, in a judgement by a 17-member court, "... conviction in absentia was declared void, which was unconstitutional and illegal, adding that it was also against the National Accountability Ordinance (NAO), which provides remedy to such a convict to file appeal." **[122a]**

See also Sections: Security forces: Police: Arbitrary Arrest and Detention; Judiciary: Anti-Terrorist Act and Courts; Independence and Fair Trial; Religious Freedom: Legal procedure for blasphemy charges; and Exit Control List

Return to contents
Go to sources

13. PRISON CONDITIONS

13.01 The Foreign Prisoner Support Service, accessed 16 February 2012, noted in its profile on Prisons and Prisoners in Pakistan Prisons, undated, that "Prisons are not salubrious places. The common criminal from a poor background is assigned to Class C confinement, with virtually no amenities. Abuse is common. Prisoners of higher social status are assigned to Class B prisons, where conditions are better, and they can procure better food and some amenities from their own pocket. Class A prisons are for 'prominent' offenders. Conjugal visits are not the rule but are allowed in some cases." **[105]** See paragraph 13.13 for further information on prisoner's conjugal rights.

13.02 The US Department of State Country Report on Human Rights Practices 2011 (USSD Report 2011), published 24 May 2012, stated that:

"Prison conditions were often extremely poor and failed to meet international standards. Police sometimes tortured and mistreated those in custody and at times committed extrajudicial killings. Overcrowding was common, except for the cells of wealthy or influential prisoners. Prisons and detention centers were managed largely by the provincial governments. Human rights groups that surveyed prison conditions found sexual abuse, torture, and prolonged detention prevalent. Prisons could not be described as correctional institutions, because the conditions in many of the prisons were so inhuman 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." **[3n] (Section 1c)**

13.03 Human Rights and Democracy, The 2010 Foreign and Commonwealth Office Report, published 31 March 2011, stated:

"At the end of 2010 the prison system was operating at 194% capacity, with more than two-thirds of all detainees in 'pre-trial' detention, detained for months or years before facing trial. Most detainees endured harsh, basic conditions and limited recourse to legal aid. In 2010 efforts were made by the government of Pakistan to segregate vulnerable prisoners by reducing the number of juveniles in detention and placing women in female-only detention centres. However, a lack of reliable data makes it difficult to assess the extent to which these efforts have been successful.The president has also led efforts to improve the conditions for those convicted or awaiting trial for capital offences. The current government claimed to have released all 'political prisoners' – which numbered in their hundreds during the Musharraf era– but there is limited objective evidence available to support such statements. There is no effective national policy towards managing the increasing numbers of detainees." **[11k] (Section VII: Human Rights in Countries of Concern: Pakistan, Prison and detention issues)**

13.04 The Human Rights Commission of Pakistan noted in its annual report, State of Human Rights in 2011 (HRCP Report 2011), published March 2012, that:

"Prisons across the country remained overcrowded and the penal system beset with corruption, poorly trained prison staff, torture, prisoner abuse and weak accountability mechanisms." **(p59-60)** The report added "Cramped conditions compromised any attempt at prisoners reform. There was almost no focus on rehabilitating the released prisoners.

 The main text of this COI Report contains the most up to date publicly available information as at 24 May 2012. Further brief information on recent events and reports has been provided in the Latest News section to 7 June 2012.

The interior minister conceded in the National Assembly in February that [the] use of narcotics, weapons and crime were common in prisons. Fights often broke out among detainees or between prisoners and prison guards. Several riots in jails across the country were reported." **[27i] (p60)**

13.05 The HRCP Report 2011 provided a breakdown of the numbers of prisons in Punjab, Sindh and Balochistan, their sanctioned capacity, and the actual number of detainees:

	Prisons	Capacity	Prisoners
Balochistan	12	2,758	2,563
Punjab	32	21,527	53,402
Sindh	26	10,560	13,931
Total	**70**	**34,845**	**69,896**

[27i] (p62)

13.06 The same source added that the prison population in Khyber Pakhtunkhwa was close to its maximum capacity of 8,000, but some prisons were still over-crowded. **[27i] (p62)**

13.07 The USSD Report 2011 noted that:

"The International Committee of the Red Cross (ICRC) reported great difficulty in accessing detention sites, in particular those holding security-related detainees. In July 2010 the ICRC suspended prison visits in Punjab because it could no longer have regular access to detainees in that region.

"Despite ongoing 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." **[3n] (Section 1c)**

13.08 The HRCP Report 2011 stated:

"Healthcare facilities remained woefully inadequate in prisons... Mental health facilities in prisons across Pakistan were almost non-existent. The Karachi Central Prison where around 3,700 prisoners were detained had one psychiatrist and no medical officer. The Hyderabad Central Jail had one psychiatrist for nearly 1,700 prisoners, the Central Prison in Peshawar had 156 prisoners, two psychiatrists, two psychologists and four nurses, Sukkur prison had 1,022 prisoners with no psychiatrist, but two medical officers, while the Turbat prison had 81 prisoners with no psychiatrist or psychologist, but one medical officer." **[27i] (p63)**

13.09 The US Department of State July-December, 2010 International Religious Freedom Report (USSD IRF Report 2010), published 13 September 2011, cited that, at times, religious minorities were reportedly abused by law enforcement personnel whilst in their custody. Furthermore:

"Police reportedly tortured and mistreated those in custody on religious charges and were accused of at least one extrajudicial killing in a blasphemy case. For example, on September 16, 2009, a young Christian man, Robert Fanish, who had been accused of blasphemy, died while in police custody. The case prompted widespread media attention, and several human rights groups asserted that he had been killed extrajudicially. Christian and Ahmadiyya communities claimed their members were more likely to be abused. Non-Muslim prisoners generally were accorded poorer facilities than Muslim inmates." **[3l] (Section II: Abuses of Religious Freedom)**

13.10 The HRCP Report 2011 recorded that "The high incidence of death among inmates continued and at least 92 detainees died in prisons across Pakistan in 2011. At least 99 prisoners were reported to have been injured." **[27i] (p61)**

13.11 Regarding religious freedom in prison, the HRCP Report 2009, published February 2010, stated that:

"During the visits, the HRCP teams found that Muslim prisoners were generally facilitated with regard to their religious practices. It was learned that there are 25 mosques at Karachi Central Prison. Though non-Muslim prisoners were generally allowed worship in accordance with their religious beliefs there was no specific place of worship for them at any of the prisons visited. Jails authorities had no provision or instructions to cater to dietary needs of religious minorities." However, the HRCP reported that some prison staff catered to prisoners needs out of goodwill. **[27c] (p92)**

13.12 The same report noted that "In January [2009], Adiala jail became the first prison in the country to have a church on its premises. The jail authorities had provided land for the church and the local Christian community provided the Rs [Rupees] 1.2 million needed for constructing the building for around 250 Christian prisoners in the jail." **[27c] (p99)**

See also Section: Christians

13.13 The HRCP Report 2011 stated "Decisions such as keeping death-row prisoners out of death cells and allowing conjugal visits were not implemented. Death row prisoners in Peshawar's Central Prison threatened a hunger strike till death if the authorities did not shift them from the death cells to other barracks, as was required under a law passed in 2010." **[27i] (p62)**

13.14 With regards to female prisoners, the HRCP Report 2011 recorded at least 991 women detainees in prisons across Punjab, Sindh and Balochistan. At least 28 of those women were on death row. **[27i] (p62)**

13.15 The Freedom House report Freedom in the World: Pakistan 2011, published 26 July 2011, stated "Feudal landlords, tribal groups, and some militant groups operate private jails where detainees are regularly maltreated.Progress on creating an official human rights body empowered to investigate cases and redress grievances has been slow, and while a number of cases are investigated and some prosecutions do occur, impunity for human rights abuses remains the norm." **[5a]**

For information on prison conditions for children see: Children, subsection Judicial and penal rights

Return to contents
Go to sources

 The main text of this COI Report contains the most up to date publicly available information as at 24 May 2012. Further brief information on recent events and reports has been provided in the Latest News section to 7 June 2012.

14. DEATH PENALTY

For information on the death penalty for children, see the section on Children, Judicial and penal rights.

14.01 Pakistan retains the death penalty for ordinary crimes (Amnesty International, Death Penalty: Abolitionist and Retentionist Countries, accessed 18 November 2010) **[13c]**, including murder, blasphemy, arms trading, drug trafficking, armed robbery, stripping a woman of her clothes in public, extra-marital sex and rape. (Human Rights Watch, Enforcing the International Prohibition on the Juvenile Death Penalty, 30 May 2008) **[7d] (p16)** The US Department of State Country Report on Human Rights Practices 2009, Pakistan, (USSD Report 2009), published 11 March 2010, added "The penal code calls for the death sentence or life imprisonment for anyone who blasphemes the Prophet Muhammad." **[3b] (Section 2c)** The Foreign and Commonwealth Office Human Rights Annual Report 2008 (FCO Annual Report 2008), published 26 March 2009, stated that "The majority of condemned prisoners are those convicted under trials that do not comply with minimum standards. Pakistan sanctions the death penalty for 27 offences, most of which go beyond the scope of the expression used in the ICCPR [International Covenant on Civil and Political Rights] as most serious crimes." **[11e] (p154)**

14.02 The Human Rights Commission of Pakistan noted in its report, State of Human Rights in 2011 (HRCP Report 2011), published March 2012, that "Pakistan has probably the largest death-row population in the world, although there has been an informal moratorium on executions since late 2008." **(p61)** HRCP added "As many as 313 people were sentenced to death by various courts in 2011, including six women. Over half of them (161) were convicted of murder. Others faced charges such as drug trafficking, kidnapping for ransom and rape. Three persons were given capital punishment for blasphemy... none of [the] over 8,000 convicts was executed. The death row prisoners constituted over 10 percent of the prison population in the country." **[27i] (p65)**

14.03 The USSD Report 2009 stated "In August [2009] President Zardari issued a decree making 'Internet crimes' punishable by execution or life imprisonment if they caused the death of a person; the decree raised the total number of capital offenses to 28." **[3b] (Section 1c)**

14.04 On 10 February 2012, Amnesty International reported that a Pakistani man convicted of blasphemy, who was handed down the death sentence in 2009, had his conviction upheld by a court in Punjab province. Muhammad Ishaq was accused of insulting the Prophet Mohammed (Section 295-C of the Pakistan Penal Code) but denied the charge. (Amnesty International, 10 February 2012) **[13f]**

14.05 On 12 August 2011, BBC News reported that a paramilitary soldier convicted of killing an unarmed teenager in Karachi, in June 2011, was sentenced to death. Six other people were sentenced to life imprisonment for their involvement in the killing. **[35i]**

See also Security forces: Extrajudicial killings

14.06 The USSD Report 2010 observed "On October 11, the HRCP criticized the torture and humiliation of several death row prisoners at the Singh District prison. Three prisoners allegedly were stripped naked and were not allowed to urinate for hours, despite being forced to drink several liters of water. The HRCP brought this incident to the attention of the Punjab prison chief but never received a response." **[3g] (Section 1c)**

14.07 Reporting on the more than 8,000 prisoners facing the death sentence, the Asian Human Rights Commission (AHRC) reported on 15 March 2011 that some have been on 'death row' for 20 years. Despite the number having risen from 5,447 in 2005 there has been no increase in the capacity of Pakistan's prisons. **[52c]**

14.08 The Asian Human Rights Commission report, The State of Human Rights in Pakistan: 2010 (AHRC Report 2010), published February 2010, added that the Pakistan government "...has been unable to commute these death sentences because of strong resistance from powerful groups such as the higher judiciary and the military." **[52e] (p1)**

14.09 Amnesty International (AI) noted in its annual Report 2010, published 28 May 2010, that:

"Promises made in 2008 to commute all death sentences to life imprisonment remained unfulfilled. In September [2009], President Zardari called on provincial governments to submit recommendations on commuting the death penalty to prison terms of 24 to 30 years. On 31 August, the Supreme Court suspended an order passed by the Lahore High Court in April under which death sentences would not be imposed on women and juveniles in narcotics cases." **[13d] (p253, Death penalty)**

14.10 However, the USSD Report 2011 stated:

"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 November 2010 a court sentenced Bibi to death for her crime, the first woman sentenced to death for blasphemy. The verdict in the case touched off a massive debate within the country 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..." **[3n] (Section 1e)**

See also Freedom of Religion: Christians and Freedom of speech and media

14.11 The Human Rights Commission of Pakistan noted in its report, State of Human Rights in 2009 (HRCP Report 2009), published February 2010, that:

"On April 21, the Shariat Appellate Bench of the Supreme Court rejected an appeal against the Federal Shariat Court [FSC] judgement that had held that death was the only punishment for blasphemy. The appeal had been filed 18 years earlier. The Shariat Appellate bench of the Supreme Court upheld the FSC verdict to the effect that in Hudood cases the President/Governor had no authority to commute or cancel sentences and dismissed Federation's 18-year old appal [sic]." **[27c] (p46)**

Return to contents
Go to sources

15. POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

15.01 The US Department of State Country Report on Human Rights Practices 2011 (USSD Report 2011), published 24 May 2012, noted that:

 The main text of this COI Report contains the most up to date publicly available information as at 24 May 2012. Further brief information on recent events and reports has been provided in the Latest News section to 7 June 2012.

"The law provides the majority of citizens with the right to change their government peacefully, and 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, and 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, have not been given an active role in governing the tribal areas. In August 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." **[3n] (Section 3)**

15.02 The Human Rights Commission of Pakistan observed in its report, the 'State of Human Rights in 2011' (HRCP Report 2011), published March 2012, that:

"In August, the president extended the Political Parties Act to the Federally Administered Tribal Areas (FATA), enabling political parties to formally engage in political activities in the region and to nominate candidates to contest elections. HRCP welcomed the extension of the law to FATA but considered more steps needed to be taken to facilitate political activities, especially a mechanism to ensure implementation of fundamental rights such as the right to association, to freedom of expression and to access information. Enforcement of these rights was at the whim of the local administration as FATAwas outside the jurisdiction of the higher judiciary in Pakistan." **[27i] (p145)**

See also Judiciary: Frontier Crimes Regulation (FCR)

15.03 The USSD Report 2011 added, with with regards to the 2008 elections, that:

"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 Prime Minister Gilani. 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 (ECP) 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 ECP 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…

"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." **[3n] (Section 3)**

15.04 Jane's Sentinel Security Assessment noted in its section on Internal Affairs for Pakistan, updated 18 October 2011, that "More than 120 political parties applied to the Election Commission of Pakistan (ECP) for allocation of election symbols in the elections of 2008 and 61 parties actually fielded candidates. However, only 10 parties succeeded in winning seats in the National Assembly." **[1a] (Political parties)**

15.05 The US Department of State's July-December, 2010 International Religious Freedom Report (USSD IRF Report 2010), published 13 September 2011, stated that:

"The government did not restrict the formation of political parties based on a particular religious group, religious belief, or interpretation of religious doctrine. The government monitored the activities of various Islamist parties and affiliated clergy due to prior links to terrorist and extremist organizations. There were reserved seats for religious minority members in both the national and provincial assemblies. The seats were allocated to the political parties on a proportional basis determined by their overall representation in the assembly. The national assembly has 13 members of minority religious groups, 10 of whom hold reserved seats for minorities and three of whom hold reserved seats for women. As part of the 18th Amendment, the senate has four reserved seats for religious minorities, one from each province. Reserved seats for minorities also existed in the provincial assemblies: three in KPk, eight in Punjab, nine in Sindh, and three in Balochistan. Minorities were represented in the local government system with a minimum of one seat per zila, tehsil, and union council, as stipulated under the provincial Local Government Ordinances. During the year Balochistan Province passed the Local Government Act that implements a policy of religious minority representation based on population, with a minimum of two seats." **[3l] (Section II: Legal/Policy Framework)**

15.06 The HRCP Report 2010 noted that:

"At the end of 2010, in the 342-member National Assembly, the PPP [Pakistan People's Party] had 127 members, the PML-N 90 [Pakistan Muslim League – Nawaz], MQM 25 [Muttahida Qaumi Movement], ANP 13 [Awami National Party], JUI-F eight [Jamiat-e-Ulema Islam – Maulana Fazal ur-Rehman], the PML-Q 50 [Pakistan Muslim League – Quaid-e-Azam], although half of them had defected to from [sic] a Like-Minded Group. Nineteen members were not affiliated with any party. At the end of 2010, the PPP Parliamentarian was the largest party in the 100-member Senate, the upper house of

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parliament, with 27 members, while the PML-Q was the second largest group with 22 members. The PML-N had seven members, JUI-F 13, MQM and ANP six each, BNP-Awami and Jamaat-e-Islami three each, National Party two and Jamhoori Watan Party, PPP-Shaheed Bhutto, PPP-Sherpao, and PKMAP had one member each." **[27e] (p191)**

15.07 The USSD Report 2011 cited:

""Security services and feudal landlords intimidated voters and political parties throughout the country, according to FAFEN. 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." **[3n] (Section 3)**

15.08 On elections in Gilgil Baltistan, the USSD Report 2010 noted:

"The first elections in Gilgit Baltistan were held in November 2009 for a 24-member legislative assembly, with the PPP winning the majority of the votes. Syed Mehdi Shah of the PPP was chosen as the first-ever chief minister, replacing direct rule by the federal government. According to a preelection analysis by FAFEN, government interference, weak administration, procedural irregularities, and erroneous voter lists affected the election results. Although the election was largely peaceful, two persons were killed and at least 40 were injured in several incidents of violence. On March 23 [2010], Shama Khalid took the oath as governor of Gilgit-Baltistan, becoming the country's second-ever female governor of a province; however, she died from cancer on September 15." **[3g] (Section 3)**

See Political system and Freedom of speech and media

Return to contents
Go to sources

FREEDOM OF ASSOCIATION AND ASSEMBLY

15.09 The USSD Report 2011 noted that "The law provides for freedom of assembly and freedom of association, subject to restrictions imposed by law." **[3n] (Section 2b)**

15.10 The same source observed, on the right to assemble, that:

"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. Karachi Electric Supply Company employees protested for nearly three months between May and July for the reinstatement of 4,500 employees the company dismissed in one day." **[3n] (Section 2b)**

15.11 The Human Rights Commission of Pakistan noted in its annual report, State of Human Rights in 2011 (HRCP Report 2011), published March 2012, that:

"As in previous years, restrictions on freedom of assembly in 2011 amounted to prohibition or disruption of peaceful assembly. The people increasingly used public gatherings to draw attention towards their pressing concerns. They held rallies and demonstrations to protest abject poverty, lawlessness, acute gas and electricity shortages, drone attacks and NATO strikes on Pakistani border posts, to name a few. In Balochistan, rallies also demanded recovery of missing persons, and an end to killing of Hazaras and members of religious minority communities. The ways of protest ranged from burning tyres to selfimmolation attempts, although protests on the main thoroughfares or camping outside key government buildings were considered to be the most effective ways to get the attention of the media and the government.

"At times public gatherings were outlawed by imposing curbs on assembly but more often they were broken up by baton-wielding policemen. The police were in an impossible situation when it came to the people blocking roads to demand their rights. They were asked to negotiate with bands of protesters who did not trust the government's word and vowed not to budge until their demands were met there and then. When persuasion failed, which was often, the police reverted to the use of batons and tear gas shells to break up the rallies.

"According to media monitoring by HRCP, at least 12 people were killed and 343 injured in police action to break up public gatherings or in attacks by non-state actors as a result of the authorities failure to protect the people's right to peaceful assembly. As many as 38 policemen were also injured in clashes with protesters. According to media reports, the police arrested at least 1,525 protesters, often for blocking roads or violating provisions of law regarding restrictions on public gatherings. At least 4,962 people were booked on various charges following protests and sit-in, many of them under the antiterrorism law." **[27i] (p109-110)**

15.12 The HRCP Report 2011 provided a number of examples of curbs on people's rights to assembly during 2011. **[27i] (p112-121)**

15.13 On freedom of association, the USSD Report 2011 noted "The constitution provides for the right 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 [non-governmental organisations] working in the country; however, due to the fragmented legal and regulatory framework, the exact number of NGOs was not known." **[3n] (Section 2b)**

15.14 The HRCP Report 2011 stated:

"The right to freedomof association faced challenges from unfriendly laws, strong-armtactics of several organisations such as intelligence agencies, police and paramilitary forces, and militant groups, and a general failure of the government to provide a favourable environment.

"The main advance in 2011 was the extension of the Political Parties Act to the Federally Administered Tribal Areas (FATA), which enabled political parties in Pakistan to formally work in the region and for political parties to be formed in FATA for the first time. Apart from that, there were few other positive developments regarding the freedom of association in Pakistan in 2011. The right of labour to form trade unions was still non-existent in FATA. Elsewhere in Pakistan, certain labour laws contributed to limiting the freedom of association for workers. The failure of the state to create conditions for enjoyment of the right without violence, intimidation and interference of

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employers also added to the challenges. The opposition to workers' organising themselves was not confined to labourers in factories alone, even senior government officials were arrested and intimidated when they went about demanding their rights by agitating under the banner of their associations." **[27i] (p125-126)**

Return to contents
Go to sources

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

15.15 The Freedom House Freedom in the World: Pakistan 2011 report, published 26 July 2011, observed that:

"The 2008 parliamentary elections were not completely free and fair. A European Union observer mission noted the abuse of state resources and media, inaccuracies in the voter rolls, and rigging of the vote tallies in some areas. Opposition party workers faced police harassment, and more than 100 people were killed in political violence during the campaign period. However, private media and civil society groups played a significant watchdog role, and despite the irregularities, the balloting led to an orderly rotation of power that reflected the will of the people." **[5a]**

15.16 The HRCP Report 2011 stated:

"The main impediments to the holding of free and fair elections became evident in byelections in 2011. These included votes bought and sold, use of violence and terror, banning of women's right to vote, use of huge amounts of money on election campaigns and other violations of election rules. These infractions, particularly barring women's right to vote, went unchallenged by the political parties and the Election Commission. In the face of an Election Commission that was unwilling to play its role, the candidates and political parties pushed the boundaries of what they thought they could get away with." **[27i] (p139)**

See also Women: Political rights

15.17 The HRCP Report 2011 added "While legitimate political, student and workers' organisations faced difficulty in operating, the banned militant groups demonstrated their resilience and the government's inability to enforce the ban on them." **[27i] (p126)**

15.18 The HRCP Report 2010 observed:

"The federal government banned five Baloch organisations including the Baloch Liberation Army (BLA), Baloch Liberation Front (BLF), Baloch Republican Army (BRA), Lashkar-e-Balochistan (LB) and Baloch Musalla Difa Organization. Interior Minister Rheman Malik said the five organisations were involved in suicide attacks, rocket attacks and killing of innocent people. He said no organisation using the name of 'army' or 'lashkar' would be allowed to work in the province and the security forces would launch targetted operation[s] against them. He said the State Bank of Pakistan had been asked to freeze the accounts of these organisations. Baloch separatist organisations often did not allow civil society outfits and non-Baloch political parties to freely carry out their activities in the province." **[27e] (p178)**

See also Security Situation and Annex B: Political organisations

Politically motivated violence

15.19 The South Asia Terrorism Portal (SATP) stated in its Pakistan Assessment 2012, accessed 21 March 2012, regarding 'target killings', that:

> "... a continuous stream of assassinations inspired by sectarian, political or purely criminal motives, and executed by a range of armed non-state actors – engulfed the nation. A February 14, 2012, Home Department Report observed, 'Target killings still continue in most parts of the country and major reasons behind these are sectarian, demographic changes, easy access to illicit weapons, mistrust among ethnic groups, family enimities and business rivalries'. Significantly, official documents noted that, over the preceding four years, since the Pakistan People's Party (PPP)-led coalition came into power in 2008, the Government had issued about 50,000 prohibited-bore arms licenses. The licenses had been issued to applicants from all the Provinces, allowing them to carry sub-machineguns and AK-47s for their 'personal security'." **[61b]**

15.20 The Asian Human Rights Commission (AHRC) noted in its report, The State of Human Rights in Pakistan in 2011 (AHRC Report 2011), published 10 December 2011, that 1,800 people were killed in Sindh province's capital, Karachi, in fighting between the ruling parties and in targeted killings. The report added that only following the Supreme Court's intervention the killings in Karachi were controlled. **[52g] (p38)**

15.21 Quoting fewer fatalities in Karachi than the AHRC, the Human Rights Watch (HRW) World Report 2012, published 22 January 2012, covering 2011 events, stated that:

> "Karachi experienced an exceptionally high level of violence during the year, with some 800 persons killed. The killings were perpetrated by armed groups patronized by all political parties with a presence in the city. The Muttaheda Qaumi Movement (MQM), Karachi's largest political party, with heavily armed cadres and a well-documented history of human rights abuse and political violence, was widely viewed as the major perpetrator of targeted killings. The Awami National Party (ANP) and PPP-backed Aman (Peace) Committee killed MQM activists. Despite an October 6 Pakistan Supreme Court ruling calling for an end to the violence, authorities took no meaningful measures to hold perpetrators accountable." **[7i] (p367)**

15.22 Specifically on Karachi, the HRCP Report 2011 noted:

> "According to HRCP statistics, at least 329 political activists were killed in violence in Karachi in 2011. As many as 29 activists were killed in the port city in January, 46 in March, 45 in April, 59 in July and 61 in August. An HRCP fact-finding mission that visited Karachi in July to look into the causes of the recurring violence in the city was informed by several people it interviewed that the main political parties in Karachi and their armed/militant wings were involved in violence and other crime. Leaders of some political parties claimed in meetings with the HRCP mission that all political parties in the government in Sindh engaged in power politics and harboured criminal elements and that only criminal elements would be able to contest the next elections in Karachi. Around a dozen incidents of political violence were reported from other parts of the Sindh." **[27i] (p150)**

15.23 In its analysis of the security situation in Karachi, BBC News reported on 8 July 2011:

> "Karachi is arguably one of South Asia's most violent cities. It is not only the largest city and port of Pakistan, but also a major industrial and commercial centre.

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"The city is plagued by extortion rackets, land-grab mafia and armed groups fighting turf wars for their share of its resources. The level of violence this week has not been seen for years. Targeted killings and drive-by shootings are widely blamed on armed gangs linked to the city's main political parties.

"There were always fears that with last week's resignation from the government by the city's main political party - the MQM [Muttahida Qaumi Movement] - increased violence and instability would bring Pakistan's economic capital to a grinding halt." **[35i]**

15.24 The South Asia Terrorism Portal (SATP) reported in its South Asia Intelligence Review (SAIR), dated 11 July 2011: "The current spate of killings in Karachi principally resulted from clashes between MQM and PPP's [Pakistan People's Party] ally, Awami National Party (ANP), drawing a line of blood between the 45 per cent of Urdu speaking Mohajirs in the city, on whose behalf the MQM claims to act; and the ANP, 'representing' the city's 25 per cent Pashtun population. [The remaining 30 per cent comprise Punjabis, Sindhis, Balochs, etc.]" **[61f] (Volume 10, No. 1)**

15.25 The Economist Intelligence Unit (EIU) stated, in its April 2012 Country Report on Pakistan, that:

"Much of the violence stems from tensions between the MQM, which derives most its support from the descendants of generally Urdu-speaking Muslims who migrated from what is now India after partition in 1947, and the Awami National Party (ANP), which represents ethnic-Pashtun migrants. In recent years Karachi's precarious ethnic balance has been affected by the arrival of tens of thousands of Pashtuns displaced by conflict in Pakistan's Federally Administered Tribal Areas (FATA), attracted by better economic opportunities or forced out of parts of the country affected by flooding in 2010-11." **[2d] (The Political Scene)**

15.26 The SATP's South Asia Intelligence Review dated 7 May 2012 commented on further violence in Karachi when the Security Forces (SF) commenced an operation in the Lyari area on 27 April 2012 against the People's Aman (Peace) Committee (PAC), allegedly linked to, and supported by, the Tehrik-e-Taliban Pakistan (TTP) and Balochistan Liberation Army (BLA). By the 5 May, 51 people had been killed, including 26 civilians, 12 SF personnel and 13 'criminals'. **[61m] (Volume 10, No. 44)**

15.27 The USSD Report 2011 also cited that:

"On some university campuses in Karachi, 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." **[3n] (Section 2a)**

See also Ethnic groups – Muttahida Qaumi Movement (MQM)

15.28 On political violence elsewhere in the country, the HRCP Report 2011 stated that targeted killings of several political leaders and activists were reported in Balochistan. In

Khyber Pakhtunkhwa and FATA, political leaders and activists were targeted in terrorist attacks, including suicide attacks and bombings. **[27i] (p151)**

Return to contents
Go to sources

16. FREEDOM OF SPEECH AND MEDIA

16.01 The US Department of State Country Report on Human Rights Practices 2011 (USSD Report 2011), published 24 May 2012, noted:

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

"The government impeded criticism by monitoring political activity. Citizens could criticize the government publicly or privately; however, they were restricted when criticizing the military. Blasphemy laws restricted individuals' right to free speech concerning matters of religion and religious doctrine. 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.

"The independent media was 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. An increase in threats and violence against journalists who reported on sensitive issues such as security force abuses was observed during the year. The government also impeded criticism by monitoring political activity and controlling the media." **[3n] (Section 2a)**

See also Freedom of religion: Blasphemy laws

16.02 The Foreign and Commonwealth Office 2011 Human Rights and Democracy Report, published April 2012, noted in its section on Pakistan, that:

"Pakistan's media environment continued to develop and, in many cases, flourish in 2011. Since opening up in 2008, the number and range of media outlets has proliferated, so that Pakistanis now have greater access than ever before to a range of broadcasting through print, television and online media. The increased media penetration into most aspects of Pakistani life has created challenges as well as opportunities, as both the journalistic community and politicians and officials build their understanding of effective freedom of expression and responsible reporting." **[11r]**

16.03 The same source added:

"There were also concerns regarding censorship in Pakistan during 2011. In November, cable operators stopped broadcasting BBC World in Pakistan following a documentary series critical of Pakistan's role in the fight against terrorism. In the same month, access to the online news site Baloch Hal was blocked by the Pakistan Telecommunication Authority for allegedly publishing 'anti-Pakistan' material (the site covered human rights violations, including enforced disappearances). The Pakistan Telecommunication Authority also attempted to ban the use of nearly 1,700 'obscene' words from text messages, though it is now reconsidering, following public complaints." **[11r]**

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16.04 The Freedom House report Freedom of the Press 2011, published 10 October 2011, rated Pakistan's press freedom status as "Not free" and stated that media freedom was "...hampered by attempts from certain key officials – particularly military and intelligence officials, as well as the higher judiciary – to silence critical reporting, and also by the high level of violence against journalists." **[5d]**

16.05 The same source added "The constitution and other legislation, such as the Official Secrets Act, authorize the government to curb freedom of speech on subjects including the constitution, the armed forces, the judiciary, and religion. Harsh blasphemy laws have occasionally been used to suppress the media." **[5d]**

16.06 Reporters Without Borders ranked Pakistan 151 out of 179 countries in its Press Freedom Index 2011-2012, published 25 January 2012, stating that the low ranking was attributed to the "... constant threat from the Taliban, religious extremists, separatist movements and political groups. With 10 deaths in 2011, Pakistan was the world's deadliest country for journalists for the second year in a row." **[23a]**

16.07 The USSD July-December, 2010 International Religious Freedom Report (USSD IRF Report 2010), published 13 September 2011, observed, in particular with regard to religion and the blasphemy laws, that:

"Freedom of speech was subject to 'reasonable' restrictions in the interest of the 'glory of Islam,' as stipulated in sections 295(a), (b), and (c) of the penal code. The consequences for contravening the country's blasphemy laws were death for defiling Islam or its prophets; life imprisonment for defiling, damaging, or desecrating the Qur'an; and 10 years' imprisonment for insulting 'another's religious feelings.' Some individuals brought charges under these laws to settle personal scores or to intimidate vulnerable Muslims, sectarian opponents, and religious minorities. Under the Anti-Terrorism Act (ATA), any action, including speech, intended to incite religious hatred was punishable by up to seven years' imprisonment. In cases in which a minority group claimed its religious feelings were insulted, the blasphemy laws were rarely enforced, and cases were rarely brought to the legal system. A 2005 law required that a senior police official investigate any blasphemy charge before a complaint was filed. This law was not uniformly enforced." **[3l] (Section II: Legal Policy/Framework)**

16.08 The USSD Report 2011 added that:

"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." **[3n] (Section 2a)**

16.09 The BBC's Country Profile: Pakistan (Media), updated on 4 April 2011, observed that:

"Television is the dominant medium, and there are around 50 private channels. The overwhelming majority of viewers receive them via cable. There are no private, terrestrial stations. More than 100 private FM radio stations have been licensed. They are not allowed to broadcast their own news programmes. Scores of unlicensed FM

stations are said to operate in the tribal areas of North-West Frontier Province. They are usually operated by clerics. Some of them are accused of fanning sectarian tension.

"The government uses legal and constitutional powers to curb press freedom. Private TV news channels were closed under a state of emergency in late 2007, and the law on blasphemy has been used against journalists...

"Pakistan's press is among the most outspoken in South Asia, although its influence is limited by a literacy level of around 50%." **[35c] (Media)**

16.10 On internet usage, the Freedom House report Freedom on the Net 2011, published 18 April 2011, noted that, according to International Telecommunications Union (ITU) statistics, as of 2009 the number of internet users in Pakistan was an estimated 20.4 million, with a greater percentage accessing the internet via mobile phones. **[5e] (p2)**

16.11 However, the Internet Service Providers Association of Pakistan (ISPAK) estimated in its internet facts, updated 21 February 2011, a far lower number of internet users at only ten million. **[106a]**

16.12 The Freedom on the Net 2011 report went on to say that access to various websites, including YouTube, Flickr and Facebook, had been blocked in the past by either government order or court decisions on account of their "blasphemous" content. However, it appeared that some restrictions were a result of politically motivated censorship. At the end of 2010 most internet services were accessible although some online content remained blocked. **(p4-5)** In contrast, some Islamic militant groups posted comments inciting violence against, in particular, Ahmadis, with few restrictions. **[5e] (p8)**

See also Freedom of religion: Ahmadis

16.13 The USSD Report 2011 noted:

"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 (PTV) and Pakistan Broadcasting Corporation operated radio stations throughout the country. The law does not extend to FATA or PATA, and independent radio stations were allowed 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 language of broadcast laws was vague, leading to instances of abuse and arbitrary broadcast restrictions by the Pakistan Electronic Media Regulatory Authority (PEMRA). The NGO Intermedia reported that PTV 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 either by 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, but sometimes PEMRA shut them down for periods of time, and starting November 29, BBC broadcasts were blocked." **[3n] (Section 2a)**

16.14 The same report added:

"On November 14, the government ordered all cell phone operators to filter and block text messages passing through their systems that contained certain vulgar English and transliterated Urdu words. Cell phone operators were given seven days to comply with this ruling, but on the eve of the deadline, the largest telecoms operators in the country announced that the government agreed to delay implementation until all parties involved could reach a mutual agreement regarding the enforcement of the ruling. The order was not implemented by year's end." **[3n] (Section 2a)**

16.15 The USSD IRF Report 2010 added "The government does not restrict religious publishing in general; however, the sale of Ahmadi religious literature was banned. The law prohibited publishing any criticism of Islam or its prophets or insults to another's religious beliefs." **[3l] (Section II: Legal Policy/Framework)**

See also Death Penalty

Further information on Pakistan's media, its freedom, regulatory framework, and differenct media groups, can be found in the Initiative for Peacebuilding report, Media and Governance in Pakistan: A controversial yet essential relationship, dated October 2010. **[107a]**

Return to contents
Go to sources

JOURNALISTS

16.16 The Human Rights Commission of Pakistan noted in its annual report, State of Human Rights in 2011 (HRCP Report 2011), published March 2012, that there were at least 16 reported murders of reporters in 2011. The HRCP stated:

"Not only has there been a singular lack of protection for working journalists but there has also been no follow-up on the murders and no one has been apprehended to date. This has contributed to sparse reporting from Balochistan, in particular where there is an ongoing nationalist insurgency and military operation, and in FATA where extremist militants hold sway. Journalists from FATA have faced such threats and vulnerability that many have fled the region or quit their profession altogether to stay alive." **(p94)** The HRCP Report 2011cited a list of incidents of violence and intimidation against journalists during the year. **[27i] (p95-99)**

16.17 The CPJ reported on 20 December 2011 that "Pakistan remained the deadliest country for the press for a second year", recording seven deaths in Pakistan "...marking the heaviest losses in a single nation [in 2011]..." **[74d]**

16.18 The Committee to Protect Journalists (CPJ) recorded on its website, accessed 14 February 2012, that since 1992, 42 journalists had been killed in Pakistan. **[74b]**

16.19 The Freedom House Freedom in the World: Pakistan 2011 report, published 26 July 2011, stated that Pakistan was one of the most dangerous countries for members of the press, and noted "Intimidation by the security forces – including physical attacks and arbitrary, incommunicado detention – continues to occur, as do harassment and attacks by Islamic fundamentalists and hired thugs working for feudal landlords or local politicians. A number of reporters covering the conflict in the FATA were detained, threatened, expelled, or otherwise obstructed in 2010, by either government forces or militants." **[5a]**

16.20 The Human Rights Watch (HRW) World Report 2012, published 22 January 2012, covering 2011 events, stated that "In a positive development, journalists vocally critical of the government experienced less interference from elected officials than in previous years." **(p368)** However, HRW continued:

"At least six journalists were killed in Pakistan during the year. Saleeem Shahzad, a reporter for the Hong Kong-based Asia Times Online and the Italian news agency Adnkronos International, disappeared from central Islamabad, the capital, on the evening of May 29, 2011. Shahzad had received repeated and direct threats from the military's dreaded ISI agency. Shahzad's body, bearing visible signs of torture, was discovered two days later on May 31, near Mandi Bahauddin, 80 miles southeast of Islamabad. Following an international and domestic furor caused by the murder, a judicial commission was formed within days to probe allegations of ISI complicity. On August 9 Human Rights Watch testified before the commission. At this writing the commission had not announced its findings." **[7i] (p367)**

16.21 The report added "A climate of fear impedes media coverage of military and militant groups. Journalists rarely report on human rights abuses by the military in counterterrorism operations, and the Taliban and other armed groups regularly threaten media outlets over their coverage." **[7i] (p368)**

16.22 On 31 May 2011, the CPJ expressed its alarm at the "... targeted killing of senior Pakistani journalist Saleem Shahzad, the Pakistan bureau chief of the Asia Times online website. Shahzad, considered an expert on Al-Qaeda and Taliban militants, disappeared on Sunday night as he was on his way to participate in a talk show on Dunya Television, media reports said. His body, showing signs of torture, was later found outside Islamabad, according to local and international media reports." **[74c]**

16.23 Reporters Without Borders reported on 20 April 2012 on the "... murder of Murtaza Razvi, an assistant editor with the English-language daily Dawn, whose body was found yesterday [19 April] in an apartment in Karachi, the capital of the southern province of Sindh. His hands were tied and his body bore the marks of torture and strangulation... He is the second journalist to be killed in Pakistan this year, following Mukarram Khan Atif on 17 January." **[23d]**

16.24 On 5 November 2011 the body of missing journalist Javed Naseer Rind, editor and columnist of the Daily Tawar, was found with gunshot wounds to the head and signs of torture on his body. Rind was kidnapped from his home in Balochistan on 11 September 2011. Condemning the murder, the Baluchistan Union of Journalists demanded that the government put together a high-level committee to probe the incident. (Committee to Protect Journalists, 7 November 2011) **[74e]**

16.25 Reporters Without Borders World Report 2009 noted that:

"Journalists have been forced into self-censorship in the Swat valley [North West Frontier Province] where the government agreed to the application of Sharia law demanded by the Taliban in exchange for a halt to the fighting there. They have fallen victim to the terror sown by the Taliban through their illegal FM radios. It was in this valley that journalist Mosa Khankhel was brutally murdered in 2009, while he was actually covering the peace agreement.

"The very few journalists in the tribal areas are at the mercy of the Taliban who try to get them to report favourably on their 'Jihad', while the army and local authorities react badly to any news reports suggesting failings in the 'war against terror'...

"The Pakistan army, particularly the secret services secrets [sic] (ISI [Inter-Services Intelligence] and Military Intelligence) threaten journalists who report on abuse of authority and on disappearances, particularly those of hundreds of Balochistanis that occurred under the Pervez Musharraf regime. It is difficult to investigate safely in Balochistan, Pakistani Kashmir and the tribal areas." **[23c]**

16.26 For further information on incidents occurring against the media in Pakistan see Reporters Without Borders **[23b]** and the Committee to Protect Journalists (CPJ) **[74a]**.

Return to contents
Go to sources

17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

17.01 The US Department of State Country Report on Human Rights Practices 2011 (USSD Report 2011), published 24 May 2012, noted that:

"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 [Khyber Paktunkhwa], FATA [Federally Administered Tribal Areas], 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.

"The government sometimes sought international organization and NGO technical cooperation, especially from international NGOs, in the fields of humanitarian relief, development, environment, election operations, and human trafficking. Human rights groups reported that they generally had access to police stations and prisons. The government permitted international nongovernmental human rights observers to visit the country." **[3n] (Section 5)**

17.02 The Human Rights Committee of Pakistan noted in its annual report, State of Human Rights in 2011 (HRCP Report 2011), published March 2012, that:

"... threats... grew for human-rights defenders, political activists and all those whose views or association with a political group or party upset feudal, radical or religious extremist elements. Human rights defenders remained vulnerable for voicing support for human rights and three senior personnel of the HRCP were killed in Pasni, Khuzdar, and Khyber Agency in 2011. Voicing support for religious minorities' rights grew ever more risky, amid the authorities' failure to address such risks and prevent violence perpetrated by religious extremist elements." **[27i] (p94)**

17.03 The same source added "Associating with aid agencies, human rights organisations and non governmental organisations (NGOs) in general grew more dangerous and workers of many such organisations faced threats, attacks and abduction... The work of human rights defenders, particularly those working on the rights of women and minority communities, also became more dangerous." **[27i] (p133)**

17.04 On 22 March 2009, IRIN reported that:

"Insurgents in Pakistan's volatile Swat Valley in North West Frontier Province (NWFP) who recently made a peace deal with the government now want all NGOs to leave the area. 'They come and tell us how to make latrines in mosques and homes. I'm sure we can do it ourselves. There is no need for foreigners to tell us this,' Muslim Khan, a spokesman for Tehrik-e-Taliban Pakistan (TTP), told IRIN from Swat Valley..." The report also noted that "... the TTP was against polio vaccination, repeating unfounded allegations that the vaccine causes infertility." **[41e]**

17.05 The Freedom House Freedom in the World: Pakistan 2011 report, published 26 July 2011, stated that the:

"Authorities generally tolerate the work of nongovernmental organizations (NGOs) and allow them to publish critical material. However, NGOs that focus on female education and empowerment, and female NGO staff in general, have faced threats, attacks, and a number of murders by radical Islamists, particularly in the FATA and Khyber Pakhtunkhwa. Citing security concerns, the government has at times prevented aid groups from operating in Balochistan, exacerbating the province's humanitarian situation. Pakistan is also home to a large number of charitable or cultural organizations, such as the Jamaat-ud-Dawa (JD), that have links to Islamist militant groups." **[5a]**

See also Annex C: Terrorist and extremist groups

17.06 The USSD Report 2011 observed that "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." **[3n] (Section 1g)**

See also Freedom of speech and media

Return to contents
Go to sources

18. CORRUPTION

18.01 In its 2011 Corruption Perceptions Index (CPI), published 1 December 2011, Transparency International ranked Pakistan 134 in the world corruption ranking, out of 182 countries, giving it a CPI score of 2.5. (CPI Score relates to perceptions of the

degree of corruption as seen to exist among public officials and politicians by business people and country analysts. It ranges between 10 (highly clean) and 0 (highly corrupt). **[76]**

18.02 The US Department of State Country Report on Human Rights Practices 2011 (USSD Report 2011), published 24 May 2012, noted in its introduction for Pakistan that "Corruption was widespread within the government and the police forces, and the government made few attempts to combat the problem." **[3n]** The same report added "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 with impunity. 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." **[3n] (Section 4)**

18.03 The Asian Human Rights Commission (AHRC) report, The State of Human Rights in Pakistan 2010 (AHRC Report 2010), published February 2011, noted "The corruption in the government has become endemic and with the passage of time the corruption makes new records... No mechanism has been evolved to curb the corruption. The Supreme Court is taking cases of corruption but limited it to the present government not across the board." **[52e] (p2)**

18.04 The International Crisis Group (ICG) noted in its report, Reforming Pakistan's Police, dated 14 July 2008, that:

"Police officers agree that there is widespread corruption, from petty bribery at the lower rungs of the hierarchy to more substantial graft at the top. In an attempt to justify their force's shortcomings, they blame the government for failing to take action and also for not addressing its own shortcomings. 'How can corruption in the police go down when people known to be corrupt are made its bosses?' asked an officer. 'Many in the police, particularly those at the bottom of the pile, feel that when those at the top are making money right, left and centre, what incentive is there for them to remain clean?' This is certainly no justification, but those at the top of the police hierarchy must understand that police professionalism and efficiency and the force's public image are badly tarnished by such practices... It is nearly impossible to eliminate corruption within the police until poor salaries and working conditions are improved, particularly for personnel of and below the rank of inspector..." **[20b] (p13)**

18.05 The AHRC Report 2010 noted, with regards to corruption in the judiciary, that it had:

"... increased from the past year because of the increase in pending cases. To get... to fix [a] date for hearing of... cases [bribing] staff of the court is a common practice, this practice is not limited to lower judiciary but also at the level of higher judiciary... In the lower judiciary the readers are openly telling that amount [(the bribe)] goes to [the] judge also. The lawyers are themselves pressing clients to bribe the staff otherwise their cases would not come. The higher judiciary is silent on the complaints of corruption which is blamed by the lawyer community as the political expediency of the higher judiciary." **[52e] (p19)**

18.06 The Human Rights Commission of Pakistan noted in its annual report, the State of human rights in 2010, published 14 April 2011, that "As if reports of rampant corruption by some in the corridors of power were not enough to sully the image of the people's representatives in general, the issue of forged educational certificates of

parliamentarians remained in the limelight in 2010. Dozens of parliamentarians from the treasury and the opposition benches were suspected of or found to be holding forged academic certificates." **[27e] (p187)**

See also Section: Security forces, subsection Police

Return to contents
Go to sources

NATIONAL RECONCILIATION ORDINANCE (NRO)

18.07 The Freedom House Freedom in the World: Pakistan 2011 report, published 26 July 2011, noted that:

"Corruption is pervasive in politics and government. Under the National Reconciliation Ordinance (NRO) of 2007, Zardari and more than 8,000 other politicians, diplomats, and officials were granted immunity in ongoing corruption cases, allowing them to participate in the 2008 elections. The Supreme Court revoked the NRO in December 2009, and a government petition to review the decision was subsequently rejected. Though Zardari himself still enjoyed presidential immunity, several high-ranking ministers faced the threat of reopened cases or prosecution. In May 2010, Zardari pardoned Interior Minister Rehman Malik on a corruption conviction dating to 2004." **[5a]**

18.08 On 21 November 2009 a list containing the names of thousands of people who were protected from corruption charges under the National Reconciliation Ordinance (NRO) was published by the government. In a news conference, Minister of State for Law, Afzal Sindhu, stated that "A total of 8,041 people benefitted from NRO, including President Zardari". More than 30 other politicians were also named on the list. (Agence France Presse (AFP), 21 November 2009) **[69a]**

18.09 The Human Rights Commission of Pakistan noted in its report, State of Human Rights in 2010 (HRCP Report 2010), published 14 April 2011, that:

"Early in the year the Supreme Court released its detailed judgment on the National Reconciliation Ordinance (NRO) of 2007. (A short order had been announced at the end of hearing in December 2009.) The following points were made in the leading judgment:

- The Supreme Court had referred the NRO to parliament for being made into an Act. The ordinance was tabled in the National Assembly and then withdrawn. Inference: parliament did not consider the measure a valid temporary legislation.
- The NRO could not be considered a legislation for achieving national reconciliation as it had been promulgated for achieving some individuals' reconciliation.
- The NRO, to the extent of S-2, was arbitrary and irrational. It failed the test of intelligible differentia too as the measure had served the purpose of individual reconciliation.
- The NRO has opened the door of parliament to persons convicted under National Accountability Ordinance (NAO) and the amendment to NAO is void ab initio. Parliament acted wisely by not validating the NRO and the SC is endorsing the will of the elected representatives.

- The President was not empowered to issue the NRO as the subjects covered by its Ss 2, 6 and 7 fell beyond the scope of the federal and concurrent legislative lists.
- Since the NRO as a whole, particularly its Ss 2, 6 and 7 had been declared void ab initio, for being violative of Arts. 4, 8, 12, 13, 25, 62(f), 63(1) (h), 63(1) (p), 89, 175 and 227 of the constitution, all steps taken and orders passed by any authority or court, including orders for the discharge or acquittal of the accused, were declared never to have existed in the eyes of law and resultantly of no legal effect. Therefore, all cases of the NRO beneficiaries, including cases pending on Oct 5, 2007 stand revived." **[27e] (p42)**

18.10 The National Reconciliation Ordinance, was declared "null and void" by the Supreme Court of Pakistan on 16 December 2009. **[99]**

See also Sections: Security Forces, subsection: Police; and Judiciary, subsection Independence and Fair Trial

Return to contents
Go to sources

NATIONAL ACCOUNTABILITY BUREAU (NAB)

18.11 The Freedom House Freedom in the World: Pakistan 2011 report stated that "The National Accountability Bureau (NAB), established in 1999 to combat corruption, was slated to be abolished in 2009 amid claims that it had become politicized under military ruler Pervez Musharraf. It remained in place in 2010, but was criticized for failing to act on the judiciary's calls for it to reopen hundreds of cases." **[5a]**

18.12 The HRCP Report 2010 stated:

"On September 01 [2010] the SC [Supreme Court] declared the appointment of the acting chairman of the National Accountability Bureau (NAB) and its Prosecutor-General illegal and asked the government to appoint a new chairman within a month. Three weeks later (Sept 21) the court again observed that the Deputy Chairman of the NAB was holding the position of the acting Chairman illegally and that all his actions taken in this capacity were invalid... Eventually, the government appointed Justice (R) Deedar Husain as Chairman of NAB. The move was immediately challenged in the LHC [Lahore High Court] and the Chief Justice of SC observed, during the hearing of the government's review petition against the 2009 verdict in the NRO case, that the appointment was in violation of the NRO verdict." **[27e] (p43)**

18.13 The NAB's website, accessed 10 August 2011, stated that:

"The National Accountability Bureau is Pakistan's apex anti-corruption organization. It is charged with the responsibility of elimination of corruption through a holistic approach of awareness, prevention and enforcement. It operates under the National Accountability Ordinance-1999, with its headquarter at Islamabad. It has four regional offices in the provincial capitals and one at Rawalpindi. It takes cognizance of all offences falling within the National Accountability Ordinance (NAO)." **[26]**

18.14 The USSD Report 2010 noted that:

"The National Accountability Bureau (NAB) serves as the highest-level anticorruption organization, with a mandate to eliminate corruption through awareness, prevention, and enforcement. During the year the NAB was ineffective, largely because it did not have a chairman or prosecutor general and was poorly funded. Government officials forced the former NAB chairman to resign in June 2010 but did not appoint a new NAB chairman until October. The new anticorruption leader spent the remaining part of the year working to fill vacant positions and seeking appropriate funding levels needed to carry out adequately the NAB's mandate." **[3n] (Section 4)**

18.15 The Economist Intelligence Unit (EIU) November 2010 report noted "Rumours of substantial corruption in Pakistan have been exacerbated during the past year by the apparent unwillingness of the National Accountability Bureau, a federal level anti-corruption and economic intelligence agency, to take action against offenders." **[2d] (The political scene)**

18.16 The HRCP Report 2009 noted that:

"Disciplinary action against a large number of police officials was one of the many indications of the poor performance of the law and order personnel. In Punjab, disciplinary action was taken against 1,688 police officials, including DSPs [Deputy Superintendent of Police], SHOs [Station House Officers], inspectors and sub-inspectors, under the orders of the Chief Minister on charges of misconduct and inefficiency during the first 11 months of 2009. The Inspection and Vigilance teams carried out surprise inspection of 136 police stations during the year across Punjab, and discovered cases of illegal detention, torture, registration of false cases, non-registration of cases and defective investigations.

"According to the IGP [Inspector General of Police], Islamabad, dozens of police officers were suspended during the year 2009 on charges of corruption. Three SHOs of Sialkot police were suspended by the Regional Police Officer (RPO) Gujranwala region on charges of corruption and laziness in duties during December 2009. In the first week of December, the District and Sessions Judge, Karachi South, issued arrest warrants for the SP [Superintendent of Police], Special Investigation Unit (SIU), and other officials for keeping citizens in detention illegally. A court bailiff had raided the SIU centre in Karachi and found four persons illegally detained there." **[27c] (p75-76)**

See also Judiciary, Independence and Fair Trial

Return to contents
Go to sources

19. FREEDOM OF RELIGION

19.01 The US Department of State's July-December, 2010 International Religious Freedom Report (USSD IRF Report 2010), published on 13 September 2011, stated in its introduction to Pakistan that:

"The constitution establishes Islam as the state religion, and it requires that laws be consistent with Islam. The constitution states that 'subject to law, public order, and morality, every citizen shall have the right to profess, practice, and propagate his religion;' in practice, however, the government limited freedom of religion. Freedom of speech was also constitutionally 'subject to any reasonable restrictions imposed by law in the interest of the glory of Islam.'

 The main text of this COI Report contains the most up to date publicly available information as at 24 May 2012. Further brief information on recent events and reports has been provided in the Latest News section to 7 June 2012.

"The government rarely investigated or prosecuted the perpetrators of increased extremist attacks on minorities and the majority promoting tolerance, which deepened the climate of impunity. Despite the government's steps to protect religious minorities, societal intolerance and violence against minorities and Muslims promoting tolerance increased, and abuses under the blasphemy laws continued. The government did not take adequate measures to prevent these incidents or undertake reform measures to prevent the abuse of the blasphemy laws. Toward the end of the reporting period the public discourse regarding the blasphemy laws became increasingly heated, which contributed to the government's reluctance to address the issue. For example, after initially signaling he was considering pardoning Aasia Bibi's death penalty sentence for alleged blasphemy, President Zardari refrained from doing so. This was the first time a woman was sentenced to death under the blasphemy laws. Also, in response to extremist societal elements, the government distanced itself from a bill introduced by a member of the ruling party that would have amended the blasphemy laws to prevent abuse." **[3l] (Introduction)**

19.02 The United States Commission on International Religious Freedom Annual Report 2012 (USCIRF Report 2012), published March 2012, covering events from April 2011 to February 2012, has recommended, since 2002, that the US Department of State designate Pakistan as a "country of particular concern" or CPC, and stated that:

"The religious freedom situation in Pakistan remained exceedingly poor during the reporting period. The Zardari government has failed to reverse the erosion in the social and legal status of religious minorities and the severe obstacles to the free discussion of sensitive religious and social issues faced by the majority Muslim community. A number of Pakistan's laws abridge religious freedom and freedom of expression. Blasphemy laws, used predominantly in Punjab province but also nationwide, target members of religious minority communities and dissenting Muslims and frequently result in imprisonment on account of religion or belief. While no one has been executed under the blasphemy law, the law has created a climate of vigilantism that has resulted in societal actors killing accused individuals. Anti-Ahmadi laws discriminate against individual Ahmadis and effectively criminalize various practices of their faith. The Hudood Ordinances provide for harsh punishments for alleged violations of Islamic law by both Muslims and non-Muslims. Anti-government elements espousing an intolerant interpretation of Islam continue to perpetrate acts of violence against other Muslims and religious minorities. The government's response to religiously-motivated extremism remains inadequate, despite increased military operations." **[53c] (p120)**

19.03 The same source added that:

"The government of Pakistan continues to both engage in and tolerate systematic, ongoing, and egregious violations of freedom of religion or belief. Pakistan's repressive blasphemy laws and other religiously discriminatory legislation, such as the anti-Ahmadi laws, have created an atmosphere of violent extremism and vigilantism. Sectarian and religiously-motivated violence is chronic, and the government has failed to protect members of the majority faith and religious minorities. Pakistani authorities have not consistently brought perpetrators to justice or taken action against societal leaders who incite violence. Growing religious extremism threatens the freedoms of religion and expression, as well as other human rights, for everyone in Pakistan, particularly women, members of religious minorities, and those in the majority Muslim community who hold views deemed 'un-Islamic' by extremists. It also threatens Pakistan's security and stability." **[53c] (p120)**

19.04 The Asian Human Rights Commission reported on 12 March 2012 that:

> "The situation in Pakistan grows worse for the religious minority groups on a daily basis. The security and law and order situation has become so chaotic that the authorities seem to have no control over providing protection to these minorities. The fundamentalist Muslim leaders (Mullahs) have a free rein and relentlessly exploit the blasphemy laws for their personal interests and these laws were legislated to debilitate and undermine universal human rights. Members of all faiths have been victims of these merciless violations of human rights including Christians, Hindus and even Shiites. However, the main focus of this brutality is the Ahmadi and the killing of Ahmadis is not considered a crime by the state and the law of the land." **[52j]**

19.05 The USCIRF Report 2012 further added:

> "The Pakistani government has taken some positive steps regarding religious freedom and tolerance, mainly through the efforts of the late Minister Bhatti. In May 2009, the government announced a five-percent minimum quota in federal employment for members of religious minority communities; however, it appears that the quota has not been met, and if applied at all, it has been done so unevenly across the country. The government also designated August 11 as an annual federal holiday, called 'Minorities' Day,' which President Zardari and Prime Minister Giliani celebrated for the first time in 2011, with both giving separate statements about the importance of religious minorities to Pakistan. Minister Bhatti also established a National Interfaith Council, convened in July 2010, to promote understanding and tolerance among the different faiths, as well as District Interfaith Harmony Committees to promote religious tolerance through understanding in every district of Pakistan. The Pakistani embassy reported that 124 interfaith committees have been established at the district level." **[53c] (p121-122)**

19.06 On 11 August 2011, the Associated Press of Pakistan (APP) reported:

> "President Asif Ali Zardari has said that the government stands committed to ensure equal rights for minorities as enshrined in the Constitution and the UN Declaration of Human Rights. In a message on Minorities Day, the President said the recognition and respect for the minorities rights is part of the Pakistan Peoples Party's Manifesto. He said it is an occasion to recognize the important role, played by the minorities of Pakistan in nation-building, the sacrifices rendered by them, and the problems and issues, faced by members of minorities. He said it is the day to renew the commitment to protect their rights and to draw them fully in the mainstream of national life...
>
> "President Zardari expressed the confidence that after passage of 18th Amendment, the provincial governments will continue to ensure equality, freedom and security for all communities so that they can freely profess and practise their religions and also safeguard their legitimate and rightful interests. He said Minorities Day is an opportunity that reminds to reaffirm solidarity for the betterment of humanity and for a prosperous Pakistan." **[123b]**

19.07 In addition to "Minorities' Day", the Human Rights Commission of Pakistan noted in its annual report, State of Human Rights in 2010 (HRCP Report 2010), published 14 April 2011, that "In April [2010], the federal ministry of minorities announced that 10 religious festivals of the minorities would be celebrated officially in Pakistan. The festivals included Besakhi, Dewali, Holi, Eid-e-Rizwan, Chelumjust, Nauroz, Christmas and Easter." **[27e] (p135)**

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19.08 However, the HRCP Report 2010 also added:

"There were few positive developments in Pakistan in the year 2010 with regard to the freedom of thought, conscience and religion and all indications suggested that there were even worse times ahead. Members of minority communities were targeted in horrific acts of violence on account of their faith. The violence and intimidation added to a sense of growing insecurity among members of minority communities across the country. As many as 99 Ahmedis were killed across the country on account of faith-based violence during the year.

"Impunity for perpetrators of violence against minority communities continued. Little progress was made in bringing to justice those involved in violence and arson targeting an entire Christian locality in Gojra, Punjab in 2009.

"Rhetoric about empowerment and protection of religious minorities in the country abounded but little was done in practical terms to achieve that. Efforts for fostering inter-faith harmony, tolerance and peaceful coexistence did not seem to be a priority." **[27e] (p124)**

19.09 Following a fact-finding mission to Pakistan from 13 – 22 February 2010, the Parliamentary Human Rights Group Report of the PHRG Fact Finding Mission to Pakistan to Examine the Human Rights Situation of the Ahmadiyya Community, published 24 September 2010 (PHRG Report 2010), stated that:

"In the Pakistan of today, the PHRG finds that the religious minorities are not free. Their mosques and churches are under attack by religious fascists; their members are persecuted and murdered, and there is no hope of improvement for them in the policies of any of the political parties or leaders. The justice system discriminates systematically against the Ahmadiyyas is [sic] particular, from the highest courts down to the local police, and there are only one or two brave voices raised in defence of the victims." **[51b] (p3)**

19.10 The Asian Human Rights Commission (AHRC) stated in its report The State of Human Rights in Pakistan 2010 (AHRC Report 2010), published February 2010:

"Women from religious minorities are most common and vulnerable targets of violence: Women from religious minorities are the most frequent victims of violence, particularly sexual violence. Members of religious minorities are regularly assaulted, tortured or murdered and their property and place of worship are ransacked and desecrated. The blasphemy laws understand blasphemy only as an offence against Islam and are used by a criminal nexus between the police, the administration and religious fundamentalists to intimidate Christians, Ahmadis and all religious minorities in Pakistan. Women are disproportionately affected. It is becoming common in rural areas for Muslim fundamentalists to abduct, force into marriage, and forcibly convert women to Islam. Abductions made up nearly 30 percent of all crimes against women in the first half of 2010." **[52e] (p62)**

See also Women: Violence against women

19.11 The HRCP Report 2010 observed that:

"Extremist views grew more vociferous as voices endorsing basic human rights and tolerance became more isolated and muted in the face of violence and intimidation. Legal discrimination against religious minorities and the government's failure to address

religious persecution by Islamist groups contributed to atrocities against religious groups who were vulnerable on account of their beliefs.

"Investigation and prosecution of agents of intimidation and violence against minority groups was not a priority. Charges were seldom brought against those responsible for violence, intimidation and discrimination. Amidst the internal displacement crisis caused by the floods in the summer of 2010 instances of faith-based discrimination against religious minorities were also reported.

"There was a growing feeling of lack of effective representation in parliament for non-Muslim citizens even under the joint electorate system, as well as little possibility of holding to account law makers nominated to seats reserved for minorities." **[27e] (p124-125)**

19.12 The same source added

"Hate speech, violence and threats of violence against members of minority and vulnerable communities continued throughout the year 2010, with clerics speaking against the minority and vulnerable communities in religious congregations and Friday sermons.

"Hate campaigns, including some in mainstream newspapers, against members of minority faiths that often branded members of entire minority communities as agents of other countries also continued. Some television talk shows also promoted intolerance toward the religious minority communities. There were scores of instances of the use of mosque loudspeakers to promote hatred and violence against the minorities. Some minority communities, such as the Ahmedis, were targeted more than the others in hate campaigns, often through the use of stickers, wall chalking and distribution of pamphlets.

"In July, the federal minorities minister said that his ministry planned to submit a draft legislation before parliament soon against 'hate preaching and printing, and distribution of hate material'. The minister also spoke of suggestions made to the education ministry and madrassas to include texts on interfaith harmony and religious tolerance in the curriculum. However, the draft law on hate speech was not tabled in parliament until the end of the year, nor was any change made in the curriculum to reflect any desire for interfaith harmony." **[27e] (p135)**

19.13 The US Department of State Country Report on Human Rights Practices 2009 (USSD Report 2009), published 11 March 2010, observed that "Reprisals and threats of reprisals against suspected converts from Islam occurred. Members of religious minorities were subject to violence and harassment, and at times police refused to prevent such actions or charge persons who committed them, leading to an atmosphere of impunity." **[3b] (Section 2c)**

See also subsection Christian converts and the Section: Security situation

19.14 The USCIRF Report 2012 noted that, despite efforts by the Government since mid 2005 to register all religious schools (madrassas) and expel foreign students:

"While most registered, the registration process reportedly has had little if any effect on the curricula, which in many of these schools includes materials that promote intolerance and exhortations to violence. The government also still lacks full knowledge of the madrassas' sources of funding. A memorandum of understanding was signed in

October 2010 between Ministry of Interior, which oversees the madrassa system, and the five main madrassa boards in another attempt to better reform their curriculum and regulate their financing." **[53c] (p129)**

See also Section: Children – Education – Madrassas

Return to contents
Go to sources

DEMOGRAPHY

19.15 The USSD IRF Report 2010 observed that:

"Ninety-five percent of the population is Muslim (75 percent Sunni and 25 percent Shia). Groups composing 5 percent of the population or less include Hindus, Christians, Parsis/Zoroastrians, Bahais, Sikhs, Buddhists, Ahmadis, and others. According to the Ministry for Minorities, Sikhs have 30,000 adherents and Buddhists 20,000. According to a Parsi community center in Karachi, the number of Parsis (Zoroastrians) dropped to 1,750 during the year as compared to 2,039 in June 2006. The Bahai stated that their numbers are growing, claiming 30,000 adherents. The number of Ahmadis living in the country, according to Jamaat-e-Ahmadiyya, is 600,000, although it is difficult to establish an accurate estimate because Ahmadis, who are legally prohibited from identifying themselves as Muslims, generally choose not to identify themselves as non-Muslims. Some tribes in Balochistan and Khyber Pakhtunkhwa (KPk – formerly known as the North West Frontier Province) practiced traditional animist religious beliefs; other religious groups include Kalasha, Kihals, and Jains. Less than 0.5 percent of the population, as recorded in the 1998 census, was silent on religious affiliation or claimed not to adhere to a particular religious group. Social pressure was such that few persons claimed no religious affiliation." **[3l] (Section I)**

19.16 The Writenet report, 'Pakistan: The Situation of Religious Minorities', dated May 2009, commissioned by the UNHCR and written by Shaun R. Gregory and Simon R. Valentine, estimated there were three to four million Christians (about two to three per cent of the population) living in Pakistan, with an approximate equal split between Protestants and Catholics. Some sources estimated the number of Christians to be at least twice the official number. The report noted "Approximately 80 percent of Christians live in the Punjab, with around 14 percent in Sindh, 4 percent in the NWFP, and 2 percent in Balochistan." **[108a] (p17)**

19.17 The same source estimated the number of Hindus living in Pakistan was two and a half million. **[108a] (p21)**

19.18 The Government of Pakistan's Statistics Division provided in its Population Census of 1998 a breakdown of Pakistan's Population by Religion. **[29r]**

CONSTITUTION AND LEGISLATION

19.19 The USSD IRF Report 2010 stated that:

"The constitution establishes Islam as the state religion. It also declares that adequate provisions shall be made for minorities to profess and practice their religious beliefs freely; however, the government imposes limits on freedom of religion, particularly on Ahmadis... In April [2010] the 18th Amendment to the constitution was passed without

amending constitutional clauses affecting minorities, including blasphemy and Ahmadi-specific laws" **[3l] (Section II: Legal/Policy Framework)**

19.20 The USCIRF 2012 Report noted that the 18th amendment to the Pakistani constitution, "... created 10 seats for religious minorities in the National Assembly, the lower house of Pakistan's parliament, and four seats in the Senate. It also required seats for non-Muslims in the provincial assemblies. However, the allocation of seats was not set on a per-capita basis, so is not reflective of the size of the non-Muslim community. In addition, the 18th amendment specifically stipulated that the prime minister must be a Muslim..." **[53c] (p122)**

19.21 The same source noted:

"Also under the 18th amendment, unspecified ministries were to be devolved to the provincial level. Despite protests from parliamentarians from religious minority communities, the Ministry of Minorities Affairs was removed from the federal cabinet and devolved to the provinces. It is unclear whether all provinces have created their own ministry for religious minorities (Punjab province already had such a ministry). After devolution, the Zardari government established a new Federal Ministry for National Harmony in July. Dr. Paul Bhatti's title was changed to Advisor to Prime Minister for National Harmony to reflect the new ministry. He also is barred from serving as its minister, due to not being an elected official. Akram Gill, a Christian from the PPP coalition partner Pakistani Muslim League-Q, was named State Minister but not the full Federal Minister. Consequently, there is no religious minority in the federal cabinet and the reporting lines between Dr. Bhatti and State Minister Gill within the new ministry are unclear." **[53c] (p122)**

19.22 The USSD IRF Report 2010 noted:

"Government policies did not afford equal protection to members of majority and minority religious groups. Religious minorities were legally restricted from public display of certain religious images and, due to discriminatory legislation and social pressure, were often afraid to profess freely their religious beliefs. The 2008 establishment of the Ministry for Minorities removed responsibility for protection of religious minorities from the Ministry of Religious Affairs. The Ministry of Minorities is a stand-alone, cabinet-level ministry that has the 'aim to protect the rights of minorities as envisaged under the 1973 constitution of Pakistan.' The budget of the ministry covers assistance to indigent minorities, the repair of minority places of worship, the establishment of minority-run small development projects, and the celebration of minority religious festivals. These expenses were previously covered by the ministry of religious affairs. Religious minorities claimed that the Ministry for Minorities is underfunded and that localities and villages that were home to minority citizens went without basic civic amenities. There were also indications that the Ministry of Minorities would be dissolved at the federal level in 2011, along with several other ministries, as part of the devolution plan under the 18th Amendment. Minority representatives in the Parliament and minority rights organizations oppose the possible devolution of the ministry to the provinces." **[3l] (Section II: Legal/Policy Framework)**

19.23 The USCIRF Report 2012 observed that discriminatory legislation introduced in previous decades had fostered an atmosphere of religious intolerance and undermined the social and legal status of religious minorities, including members of the Shia, Ahmadi, Hindu and Christian communities. The report also noted that "Government officials do not provide adequate protections from societal violence to members of

religious minority communities, and perpetrators of attacks on minorities rarely are brought to justice. This impunity is partly due to the fact that Pakistan's democratic institutions, particularly the judiciary and the police, have been weakened by endemic corruption, ineffectiveness, and a general lack of accountability." **[53c] (p121)**

19.24 The HRCP Report 2010 stated:

"There are few specific mechanisms to redress complaints of members of minority communities. Although a Commission for Minorities exists in name it is not known how it operates to safeguard the rights of the minorities, who its present members are, and how they are appointed. The incumbent commission has been criticised for neither being independent nor autonomous. HRCP Working Group on Communities Vulnerable Because of their Beliefs has called for the Commission for Minorities to be a statutory body, established by an act of parliament, which must have the mandate to address discrimination against minorities in laws, policies and practices. It has been suggested that the commission should have the power to receive and entertain complaints and take all measures necessary to address those complaints, including by referring matters to courts." **[27e] (p136)**

19.25 The USSD Report 2009 added that "The prime minister, federal ministers, and ministers of state, as well as elected members of the Senate and National Assembly (including non-Muslims), must take an oath to 'strive to preserve the Islamic ideology,' the basis for the creation of the country." **[3b] (Section 2c)**

Return to contents
Go to sources

BLASPHEMY LAWS

19.26 The AHRC Report 2010 stated "... Pakistan's infamous Blasphemy Laws remain in effect. Charges of blasphemy are still punishable with the death penalty, while desecration of the Holy Quran carries a life sentence." **[52e] (p85)** The USSD IRF Report 2010 stated "Laws prohibiting blasphemy continued to be used against Christians, Ahmadis, and members of other religious groups, including Muslims." **[3l] (Section II)**

19.27 The Parliamentary Human Rights Group report 'Rabwah: A Place for Martyrs?' (PHRG Report 2007), published in January 2007, provided a tabulated summary of the blasphemy laws and the penalties for breaching them:

Pakistan Penal Code	Description	Penalty
298a	Use of derogatory remarksetc., in respect of holy personages	Three years' imprisonment,or fine, or both
298b	Misuse of epithets,descriptions and titles etc., reserved for certain holy personages or places, by Ahmadis	Three years' imprisonment and fine
298c	An Ahmadi, calling himself a Muslim, or preaching or propagating his faith, or outraging the religious feelings of Muslims, or posing himself as a Muslim	Three years' imprisonment and fine
295	Injuring or defiling places of worship, with intent to insult the religion of any	Up to two years' imprisonment or fine, or

	class	both
295a	Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs	Up to 10 years' imprisonment, or fine, or both
295b	Defiling, etc., of Holy Quran	Imprisonment for life
295c	Use of derogatory remarks, etc; in respect of the Holy Prophet	Death and fine

[51a] (p10, Section 2.3, Blasphemy Laws and First Information Reports)

19.28 The USSD IRF Report 2010 noted that "Freedom of speech was subject to 'reasonable' restrictions in the interest of the 'glory of Islam,' as stipulated in sections 295(a), (b), and (c) of the penal code... In cases in which a minority group claimed its religious feelings were insulted, the blasphemy laws were rarely enforced, and cases were rarely brought to the legal system." **[3l] (Section II: Legal/Policy Framework)**

19.29 The same source also noted that:

"Public pressure routinely prevented courts from protecting minority rights and forced judges to take strong action against any perceived offense to Sunni orthodoxy. Complaints by religious minorities of discrimination against them were rarely brought before the judiciary. According to several NGOs, cases against Christians and Ahmadis continued to increase during the reporting period. Lower courts were frequently subjected to intimidation, delayed issuing decisions, and refused bail for fear of reprisal from extremist elements. Original trial courts usually denied bail in blasphemy cases, arguing that defendants facing the death penalty were likely to flee. As with the majority of cases in the country, many defendants appealed the denial of bail, but bail often was not granted in advance of the trial." **[3l] (Section II: Restrictions on Religious Freedom)**

19.30 The USCIRF Report 2012 stated that:

"Blasphemy allegations, which are often false, have resulted in the lengthy detention of, and occasional violence against, Christians, Ahmadis, Hindus, other religious minorities, and members of the Muslim majority community. Reportedly, more cases are brought under these provisions against Muslims than any other faith group, although the law has a greater impact per capita on minority religious faiths. While no one has been executed under the blasphemy law, the law has created a climate of vigilantism that has resulted in societal actors killing accused individuals." **[53c] (p127)**

19.31 The same source added:

"Despite the law's national application, two-thirds of all blasphemy cases reportedly are filed in Punjab province. Because the law requires neither proof of intent nor evidence to be presented after allegations are made, and includes no penalties for false allegations, blasphemy charges are commonly used to intimidate members of religious minorities or others with whom the accusers disagree or have business or other conflicts. The provisions also provide no clear guidance on what constitutes a violation, empowering the accuser and local officials to rely on their personal interpretations of Islam. Militants often pack courtrooms and publicly threaten violence if there is an acquittal. Lawyers who have refused to prosecute cases of alleged blasphemy or who defend those accused, as well as judges who issue acquittals, have been harassed, threatened, and even subjected to violence. The lack of procedural safeguards empowers accusers to use the laws to abuse religious freedom, carry out vendettas, or gain an advantage over

others in land or business disputes or in other matters completely unrelated to blasphemy." **[53c] (p127-128)**

19.32 The USCIRF Report 2012 continued:

"The highest-profile blasphemy case in recent years involved Aasia Bibi, a Christian farm worker and mother of five, who was sentenced to death under Article 295C in November 2010. President Zardari stated he would pardon Ms. Bibi, should her appeal not move forward quickly. However, the Lahore High Court ruled in December 2010 that President Zardari did not have the power to pardon an individual whose case was on appeal. In response, President Zardari directed that Ms. Bibi be kept separate from the general prison population during the appeals process, which will take years. NGOs report that Ms. Bibi's health has been affected from being kept separate from the prison population. Ms. Bibi was assaulted by a prison guard in October. In response, the guard was suspended.

"Aasia Bibi was not the only person sentenced to death for blasphemy. In June 2011, Abdul Sattar was sentenced to death in Punjab province for allegedly texting blasphemous messages. To date, there are at least 14 individuals who have death sentences pending or who are in the process of appeal. Lengthy prison sentences also were imposed for blasphemy or other conduct deemed offensive to Islam during the reporting period [April 2011-February 2012]. Two Muslims and a Christian were sentenced to life in prison for defiling the Qur'an during the reporting period, joining at least 16 other individuals who are serving life sentences. In addition, more than 40 individuals are currently in jail for violating the blasphemy law..." **[53c] (p128)**

See also sub section Christians and Judiciary: Fair trial

19.33 The HRCP Report 2011 noted:

"The events of the last year and a half that should have brought the focus firmly on the shortcomings of the blasphemy law had the exact opposite effect and discussing the law fast became a taboo... At least eight people were booked under the blasphemy law, as Section 295-C of the Pakistan Penal Code is commonly called, during the year under review. Another three were given capital punishment by courts that found them guilty of the charge of blasphemy." **[27i] (p89)**

19.34 The PHRG Report 2010 stated that "The State of Pakistan is failing at all levels to address the problem of malicious complaints of violations of the blasphemy law being pursued against Ahmadis and Christians, as well as members of other religious communities." **[51b] (p8)**

19.35 The same source continued:

"These failures start with the police, who, in many cases, fail to exercise independent judgment in the use of their powers in the following areas:

- the decision to accept a First Information Report (the commencement of the legal process in a criminal case).
- the decision to arrest the accused.
- the decision to keep the accused in custody.
- the decision to charge the accused and present him to the court...

(The injustices of such police actions are deepened by frequent instances of poor physical treatment of accused persons by police officers.)

"The prosecutors engaged by the Advocate-General Departments of the Provincial Governments in many cases fail to:

- exercise independent judgment when continuing these cases in the courts.
- apply, with an independent mind, a review of the strength of the evidence or of the public interest test in continuing such cases.

"The judges in all courts, especially the lower ones, in many cases fail to:

- deal with these cases expeditiously, resulting in long delays and adjournments
- to grant bail in many cases and then only after long delays and appeals to the Higher Courts.

"The Government and Parliament are failing to:

- reform the law by repealing it or at very minimum reducing its discriminatory impact.

"As a result, at all levels of the State there is a failure to deter the promotion of religious intolerance, which is visible in that

- Incitements made by religious extremists to murder Amhadis and Christians go unchecked and unpunished.
- Persons who have made manifestly groundless allegations of violations of the blasphemy law against Ahmadis and others are not prosecuted for their falsehoods.
- state actors at all levels frequently appear fearful of the power and influence of Muslim extremists and are being paralysed by a small minority of extremist preachers and their supporters." **[51b] (p9-10)**

19.36 The AHRC Report 2011 stated that the killings of former governor, Salman Taseer, and former federal minister, Shahbaz Bhatti:

"... started after the open threats from the religious leaders and mosque leaders (Imams) for the killing of those persons who are against the blasphemy law or supporting the accused persons who committed the blasphemy. The Muslim religious have also announced head money for the killings and reservation of killers in the paradise. The civil society was very critical of such threats but the government and law enforcement authorities did not take action against such religious leaders who got impunity by the government machineries. The government has not enforced the law against the misuse of loudspeakers from the mosques. According to law of 2004 the loudspeakers from the mosque can be used only for the Friday sermons and Azan, five times calling for prayers. But throughout the country the mosques are using loudspeakers to preach their hate messages and authorities remain silent." **[52g] (p39)**

19.37 The same source added:

"On 9 January 2011, a rally was organised by Tahaffauz-e-Namoos-e-Risalat, which is a conglomerate of religious parties, opposed to amendments of the country's blasphemy laws... The rally, while demonstrating against the amendments also showed

120 The main text of this COI Report contains the most up to date publicly available information as at 24 May 2012. Further brief information on recent events and reports has been provided in the Latest News section to 7 June 2012.

support for the assassin [of Salman Taseer], Mumtaz Quadri. 'He is a hero and we salute his courage,' the speakers declared. It is known that more than 3,000 police officers were present, supposedly to maintain law and order. However, when the speakers announced over their public address system that anyone showing support for the amendments to the blasphemy laws should face the same fate as Salman Taseer no officer or government official moved to silence them. The vast majority of the participants were students from the Madrassas. One of the speakers was a member of the banned organisation, Jamaat-ud-Dawa which is banned by both Pakistan and the United States; however, once again, no move was made to prevent him from publically representing this banned organisation." **[52g] (p39)**

19.38 On 23 November 2010, in requesting the repeal of Pakistan's blasphemy laws, Human Rights Watch (HRW) reported:

"Legal discrimination against religious minorities and the failure of Pakistan's federal and provincial governments to address religious persecution by Islamist groups effectively enables atrocities against these groups and others who are vulnerable. The government seldom brings charges against those responsible for such violence and discrimination. Research by Human Rights Watch indicates that the police have not apprehended anyone implicated in such activity in the last several years.

"Social persecution and legal discrimination against religious minorities has become particularly widespread in Punjab province. Human Rights Watch urged the provincial government, controlled by former prime minister Nawaz Sharif's Pakistan Muslim League (Nawaz) party, to investigate and prosecute as appropriate campaigns of intimidation, threats, and violence against Christians, Ahmadis, and other vulnerable groups." **[7e]**

19.39 The HRCP Report 2010 stated that, during the year, two Christians and two Muslims accused of blasphemy were killed, three in Punjab and one in Sindh. The report also added that two people in Punjab were awarded the death sentence under section 295c of the Pakistan Penal Code (PPC). Three Muslims and two Christians were convicted under section 295b of the PPC, and seven Ahmadis were convicted under 298c (Propagation of faith by Ahmadis). There were also two acquittals of persons booked under section 295c. **[27e] (p64-65)**

19.40 The HRCP Report 2010 added that:

"In all 31 [new] cases of offences related to religion were registered in 2010 [as opposed to 41 cases registered in 2009 (HRCP Report 2009) **[27c] (p125)**], according to data collected at HRCP. Twenty-seven of these cases were reported from Punjab, two from Sindh, one each from Balochistan and Azad Kashmir, and none from Khyber-Pakhtunkhwa. The Sind[h] Police, however, reported 57 cases of offences relating to religion in its province alone and 49 of them were said to be under the blasphemy law." **(p66)** The HRCP Report 2010 listed the blasphemy cases filed during 2010. **[27e] (p66-68)**

19.41 The Freedom House special report Policing Belief: The Impact of Blasphemy Laws on Human Rights, published October 2010, noted that "According to data compiled by nongovernmental organizations (NGOs) and cited by the U.S. State Department, a total of 695 people were accused of blasphemy in Pakistan between 1986 and April 2006. Of those, 362 were Muslims, 239 were Ahmadis, 86 were Christians, and 10 were Hindus. The Pakistani daily newspaper Dawn has reported that some 5,000 cases were

registered between 1984 to 2004, and 964 people were charged with blasphemy." **[5f] (p69)**

19.42 According to the National Commission for Justice and Peace (NCJP), 24 cases were registered under the blasphemy laws between 1 July and 31 December 2010. "Of these, ten were Christians, seven were Hindus, three were Ahmadis, and four were Muslims. A total of 1,068 persons were charged under the blasphemy laws between 1987 and 2010. In 2010, blasphemy First Information Reports (complaints) were registered with the police against 17 Christians, eight Muslims, five Ahmadis, and seven Hindus according to information provided by NCJP." (USSD IRF Report 2010) **[3l] (Section II)**

19.43 The HRCP Report 2010 cited:

"Vigilantes and radical elements continued to treat as fair game anyone accused of blasphemy, or anyone voicing support for such accused. In addition to often not doing enough to protect minorities from attacks, the police have also been accused of harassing or being complicit in framing false charges against members of religious minorities. Prejudices among law enforcement personnel were also believed to be a hurdle in effective protection of religious minorities in serious danger from theTaliban and sectarian militant groups." **[27e] (p124)**

19.44 The same source noted "As many as 34 people accused of blasphemy under Section 295-C of the Pakistan Penal Code had been killed extra-judicially from 1986 until the end of 2010. Around half of these people were non-Muslims. That figure showed the threats anyone charged under the blasphemy law faced no matter how unfounded the charge. Even families of the individuals so charged often had to relocate to safer places on account of threats to their safety." **[27e] (p132)**

19.45 The USSD Report 2009 observed that:

"Complaints under the blasphemy laws were used to harass rivals in business or personal disputes. Most complaints under these laws were filed against the majority Sunni Muslim community by other Sunnis. Appellate courts dismissed most blasphemy cases; the accused, however, often remained in jail for years awaiting the court's decision. Trial courts were reluctant to release on bail or acquit blasphemy defendants for fear of violence from extremist religious groups. In 2005 a law went into effect revising the complaint process and requiring senior police officials to review such cases in an effort to eliminate spurious charges. According to human rights and religious freedom groups, this process was not effective because senior police officers did not have the resources to review the cases." **[3b] (Section 2c)**

19.46 The Freedom House special report Policing Belief: The Impact of Blasphemy Laws on Human Rights, noted that "The low evidentiary threshold required to register cases of blasphemy, coupled with the sensitive nature of the crime, exacerbates the laws' potential for abuse." **[5f] (p75)**

19.47 On 3 February 2011, The Guardian reported:

"A Pakistani MP spearheading reform of the country's controversial blasphemy laws has abandoned her struggle, accusing her own party of caving in to extremists.

"However, Pakistan People's Party MP Sherry Rehman, who is largely confined to her home following a flurry of death threats, denied government claims that she had

voluntarily withdrawn a bill proposing changes to the law. 'There was no question of my withdrawing the bill as the speaker [of parliament] never admitted it on the agenda,' she said, adding that the 'appeasement of extremists will have a blow-back effect'.

"Under pressure from religious clerics, prime minister Yousaf Raza Gilani told parliament on Wednesday that his government would not touch the legislation, which human rights groups say is routinely abused to persecute minorities and settle personal scores. 'We are all unanimous that nobody wants to change the law,' he said." **[113c]**

19.48 The report noted further that "Although cases against Christians get much of the attention, the bulk of the law's victims are Muslim." **[113c]**

19.49 The PHRG Report 2010 noted that its fact-finding mission found "…Ahmadis, as well as members of other religions, are frequently charged with the offence of blasphemy, on grounds which are often spurious in the extreme. It appears that many convictions, though by no means all, are over-turned on appeal. However, by then the successful appellants have spent many years behind bars." **[51b] (p19)**

19.50 The Freedom House special report Policing Belief: The Impact of Blasphemy Laws on Human Rights, noted that:

"... the ratio of Muslims to non-Muslims among blasphemy defendants illustrates the extent to which these laws are used to persecute religious minorities. Pakistan's minister for minority affairs, Shahbaz Bhatti [deceased], has publicly argued that 'the blasphemy law is being used to terrorize minorities in Pakistan.' Ahmadis are the most affected, followed by Christians. However, Muslims are not exempt. Almost half of all blasphemy cases lodged over the last two decades have been against Muslims, including both Sunnis and Shiites... However, the use of blasphemy laws against Sunni and Shiite Muslims does not appear to be based on sectarian differences so much as personal disputes." **[5f] (p77)**

For information on the death of Shahbaz Bhatti see Recent developments subsection: Christians

19.51 The Freedom House Freedom in the World: Pakistan 2011 report, published 26 July 2011, stated that:

"Incidents in which police take bribes to file false blasphemy charges against Ahmadis, Christians, Hindus, and occasionally Muslims continue to occur, with several dozen cases reported each year... No executions on blasphemy charges have been carried out to date, but the charges alone can lead to years of imprisonment, ill-treatment in custody, and extralegal persecution by religious extremists... As reformers pressed for either repeal or amendment of the laws, on the grounds that they are discriminatory and frequently misapplied, religious hard-liners alleged that even questioning the laws themselves constituted an act of blasphemy." **[5a]**

See also Judiciary: Blasphemy Laws

Return to contents
Go to sources

Legal procedure for blasphemy charges

19.52 The Foreign and Commonwealth Office (FCO) consulted the National Commission for Justice and Peace (NCJP), a Christian-based human rights organisation in Pakistan, on the procedures for bringing a blasphemy charge against an Ahmadi. A legal expert at the NCJP gave the following responses, in an email dated 2 October 2008, to questions asked by the UK Border Agency (UKBA):

"UKBA: What is the procedure for an individual to initiate a complaint against an Ahmadi (or any other person) directly with a Magistrates' court?

"NCJP: Anyone agreived [sic] by some illegal action or privy to information about a crime can register a complaint (FIR) [First Information Report] with the police. In case there is no crime, or the police happen to be the first… [to] know, the police can become a complainant too.

"If the police refuse to register a FIR on a complaint, the district and sessions judge (not a magistrate) can order [a] registration of a FIR under article 199 of the constitution / section 154 of criminal procedure code, which is the prosecution['s]… [account] to be substaniated [sic] by inquiry / investigation report. 'Challan' is the formal charge framed in a court.

"Section 196 of the criminal procedure code makes the registration of certain FIRs hard, requiring an inquiry by a senior police officer (in case of Section 295 b and c, a suprintendant [sic] [this section relates to defiling the Koran and making derogatory remarks against the 'prophet' respectively])

"This is the law however in case of blasphemy allegations, we have seen… [the law] violated and procedures ignored on one pretext or the other.

"UKBA: Once such a complaint has been lodged, what procedure does the court follow, and what are the timescales for such actions?

"NCJP: The charge is framed, [the] accused can deny [the charges]… [then the] standard procedure… [for] evidence, witnesses, cross examination takes place - if the offense is bailable the court may also grant bail whenever requested. [This is followed by]… the judgement, [and an] appeal against the verdict if felt necessary.

"298-c, however, is non-bailable unless the accused can successfully contest that the offense is unfounded or cannot be substantiated. This can happen at investigation or trial.

"UKBA: Who is the court permitted to release documents to with regard to such a complaint?

"NCJP: All parties to the case have the right to acquire documents from any court of law, even the press can manage [to obtain] the copies of FIRs and decisions." **[11i]**

19.53 The PHRG Report 2010 noted that:

"The Mission heard that once a criminal complaint has been filed (called a First Information Report), there is very little scope for the prosecution to evaluate the strength or merits of the accusation. Almost invariably, the FIR will lead to a full trial, even if both

prosecutor and judge deem the charge to be unsubstantiated. A number of interlocutors also complained that third parties, in particular mullahs, were able to influence blasphemy cases. Additionally, a number of interlocutors pointed out that the only penalty for blasphemy law under section 295C, namely the use of derogatory remarks etc in respect of the Holy Prophet, is death, but that this sentence was rarely imposed, thus making the legislation inherently contradictory." **[51b] (p24)**

See also Section: Arrest and Detention – Legal Rights

Return to contents
Go to sources

Hudood Ordinances

19.54 The USSD IRF Report 2010 observed that:

"…the Hudood Ordinance... criminalizes rape, extramarital sex, property crimes, alcohol, and gambling; judges and attorneys in these courts must be Muslim... Under Sharia, Hudood referred to punishments for certain crimes such as theft, fornication, consumption of alcohol, and apostasy. The country's Hudood Ordinance often relied on harsh and discriminatory interpretations of Qur'anic standards of evidence and punishment that applied equally to Muslims and non-Muslims. If Qur'anic standards were used, Muslim and non-Muslim and male and female testimony carried different weight. Until the passage of the 2006 Protection of Women (Criminal Laws Amendment) Act (WPA), cases of rape and adultery were also heard under the Hudood Ordinance, which led to numerous abuses against women. The 2006 law moved these cases to secular rather than Sharia courts; thousands of women have now been released from jail, although social ostracism continued in some cases." **[3l] (Section II)**

See Sections: Judiciary: Hudood Ordinances and Women: Women's Protection Act

Anti-terrorist laws

19.55 The USSD IRF Report 2010 stated

"Under the Anti-Terrorism Act (ATA), any action, including speech, intended to incite religious hatred was punishable by up to seven years' imprisonment... In accordance with the Anti-Terrorism Act, the government banned activities of and membership in several religious extremist and terrorist groups. The act allowed the government to use special streamlined courts to try violent crimes, terrorist activities, acts or speech designed to foment religious hatred, and crimes against the state; however, many banned groups remained active." **[3l] (Section II: Legal/Policy Framework)**

See also Section: Judiciary: Anti-Terrorist Act and Courts

Return to contents
Go to sources

Apostasy

19.56 An email regarding apostasy to the UK Border Agency from the Foreign and Commonwealth (FCO) Office British High Commission in Pakistan, dated 9 January 2009, stated that although apostasy was not illegal, people who change their faith are regularly charged with blasphemy and insulting Islam. The FCO noted that "This is

usually when a conversion is made to an entirely separate religion (e.g. becoming Christian). Arguably a Sunni Muslim becoming Shia is a conversion of belief within a single religion… [but] we are not currently aware of examples of blasphemy legal proceedings against Shias by Sunnis." **[11d]**

19.57 As stated in the USSD IRF Report 2010 "Conversion to minority religious beliefs generally took place in secret to avoid societal backlash." **[3l] (Section III)**

19.58 On 9 May 2007, Asianews reported that a draft bill on apostasy had been adopted in its first reading by the National Assembly and had been put before a parliamentary standing committee for consideration. The article stated that "Tabled by a six-party politico-religious alliance, the Muttahida Majlis-i-Amal or MMA, the Apostasy Act 2006 which the government sent to the committee would impose the death penalty on Muslim men and life in prison on Muslim women in case they leave Islam. It would also force them to forfeit their property and lose legal custody of children." **[54a]** An official at the Foreign and Commonwealth Office (FCO), British High Commission, Islamabad, stated in a letter dated 29 November 2010, that "The [Apostasy] Bill failed to emerge from Committee before the dissolution of the National Assembly in 2007. The MMA boycotted the elections, eventually held in early 2008, and the alliance crumbled. They have no meaningful parliamentary base in the current Assembly." **[11m]**

19.59 The Pew Research Center, a US-based non-partisan "fact tank", and publisher of the Pew Global Attitudes Project, which conducts public opinion surveys around the world, presented its findings from a survey, Concern About Extremist Threat Slips in Pakistan, dated 29 July 2010. The survey was based on 2,000 face-to-face interviews conducted from 13 April to 28 April 2010 in predominantly urban areas of Punjab, Sindh, Khyber Pakhtunkhwa and Balochistan. Covering the subject of religion, law and society, when asked (of Muslim's only) "Do you favor or oppose the death penalty for people who leave the Muslim religion?", 76 per cent voted in favour. **[120a] (Chapter 4)**

19.60 The survey added "... those who identify with fundamentalists are much more likely than those who side with the modernizers to support harsh punishments under the law. For example, 88% of those who say they identify with Islamic fundamentalists favor the death penalty for people who leave the Muslim religion, compared with 67% of those who side with the modernizers." **[120a] (Chapter 4)**

19.61 In another survey, Pakistani Public Opinion: Growing Concerns About Extremism, Continuing Discontent With U.S., dated 13 August 2009, the Pew Global Attitudes Project stated that of the 1,254 people questioned in the four provinces of Pakistan, from 22 May to 9 June 2009, 78 per cent supported the death penalty for people leaving Islam. The survey noted "Support for strict punishments is equally widespread among men and women, old and young, and the educated and uneducated." **[120b] (p14)**

See also Christian converts

INTERFAITH MARRIAGE

19.62 In an email dated 24 June 2008, the FCO British High Commission (BHC), Islamabad, stated that in Islam a Muslim woman and a non-Muslim man cannot marry. If such a couple were to have a child, that child would be considered illegitimate on the grounds that the parents would not, and could not, be legally married. Should a Muslim woman marry a non-Muslim it would be considered adultery. The BHC went on to say that the

Islamic punishment for adultery is stoning to death although in reality the penalty would be at least a lengthy prison sentence and "considerable social stigma". **[11h]**

19.63 The USSD IRF Report 2010 noted "Marriages were generally performed and registered according to one's religious group; however there was no legal mechanism in place for the government to register marriages of Hindus and Sikhs. The marriages of non-Muslim men remained legal upon conversion to Islam." **[3l] (Section II)**

See also subsection Hindus and Sikhs

19.64 International Christian Concern (ICC) reported, in an article dated 6 June 2008, of the death threats received by a Muslim man from Muslim extremists because he had acted as a witness in a marriage between a Christian man and Muslim woman. The witness was accused of participating in an "un-Islamic activity" and a fatwa was issued against him by the head of the local mosque. ICC stated that "In Muslim societies, the father determines what religion the children will be, and so the marriage of a Christian man to a Muslim woman is a severe affront to Islam. On the other hand, Muslims have no problem if a Muslim man marries a Christian woman. This lack of reciprocity is designed to guard Islam from other religions..." **[43a]**

19.65 With regards to intermarriage between a non-Ahmadi Muslim and an Ahmadi, the Immigration and Refugee Board of Canada observed in a Response to Information Request, dated 19 November 2009, that:

"In a 28 October 2009 telephone interview with the Research Directorate, the Eastern Canada Regional Amir of Ahmadiyya Muslim Jama'at Canada stated that marriages between non-Ahmadi Muslims and Ahmadis are rare... According to the General Secretary of Ahmadiyya Anjuman Lahore, since Ahmadis have been declared non-Muslims in Pakistan, intermarriage between a non-Ahmadi Muslim and an Ahmadi 'would not be recognized as legal marriage'... The General Secretary also noted that Pakistani society does not consider such marriages valid (Ahmadiyya Anjuman Lahore ... In contrast, the National General Secretary and the Eastern Canada Regional Amir of Ahmadiyya Muslim Jama'at Canada both stated that intermarriage between a non-Ahmadi Muslim and an Ahmadi is legal in Pakistan (Ahmadiyya Muslim Jama'at Canada ... However, the Eastern Canada Regional Amir stated that while such a marriage is legal in Pakistani courts, religious leaders are 'not concerned with the courts'... Similarly, the National General Secretary stated that such marriages are 'condemned by religious clerics and … [that] a biased judge can declare the marriage null and void…'. The General Secretary of Ahmadiyya Anjuman Lahore noted that Ahmadis have their own system to register their marriages and that couples may legally register their marriage with the Ahmadiyya authorities..." **[12m]**

19.66 The same source added:

"With respect to the consequences of intermarriage, the Eastern Canada Regional Amir stated that families may try to influence the couple not to marry and may contact a religious leader to exert additional pressure... The National General Secretary noted that religious clerics may pressure families to disown children who marry outside of their faith... According to the General Secretary of Ahmadiyya Anjuman Lahore, if the authorities become aware of an intermarriage, the couple may face prosecution and the marriage may be 'declared invalid which may result [in] three years' imprisonment'... The National General Secretary stated that section 298C of the blasphemy laws can be

applied to the marriage because Islamic terminology is used in the marriage ceremony... Section 298C of the Pakistan Penal Code states the following:

"Any person of the Quadiani group or the Lahori group (who call themselves 'Ahmadis'…), who directly or indirectly, poses himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslims shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine. (Pakistan 1860)

"According to the General Secretary and the National General Secretary, couples who intermarry may face rejection by their families and society... The National General Secretary also stated that intermarriage may result in death threats and murder... The General Secretary stated that the severity of the consequences depend on the social class of the individuals concerned... The National General Secretary further noted that religious clerics support the ill-treatment of Ahmadis... The Eastern Canada Regional Amir stated that many intermarried couples face challenges when determining what faith their children will adopt... Information on the consequences faced by officiants of intermarriage between non-Ahmadi Muslims and Ahmadis could not be found among the sources consulted by the Research Directorate." **[12m]**

See also subsection Ahmadis and the section: Women

Return to contents
Go to sources

FORCED RELIGIOUS CONVERSIONS

19.67 A Jinnah Institute Research Report, A Question of Faith: A Report on the Status of Religious Minorities in Pakistan, published 7 June 2011, stated "Incidents of forced conversions of Hindu women to Islam are reported on a regular basis in Sindh and can be correlated to gender based violence. In April 2009, it was reported that 18 Hindu women were forced to convert to Islam, and a more recent report in February 2010 hold the number at 25." **[110a] (p55)**

19.68 The same source stated that a lawyer, of a Hindu family whose daughter was forced to convert to Islam following her abduction by a wealthy Muslim landowner, explained:

"... often Hindu women belonging to lower castes are the most vulnerable and considered 'sexually available' by men of Muslim-dominated communities. In Friday sermons at mosques in many areas of Sindh, jihad is often declared against Hindus. Muslims are exhorted to convert Hindu women to Islam by marrying them. When forced conversion cases make it to court, lawyers themselves avoid taking them up, fearing a backlash from maulvis [Islamic scholars]." **[110a] (p55)**

19.69 Reporting on the abduction and forced conversion and marriage of Hindu girls, IRIN cited on 27 February 2012 that:

"'The abduction and kidnapping of Hindu girls is becoming more and more common,' Amarnath Motumal, a lawyer and leader of Karachi's Hindu community, told IRIN. 'This trend has been growing over the past four or five years, and it is getting worse day by day.' He said there were at least 15-20 forced abductions and conversions of young girls from Karachi each month, mainly from the multi-ethnic Lyari area. The fact that

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more and more people were moving to Karachi from the interior of Sindh Province added to the dangers, as there were now more Hindus in Karachi, he said." **[41g]**

19.70 The HRCP Report 2010 cited:

"Forced conversions have been one of the biggest concerns for minority and vulnerable communities in Pakistan for many years. In October 2010, the Senate Standing Committee on Minorities' Affairs expressed concern over abduction and focible conversion of Hindu girls in Sindh and demanded concrete measures to stop the conversions. Members of HRCP Working Group on Communities Vulnerable Because of Their Beliefs also highlighted instances of forced conversions of young girls in Karachi and elsewhere in Sindh. They said that conversions were not a Sindh-specific issue and were not confined to any particular gender, faith or locality. At times conversion of a girl from a minority faith began with her abduction and/or rape." **[27e] (p137)**

19.71 International Christian Concern (ICC) reported on 14 April 2011:

"In Pakistan forced conversions to Islam, rapes and forced marriages are on the rise. The victims are mostly Hindu and Christian girls, belonging to religious minorities... This has been a worrying phenomenon for the Church in Pakistan for some time and that the Church is trying to address, looking for the cooperation of institutions but it is an uphill battle. 'The Christian girls are the weakest and most vulnerable, because their communities are poor, defenceless and marginalized, therefore easily exposed to harassment and threats. Often they do not even have the courage to denounce the violence...'" **[43b]**

19.72 The USSD IRF Report 2010 noted that forced and coerced conversions of religious minorities to Islam occurred at the hands of societal actors. Minority groups claimed that the government action to counter this was inadequate and that, according to the National Commission for Justice and Peace (NCJP), forced conversions of Christians and Hindus were on the rise. **[3l] (Section II: Forced Religious Conversion)**

Return to contents
Go to sources

FATWA

19.73 A Canadian Immigration and Refugee Board (IRB) Response to Information Request (RIR) dated 20 November 2007 provided a definition of a fatwa (plural fatawa) as "…an 'advisory opinion' issued by a mufti in response to a questioner…A mufti is an authority on Islamic law and tradition, who functions independently from the judicial system…Other sources indicate that a mullah [i.e., a religious cleric or a person with religious education]…may also be able to issue fatawa...". The same source, citing a professor of Islamic Studies at Emory University, Georgia, stated that "'A fatwa…is a non-binding interpretation or ruling by a mufti. It is an opinion. A fatwa does not have an executive branch to carry out the ruling'." **[12k]**

19.74 The IRB response added that:

"Fatawa address legal and religious issues…as well as matters of everyday life…They can reportedly range in length from single word responses, such as 'yes' or 'no,' to 'book-length treatises'…According to the Professor of Islamic Studies, fatawa, or rulings on a question, can differ by Muslim schools of law… There are three Shia schools of

law and four Sunni schools of law… Although all these schools of law argue from the Quran, each has its own fatwa tradition and historical precedents that can make their rulings different from one other. The Professor of Islamic Studies further stated that the issuance of fatawa is 'very dynamic' and that rulings on the same question may differ by individual fatwa requester (i.e., because of different circumstances, etc.)…There are reportedly 'hundreds' or even 'thousands' of fatawa issued on a daily basis in Muslim countries…" **[12k]**

19.75 With regard to the impact of fatwa the IRB report observed:

"The influence of a fatwa reportedly depends on the stature of the person who issues it…It is also said to depend on the popularity and/or the practicality of the fatwa… According to the Professor of Islamic Studies, a person who asks for a fatwa can follow the interpretation or ruling, but is not obligated to do so; he or she may go to another mufti for a different ruling. The University of Toronto Professor of Law similarly indicated that a fatwa is an opinion with no legal standing and that it is up to an individual to decide whether he or she wants to ignore it or take it seriously…According to the Professor of Islamic Studies at Emory University, when a fatwa runs against the interests of government, then it can be declared invalid by the state (e.g., if a fatwa is issued by an 'extremist' group). He noted that certain fatawa are resisted by the government because they are found to be 'unhelpful for political leaders'…. However, the Professor stated… '[g]enerally, a fatwa represents the interest of a specific group (e.g., a moderate or 'extremist' group). Even though a fatwa may not be recognized by the government, the group that issued it takes it seriously. In such a case, a fatwa issued against an individual can be just as dangerous as if it were government action against the individual'." **[12k]**

19.76 In another RIR dated 11 January 2008, the IRB recorded the following information provided to them by the Chairman of the Government of Pakistan's Council of Islamic Ideology:

"[I]n Pakistan, [the] issuance of fatwa is not organized by the state. It is privately managed by different institutions. As far as religious official institutions are concerned, there are ministries of Religious Affairs in the centre and also in provinces but they are not fatwa organizations. The Council of Islamic Ideology is a constitutional body which advises the government on Islamic legislation but it also does not issue fatwa. There is no official organization for [the] issuance of fatwa in Pakistan nor is there any official format of fatwa. The government does not publicize any fatwa because there is no official fatwa institution or an official Mufti." **[12d]**

19.77 The same RIR continued:

"Fatwas are issued privately by various scholars in whom the people have trust. The common practice is that a number of religious teaching institutions (Madrasas) have organizations of fatwa under their supervision. There are also individual scholars who issue these fatwas. However, there is no process of official recognition of any mufti or fatwa. The people consult these institutions and individuals on the basis of their knowledge and reputation.

"It is difficult to define the reach of a fatwa because the acceptability of [a] fatwa does not depend on official recognition or organization. The reach of [a] fatwa depends on personal recognition. It also depends on [the] religious group to which the inquirer of the fatwa belongs.

"The Government of Pakistan [has] no control over the issuance of fatwa[s]. There [is] no legislation for organizing or controlling the fatwa. According to the theory of fatwa, a fatwa is not binding. It is not synonymous with legal judgment. A person may ask fatwa on the same question from several scholars. A mufti is allowed to revoke his fatwa under several circumstances, including new information, on realizing his mistake in the interpretation of the sources or finding new evidences. The corrected fatwa is issued with a note explaining the circumstances." **[12d]**

Return to contents
Go to sources

VOTING RIGHTS

19.78 The USSD International Religious Freedom Report 2004, published on 15 September 2004, noted that:

"In January 2002, the Government eliminated the country's system of separate religious-based electorates, which had been a longstanding point of contention between religious minorities and human rights groups on one side and the Government on the other. With the elimination of the separate electorate system, political representation is to be based on geographic constituencies that represent all residents, regardless of religious affiliation. Minority group leaders believe this change may help to make public officials take notice of the concerns and rights of minority groups. Because of their often geographically concentrated populations, religious minorities could have significant influence as swing voting blocks in some constituencies. Few non-Muslims are active in the country's mainstream political parties due to limitations on their ability to run for elective office under the previous separate electorate system." **[3h] (Section II)**

19.79 The report continued:

"While most minority leaders welcomed the return of joint electorates, some complained that the elimination of reserved seats made the election of any minority members unlikely. In response to this complaint, the Government announced in August 2002 that reserved parliamentary seats for religious minorities would be restored. Non-Muslims are now able to vote both for a local candidate in their geographic constituencies and for a representative of their religious group." **[3h] (Section II)**

19.80 The Asian Human Rights Commission reported on 8 May 2012 that "Pakistan has now introduced a form for the registration of all voters but every applicant who ticks himself as a Muslim is made to sign a certificate printed on the back of the form declaring that he or she is not associated with the 'Qadian' or 'Lahori' group, or calls himself an Ahmadi. This form includes a warning that a violation will be punished with imprisonment." **[52k]**

19.81 Regarding the 2008 general elections in Pakistan, the HRCP Report 2008 noted that:

"The ECP [Election Commission of Pakistan] compiled a separate electoral roll just for Ahmadis, distinguishing them from the list of all other eligible voters in the country. In addition to outright religious discrimination, a separate list for Ahmadis completely disregarded the spirit of the joint electorate, the Constitution of Pakistan, and the guarantee of international human rights. As had happened in previous elections, the Ahmadis chose not to participate in the elections." **[27a] (p105, Political participation)**

See also subsection Ahmadis

19.82 The Legal Framework Order (LFO) 2002 altered article 51 of the Constitution so that ten seats in the National Assembly were reserved for non-Muslims (including Christians, Sikhs, Hindus, Parsis and Ahmadis). The LFO also amended article 106 of the constitution so that the Provincial Assemblies would have seats reserved for non-Muslims: three seats in both Balochistan and NWFP [North West Frontier Province], eight in Punjab and nine in Sindh (though Ahmadis were not entitled to reserved representation in Baluchistan). (National Reconstruction Bureau; Legal Framework Order 2002, 21 August 2002) **[29j]**

19.83 Of the twenty three seats allocated to minorities in total in the Provincal Assemblies, nine were set aside for Christians, seven for Hindus, four for Sikhs, Buddhists and Parsis [together], and three for Ahmadis. (Revival of The Constitution of 1973 Order, 1985, date accessed 7 December 2009) **[29p]**

19.84 The ACHR South Asia Human Rights Violator Index 2008 recorded that:

"Religious minorities have been systematically excluded from the new voters list released by the Election Commission of Pakistan on 12 June 2007. The list placed Ahmadis on a separate discriminatory list. In July 2007, the All Pakistan Minorities Alliance claimed that 20 per cent of non-Muslim voters had been excluded from the new voters' list. About 18 per cent of eligible voters belonging to a minority group have been struck off from the new voters' list in North West Frontier Province." **[67b] (p73)**

19.85 The USSD IRF Report 2010 observed, in regard to Ahmadis, that:

"The government designated religious affiliation on passports and requested religious information in national identity card applications. A citizen must have a national identity card to vote. Those wishing to be listed as Muslims must swear their belief that the Prophet Muhammad is the final prophet and denounce the Ahmadiyya movement's founder as a false prophet and his followers as non-Muslims, a provision designed to discriminate against Ahmadis. As a result Ahmadis continued to boycott elections." **[3l] (Section II: Legal/Policy Framework)**

Return to contents
Go to sources

AHMADIS

Background

19.86 Al Islam, the official website of the Ahmadiyya Muslim Community, accessed 10 August 2011, noted in its undated overview of Ahmadis, that:

"The Ahmadiyya Muslim Community is a dynamic, fast growing international revival movement within Islam. Founded in 1889, it spans over 195 countries with membership exceeding tens of millions. Its current headquarters are in the United Kingdom.

"Ahmadiyya Muslim Community is the only Islamic organization to believe that the long-awaited Messiah has come in the person of Mirza Ghulam Ahmad(as) (1835-1908) of Qadian. Ahmad(as) claimed to be the metaphorical second coming of Jesus(as) of Nazareth and the divine guide, whose advent was foretold by the Prophet of Islam, Muhammad(sa). Ahmadiyya Muslim Community believes that God sent Ahmad(as), like Jesus(as), to end religious wars, condemn bloodshed and reinstitute morality, justice and peace. Ahmad's(as) advent has brought about an unprecedented era of Islamic

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revival. He divested Islam of fanatical beliefs and practices by vigorously championing Islam's true and essential teachings...

"His rigorous and rational defenses of Islam unsettled conventional Muslim thinking. As part of its effort to revive Islam, Ahmadiyya Muslim Community continues to spread Ahmad's(as) teachings of moderation and restraint in the face of bitter opposition from parts of the Muslim world...

"Five spiritual leaders have succeeded Ahmad(as) since his demise in 1908. It's fifth and current spiritual head, Mirza Masroor Ahmad, resides in the United Kingdom." **[17a]**

19.87 The website for The Lahore Ahmadiyya Movement in Islam, accessed 10 August 2011, noted that "...there are two sections of the Ahmadiyya Movement... Ahmadiyya Anjuman Ishaat-i-Islam Lahore, the head quarters of which is in Lahore, Pakistan. The other section is the Qadiani Jamaat, the headquarters of which is in Rabwah, Pakistan." The website, undated, described the main differences between the the Qadiani Jamaat and the Lahore Ahmadiyya Jamaat:

"The Qadiani Jamaat believes that all Muslims who have not entered in the Bai'at (pledge) of the Founder of the Ahmadiyya Movement are kafirs and out of the pail of Islam, even though these Muslims never heard the name of the Founder or even though they may be believing in the Founder's truthfulness. The crux of the matter according to the Qadiani Jamaat is the formal entry in the Bai'at of the Founder of the Ahmadiyya Movement on the terms of belief entertained and preached by them.

"As against the above Qadiani belief, the Lahore Ahmadiyya Jamaat believes that every person who recites 'Kalimah-e-Tayyebah' ['There is no god but Allah, and Muhammad is the Messenger of Allah' (La ilaha ill-Allah, Muhammad-ur rasul-ullah) – The Pronouncement of the Faith of Islam] is a Muslim, no matter to what sect he belongs to and no matter whether he believes in the Founder of the Ahmadiyya Movement or not. According to them non-belief in a Mujaddid or Promised Messiah is simply a sin like many other sins for which a person is accountable to Allah, but one is not thrown out of the pail of Islam, nor does one become a kafir by committing a sin.

"The issue of Takfir-e-Muslimeen was the first difference of belief which arose amongst the members of the Ahmadiyya Movement after the passing away of the Founder of the Movement, and ultimately it led to the Split of the Movement into two sections." **[18a]**

Demography

19.88 Official figures obtained from the Government of Pakistan's Population Census Organisation in its last Pakistan census, conducted in 1998, recorded that Ahmadis represented 0.22% **[29r] (Population by religion)** of the total Pakistan population (at that time) of 132,325,279 **[29l] (Area, Population, Density and Urban/Rural Proportion)** – approximately 291,000 people. The USSD IRF Report 2010 noted that the number of Ahmadis in Pakistan "…according to Jamaat-e-Ahmadiyya, is nearly 600,000, although it is difficult to establish an accurate estimate because Ahmadis, who are legally prohibited from identifying themselves as Muslims, generally choose not to identify themselves as non-Muslims." **[3l] (Section I)** The USCIRF Report 2012 stated that there may be three to four million Ahmadis in Pakistan. **[53c] (p129)**

19.89 The website Persecution of Ahmadiyya Muslim Community, reporting on the religious persecution of the Ahmadiyya Muslim community, stated in its annual report,

Persecution of Ahmadis in Pakistan during the Year 2010 (Annual Report 2010), dated 31 December 2010, that the Ahmadi headquarters was based in Rabwah and more than 95 per cent of its population was Ahmadi. **[60a] (p4)** Based on official government figures Rabwah has a population of about 70,000 Ahmadis. (PHRG Report 2007) **[51a] (p2, Section 1, Introduction)**

19.90 The Persecution of Ahmadiyya Muslim Community Annual Report 2010 also noted that Rabwah was now officially named Chenab Nagar despite residents' objections. **[60a] (p65)**

Return to contents
Go to sources

Legislation discriminating against Ahmadis

19.91 The USCIRF Report 2012 observed that Ahmadis were:

"… subject to the most severe legal restrictions and officially-sanctioned discrimination... egregious acts of violence have been perpetrated against Ahmadis and anti-Ahmadi laws have helped create a permissive climate for vigilante violence against the members of this community. Ahmadis... are prevented by law from engaging in the full practice of their faith and may face criminal charges for a range of religious practices, including the use of religious terminology. In 1974, the government of Zulfikar Ali Bhutto amended Pakistan's constitution to declare members of the Ahmadi religious community to be 'non-Muslims,' despite their insistence to the contrary." **[53c] (p129)**

19.92 The USSD IRF Report 2010 noted that:

"A 1974 constitutional amendment declared that Ahmadis are non-Muslims. Sections 298(b) and 298(c) of the penal code, commonly referred to as the 'anti-Ahmadi laws,' prohibited Ahmadis from calling themselves Muslims, referring to their religious beliefs as Islam, preaching or propagating their religious beliefs, inviting others to accept Ahmadi teachings, or insulting the religious feelings of Muslims. The punishment for violation of these provisions is imprisonment for up to three years and a fine. Religious parties opposed any amendments to the constitution affecting its Islamic clauses, especially the ones relating to Ahmadis. In April the 18th Amendment to the constitution was passed without amending constitutional clauses affecting minorities, including blasphemy and Ahmadi-specific laws." **[3l] (Section II: Legal/Policy Framework)**

19.93 The same source stated that:

"Ahmadiyya leaders claimed the government used sections of the penal code against their members for religious reasons. The government used anti-Ahmadi laws to target and harass Ahmadis and often accused converts to the Ahmadiyya community of blasphemy, violations of anti-Ahmadi laws, or other crimes. The vague wording of the provision that forbids Ahmadis from directly or indirectly identifying themselves as Muslims enabled officials to bring charges against Ahmadis for using the standard Muslim greeting and for naming their children Muhammad. According to the Rabwah-based Jamaat-e-Ahmadiyya, between July and December 31 [2010], three Ahmadis registered complaints of criminal charges under Ahmadi-specific laws and the blasphemy laws with the police, and 21 Ahmadis claimed that they faced false charges under other sections of the penal code." **[3l] (Section II: Restrictions on Religious Freedom)**

See also sub-sections above on Blasphemy Laws and Voting rights

Passports and ID cards

19.94 The USSD IRF Report 2010 observed that "The government designated religious affiliation on passports and requested religious information in national identity card applications. A citizen must have a national identity card to vote." **[3l] (Section II: Legal/Policy Framework)** However, "Obtaining a Pakistani national identity card or passport requires the applicant to sign a religious affirmation denouncing the founder of the Ahmadi faith as a false prophet. Moreover, because Ahmadis are required to register to vote as non-Muslims and national identity cards identify Ahmadis as non-Muslims, those who refuse to disavow their claim to being Muslims are effectively disenfranchised from participating in elections at any level." (USCIRF Report 2012) **[53c] (p129)** Furthermore, "Due to the passport requirements to list religious affiliation and denounce the Ahmadi prophet, Ahmadis were restricted from going on the Hajj because they were unable to declare themselves as Muslims." (USSD IRF Report 2010) **[3l] (Section II: Restrictions on Religious Freedom)**

19.95 A report by BBC News correspondent in Pakistan, Mohammed Hanif, dated 16 June 2010, stated "When a Pakistani Muslim applies for a passport or national ID card, they are asked to sign an oath that no Muslim anywhere in the world is asked to sign. The oath goes like this: 'I consider Mirza Ghulam Ahmad an impostor prophet. And also consider his followers, whether belonging to the Lahori or Qadiani group, to be non-Muslims'." **[35h]**

19.96 The Journal of Humanitarian Affairs published an article dated 23 September 2011, which stated:

"If you go to a passport office in Pakistan to apply for a new passport, or renew an older one, you soon find yourself face to face with an instant formula for religious intolerance. Your religious faith or affiliation is to be printed on your passport and the procedure requires you to sign a declaration that literally abuses a former Muslim sect that has long been cast out as infidels. What's the worst is that you have to sign it or else you don't get your passport without having to declare yourself a non-Muslim (which means potential victimization, possibly life-threatening)." **[46a]**

19.97 The USCIRF Report 2012 noted that "In recent years, individuals have refused to sign the religious affirmation clause for a passport and still received the document." **[53c] (p130)**

19.98 In a letter to the UK Border Agency, dated 20 January 2011, with regards to recording a persons religious faith in a Pakistani passport, the British High Commission (BHC) in Islamabad consulted with an official working within the 'passport circle' in the Government of Pakistan's Federal Investigation Agency. He responded as follows "There is no stamp of 'Ahmadiyya'. Its [sic – the person's religion] printed on second page of the passport...it's [a] one time process and it can be printed only... once when [the] passport is printed." **[11p]**

19.99 The BHC also consulted with a locally employed member of staff within the British High Commission, whose opinion was as follows:

"The old PAK ppt [Pakistani passport] had [a] religion column on the biodata page. The new PAK machine readable ppts were introduced in Oct 2004 when religion was not being mentioned. In 2006 the authorities started putting religion on [the] annotation page. The passport database is interconnected with the NADRA's [National Database

and Registration Authority] system, where the things are being tallied. During the database recording for a new PAK ppt, religion question is asked. If there is any discrepancy the applicants are asked to submit [an] affidavit on this to remove doubts." **[11p]**

19.100 The same letter added, in response to the following questions posed by the UK Border Agency:

"UKBA: What is the process to record your faith in a Pakistani passport?

"BHC: At the time of data recording for a new passport questions are asked verbally including religion.

"UKBA: Is a stamp issued to confirm the individuals Ahmadiyya faith?

"BHC: There has never been any stamp impression (Rubber Stamp) for religion/faith on the manual (old) PAK ppt. However the faith/religion is printed on the annotation page of the new PAK ppt. The term Ahmadiyya is printed on page two of the passport. We are not aware of there being a wet ink stamp.

"UKBA: Who applies the stamp in the Pakistani passport?

"BHC: The passport and Immigration authorities are responsible for printing the biodata and additional info of the applicant (faith/religion) on the passports both on manual and machine readable.

"UKBA: Can the stamp be applied at any stage?

"BHC: Yes, but in such cases applicants needs [sic] to reapply for modifications and [a] new passport will be issued.

"UKBA: Could a bribe be paid for an Ahmadiyya stamp to be issued?

"BHC: The system can be abused... [in] different ways. It is possible that a bribe could be paid at the time the passport is issued, but we do not have any direct evidence of this.

"UKBA: Do those with the Ahmadiyya faith declared in their passport have problems with immigration when departing from Pakistan?

"BHC: There isn't any problem in departing from Pakistan for Ahmadis holding Pakistani ppt. As long as the visa and passport is genuine." **[11p]**

19.101 The HRCP Report 2009 noted that "According to the Federal Minister for Religious Affairs, International Machine Readable (IMR) passports were made mandatory for obtaining Hajj visas in 2009. Applications without Computerized National Identity Cards (CNIC) and IMR passports were not entertained causing great inconvenience to the pilgrims." **[27c] (p120)**

See also subsection on Voting rights above, and sections: Citizenship and Nationality; National identity cards; Exit/entry procedures; Passports, and Forged and fraudulently obtained official documents

Return to contents
Go to sources

Khatme Nabuwaat

19.102 The USSD IRF Report 2009, described the Khatme Nabuwwat (Committee to Secure the Finality of Prophethood) as "... an anti-Ahmadiyya religious clerical group." **[3c] (Section II)**

19.103 The PHRG Report 2007 reported on a meeting with the Khatme Nabuwaat in Rabwah. The report observed:

> "…members of the Islamabad Chapter of Khatme Nabuwwat informed the mission that it is Khatme Nabuwwat's belief that no Prophet can come after Mohammed as he is the final Prophet. Anyone who claims otherwise is an infidel and their claim is false, baseless and a crime. Khatme Nabuwwat's mission is therefore to spread understanding of the finality of the Prophet through preaching and books. The source insisted that they have mutual respect for all, including Ahmadis, as humans. However, Ahmadis should not assert themselves to be Muslim because they do not believe in the laws of the Prophet….the purpose of Khatme Nabuwwat is to act against those who do not accept the finality of the prophet, to contradict them and to invite them to rejoin the faith…. this role means that the focus of Khatme Nabuwwat is on Ahmadis in particular. According to Khatme Nabuwwat (Islamabad Chapter) the movement against Ahmadis started when members of the Muslim community were attacked by Ahmadis at Rabwah railway station in 1974: the source told the mission that 'Ahmadis were terrorists, and they are terrorists today.'" **[51a] (p8)**

19.104 The same source also noted that representatives of the Ahmadi community in Rabwah stated that members or supporters of the Khatme Nabuwaat were the principal attackers of Ahmadis and their property in Rabwah. **[51a] (p8 Section 2, The role of Khatme Nabuwwat (Committee to Secure the Finality of the Prophethood))**

19.105 The website Persecution of Ahmadiyya Muslim Community reported in its Annual Report 2011 that, despite Khatme Nabuwwat and other anti-Ahmadi groups holding gatherings in Rabwah **(p45)**, "All rallies and conferences of Ahmadis in Rabwah... large or small have been under a ban since April 1984 after the promulgation of anti-Ahmadiyya ordinance. Even sports events organized by the Community have been prohibited by the authorities." **[60b] (p114)**

19.106 On its website, accessed 10 June 2011, Khatm-e-Nubuwwat expressed its opinion on the Ahmadiyya, which stated:

> "Qadiyaniat (so called Ahmediyyat) is a non-genuine maneuvered ideology, invented by anti-Islam imperialist forces, aiming at shaking the very foundations of Islam. Qadiayanis are nothing but a gang of traitors, apostates and infidels, and yet many still accompany them out of confusion and lack of knowledge. The purpose of this site is to disclose the anti-Islamic character of these heretics and provide relevant information to those who need it. Needless to say that it is the primary religious duty of every Muslim to struggle against this evil." **[109a]**

19.107 The same source branded the Ahmadi faith as a "cult" and stated:

> "Qadianism ('Ahmadism') is pseudo religion whose leadership exploits its members socially, psychologically and financially. The leaders of this cult have been able to maintain their hegemony over their ordinary members through treachery, plagiarism, cruel and inhuman discipline. This cult aims to steal the identity of Islam by

misinterpreting the original sources of Islam. The purpose of this site is to expose the tactics and logical fallacies of this cult." **[109a]**

19.108 The South Asia Terrorism Portal (SATP) reported in its South Asia Intelligence Review Weekly Assessment and Briefings, dated 27 June 2011, that "On June 10, 2011, the All Pakistan Students Khatm-e-Nubuwat (End of Prophethood) Federation issued pamphlets branding members of the Ahmadiyya community as 'wajib-ul-qatl' (obligatory to be killed). The pamphlet, circulated in Faisalabad District of Punjab Province, read, 'To shoot such people is an act of jihad and to kill such people is an act of sawab (blessing)'." **[61f] (Volume 9, No. 51, June 27, 2011)**

19.109 The website, Persecution of Ahmadiyya Muslim Community, noted in its Annual Report 2011, published 31 December 2011, with regards to the anti-Ahmadiyya pamphlet, highlighted above, that it "... published addresses of approximately 50 well-known Ahmadis in the same pamphlet. The authorities took little action against the publishers of this call for massacre despite the fact that they identified themselves on the cover and provided contact details." **[60b] (p109)**

Return to contents
Go to sources

Violence and discrimination against Ahmadis

19.110 The Parliamentary Human Rights Group Report of the PHRG Fact Finding Mission to Pakistan to Examine the Human Rights Situation of the Ahmadiyya Community, published 24 September 2010 (PHRG Report 2010), stated that "The Mission were told about several cases of the murder of Ahmadis, reportedly for their religious beliefs. In many of these cases it appears that the police are slow to carry out a proper investigation and that even following a religiously motivated murder, the family of the deceased is not being given any protection." **[51b] (p24)**

19.111 The USCIRF Report 2012 stated:

"In recent years, scores of Ahmadis have been murdered in attacks which appear to be religiously motivated. In July [2011], a well-known Ahmadi lawyer, Malik Mabroor Ahmad, was killed in a religiously-motivated attack in Sindh when he was shot at point blank range by an unidentified gunman. In September, Naseem Ahmad Butt was murdered inside his home in Faisalabad. In October, three Ahmadi businessmen were kidnapped. An Ahmadi mother of three from Punjab province was murdered in December." **[53c] (p125)**

19.112 The AHRC reported on 12 March 2012 that "For some years now, Ahmadi elites in Pakistan have been targeted. Several businessmen, engineers, doctors, academics and others have been either killed or kidnapped. Some have been ransomed at a very high cost and there are others, who have not been traced and the authorities have shown no interest in their recovery. Ahmadi teachers have been discriminated against and even terminated because of their faith." **[52j]**

19.113 The website, Persecution of Ahmadiyya Muslim Community, accessed 21 March 2012, provided Monthly Reports of incidents against the Ahmadi community in Pakistan, dating back from the year 2000. **[60c]**

19.114 The PHRG Report 2010 also cited the attack on two Ahmadi mosques that occurred in May 2010, subsequent to the Mission's visit of February 2010. The Report noted that:

 The main text of this COI Report contains the most up to date publicly available information as at 24 May 2012. Further brief information on recent events and reports has been provided in the Latest News section to 7 June 2012.

"The attack happened on Friday the 28th May 2010 when two large Ahmadi mosques were full of worshippers who had gathered for Friday-prayers. A well coordinated attack for which the responsibility was claimed by Tehrik-e-Taliban, a hitherto unknown group but assumed to be a front for a sectarian organisation. Those who survived claimed that they heard the attackers shouting slogans of 'Khatm-e-Nabuwaat' and 'kill all!'. Assailants entered the two mosques when the people were worshipping and in the end 85 people were killed and 150 injured." **[51b] (p29)**

19.115 The same source added that:

"Representatives of the Ahmadiyya community told the Mission that the situation [of discrimation and violence] that currently exists cannot be attributed solely to extremist Mullahs who openly incite hatred and murder. It is also the state and political parties in power who are contributing to the discrimination against and persecution of Ahmadis.

"The Mission met several state representatives, who without exception stated that state bodies were pressurised by religious extremists and that their own ability to reign in these parties was very limited. Representatives of the Islamabad Ahmadiyya community told the Mission that the reason for the failure of the government to take active steps against religious extremists was the fact that even the government was reliant on their support.

"In Lahore the Mission was told that [sic] the Human Rights Commission of Pakistan that extremist Mullahs have developed a power base and now wield much influence because they are being encouraged by the government's failure to act against them. While there is impunity there is no reason for these groups to stop. According to the Commission the government must make examples of extremist Mullahs. At the local level, the police are often reluctant to touch the Mullahs – again this reflects the failure of the government to deal with the situation at any level." **[51b] (p37-38)**

19.116 In its Annual Report 2011, dated 31 December 2011, the Persecution of Ahmadiyya Muslim Community reported on the ongoing mulla-led 'hate campaign' against Ahmadis, using tools such as sermons, leaflets, newspapers and the internet. **(p13)** The report noted:

"The anti-Ahmadi hate campaign is gaining further momentum and its effects are felt by Ahmadis all over Pakistan. This year, a greater number of Ahmadi communities were targeted in various cities, towns and villages compared to last year; even educational institutions have not been spared, and Ahmadi students have consequently suffered. The authorities have been repeatedly informed of the worsening situation, but little effective action is taken against the sources and leadership of this well coordinated and deadly campaign that continues to intensify." **[61b] (p23)**

19.117 The HRCP Report 2011 concurred and cited:

"Ahmedis remained the target of hate speech, violence, discrimination and, when their faith was known, of social segregation. Several rallies and conferences were also held to inflame passions and motivate violence against Ahmedis. Posters and wall chalking slamming Ahmedis and their faith continued to cover the walls. Small stickers with similar messages were distributed for free and pasted on and inside public transport vehicles. This occurred to such an extent that it was impossible for the authorities to not notice these campaigns and yet they failed to act." **[27i] (p84)**

19.118 The website Persecution of Ahmadiyya Muslim Community noted in its Annual Report 2011, published 31 December 2011, that a total of 5 Ahmadis were murdered for their faith in 2011. **(p123)** According to the source, between 1984 and 31 December 2011, 207 Ahmadis were murdered for their faith. **[60b] p114)**

19.119 According to the Asian Human Rights Commission (AHRC), as reported on 12 March 2012, ten Ahmadis have been murdered since January 2011. **[52j]**

19.120 On 7 May 2012, The Express Tribune, citing a report by Jamaat Ahmaddiya, 'Persecution of Ahmedis in Pakistan during the year 2011', published on 2 May, stated that since 1984 210 Ahmadis had been murdered for their faith, with 254 assassination attempts. **[92j]**

19.121 The same source continued "During 2011 Ahmadis were not allowed to build any places of worship anywhere in Pakistan. At some places, the police forcibly stopped the construction... There were 1,008 cases pending against Ahmedis in courts throughout the country." **[92j]**

19.122 In its Annual Report 2011, the website Persecution of Ahmadiyya Muslim Community, listed the number of criminal cases brought against Ahmadis from April 1984 to 31 December 2011. The list included 435 cases of Ahmadis booked for 'posing as Muslims', 724 booked for preaching and 299 charged under the "'Blasphemy Law', i.e. PPC 295-C." The summary cited a total of 3,820 cases of Ahmadis being booked or charged on religious grounds. In addition, the report also noted that the entire population of Rabwah (more than 60,000 people) was booked under 298-C of the Penal Code on 8 June 2008. **[60b] (p113)**

19.123 The HRCP Report 2010 noted "Cases were registered against 67 Ahmedis during the year [2010] on account of their religious beliefs. Leaders of radical religious political parties kept calling for social boycott of Ahmedis. In his Friday sermon, the head of one religious political party threatened a fresh movement against the Ahmedi community if it 'did not accept their minority status' and the government kept silent about 'their blasphemous and unconstitutional activities'." **[27e] (p127)**

19.124 On 9 July 2008, the Human Rights Commission of Pakistan (HRCP) reported that a First Information Report (FIR) was lodged on 8 June 2008 against thousands of Ahmadi residents of Rabwah. The FIR followed official celebrations of the Ahmadi community that were held across Pakistan, especially in Rabwah. The FIR stated that "... every person of every locality of the community was seen involved in these celebrations with fire works, lighting their places, and greeting each other (which is amounted to preaching of their faith, a crime according to a controversial law of the country)." **[27d]**

19.125 The USSD Report 2009 noted with regards to the above case that "There were no developments regarding the June 2008 case in which police charged all the residents of Rabwah in Punjab under anti-Ahmadi laws and arrested Muhammad Yunus for lighting fireworks and lamps and greeting each other, which the government considered to be preaching their faith, a crime by law." **[3b] (Section 2c)**

19.126 The USSD IRF Report 2010 added that:

"As of December [2010], according to Ahmadiyya leaders, seven Ahmadis were in prison; three have been sentenced to death after being convicted of murder and are awaiting a hearing of their appeal, while four others were charged with murder in a

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religion-based incident. All four, currently in prison awaiting a bail hearing and trial, claimed the murder was committed by another individual. The presiding judge has registered a charge of murder against that person also. The Ahmadiyya community claimed the arrests were groundless and based on the detainees' religious beliefs. Several criminal cases, ranging from killings to destruction of property, were filed against prominent members of the Ahmadiyya community during the reporting period. The cases remained unprosecuted, and the accused were allowed to post bail." **[3l] (Section II: Abuses of Religious Freedom)**

19.127 The PHRG Report 2010 stated that "The Mission was told by a number of witnesses that the judicial process moved very slowly in the case of Ahmadis and that discretionary remedies, like the granting of bail, were frequently refused to Ahmadis." **[51b] (p37)**

19.128 The same source cited a testimony from a witness whose husband, Mohammed Iqbal, had been sentenced to 25 years imprisonment for blasphemy. "The Mission met and interviewed Mr Iqbal's wife and son, who said that they had been the only Ahmadi family in their village and that the incident arose because the imam of the local mosque did not approve of Mr Iqbal coming to the mosque to talk to him." Mr Iqbal appealed against his sentence but, five years on, the appeal is still pending. In the meantime, Mrs Iqbal moved to Rabwah, where it it was reported that she "feels safer". **[51b] (p20)**

19.129 In a report to the UN Committee Against Racial Discrimination, Pakistan: The Land of Religious Apartheid and Jackboot Justice, published August 2007, the Asian Centre for Human Rights (ACHR) stated that "On 26 January 2007, police reportedly registered cases against five Ahmadi children... under Section 17 of the Maintenance of Public Order Ordinance in Chora Kalan police station in Khushab district for subscribing to Jamaat-e-Ahmadiya's monthly children's magazine Tasheezul Azhan." **[67a] (p5: Persecution under blasphemy laws)**

19.130 The USSD IRF Report 2010 also noted that Ahmadis faced restrictions on establishing places of worship and the authorities "...Authorities continued to conduct surveillance on Ahmadis, and several Ahmadiyya mosques reportedly were closed or confiscated; others reportedly were desecrated or their construction stopped." All minorities claimed to have experienced discrimination in recruitment for government jobs, but the Ahmadis particularly suffered and "...contended that a 'glass ceiling' prevented their promotion to senior positions, and certain government departments refused to hire or retain qualified Ahmadis." **[3l] (Section II: Restrictions on Religious Freedom)**

19.131 The PHRG Report 2010 noted that "The Mission received a number of reports and testimony of witnesses to the effect that it was very difficult for Ahmadis to construct places of worship. In the most extreme case, the local administration actually demolished a half finished structure which was intended to be used as a place of worship." **[51b] (p31)**

19.132 In interviewing Ahmadi Community Representatives in Rabwah, members of the PHRG Report 2007 identified that first information reports [charge/allegation reported to the police] brought against Ahmadis were registered by three main sources, "those lodged by members of Khatme Nabuwwat, those precipitated by police or government intervention, and those used to settle personal rivalries or enmity." **[51a] (p12, Section 3, Potential Risk Factors Faced by Ahmadis in Rabwah)**

19.133 Members of the PHRG were informed by the Ahmadi Community Representatives that they could not look to the police or the Courts for protection in Rabwah and were unable

to give an example, to the PHRG mission, of the police having provided protection to an Ahmadi in Rabwah. The report further noted that:

"The mission were informed that the state provides no protection to senior Ahmadi figures or mosques at Rabwah, except for a symbolic presence at the central mosque at Friday prayers. The Representatives described how during the Khatme Nabuwwat conference in Rabwah the police line the streets and look on as Khatme Nabuwwat members march through the town, chanting 'filthy, dirty slogans' and vandalising Ahmadi property... The Ahmadi Community Representatives concluded that if someone fled to Rabwah fearing attack in their home area there would be no police protection available to them. Indeed, the police are seen by the community as actively protecting the Mullahs and their followers." **[51a] (p21, Section 4.2, State protection)**

19.134 The PHRG members consulted other sources and similar views were expressed:

"Faizur Rehman, President, Amnesty International Pakistan stated that nowhere, including Rabwah, is safe for Ahmadis as the police would refuse to give protection to an Ahmadi. When asked if the police might react differently in Rabwah to elsewhere in Pakistan, Mr Rehman explained that whilst it is not impossible, it has not happened. He explained that... even relatively senior and educated local police officers find that their hands are tied by their superiors when dealing with Ahmadi cases." **[51a] (p21, Section 4.2, State protection)**

19.135 On the subject of internal relocation and Rabwah, the PHRG spoke with Amnesty International President, Faiz ur Rehman, who noted:

"...that it is only Rabwah where the Ahmadi are in the majority and as a result an Ahmadi may feel a little safe in Rabwah compared to a town or village where they are in a small minority. Those from outside Rabwah may therefore flee there if they are in fear in their home area. However, Mr Rehman pointed out that Khatme Nabuwwat have an office in Rabwah. Thus, whilst those who flee to Rabwah might gain safety for a period of time, fear of Khatme Nabuwwat is ever present... Broadly agreeing with Mr Rehman, the HRCP [Human Rights Commission of Pakistan] explained that whilst Rabwah is safer than most other places in Pakistan for Ahmadi's, there are instances of violence here as well. When asked about whether Rabwah can offer a refuge for those targeted elsewhere in Pakistan, the HRCP explained that if an Ahmadi was pursued across Pakistan, they would be caught by their persecutor in Rabwah. Clarifying this point, the HRCP stated that safety in Rabwah depends on the nature of the persecution and/or the influence of the persecutor... The HRCP explained that the best way for an Ahmadi to protect her or himself is to hide their religion: living in Rabwah has the opposite effect as it is the focus of Khatme Nabuwwat and living in the town marks a person as an Ahmadi." **[51a] (p20, Section 4.1, Community protection)**

Return to contents
Go to sources

Societal discrimination

19.136 The Human Rights Watch World Report 2012, Pakistan, dated 22 January 2012, stated that Ahmadis "...face increasing social discrimination, as illustrated by the October expulsion of 10 students from a school in Hafizabad, Punjab province, for being Ahmadi." **[7i] (Religious Minorities)**

19.137 The PHRG Report 2007, considering the social context of the Ahmadis, reported that:

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"The HRCP [Human Rights Commission of Pakistan] note that there is a class or economic element motivating this [poor] treatment of Ahmadis, pointing out that the Hindu community, who belong to a low economic class, receives relatively little popular attention and low levels of discrimination. The Ahmadis, however, tend to be an educated and successful community whose members have historically risen to important positions in government and civil society. Today, Ahmadis are prevented from accessing senior employment in state defence or civil institutions. Faiz ur Rehman (President of Amnesty International Pakistan) described the situation in similar terms: prior to 1974 there had been a large number of Ahmadis in senior positions in the Pakistan administration. This is now no longer the case: there are no Ahmadi policy makers, judges, or educationalists." **[51a] (p6, Section 2, Position of Ahmadis in Pakistan)**

19.138 The report added that the:

"British High Commission (BHC) also noted the role played by the media. The HRCP described the vernacular press as having become virulently anti-Ahmadi. State television contains broadcasts of anti-Ahmadi rhetoric, including phrases such as 'Ahmadis deserve to die.' Even in the traditionally liberal English language press religious freedom is becoming harder to defend as journalists increasingly fear attack if they defend Ahmadis. The BHC stated that public opinion on Ahmadis, encouraged by the vernacular press, is conservative. Whilst Christian rights may be upheld in the press, Ahmadi rights are not. The effect is that most people have accepted the proposition that Ahmadis are non-Muslim and this is as far as they take the issue. However, others use the discrimination as an opportunity for personal or political gain." **[51a] (p6, Section 2, Position of Ahmadis in Pakistan)**

19.139 The same source recorded that:

"The HRCP stated that the situation faced by Ahmadis today is very poor, and becoming worse as each year passes. In a country where sectarianism is on the increase, the Ahmadis were described by HRCP as being in the worst case scenario: the official policy on religion leaves the group extremely vulnerable. The threat to Ahmadis varies from place to place: in some villages Ahmadis are able to live safely, whilst in others they have been driven out. The reports of violence fluctuate each year but the overall trend of violence against Ahmadis is worsening…The atmosphere of intolerance towards Ahmadis – in which the perpetrators of violence against them are painted as the injured parties – is increasing, and is being indirectly nurtured by the government who do not defend Ahmadis. Three years ago a member of the judiciary or government would have spoken out against violence or stepped in to defend Ahmadis against attacks in the press, but this is no longer the case…" **[51a] (p7, Section 2.1, Social and political environment)**

19.140 On 7 May 2012, The Express Tribune, citing a report by Jamaat Ahmaddiya, 'Persecution of Ahmedis in Pakistan during the year 2011', published on 2 May, stated "The Urdu press and media are contributing to the hate campaign against Ahmedis by publishing 'baseless stories,'... During 2011 more than 1,173 baseless stories against Ahmedis were published..." **[92j]**

19.141 In monitoring the mainstream Urdu newspapers during 2010 the HRCP Report 2010 found "... 1,468 news, articles and editorials that promoted hate, intolerance or discrimination against the Ahmedis. Hate campaigns against the Ahmedi community also continued across the country through the use of stickers, wall chalking and distribution of pamphlets." **[27e] (p127)**

19.142 Amnesty International (AI) reported on 2 February 2012 on threats from religious groups attempting to block Ahmadis from entering their place on worship in Rawalpindi on 3 February 2012, and called for the Pakistan authorities to do more to protect the Ahmadi community. The report noted that "The call comes a week after some 5,000 people demonstrated in favour of demolition of the Ewan-e-Tauheed, one of the largest Ahmadi places of worship in the city of Rawalpindi." Sam Zarifi, Asia-Pacific Director of Amnesty International, stated "Police provided some protection to the Ewan-e-Tauheed to ensure its safety during last Friday's rally. That is an important immediate step, but the Pakistani government must do a lot more to address and reverse the widespread, systematic campaign of vilification against religious minorities in Pakistan." AI continued "Last Friday's rally, which was organized by traders' unions and religious groups including Jamaatud Dawa, Jamaat-i-Islami and Ahle Sunnat Wal Jamaawas, was also attended by Zia Ullah Shah, a member of the Punjab Assembly from the Pakistan Muslim League-Nawaz political party that is in government in the province." **[13g]**

19.143 On 3 February 2012, the Asian Human Rights Commission (AHRC) also reported on the anti-Ahmadi demonstrations and stated that the protesters held "...banners and posters containing the words of hatred and threats for the Ahmadis community and demanding that they stop their religious practices [including worshipping and proselytizing]. One banner was conveying the message that the Qadianis must be forced to stop their 'unconstitutional' activities." **[52h]**

19.144 Amnesty International also added "Ahmadi graves have been damaged across the Punjab, with around two dozen desecrated in one instance in December last year [2011] alone. Last month [January 2012], several graves were reportedly damaged in Quetta, in the province of Balochistan." **[13g]**

19.145 Citing the Jamaat Ahmaddiya annual report from 2 May 2012, The Express Tribune noted on 7 May that since 1984 "... 23 Ahmedi places of worship have been demolished and 28 sealed by the administration. Sixteen places of worship have been taken over, 29 graves have been opened and desecrated. As many as 57 Ahmadis have been refused burial in common graveyards." **[92j]**

19.146 The SATP reported in its South Asia Intelligence Review Weekly Assessment and Briefings, dated 27 June 2011, that "On June 10, 2011, the All Pakistan Students Khatm-e-Nubuwat (End of Prophethood) Federation issued pamphlets branding members of the Ahmadiyya community as 'wajib-ul-qatl' (obligatory to be killed). The pamphlet, circulated in Faisalabad District of Punjab Province, read, 'To shoot such people is an act of jihad and to kill such people is an act of sawab (blessing)'." **[61f] (Volume 9, No. 51)**

19.147 The same source added:

> "On June 13, 2011, reports revealed that terrorists were chalking out a plan to attack prominent members of the Ahmadi community in the country, starting from Faisalabad. Sources in the local Law Enforcement Agencies also revealed that different terrorist outfits have joined together in this mission and had initiated the campaign with the distribution of pamphlets and organization of meetings in local seminaries against the Ahmadis, claiming that the Ahmadi citizens of the country were involved in conspiracies against Islam and Pakistan." **[61f] (Volume 9, No. 51)**

19.148 In the PHRG Report 2007, the BHC were reported to have stated that "The sensitivity of Ahmadi identity is such that Ahmadis face social isolation. In Mr Rehman's [President of

Amnesty International Pakistan] view the Ahmadis are the most repressed community in Pakistan. Whilst the Christian community face problems, they have profile and support in Pakistan. No-one is exerting pressure on behalf of the Ahmadis." **[51a] (p7, Section 2.1, Social and political environment)**

19.149 The PHRG Report 2007 also noted that the BHC stated:

"…there is under-reporting of Ahmadi persecution, making it difficult to make an accurate assessment of the frequency of attacks against Ahmadis; however, the BHC consider the problems faced by Ahmadis to be a serious issue. The Pakistan government has done little to alleviate the problems faced by Ahmadis: it would be 'political suicide' to deal with the Ahmadi problem directly and politicians will not use the example of the Ahmadis to make the case for religious tolerance. The Senior Government Advisor draws a similar conclusion: it is now beyond the power of government to reverse the situation for Ahmadis... changes in the law will not be sufficient to change the view of the population: there must be a change in the views held in society first. However… there is no party or institution prepared to lead the debate on Ahmadis in Pakistan and therefore a change in public attitude is not anticipated in the near future." **[51a] (p7, Section 2.1, Social and political environment)**

19.150 Regarding conversion to the Ahmadiyya faith, a Response to Information Request by the Immigration and Refugee Board of Canada, dated 23 November 2009, stated:

"In correspondence with the Research Directorate, the National General Secretary of Ahmadiyya Muslim Jama'at Canada stated that a non-Ahmadi Muslim who converts to the Ahmadi faith 'will face extreme persecution which could be ... physical torture, expulsion from family, social boycott, murder or a combination of all' ... The Eastern Canada Regional Amir of Ahmadiyya Muslim Jama'at Canada stated that violence against converts can come from both their immediate family and religious leaders ... The Eastern Canada Regional Amir further stated that there is a fatwa [religious ruling] which states that non-Ahmadi Muslims who convert to the Ahmadi faith should be killed within three days of their conversion... Further information on the fatwa could not be found among the sources consulted by the Research Directorate." **[12o]**

19.151 The same source added:

"The General Secretary of Ahmadiyya Anjuman Lahore provided the following information on the consequences of both public conversion and private conversion:

- If the conversion is declared in public then such a person has to face severe consequences and he would be legally declared non-Muslim and liable to be killed....
- If the case is not declared and such conversion remains secret then ... such a person escapes legal punishment but still faces mental torture and prejudicial treatment...

"In a telephone interview with the Research Directorate, the Eastern Canada Regional Amir corroborated that some people do not advertise their conversion to the Ahmadi faith..." **[12o]**

19.152 The USSD IRF Report 2010 stated that discrimination on the admission of Ahmadis to higher education institutions continued to exist. **[3l] (Section II: Restrictions on Religious Freedom)**

CHRISTIANS

19.153 On 11 August 2010, the Daily Times reported that "Prime Minister Yousaf Raza Gilani on Tuesday [10 August] said that the government was committed for the preservation of rights of minorities in Pakistan." In his message declaring 11 August as "Minorities Day", the Daily Times quoted Prime Minister Gilani as saying "'We recognise that our minorities are responsible and patriotic and are playing their due role in nation building. We will, therefore, not allow the miscreants to be successful in their ulterior motives..." **[55b]**

19.154 However, Christian Today, an independent, inter-denominational Christian media company, reported on 12 August 2010, that Christians across Pakistan observed "Black Day" on 11 August, in protest against the discrimination Christians in Pakistan faced. The report noted "The latest protests were staged by Human Rights Focus Pakistan (HRFP). Representatives of churches, Christian rights groups and believers from all walks of life, participated in a protest rally which ended at the Lahore Press Club." **[119a]**

19.155 The same source added that Naveed Walter, President of HRFP, condemned what was to be known as 'Minority Day'. He was quoted as saying that the "...'increasing incidents of injustice and discrimination' against Pakistani Christians had prompted his group and other Christian organisations to observe August 11 as 'Black Day'." **[119a]**

19.156 Reporting on the recent case in Pakistan which saw a Christian woman sentenced to death under the blasphemy laws, Reuters news noted on 10 January 2011 that "Christians and Muslims generally live in harmony, but many say they are treat[ed] as second-class citizens and feel insecure for several reasons, including the blasphemy law and sporadic militant attacks on churches... While Muslims are charged with blasphemy in more than 50 percent of cases, human rights activists say the legislation is often used to persecute minorities, or settle personal scores..." **[10f]**

See also Blasphemy laws and Death penalty

19.157 The HRCP Report 2009 stated:

"As the militancy surged in the northwestern parts of the country, enforced migration and displacement of thousands of Christians from Swat valley, Peshawar, Mardan, Nowshera and FATA [Federally Administered Tribal Areas] was reported following threats to them to convert to Islam or face death issued by the militants. Forced to take refuge with their relatives in Punjab and Sindh provinces, these families faced immense hardships as the government could not provide adequate succour. At the same time many Christian families victims of the blasphemy law were forced to live in hiding in attempts to save their lives. There was little change in their social ostracization." **[27c] (p124)**

19.158 The HRCP Report 2009 noted that "In January [2009], Adiala jail became the first prison in the country to have a church on its premises. The jail authorities had provided land for the church and the local Christian community provided the Rs [Rupees] 1.2 million needed for constructing the building for around 250 Christian prisoners in the jail." **[27c] (p99)**

See also Section: Prison Conditions

Return to contents
Go to sources

Demography

19.159 The Writenet report, Pakistan: The Situation of Religious Minorities, dated May 2009, commissioned by the UNHCR and written by Shaun R. Gregory and Simon R. Valentine, estimated there were three to four million Christians (about two to three per cent of the population) living in Pakistan, with an approximate equal split between Protestants and Catholics. Some sources estimated the number of Christians to be at least twice the official number. The report noted "Approximately 80 percent of Christians live in the Punjab, with around 14 percent in Sindh, 4 percent in the NWFP, and 2 percent in Balochistan." **[108a] (p17)**

19.160 The USSD IRF Report 2006 stated that:

> "Christians, officially numbered at 2.09 million, claimed to have 4 million members, 90 percent of whom lived in Punjab. The largest Christian denomination was the umbrella Protestant Church of Pakistan, a member of the Anglican Communion. Roman Catholics were the second-largest group, and the remainder belonged to various evangelical denominations. The Catholic diocese of Karachi estimated that 120 thousand Catholics lived in Karachi, 40 thousand in the rest of Sindh, and 5 thousand in Quetta, Balochistan. A few tribal Hindus of the lower castes from interior Sindh have converted to Christianity... Foreign missionaries operated in the country. The largest Christian mission group engaged in Bible translation for the Church of Pakistan. An Anglican missionary group fielded several missionaries to assist the Church of Pakistan in administrative and educational work. Catholic missionaries, mostly Franciscan, worked with persons with disabilities." **[3f] (Section I: Religious Demography)**

Violence and discrimination against Christians

For legislation discriminating against Christians see subsections above on Blasphemy Laws and Hudood Ordinances

19.161 The US Commission on International Religious Freedom (USCIRF) noted in its Annual Report 2012 (USCIRF Report 2012), covering events from April 2011 to February 2012, published March 2012, that:

> "Incidents of mob attacks against Christians were reported during the past year. In April 2011, a mob ransacked several Christian houses and a school after allegations of blasphemy spread through the community in the Gujranwala district of Punjab. Local police intervened to break up the attack, later arresting several instigators after an investigation. Police also took into 'protective custody' two Christian pastors who were accused of desecrating the Qur'an and filed charges of blasphemy against them. In May, extremists carrying guns interrupted a church service outside Lahore, threatening the congregation, breaking the glass altar, and desecrating Bibles. Despite the multiple witnesses, police did not arrest the intruders due to their political connections, and reportedly pressed the church members to accept an apology. In January 2012, a group of men attacked a church in Sindh province in response to children singing carols, hitting the children and vandalizing the church. Local police did not file a case and the Christian community apologized to the assailants." **[53c] (p125)**

19.162 The HRCP Report 2011 observed:

> "It was interpreted as sign of a new low in intolerance in Pakistan when the media reported that a Christian eighth-grader from Abbotabad had been accused of

blasphemy for misspelling a word in her exam. The spelling error led to her expulsion from school and had the local clerics howling for her blood. A number of Christian families were reported to be on the run after being accused of blasphemy.

"In January, two Christian women were beaten up and publically humiliated by an angry mob in Lahore over apparently unfounded blasphemy allegations. The incident occurred only a few days after the killing of Punjab Governor Salman Taseer, who had criticised the blasphemy law. The two women and their family went into hiding for fear of being killed.

"Although Muslims accused of blasphemy too felt compelled to go into hiding, a number of other Christian families were reported to be on the run after a family member was accused of the dreaded offence.

"On April 30, hundreds of people in Gujranwala district attacked a Christian seminary, a church and houses of Christians after learning that two Christian men who had been accused of blasphemy had been released from protective custody by the police. The men were accused of desecrating a copy of the Holy Quran and had been taken into custody on April 15 to prevent a massacre like the 2009 Gojra killings of Christians. A police investigation had found the charges against the two men to be fabricated." **[27i] (p87-88)**

19.163 The USCIRF Report 2012 noted:

"On March 2, 2011, Shahbaz Bhatti, a longtime Christian activist for religious freedom and the first-ever Christian in Pakistan's federal cabinet, was assassinated outside his mother's home in Islamabad by members of Tehrik-i-Taliban, commonly known as the Pakistani Taliban. Bhatti had received multiple death threats because of his advocacy against the blasphemy law, including one from Tehrik-i-Taliban threatening to kill him if he was reappointed to the cabinet. The investigation into his murder has made little progress, with initial efforts focusing on the Christian community and Bhatti's family. The government announced the issuance of arrest warrants in December for three Pakistanis residing in the Persian Gulf region. All of those arrested for suspected involvement have been released." **[53c] (p123)**

See also Blasphemy laws

19.164 The USCIRF Report 2012 added:

"Marginalization and poverty make the Christian community in Pakistan vulnerable, and sexual assaults against underage Christian girls by Muslim men continue to be reported. Catholic NGOs [non-governmental organisations] estimate at least 700 Christian girls are kidnapped and forced to convert to Islam every year. Throughout the reporting period, multiple reports surfaced of Christian women being raped, with law enforcement either hesitant to act or societal actors pressuring victims to recant their allegations. In September 2011, a Christian woman allegedly was gang-raped and police reportedly pressured her to not press charges. In September, the NGO CLASS reported that a court ruled in favor of a Christian girl, sentencing her rapist to jail for 25 years." **[53c] (p126)**

19.165 The same source reported on court cases that resulted in convictions and sentences:

"Two Christian brothers, Pastor Rashid Emmanuel and Sajid Emmanuel, were murdered in July 2010 in front of a courthouse in Faisalabad, Punjab province, as they were defending themselves against blasphemy charges. On April 18, 2011, an anti-terrorism court found the accused guilty and sentenced him to death. Pakistani NGOs report that this is the first such sentence to be issued for a murder related to blasphemy charges. Three individuals convicted of killing a Christian in Punjab province for refusing to convert to Islam were given life sentences in July, which in Pakistan is 25 years. In July 2011, the American Center for Law and Justice reported that three individuals were sentenced to life in prison for the 2010 murder of a Christian businessman." **[53c] (p126)**

19.166 The USSD IRF Report 2010 observed that during its reporting period (1 July to 31 December 2010) ten Christians were alleged to have committed offences under the blasphemy laws. **[3l] (Section II: Abuses of Religious Freedom)**

19.167 The USSD Report 2011 stated:

"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 November 2010 a court sentenced Bibi to death for her crime, the first woman sentenced to death for blasphemy. The verdict in the case touched off a massive debate within the country 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…" **[3n] (Section 1e)**

19.168 The HRCP Report 2010 noted with regards to the Aasia Bibi case that "Calls by civil society and the Christian community for a presidential pardon for Aasia were met by threats by Taliban and a cleric announcing a reward for anyone who killed her. As extremist elements riled up angry mobs against any change in Aasia's sentence, the Taliban warned of serious consequences if the government pardoned her." **[27e] (p129)**

19.169 The Human Rights Watch World Report 2012, Pakistan, dated 22 January 2012, noted that Aasia Bibi "...continued to languish in prison after the Lahore High Court, in a controversial move, prevented President Asif Ali Zardari from granting her a pardon in November 2010. High-ranking officials of the ruling Pakistan People's Party (PPP) called for her release and the amendment of section 295(C) of Pakistan's penal code, otherwise known as the blasphemy law. However, the government succumbed to pressure from extremist groups and dropped the proposed amendment." **[7i]**

19.170 The USCIRF Report 2012 stated that, after being prevented from granting Aasia Bibi a pardon, "...President Zardari directed that Ms. Bibi be kept separate from the general prison population during the appeals process, which will take years. NGOs report that Ms. Bibi's health has been affected from being kept separate from the prison population. Ms. Bibi was assaulted by a prison guard in October. In response, the guard was suspended." **[53c] (p128)**

See also subsection Blasphemy laws and the section Death Penalty

19.171 In its report State of the World's Minorities and Indigenous People's 2010, dated 1 July 2010, Minority Rights Group International noted for Pakistan that "Pakistan's religious minorities continued to face a series of human rights violations and targeted attacks. The country's Christian population face increasing threats to their lives from the Pakistani Taliban, as well as other Muslim extremists, who demand that they convert to

Islam. At village level, Christians are also vulnerable to arbitrary arrest and detention, as they have limited access to justice." **[88c]**

19.172 The Economist Intelligence Unit (EIU) stated in its Country Report for Pakistan, dated 13 August 2009, that:

"Taliban ideology has... underpinned an upsurge in attacks against Christians in Pakistan. On August 1st [2009] around 800 Muslims attacked Christians in the town of Gojra, in Punjab province. At least eight Christians were killed following the spread of false rumours that the Quran had been desecrated during a Christian wedding. Christians in other parts of Punjab have also been attacked in recent weeks... Radical Muslim groups and preachers are believed to be responsible for the upsurge in attacks. Demands for sharia law to be applied in Pakistan are linked to the idea that Christians should be expelled from the country." **[2e] (The Political Scene)**

19.173 The HRCP reported, following a fact-finding mission to Gojra, dated July 2010, that:

"The Christian population in Gojra city is approximately 30,000, while in Gojra tehsil there are around 100,000 Christians. Chak No. 424-JB, with a population of around 18,000, is the only village in the whole district where the entire population is Christian. There is only one Christian lawyer in Gojra. Though some members of the community work as teachers in government and private schools, most work as domestic help, sanitary workers and agriculture labour. Some are self-employed, mainly running shops and services in Christian neighborhoods, while some are engaged in agriculture on their own land. There are two main Christian churches in Gojra, one for Catholics and the other for Protestants, and two missionary schools, where most of the students are Muslims." **[27g]**

19.174 Almost one year on, the HRCP fact-finding mission found that:

"...most of the torched houses and a destroyed church had been reconstructed by the provincial government and the standard of construction appeared to be satisfactory. However, the partially destroyed houses had not been rebuilt. Only one-third of the [300,000 rupees] compensation promised to families of the completely destroyed houses had been given and no timeframe had been given for payment of the balance. The federal and Punjab governments had each given 500,000 rupees in compensation to the family of each person killed in the Gojra attacks." **[27g]**

19.175 The USCIRF Report 2012 noted "During the current reporting period [April 2011-February 2012], the prosecutions of the 2009 attacks in Gojra, where eight Christians were killed and two churches and about 75 houses burned following an accusation that Christians had desecrated the Qur'an, effectively ended. Gojra victims reportedly were pressured to drop their cases. For those that did proceed to trial, all of the alleged attackers were acquitted or granted bail." **[53c] (p126)**

19.176 The USSD Report 2009 recorded that Christians suffered "…significant discrimination in employment and access to education, including government institutions." **[3b] (Section 2c)** Although the USSD IRF Report 2010 noted that "Christian activists stated that the [job] situation had improved somewhat in the private sector in recent years..." **(Section III)** and "There were no reports of discrimination against Christians when they applied for entry to universities and medical schools." **[3l] (Section II)**

19.177 On the subject of education, the Christian website AsiaNews reported on 10 July 2010, "Students of Pakistan's religious minorities, including Christians, are victims of exclusion, discrimination and acts of violence because of their faith and their status. The complaint comes from Minorities Concern of Pakistan (MCP) which says that most of the violations take place in government run institutions and is committed by both classmates by [sic] teachers. The system to protect minorities, they add, is 'fragile' and fails to safeguard their rights." **[54b]**

19.178 Compass News Direct reported on 19 May 2010 that Muslim teachers at a government high school in Sargodha, Punjab province "...derided Christian students for their faith, beat them, pressured them to convert to Islam and forced them to clean school bathrooms and classrooms after class hours... the school also denied Christian students certificates of completion when they had finished their studies." **[111a]**

19.179 The Telegraph reported on 27 August 2010 that, according to the Vatican, Christians were being discriminated against by relief agencies in their distribution of flood aid. The report noted:

"Christians and members of other minority religions are being treated as second-class citizens, said Father Mario Rodrigues, the Lahore-based director of Catholic Mission. 'They often receive little assistance or are excluded altogether,' he told Fides, the Vatican's news agency.

"Aid is being delivered by 'government officials sympathetic to Islamic fundamentalism or by Muslim relief organisations', Fides claimed in its report, citing other unnamed aid workers. About 200,000 Christians in Punjab province and about 600,000 Christians and Hindus in Sindh province have been affected by weeks of monsoon rain." **[104a]**

19.180 In a press release on Pakistan's Presidential website, dated 1 September 2010, it was reported that:

"President Asif Ali Zardari has taken exception to the media reports that some members of the minority communities were denied flood relief assistance and driven out of the relief camps in Sindh and called for an inquiry and action against officials if found involved.

"Spokesperson to the President Farhatullah Babar said that the President taking note of media reports of a protest rally in Hyderabad on Monday against the maltreatment of Dalits in flood relief called for a probe into the matter and steps to ensure that no discrimination was shown in the relief and rehabilitation operations.

"The President said that floods were a national disaster and should serve to unite the people, not divide them. It will be most unfortunate and reflect poorly on the country's image and adversely impact on national unity if relief work was influenced by considerations of caste, creed or ethnicity. All citizens of the country have equal rights and more so people who have been hit by the worst natural disaster in the history of the country, he said, adding also that discrimination on ethnic or religious grounds cannot be tolerated.

"The President called for an inquiry into the reports of discrimination and taking of appropriate measures to ensure that the relief work was not influenced by such considerations. The President also called for action against officials if found involved in discrimination in the relief and rehabilitation works, the Spokesperson said." **[29h]**

For further information on the Floods of July/August 2010 see Humanitarian issues

19.181 The USSD IRF Report 2006 noted that:

> "While many Christians belonged to the poorest socioeconomic groups and faced discrimination, the reason might have more to do with ethnic and social factors than with religion. Many poor Christians remained in the profession of their low-caste Hindu ancestors, most of whom were 'untouchables.' Their position in society, although somewhat better than in the past, did not reflect major progress despite more than one hundred years of consistent missionary aid and development. Christian students reportedly were forced to eat at separate tables in public schools that are predominately Muslim." **[3f] (Section III: Societal Abuses and Discrimination)**

Return to contents
Go to sources

Christian converts

19.182 A Foreign and Commonwealth Office (FCO) official at the British High Commission (BHC) in Islamabad stated in a letter to the UK Border Agency, dated 2 March 2011:

> "We consulted internally with our Political Section, who deal with humanitarian and human rights issues. In short, it is difficult to corroborate the real situation, as this is a frequently hidden problem; our view is that converts would probably not want to draw additional attention to themselves. However, we have ascertained the following anecdotal evidence from our dealings with external contacts in Pakistan:-
>
> "Firstly, in our opinion it would be difficult for Christian converts to live freely and openly in Pakistan, as converts over and above being Christian. It is our view that people who are known to have converted to Christianity suffer serious discrimination, for example in the workplace or by the authorities. It is far more difficult for people in Pakistan who are known to have converted to Christianity, than it is for people who were born Christian.
>
> "We understand that it would be rare for someone to convert to Christianity, or at least to do so openly, in Pakistan. It is therefore something of note for the community, with potential repercussions.
>
> "Our Political Section considered that internal relocation may be possible, in theory, as there were Christian communities in many urban areas such as Rawalpindi, and across Punjab and Sindh provinces. Due to the anonymity afforded by moving to an urban area, it may be feasible to relocate and not reveal the fact of the conversion. However, our view was also that the Christian communities were themselves becoming increasingly isolated from other communities. Therefore whilst it may be more difficult to socially exclude and harass a Christian who lives in a larger Christian community, it does not necessary preclude that harassment." **[11q]**

HINDUS AND SIKHS

19.183 The USCIRF Report 2012 stated:

> "Due to their minority status, Pakistan's Hindus and Sikhs are vulnerable to crime, including robbery and kidnapping for ransom. A Hindu attorney was kidnapped in December in Sindh province, as was a Sikh businessman. Hindus also have been targeted in the province of Balochistan, where they are the largest religious minority and

where the security situation is problematic due to a long-running ethnic insurgency. In November 2011, three Hindu doctors were gunned down in Sindh province.

"There are persistent reports of kidnappings, rapes, and forced conversions to Islam of Hindu women, including minors. Fifteen to 20 Hindu kidnapping cases are reported each month to the Hindu Council in Karachi, and the Human Rights Council of Pakistan has reported that cases of forced conversion are increasing." **[53c] (p127)**

19.184 The Human Rights Commission of Pakistan (HRCP) stated in its report, the State of Human Rights in 2011 (HRCP Report 2011), published March 2012, that:

"Abduction and subsequent forced conversion of Hindu gir ls was highlighted as an issue of concern by the community. The Sindh government promised to order a parliamentary or judicial probe in November after Hindu parliamentarians from Sindh in the NationalAssembly complained that women from their communities were being abducted for forced marriages and conversions. The parliamentarians were speaking in a debate regarding the recent killing of three Hindus in Shikarpur and demanded immediate government action against growing harassment against the Hindu community.

"151 PakistaniHindus sought asylum in India claiming that their lives would be in danger if they were sent back. They had been arrested for staying in India after their visas had expired. In December, the Delhi High court sought a response from the Indian government by the end of February 2012 and asked it not to deport the Hindus to Pakistan until then." **[27i] (p87)**

19.185 Reporting on a missing and reportedly abducted Hindu lawyer, the Asian Human Rights Commission (AHRC) noted on 30 December 2011, that the police had refused to register a case, claiming they could not identify which police jurisdiction was responsible. The AHRC added:

"Murders, kidnappings, looting of Hindu families are on high all around... Pakistan. They are selling their properties at cheap rates and wrapping up their businesses at the cost of big losses. In the recent months 37 Hindus have left Pakistan for India due to security reasons. Hundreds of Hindu families leave Pakistan for India or other countries every year to find safe places for them. Fear has spread among the Sikhs and Hindus of Pakistan after the atrocious beheading incident involving a young Sikh man because of his refusal to convert." **[52i]**

19.186 The USSD IRF Report 2010 cited:

"The Hindu community living in Sindh Province reported they were increasingly the target of kidnappings for ransom. Criminals targeted Hindu businessmen for abductions, particularly in Karachi, Sindh. Hindus claimed they were forced to pay ransom because police did little to recover kidnapping victims. On March 4, 2010, The Nation reported that as many as 65 Dalit (low caste Hindu) families were displaced due to rising incidents of kidnapping and insecurity in District Tharparkar District, Sindh." **[3l] (Section II)**

19.187 The HRCP Report 2010 observed "The demolition of a temple adjacent to a Shamshan Ghat in Rawalpindi in June triggered protests by the Hindu and Sikh communities. The land had apparently been leased by staff of the government authority administering the site to a person who had been using it for commercial purposes and who demolished the temple. The president ordered an inquiry into the demolition. If the findings of the

probe were submitted to the president by the end of the year they were not made public." **[27e] (p131)**

19.188 However, on a positive note, the USCIRF Report 2012 added that "... the 160-year-old Goraknath Hindu temple in Peshawar was reopened on the order of the Peshawar High Court, allowing Hindus in northwest Pakistan to worship there for the first time in 60 years. In addition, the National Database and Registration Authority (NADRA) reportedly was directed by the federal government to register Sikh marriages." **[53c] (p127)**

19.189 The USSD IRF Report 2010 stated:

"The registration of Hindu and Sikh marriages has been a long-standing demand of these communities. In May 2009 the Scheduled Caste Rights Movement (SCRM) demanded legislation for Hindu marriage registration during a seminar in Islamabad. The minorities' representatives were of the view that in the absence of Hindu and Sikh marriage registration, women faced difficulties in getting a share of their parents' and husbands' property, accessing health services, voting, obtaining a passport, and buying or selling property." **[3l] (Section II)**

19.190 Shirkat Gah – Women's Resource Centre, Pakistan, made a 'Stakeholders Joint Submission for Pakistan's Review in The Human Rights Council -14th Session, October 2012' (Shirkat Gah Stakeholders Joint Submission), undated, accessed 8 May 2012, in which it stated:

"Hindu married couples face numerous problems when travelling and lodging outside their place of residence. Moreover, Hindu women are deprived of their right to property and other rights conferred upon a divorced or widowed woman, have difficulty in accessing heath facilities and are unable to contribute to social, economic and political processes. Hindus have been demanding legislation to register Hindu marriages for years and in 2011 a Bill was presented in the National Assembly to pass a law to register Hindu marriages but so far there has been no progress..." **[132a] (p7)**

19.191 The USSD IRF Report 2010 noted "Hindus faced some difficulty in importing books from India... On September 5, 2009, unidentified extremists set ablaze religious books of Sikhs and Hindus in a joint temple, the Guru Nanak Darbar at Kandhkot, Sindh. The incident deeply disturbed the Hindus and Sikhs throughout the province, and the Pakistan Hindu Foundation issued a call for three-day mourning period, after which Hindus observed a strike in various districts of the province." **[3l] (Section II)**

19.192 Minority Rights Group International noted in its report State of the World's Minorities and Indigineous Peoples 2011, published 6 July 2011, that:

"According to last year's edition of State of the World's Minorities and Indigenous Peoples, Sikhs in the Federally Administered Tribal Areas (FATA) controlled by the Taliban were being made to pay a tax, jizya. Pressure on the community has since increased. A group of Sikhs were kidnapped in the Khyber and Orakzai regions in early 2010. The BBC reported that one of the men was later discovered beheaded, although other news agencies reported that two were killed. In April, 72 hectares of gurdwara (i.e. the Sikh place of worship) property was transferred without due process to the Defense Housing Association." **[88d] (p149)**

19.193 The HRCP Report 2011 observed:

"In July, the Sikh community was prevented from observing a religious festival in Gurdwara Shaheed Bhai Taru Singh in Lahore after the Evacuee Trust Property Board (ETPB) decided to deny Sikhs entry into the gurdwara on the eve of Shab-e-Barat. Around four years earlier, a group of Muslim young men had claimed that the gurdwara was built on the site of the burial place of a Muslim saint. The ETPB had allowed both communities to observe their religious rituals according to their beliefs at the gurdwara since then. However, police deployed outside the gurdwara prevented the Sikhs from congregating to commemorate an eighteenth-century saint on July 16 because the Shab-e-Barat was to be observed two days later. HRCP called police deployment to prevent the congregation shocking and entirely uncalled for and said that the ETPB had no right to ask members of a religious faith to pos tpone rituals of their faith inside their places of worship, or to give precedence to religious rituals of one faith over another." **[27i] (p89)**

Return to contents
Go to sources

SHI'A AND SUNNI MUSLIMS

19.194 Reporting on different religions, the BBC reported in an article regarding the similarities and differences between Shi'a and Sunni Muslims, updated 19 August 2009, that both sects "... agree on the fundamentals of Islam and share the same Holy Book (The Qur'an), but there are differences mostly derived from their different historical experiences, political and social developments, as well as ethnic composition. These differences originate from the question of who would succeed the Prophet Muhammad as leader of the emerging Muslim community after his death." **[35e]**

19.195 The same source stated that:

"When the Prophet died in the early 7th century he left not only the religion of Islam but also a community of about one hundred thousand Muslims organised as an Islamic state on the Arabian Peninsula. It was the question of who should succeed the Prophet and lead the fledgling Islamic state that created the divide.

"The larger group of Muslims chose Abu Bakr, a close Companion of the Prophet, as the Caliph (politico-social leader) and he was accepted as such by much of the community which saw the succession in political and not spiritual terms. However another smaller group, which also included some of the senior Companions, believed that the Prophet's son-in-law and cousin, Ali, should be Caliph. They understood that the Prophet had appointed him as the sole interpreter of his legacy, in both political and spiritual terms. In the end Abu Bakr was appointed First Caliph... Muslims who believe that Abu Bakr should have been the Prophet's successor have come to be known as Sunni Muslims. Those who believe Ali should have been the Prophet's successor are now known as Shi'a Muslims. It was only later that these terms came into use. Sunni means 'one who follows the Sunnah' (what the Prophet said, did, agreed to or condemned). Shi'a is a contraction of the phrase 'Shiat Ali', meaning 'partisans of Ali'.

"The use of the word 'successor' should not be confused to mean that those leaders that came after the Prophet Muhammad were also prophets - both Shi'a and Sunni agree that Muhammad was the final prophet." **[35e]**

Demography

19.196 The USSD IRF Report 2010 noted that the majority of Muslims in the country are Sunni, with Shi'a representing approximately 25 percent. **[3l] (Section I)** The USSD IRF Report 2009 added that "Kurram [in the FATA], is the only tribal agency with a significant Shi'a population, approximately 42 percent of the region's 500,000 inhabitants. Sectarian animosity in Kurram Agency has historically spilled over into sporadic clashes. In 2008, militants increasingly began to exploit these clashes to gain control over key transit points in Kurram linking Pakistan and Afghanistan." **[3c] (Section II: Forced Religious Conversion)** Shi'a followers claimed the Shi'a were "... split between the Qom (approximately 40 percent) and Najaf (approximately 60 percent) schools of thought." (US Department of State International Religious Freedom Report 2006 – USSD IRF Report 2006) **[3f] (Section I)**

19.197 The USSD IRF Report 2006 added that:

> "Government estimates on Shi'a counted approximately 750,000 Ismailis, most of whom were spiritual followers of the Aga Khan. An estimated 80 thousand Ismailis belonged to the Bohra or other smaller schools of thought. Shi'as were found nationwide but had population concentrations in Karachi, Gilgit, and parts of Balochistan. Ismailis were found principally in Hunza, Karachi, and Baltistan. The majority Sunni Muslim community was divided into three main schools of thought (Brailvi, Deobandi, and Ahl-e-Hadith) and a socio-political movement, the Jamaat Islami (JI), which had its own theology, schools, and mosques. Ahl-e-Hadith adherents comprised, at most, 5 percent of Muslims, and were concentrated in Punjab. No reliable figures on JI adherents existed, as its membership always claimed adherence to another school. Its adherents, however, were generally found in urban centers. Brailvi and Deobandi leaders both claimed that their schools comprised up to 80 percent of the overall Muslim population. Most disinterested observers believed that the Brailvi remained the largest school, approximately 60 percent of all Muslims, with the Deobandi at approximately 20 percent but growing. The Brailvi were the dominant majority in Sindh and Punjab. Deobandi were generally found in the Pashtun belt from northern Punjab, across the NWFP, and into northern Balochistan, although there were increasing numbers in Karachi and the Seraiki areas of Punjab." **[3f] (Section I: Religious Demography)**

Sectarian Violence

19.198 The South Asia Terrorism Portal (SATP) noted in its South Asia Intelligence Review, dated 23 April 2012, that:

> "Violence against the Shi'ite minority has long been endemic in Pakistan, with a progressive increase in scale and geographical distribution over time. Living in absolute fear, the Shia community, variously estimated at between five and 20 per cent of Pakistan's 187 million population, is currently being targeted in an escalating and vicious cycle of sectarian attacks that have enveloped the entire country.
>
> "The idea of Shias as a 'heretical' sect has become an entrenched dogma of mainstream Sunni politics in Pakistan. On April 18, 2012, National Assembly Standing Committee (NSC) during a meeting told the National Assembly Human Rights Committee (NAHRC) that more than 650 Shias in Quetta, the provincial capital of Balochistan, and 450 in the Dera Ismail Khan District of Khyber Pakhtunkhwa (KP) were targeted and killed 'recently' (no date was specified... though the statement was issued in the context of the Shia-Hazara killings between March 29 and April 17, 2012.)

 The main text of this COI Report contains the most up to date publicly available information as at 24 May 2012. Further brief information on recent events and reports has been provided in the Latest News section to 7 June 2012.

"According to partial data compiled by South Asia Terrorism Portal (SATP) there have been at least 772 incidents of sectarian violence in Pakistan from January 1, 2005, to April 22, 2012, which have claimed at least 2,175 lives [these are likely to be underestimates, as information flows from many of the conflict-ridden regions of Pakistan are severely restricted]." **[61l] (Volume 10, No.42)**

19.199 The Human Rights Watch World Report 2012, Pakistan, dated 22 January 2012, stated:

"Across Pakistan attacks took place against Shia and other vulnerable groups. Sunni militant groups, such as the supposedly banned Lashkar-e Jhangvi, operated with impunity even in areas where state authority is well established, such as the Punjab province and Karachi. On September 19, 26 members of the Hazara community travelling by bus to Iran to visit Shia holy sites were forced to disembark by gunmen near the town of Mastung and shot dead. Three others were killed as they took the injured to a hospital. Lashkar-e-Jhangvi claimed responsibility. On October 4, gunmen riding on motorbikes stopped a bus carrying mostly Hazara Shia Muslims who were headed to work at a vegetable market on the outskirts of Quetta, Balochistan's capital. The attackers forced the passengers off the bus, made them stand in a row, and opened fire, killing 13 and wounding 6." **[7i] (Religious Minorities)**

19.200 The USCIRF Report 2012 noted that:

"Violent extremists targeted Shi'a processions and mosques during the reporting period, particularly in the province of Balochistan. On May 5, 2011, extremists opened fire on a group of Hazara Shi'a in Quetta, Balochistan province, killing at least eight and wounding 10 more. Lashkar-e-Jhangvi (LeJ), a banned sectarian militant group that is anti-Shi'a, claimed responsibility for the attack. LeJ perpetrated a follow-up attack against Shi'a Muslims later in May in Quetta, killing seven more and wounding six. In January 2012, 18 Shi'a were killed during a religious processional by a bomb blast in Punjab province. Three Shi'a lawyers were murdered near the Karachi city court in January. In February [2012], 31 Shi'a Muslims were killed and dozens injured in Kurram agency when a suicide bomber targeted a local mosque. According to Pakistani press sources, security forces shot and killed two Shi'a Muslims who were protesting the bombing... At least 18 people were killed in late February in the Kohistan district of Khyber-Pakhtunkhwa Province when militants affiliated with Jundullah, a banned Sunni extremist group, attacked a bus of Shi'a. The attackers reportedly pulled all the victims off the bus and checked their identity cards before shooting them. At least seven people were reported to be wounded." **[53c] (p124)**

19.201 The SATP's South Asia Intelligence Review, dated 23 April 2012, added:

"Anti-Shia extremist groups and Sunni terrorist formations such as the Tehrik-e-Taliban Pakistan (TTP) share their larger goals of making 'Pakistan a graveyard for the Shias' and 'exterminating the community from Pakistan by 2012,' in the words of a June 2011 LeJ pamphlet. LeJ, the breakaway faction of the Sipah-e-Sahaba Pakistan (SSP), in June 2011, distributed pamphlets calling Shias 'wajib-ul-qatl' (obligatory to be killed), and also issued an open letter against the Hazara-Shia community in Quetta. The letter of the Balochistan Unit of the outfit read,

"'All Shias are wajib-ul-qatl. We will rid Pakistan of the unclean race. The real meaning of Pakistan is pure land and Shias have no right to live here. We have the fatwa (religious edict) and signatures of the ulama (religious scholar) in which the Shias have been declared kaafir [infidel]. Just as our fighters have waged a successful jihad against

the Shia-Hazaras in Afghanistan, our mission [in Pakistan] is the abolition of this impure sect, the Shias and the Shia-Hazaras, from every city, every village, every nook and corner of Pakistan...'" **[61l] (Volume 10, No.42)**

19.202 Jane's Sentinel Security Assessment for Pakistan noted in its chapter on Security, updated 23 April 2012, that:

"Pakistan has experienced a persistently high level of sectarian violence throughout much of its history, with the minority Shia Muslim community, which makes up approximately 20 per cent of the population, clashing with the majority Sunni Muslims. Violence intensified in the 1980s, following Sunni fears of increasing Shia influence following the Iranian revolution and the subsequent funding of Sunni madrassahs and institutions by Saudi Arabia throughout the Middle East. The key anti-Shia extremist group, Lashkar-e-Jhangvi (LeJ), remains a potent threat to security, despite a ban put in place in 2002. Overall sectarian violence fell steadily in 2003, but the trend was reversed in 2004. Anti-Shia violence has risen substantially since 2008, and is highly likely to persist throughout 2012." **[1a] (Social stability)**

19.203 The HRCP Report 2011 recorded a number of attacks that occurred during that year:

"At least 389 people were killed and 601 injured in incidents of violence targeted against various Muslim sects in 2011. These included five suicide attacks believed to have sectarian motives, in which 77 people were killed and 179 injured. The flashpoints included Karachi, Lahore, Hangu and Nowshera districts of Khyber Pakhtunkhwa, Quetta and Mastung in Balochistan and Khyber and Kurram tribal districts in FATA. The suicide bombings included one in Lahore targetting a Shia Chehlum procession, two suicide bombings at a shrine in Dera Ghazi Khan district, a suicide attack targeting a Muharram procession in Karachi, and a suicide attack in Quetta targeting the Hazaras.

"The targets in sectarian-related attacks included Shia pilgrims, mosques/Imambargahs, shrines, vehicles carrying members of the Shia community, and prayer leaders and religious parties activists." **[27i] (p82-83)**

For further information on Hazaras see Ethnic groups: Hazaras

19.204 The USSD IRF Report 2010 observed that:

"The Ministry for Minorities established interfaith committees at the district level to meet monthly to address issues of religious tolerance and interfaith dialogue. Committees were established in 30 districts in Balochistan, nine districts in Sindh, and 13 districts in Khyber Pakhtunkhwa. According to the Ministry, consultations to establish committees in other provinces are ongoing. During 2009-10 the Ministry approved 70 development projects for minorities worth 68.4 million rupees ($804,706), with a special fund worth 16.1 million rupees ($189,411) distributed among minority students for scholarships from 2008-2010." **[3l] (Section II: Legal/Policy Framework)**

19.205 The USSD IRF Report 2010 cited:

"Sectarian violence continued in different parts of the country during the reporting period, with attacks on the Shia minority, particularly in Dera Ismail Khan, Quetta, Hangu, Kohat, Tank, DG Khan, Gilgit, and Kurram and Orakzai Agencies. Throughout the reporting period, attacks, threats, and violence by religious extremists occurred across the country, especially in Khyber Pakhtunkhwa.

 The main text of this COI Report contains the most up to date publicly available information as at 24 May 2012. Further brief information on recent events and reports has been provided in the Latest News section to 7 June 2012.

"Attacks on houses of worship, religious gatherings, and religious leaders linked to sectarian, religious extremist, and terrorist groups resulted in hundreds of deaths during the reporting period. Sectarian violence between Sunni and Shia extremists continued during the reporting period, and several religious minority individuals and communities were the targets of religious violence across the country." **[3l] (Section II)**

19.206 The South Asia Terrorism Portal (SATP) provided statistics on sectarian violence in Pakistan from 1989 to 2012 (based on news reports), accessed 30 April 2012, and stated that in 2011 there were 203 deaths and 297 people injured in 30 sectarian incidents. Between January and 22 April 2012, SATP recorded 41 sectarian incidents, 164 deaths and 176 people injured. **[61a] (Sectarian Violence in Pakistan)**

See also Security situation: Sectarian violence

Return to contents
Go to sources

20. ETHNIC GROUPS

20.01 The Asian Centre for Human Rights stated in its report to the UN Commission Against Racial Discrimination, published August 2007, that:

"The key ethnic groups in Pakistan are Punjabis (44.15% of the population) followed by Pakhtuns (15.42%), Sindhis (14.1%), Seraikis (10.53%), Muhajirs (7.57%) and Balochis (3.57%). The others smaller ethnic groups include Turwalis, Kafiristanis, Burusho, Hindko, Brahui, Kashmiris, Khowar, and Shina, and the Kalash etc. In addition, Pakistan had accommodated largest number of Afghan refugees comprising of the Pakhtuns, Tajiks, Uzbeks, Turkmen, Hazaras, etc and many of these refugees permanently settled in the country. A large number of Bengalis, Arabs, Burmese, and African Muslim refugees have also permanently settled in Karachi, whilst hundreds of thousands of Iranian migrants are scattered throughout the country." **[67a] (p13)**

20.02 The US Department of State Country Report on Human Rights Practices 2011 (USSD Report 2011), published 24 May 2012, observed that "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." **[3n] (Section 6)**

BALOCH

20.03 Minority Rights Group International recorded in its Pakistan profile on the Baloch (Baluch) people, updated June 2009, that:

"The Baluchis are the indigenous peoples of Baluchistan, which is split between the Pakistani province of Baluchistan and Iranian Baluchistan. The majority of the Baluch people reside in the Baluchistan province of Pakistan. Baluchistan is the largest of all provinces of modern-day Pakistan, making up nearly two-fifths of the entire country... According to the most recent population census held in 1998, the total population of Baluchistan consisted of 6.5 million out of the total Pakistani population of 131 million. In 2006 the population of Baluchis in Pakistan was estimated as 8.2 million... Baluchis are largely Sunni Muslims, followers of the Hanafi school." **[88b]**

20.04 The Foreign Policy Journal reported on 18 April 2010 that:

"Balochistan is a region that is spread across Iran, Pakistan and Afghanistan. The combined area of this region is around 600,000 square kilometers, which is about the size of Ukraine; 347,000 km² is part of Pakistan, 181,785 km² in Iran and around 70,000 km² in Afghanistan. Despite having large areas in Pakistan and Iran, the Baloch population is around 5 million and 2 million respectively in both the countries. It is estimated that more than 200,000 Baloch people live in southern Afghanistan." **[112a]**

20.05 The Unrepresented Nations and Peoples Organization (UNPO) noted in a press release on 8 June 2009, regarding an event to discuss the human rights situation in Balochistan, that the Baloch are:

"...a minority community who have been politically and economically marginalized by the Pakistani government. These violations include indiscriminate use of force against civilians, targeted killings and the disappearance of political activists and journalists. Hundreds of thousands of civilians are said to have been displaced across province boundaries into Sindh and Punjab and state boundaries into Afghanistan, underlining the regional and international nature of the problem." **[87]**

20.06 UNPO further noted that "The region [of Balochistan] is exceptionally rich in natural resources which has encouraged exploitative domestic and external intervention." **[87]**

See also Section: Security situation: Militant Activity: Balochistan

HAZARAS

20.07 IRIN reported on 7 February 2012 that, according to a Hazara chief, there were six to seven thousand Hazara's living in Pakistan, mostly based in Quetta although some were in Hyderabad, Sindh province, and other Baloch districts. The report added:

"Widespread fear of harassment, discrimination and killings has prompted some Hazara community members living in Quetta, the capital of Balochistan Province in southwestern Pakistan, to consider leaving the country, even by illegal means. 'Over 600 Hazaras have been killed since 2000,' Abdul Qayuum Changezi, head of the Hazara Jarga, a group representing Hazaras, told IRIN. Media reports speak of dozens recently killed in attacks on the community in Quetta and in other parts of the province." **[41h]**

20.08 Human Rights Watch noted in its World Report 2012, Pakistan, dated 22 January 2012, that:

"On September 19 [2011], 26 members of the Hazara community travelling by bus to Iran to visit Shia holy sites were forced to disembark by gunmen near the town of Mastung and shot dead. Three others were killed as they took the injured to a hospital. Lashkar-e-Jhangvi claimed responsibility. On October 4, gunmen riding on motorbikes stopped a bus carrying mostly Hazara Shia Muslims who were headed to work at a vegetable market on the outskirts of Quetta, Balochistan's capital. The attackers forced the passengers off the bus, made them stand in a row, and opened fire, killing 13 and wounding 6." **[7i] (Religious Minorities)**

See also Security situation: Sectarian violence

20.09 The Human Rights Commission of Pakistan noted in its annual report, State of Human Rights in 2009 (HRCP Report 2009), published February 2010, on violence against the Hazara-Shia community in Balochistan. The report stated:

"More than 260 people belonging to Hazara community in Quetta had been killed in target shooting and more than 1000 people suffered injuries since 2003. The Hazara community believed that security agencies and the government were protecting and patronising the perpetrators of crimes against the Shia community. As an example, they presented the case of two convicted criminals, Usman Saifullah Kurd and Shafeeq Rind, belonging to the anti-Shia organization, Lashkar-i-Jhangvi, who had mysteriously escaped from a well-guarded jail of Anti-Terrorist Force (ATF) in Quetta Cantonment where no one could enter without a pass, implying they were helped by some elements within the security agency.

"A number of lawyers belonging to Shia Hazara community were killed in targeted shootings during the year 2009. Sectarian hit men were said to be responsible; they had declared in courts that on release they would again kill Shias. The Shia-Hazara community seemed to have lost trust in the provincial government's capability of bringing perpetrators of the crime to justice." **[27c] (p132)**

20.10 The Daily Times reported on 6 February 2009 that:

"Hazara tribesmen in Balochistan, numbering around 300,000, are currently living under unprecedented terror, uncertainty and insecurity.

"The tribe, residing in Balochistan for more than a century, have been subject of discrimination by the majority Balochs and Pashtuns due to their ethnic background and religious affiliations. While a majority of Hazaras is Shia, local Baloch and Pashtun are Sunnis. The Hazaras in Quetta have been targeted by some religious quarters for some time now, with more than two dozen men from the minority tribe having been killed in the last two months. Lashkar-e-Jhangavi (LJ), a banned Sunni organisation has accepted responsibility for most of the killings.

"The common notion that the LJ was solely targeting Shia scholars was negated when it claimed responsibility for the January 26 murder of Hussain Ali Yousafi, chairman of the Hazara Democratic Party (HDP) - an accepted and acclaimed secular and democratic leader." **[55a]**

20.11 The website Hazara.net, accessed 10 February 2012, provided a list of Hazara Victims of Terrorism, from 1999 to date, updated 8 February 2012, around Quetta, Balochistan, and its vicinity, although stated the list was incomplete due to the number of victims families leaving the area. **[98a]**

MOHAJIRS

20.12 The website Minorities at Risk (MAR), dated 31 December 2006, reported that, constituting eight per cent of the population, the Mohajirs, literally meaning 'refugee':

"... are the Urdu-speaking Muslims who fled India after the 1947 partition of the sub-continent and their descendents. Group members are concentrated in Sindh Province, particularly in urban areas... [They] are primarily Sunni Muslims, though some are Shi'a. However, most Mohajirs' primary identity is not religious but revolves around their 'outsider' status. Competition with native Sindhis has defined Mohajirs' political and

economic situation in Pakistan more than any other factor... Mohajirs are mainly represented by the MQM and its various factions." **[32a]**

Muttahida Qaumi Movement (MQM)

20.13 The website Global Security.org, accessed 3 December 2010 reported that:

"The Muttahidda [Mothaidda] Quami Movement (MQM), formerly known as the Mohajir Quami Movement, is a political group which represents the Urdu-speaking immigrant urban Mohajir population... The Mohajir Quami Movement [MQM] came into being on March 18, 1984 as the 'All Pakistan Mohajir Students Organisation' (APMSO) but politically it was activated in 1986. The Head Office of MQM – generally known as 'Nine Zero' – is in Karachi. Khidmat-e-Khalq Foundation (KKF) is a charitable organisation affiliated with MQM." **[63a]**

20.14 The same source noted that:

"The Muttahida Qaumi Movement-Altaf (MQM-A) [led by Altaf Hussain] has been widely accused of human rights abuses since its founding two decades ago... the MQM-A was heavily involved in the widespread political violence that wracked Pakistan's southern Sindh province, particularly Karachi, the port city that is the country's commercial capital. MQM-A militants fought government forces, breakaway MQM factions, and militants from other ethnic-based movements." **[63a]**

20.15 Global Security.org also noted "In 1992, a breakway MQM faction, led by Afaq Ahmed and Aamir Khan, launched the MQM Haqiqi (MQM-H), literally the 'real' MQM. Many Pakistani observers alleged that the MQM-H was supported by the government of Pakistan to weaken the main MQM led by Altaf Hussein..." **[63a]**

20.16 Jane's Sentinel Country Risk Assessments noted in its section on Security, updated 23 April 2012, that the Mohajir's main representative was:

"... the United National Movement, known in Pakistan and India as the Muttahida (initially Mohajir) Qaumi Movement, or MQM. Throughout the mid- to late 1990s, the MQM effectively effectively caused considerable violence across Karachi, targeting police and government officials as well as their families. The MQM is divided between a parliamentary wing that has gained representation in the provincial legislatures and National Assembly and a terrorist wing campaigning for greater autonomy or separatism. The campaign against MQM-supporting terrorist groups has been largely successful, but Karachi remains mired in violence, with several ethnic groups involved in acts of terrorism against each other and the state. More than 750 people died in politically motivated attacks in Karachi in 2010. More than 50 people were killed when violence broke out on 16 October during a by-election for a provincial assembly seat that was previously held by local MQM politician Raza Haider, who was murdered in a Karachi mosque on 2 August 2010. Violence and a spate of targeted killings in mid-January 2011 raised tensions across the city. A former MQM deputy and political activists were among the dead. After a brief lull, the killing spree resumed in mid-March with rights groups reporting over 150 casualties by the end of May, forcing the PPP to counsel restraint. Violence in Karachi shows no sign of abating with over 300 casualties reported in July alone." **[1a] (Social Stability)**

20.17 The HRCP Report 2010 stated "For the past five years, the Muttahida Qaumi Movement (MQM) had been striving to extend its outreach to Punjab. In 2010, the MQM again

stepped up its political activities in the province and nominated 2,800 office-bearers in the province. The Punjab government, however, refused the MQM permission to hold a public meeting in Lahore for security reasons. However, the provincial government allowed the party to hold a convention in a building on The Mall." **[27e] (p175)**

20.18 The Nation reported on 26 May 2011 that Aamir Khan, chief of Mohajir Qaumi Movement-Haqqiqi (MQM-H), announced he was rejoining the Muttahida Qaumi Movement (MQM, also known as MQM-A) led by Altaf Hussain, after two decades of rivalry. The report noted "Aamir Khan former senior member of MQM left the party in 1991 and formed its own party MQM-Haqqiqi with Afaq Ahmed in 1992 but the association of both the leaders ended after the differences in 2006. Muttahida Qaumi Movement Chief Altaf Hussain has accepted Aamir Khan's apology, making way for him to rejoin the party and reinstate his party membership." **[103a]**

See also Political affiliation: Politically motivated violence

Return to contents
Go to sources

21. LESBIAN, GAY AND BISEXUAL (LGB) PERSONS

LEGAL RIGHTS

21.01 The full text of Section 377 of the Pakistan Penal Code reads:

"377. Unnatural offences: Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than two years nor more than ten years, and shall also be liable to fine.

"Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section." **[21a]**

21.02 The 'Sodomy laws' website, last edited on 24 November 2007, reported that the penalty may also include "... a possible corporal punishment of a 100 lashes." The same source added that:

"'Islamic law was re–introduced in 1990.' 'Pakistani civil law punishes those who have gay sex with two years to life in prison, while Islamic law, which also can be enforced legally, calls for up to 100 lashes or death by stoning.' [While it seems unlikely that Section 377 would apply to lesbians, it seems likely that Islamic law would] 'Arrests and trials do not occur … As elsewhere with unenforced sodomy prescriptions, the existence of the law is a threat - a threat conducive to blackmail. While the law is largely irrelevant to life in Pakistan, those acting in its name are not…Police recurrently take money and/or sex from those they know to be involved in same-sex sex (commercial or not). (Chapter on Pakistan by Stephen O Murray and Badruddin Khan in 'Sociolegal Control of Homosexuality)'." **[50]**

21.03 An IRB (Immigration and Refugee Board of Canada) report, dated 29 November 2007, on gay relationships in Pakistan noted that:

"Homosexual acts are illegal in Pakistan. Under Section 377 of the country's penal code, homosexuality is not explicitly mentioned, but 'carnal intercourse against the order of nature' is punishable by a fine and/or imprisonment for a period of two years to life.

Under the country's Sharia law, introduced in 1990, homosexual acts are punishable by corporal punishment (whipping), imprisonment, or death. Likewise, gay marriage is illegal in Pakistan. However, in October 2005, a 'marriage' was said to have taken place between two men in the Khyber region. A tribal council reportedly told the couple to leave the area or face death for 'breaking religious and tribal values'. In May 2007, a married couple was imprisoned after the Lahore high court decided that the husband, who had undergone sex-change surgery, was still a woman. The couple had originally sought the court's protection against members of the bride's family who were harassing them; however, the court found the couple guilty of perjury, ruling that they had lied about the husband's gender and that their same-sex marriage was 'un-Islamic'. One month later, following an appeal to Pakistan's Supreme Court, the couple was released on bail..." **[12c]**

21.04 Regarding the above appeal to the Supreme Court, the International Gay and Lesbian Human Rights Commission (IGLHRC) noted in its report Human Rights and Transgender People in Pakistan, published February 2008 (IGLHRC Report 2008), that:

"... a landmark case involving transgender rights is currently unfolding in Pakistan. Nighat Saeed Khan, director of ASR [Applied Socia-Economic Research] Resource Centre in Lahore, Pakistan notes that, 'Transgender individuals in Pakistan have typically faced a myriad of dangers from police, family, community, and religious authorities, and had to leave the country.' The current case challenges this status quo. It marks an attempt by a female-to-male transgender man and his wife to have their marriage recognized, an outcome that is predicated on the court's recognition of the right to transgender identity… the case is precedent setting... because the issue of gender identity has been sent to the Supreme Court." **[49]**

21.05 However consideration of the case by the courts had been delayed by the disruption to the judiciary as result of the State of the Emergency in November 2007 and the subsequent political turmoil in early 2008. (IGLHRC, February 2008) **[49]**

Return to contents
Go to sources

TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

21.06 The US Department of State Country Report on Human Rights Practices 2011 (USSD Report 2011), published 24 May 2012, cited that "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." **[3n] (Section 6)**

21.07 Reuters India reported on 25 May 2010 that police in Peshawar arrested an entire wedding party, including the bride and groom, at a ceremony between a man and a transgender person, stating they had "...registered a case against them for promoting homosexuality in the society." However, the so-called groom claimed the party was for his birthday. The pair were remanded in custody for two weeks. The article also noted "Community leaders estimate the number of hijras in Pakistan at about 300,000." **[10a]**

21.08 An IRB Response to Information Request (RIR), dated 29 November 2007, noted that

"Information on the number of prosecutions against homosexuals in Pakistan and their outcomes could not be found among the sources consulted by the Research Directorate. However, Country Reports on Human Rights Practices for 2006 indicates that the government 'rarely' prosecutes such cases. Nevertheless, in May 2005, two gay men were publicly lashed in Pakistan's north western Khyber region after they were caught having sex." **[12c]**

21.09 THE SPARTACUS INTERNATIONAL GAY GUIDE 2009, UNDATED, STATED IN THE SECTION ON PAKISTAN THAT THERE WAS NO GAY MOVEMENT OR GAY GROUPS IN PAKISTAN. THE GUIDE NOTED THAT "DESPITE THE STRICT LAWS OF ISLAM REGARDING MORAL STANDARDS, GAY MEN, TRANSVESTITES AND TRANSEXUALS LIVE RELATIVELY UNDISTURBED FROM THE POLICE." HOWEVER, THE GUIDE NOTED GAY MEN WOULD RECEIVE LITTLE PROTECTION FROM THE AUTHORITIES. THE SAME SOURCE STATED THAT "THE GENERAL POPULATION AND THE FAMILY DOES NOT SEE HOMOSEXUALITY IN A POSITIVE LIGHT AT ALL, BUT IS GENERALLY TOLERANT ENOUGH TO ACCEPT THE SITUATION AS LONG AS THEY ARE NOT AFFECTED." [25] (P686)**SOCIETAL TREATMENT AND ATTITUDES**

21.10 The IGLHRC Report 2008 noted that:

"There is no known grassroots activism among lesbians, gays, bisexuals, transsexuals and transgender (zenana) communities in Pakistan. This lack of activism, the silences around sexualit(ies), and deeply closeted status of most gays and lesbians in Pakistan (many of whom live double lives to avoid revealing their sexual orientation) makes it difficult to accurately assess their living conditions and human rights situation. Anecdotal information from Pakistani gay people who have left the country describes fear, secrecy, isolation, suicides, forced marriage, family and community pressure to conform to heterosexual norms." **[49]**

21.11 On the subject of societal attitudes to homosexual activity the IRB RIR, dated 29 November 2007, stated that:

"Although homosexuality is thought to be 'relatively' common in Pakistan, it is a 'taboo' subject that is not publicly discussed. It is reportedly rare for homosexuals to be open about their sexuality. According to a 10 May 2005 article published by the United Nations (UN) Integrated Regional Information Networks (IRIN), homosexuals in Pakistan 'live in constant fear of being 'outed' in [the country's] staunchly conservative society which is largely ignorant and intolerant of sexual minorities.' Cited in the same article, a representative of a local non-governmental organization (NGO) stated that if an individual openly campaigned for gay rights in the country, he or she could end up being killed by religious followers. Nevertheless, several sources consulted by the Research Directorate indicate that homosexuality may, in general, be 'silently accepted' in Pakistan. Assaults on homosexuals are said to be 'rare'. In the country's North West Frontier Province (NWFP), it is apparently well known that ethnic Pashtun men take young boys as lovers which, according to IRIN, is 'a practice now deeply embedded in the local culture'. In March 2006, a group of gay men wearing dresses participated in a festival in Lahore. The Internet is reportedly contributing to a sense of growing 'solidarity' amongst homosexuals in Pakistan. Online chat rooms are said to provide a 'safe and anonymous forum for middle- and upper-class gay men'." **[12c]**

21.12 The same RIR continued:

"According to a 5 October 2005 British Broadcasting Corporation (BBC) article, 'increasingly,' same-sex couples are living together in Pakistan's larger cities, including Karachi and Islamabad. However, a 2006 Guardian article states that it is 'rare' for homosexual couples to live together and that many gay men end up marrying women to 'avoid scandalising their families'. Another article from IRIN notes that, while the atmosphere in larger cities such as Islamabad, Karachi and Lahore is 'mildly' more tolerant, in rural areas, conservatism is 'extreme' and homosexuals remain 'closeted'. Two sources indicate that cultural practices in Pakistan, which permit public displays of affection between members of the same gender, make it possible for gay men to socialize without attracting attention." **[12c]**

21.13 On the subject of female couples, the IGLHRC Report 2008 observed that "In Pakistan, two women can share a home, but not as intimate partners." **[49]**

Return to contents
Go to sources

22. TRANSGENDER PERSONS

22.01 The USSD Report 2011 stated that:

"Society generally shunned transgender, 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.

"On November 14, the Supreme Court ordered the national Election Commission to reach out to the hijra community and register them to vote in advance of the March 2012 Senate elections." **[3n] (Section 6)**

22.02 The Foreign and Commonwealth Office (FCO) consulted local experts on transgender and transexuals in Pakistan, including a journalist and producer from the private television station, Geo TV, who had made a documentary on the subject. Following this consultation, the FCO noted in a letter to the UK Border Agency (then the Border and Immigration Agency), dated 6 February 2008, with regard to the law on transgender persons that:

"There are two parallel legal systems in Pakistan: the constitution of Pakistan and the Federal Sharia law (religious law) of Islam. Under the Constitution of Pakistan there are only two recognized sexes i.e. male or female. The Constitution does not address the status of a person who has changed their gender through an operation. On the other hand the Sharia Law does not recognize any such operations and forbids them strictly. It is under this law that the various cases of gender operations have been arrested and charged in Paki[stan] courts. Depending on the severity [of transsexualism] various punishments have been prescribed in each case.

"... Depending on the reasons [for undergoing a sex-change operation] that [the court] deduce, the transsexuals might be put in jail or prescribed lashes. In strict Sharia Law there can be worse punishments like stoning to death, but haven't been practiced by law yet. Stoning to death has been done in some rural areas where the local elders hold court to decide the matter... the constitution states that discrimination on basis of sex

will not be entertained anywhere in the country. But it has failed to safeguard the rights of these people [transexuals] too." **[11f] (Paragraph 1)**

22.03 The FCO letter also noted:

"Transgenders are called the 'third form' or 'hijras' in Urdu language. there [sic] are no apt words for hermaphrodites, transgenders, eunuchs, transsexuals, etc.. They are all lumped together under the word Hijra. Most people just ignore them, some revere them, give them alms and clothes, men generally ridicule them. The two biggest hurdles in their peaceful life is the sexual harassment from men, including thrashings in public and verbal abuse that they have to face from everyone. They learn to live on the periphery of society showing up to beg and dance on weddings and the birth of children in exchange for some money. Currently they have no place or industry to work in because they are harassed wherever they go. Education is an impossibility for them. If they adopt children and raise them, eventually they even leave them because of society's pressures." **[11f] (Paragraph 6)**

22.04 The same letter stated "[that] men who behave, act, undergo operation[s], suffer with biological, psychological issues of gender are all termed as Hijras in Pakistan." The letter noted that instances of women undergoing an operation to become a man were very rare and that they would not be referred to as Hijras. **[11f] (Paragraph 7)**

22.05 The same letter noted:

"The crime of transsexualism or undergoing sex operations essentially is translated as tampering with the Almighty's creations. That is deemed as a crime... the understanding of the various angles and approaches of this issue/subject is limited to very few due to bans and taboos on the subject. This in turn then influences the perception and final judgment meted out to 'criminals of sexual crime'.

"There's no recorded history of such cases being tried in Sharia courts. Progressive and moderate interpretations of Islamic thought subscribe to this interpretation: 'Religious law only makes exceptions when a doctor prescribes the operation for a grown adult due to a severe and extremely dangerous health risk for the patient. Under religious law there should be absolutely no alternative for the patient and once the patient undergoes the operation, then s/he should be treated according to the new gender.' This is a quote from an Islamic scholar of the progressive school. His name is Khursheed Nadeem and he is the Country Director of an NGO called 'Organization for Research and Education' in Islamabad. Classic and conventional Islamic interpretation prescribes to lashings and stonings - a practice that was prescribed for adultery in early Islam... stonings and lashings are carried out at the highest degree of sexual crime. So far a legal court in Pakistan has not ordered this punishment for any such criminal (...there are only a handful cases tried in courts). But when these cases are caught in rural areas, under feudal and tribal laws and customs, eunuchs and transsexuals are lashed in public. The reported incidence of this is few and far between because the transsexuals flee to areas where there [sic] communities are relatively more accepted." **[11f] (Paragraph 2)**

22.06 The letter further noted that if a transexual committed a crime the treatment given out by law would be the same as other offenders. **[11f] (Paragraph 9)**

22.07 On obtaining ID documents, the FCO letter stated:

"In Pakistan when [transsexuals] file their papers to change their documents they have complained that the officials on duty do not change their sex on the documents. This is accompanied by ridicule, abuse, mental torture and in several instances complaints to the police for arresting the transgender. They are not provided any legal counsel in case of arrests, unless they arrange for their own lawyer." **[11f] (Paragraph 4)**

22.08 The journalist and producer from GEO TV said that they had spoken to several transexuals who stated that when attempting to acquire new ID cards or travel documents they had been refused. The letter noted "...Officials at these offices demand health and operation records for [transexuals] but since the operation is illegal in Pakistan no doctor can issue a sex change certificate that supports the transsexuals' claim. Public humiliation, aggravation and bureaucracy are part and parcel of this process.... NADRA [National Database and Registration Authority] does not appear to have a clear policy on this, as such applications are seen as exceptional cases." **[11f] (Paragraph 11)**

22.09 The Human Rights Commission of Pakistan stated in its annual report, the State of human rights in 2010 (HRCP Report 2010), published 14 April 2011, that "In December the National Database and Registration Authority (NADRA) announced that it would begin providing jobs to eunuchs at its regional offices. According to plans the authority will first appoint seven eunuchs at its provincial offices to facilitate members of eunuch community in processing their national identity cards." **[27e] (p233)**

22.10 Dawn reported on 12 July 2011 that "The Khyber Pakhtunkhwa government... devised a code for transvestites, performing in wedding parties and other festivities, to curtail incidents of their harassment." **[42a]**

22.11 The report noted that on 10 July 2011 "Some persons near Bakhsho area of Kazana police station reportedly abused and beaten [sic] up a group of transvestites besides shaving off their heads [sic]... after they performed in a wedding party. On Monday [11 July 2011], a number of transvestites under the banners of Khyber Pakhtunkhwa Shemale Association staged a protest demonstration against the incident and demanded protection for their community." Provincial government spokesman, Mian Iftikhar Hussain, condemned the incident and said nine people had been arrested. He was reported as saying "Transvestites are human beings and they have equal rights as men and women enjoy in our country. So we want to make it clear that providing protection to this segment is also responsibility of government and we will ensure it." **[42a]**

22.12 Dawn added "To avoid such type of incidents in future... the government in consultation with the representatives of transvestites decided that those wishing to take transvestites for performance in their parties would get their particulars registered at the police station concerned... Mr Hussain asked people not to tease transvestites. He said that the code would be implemented initially in the provincial capital but it could be replicated in other places, wherever such problems were reported." **[42a]**

22.13 The Gender Interactive Alliance (GIA) Pakistan stated on its website, accessed 21 July 2011, that it was "... an organization working for the equality and civil rights of transgender people in Pakistan." The GIA stated that "Transgender persons do not have the same level of rights as other Pakistanis. They are also routinely harassed, face discrimination, and in some cases are subjected to violence simply for being transgender." **[8a] (About)**

 The main text of this COI Report contains the most up to date publicly available information as at 24 May 2012. Further brief information on recent events and reports has been provided in the Latest News section to 7 June 2012.

22.14 The same source added:

"Among our foremost projects is to lobby the government of Pakistan for: recognition of transgender people as equal citizens of Pakistan; providing free medical care to transgender people who are routinely denied public healthcare; and enabling entrepreneurship by providing economic opportunities for transgender people who are, by and large, left out of the mainstream economy. We also aim to provide a safe space for these people online so that their stories and experiences are not erased from our collective cultural experience." **[8a] (About)**

22.15 The GIA noted that it provided the following services under its Awareness Programme:

"In-centre services:

- Provide basic education to transgender people regarding their health issuses [sic].
- Provide awareness to transgender people about their basic rights.
- Provide information about job related matters to transgenders.
- Provide condom education and distribution
- Provide primary health-care curative services and services for stis [sexually transmitted infections] ... based on syndromic management using national guidelines
- Provide education on sexual health and STI'S (sexual transmitted infections), and access to acceptable and appropriate services for STI'S
- Provide access to voluntary counseling and testing services."

"Out-reach services:

- To visit the trans-gender people along road-sides, under the bridges, in public parks and play-grounds, around railway stations and bus stops and at their homes to:
- Tell them about the risk of HIV/AIDS,STI'S
- Educate them about safe sex so that they may be aware of the spread of HIV/AIDS through sexual activity including proper usage of condoms.
- Guiding them on available alternative means of employment
- Providing them access to basic education." **[8b] (Awareness programme)**

22.16 Radio Free Europe/Radio Liberty (RFE/RL) reported on 8 June 2010 that the Shemale Rights Foundation, based in Khyber Pakhtunkhwa, was a new group, the first of its kind in the region, aimed at "... representing Pakistani transvestites, transsexuals, and eunuchs..." and was "... demanding greater rights protection for the community..." The article quoted newly elected chairperson, Farzana, who said "'There is a long history of discrimination against us. We are a laughing-stock for people and they make fun of us. Police officials most often forcefully arrest our community members and take them to the police station... They arrest us for nothing and there is no one to speak for us. Now we ourselves will fight for our rights'." **[9a]**

22.17 RFE/RL noted that "No reliable data exist, but Farzana said an estimated 10,000 hijras live in the region. Last week, hijras protested in Peshawar about what they called the heavy-handedness of police." **[9a]**

22.18 The Human Rights Commission of Pakistan noted in its report, State of Human Rights in 2011 (HRCP Report 2011), published March 2012, that "Women from sexual minorities – the hijra or transgendered community who mostly identify themselves as women – were granted the status of citizens of the State, but the only employment opportunity provided to them by the State was as tax collectors out to harass defaulters. This official gesture not only demeaned them as people and reinforced cultural biases of their nuisance value, but also set a precedent for how they were to be treated socially." **[27ij] (p157)**

22.19 However, regarding the ruling on trans-gender rights, the Foreign and Commonwealth Office (FCO) noted, in a letter dated 9 November 2009, that "...the Court's rulings in this case are essentially declaratory and have little binding effect on the government; declaring that the plaintiffs are Pakistani citizens and entitled to basic state provisions like education and the protection of law will not do anything to actually remove the disadvantages they [Hijras] face in society." **[11l]**

22.20 An update dated 14 August 2007 on the website of Women Living under Muslim Laws, on the court case of a married couple where the husband had undergone partial sex-realignment treatment (see also paragraph 21.04), observed that "Legally she [Shamial Raj, the husband] can live where she likes and two 'women' can live together. They can also live together as they are but need to be very quiet about this. If they are not married and if they are woman and man then society could have a problem." **[62]**

22.21 The same source continued:

"Despite sensationalistic media reports, at no point have Shamial and Shahzina been charged or tried for 'lesbianism' or for the legitimacy of their marriage. The law in Pakistan is silent on such relationships and defines no penalties. The question of Shamial's gender and sexuality only arose after the couple had engaged with the legal system in order to end the harassment by Shahzina's father, who had wanted to marry her off to settle a personal debt….Charges for section 377 of the PPC [Pakistan Penal Code], goes for trial. At no point have they been charged or tried for 'lesbianism' and nor for their marriage… On the 28th of May [2007] the Court decided that there was insufficient evidence to charge Shahzina and Shamial under section 377 (unnatural offences) and while there were circumstances under which perjury was committed it would still give (a lesser) sentence on that charge. Yet they were given 3 years each." **[62]**

Return to contents
Go to sources

23. DISABILITY

23.01 The US Department of State Country Report on Human Rights Practices 2011 (USSD Report 2011), published 24 May 2012, stated that:

"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 Ministry of Social Welfare and Special Education in April, its affiliated departments, including the Directorate General for Special Education, National Council for the Rehabilitation of the Disabled (NCRD), 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 rarely was enforced. The NCRD 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 difficult for persons with disabilities because of severe difficulties in obtaining transportation and access to polling stations." **[3n] (Section 6)**

Return to contents
Go to sources

24. WOMEN

OVERVIEW

24.01 The Foreign and Commonwealth Office observed in its 2011 Human Rights and Democracy Report (FCO Report 2011), published April 2012, that:

"The situation facing many women in Pakistan remains acute, as is shown by Pakistan's position of 133 out of 135 on the Global Gender Gap Index. Pakistan was labelled the third most dangerous place in the world for women by the Thomson Reuters Foundation in 2011, owing to the prevalence of domestic violence, so-called 'honour' killings, forced marriages, rape and physical and sexual abuse. Half of Pakistan's children are out of school and at least 60% of these are girls. Adult female illiteracy rates are around 70% and up to 97% in some remote areas." **[11r]**

24.02 The Human Rights Commission of Pakistan stated in its report, the State of Human Rights in 2011 (HRCP Report 2011), published March 2012, that:

"While gender constitutes one of the factors that makes people socially vulnerable and discriminated against, the issues of women have to be calibrated against a number of variables. Not all women suffer social vulnerability in quite the same manner or extent and their situation may differ in accordance with their social positioning in terms of class, religion, education, economic independence, geographical location – inclusive of

distance from urban centres – caste, educational profile, marital status, number of children and so on.

"So, while all women continue to do poorly in terms of their status as citizens of the State, a fact reflected in the poorer statistics for women's education and health, for instance, and discriminatory laws that make them socially vulnerable, their vulnerability is experientially different according to their social position and their access to avenues of empowerment.

"Over the year 2011, the social indices of development such as educational opportunities, employment, and health pertaining to women remained dismal with 65 percent of the workforce engaged in low paid and unrepresented homebased work. The floods continued to affect women and children adversely, with 120,000 pregnant women suffering from trauma, fatigue, malnutrition, and poor hygiene. The health indicators for women, particularly in rural areas, remained abysmal, with breast cancer being amongst the highest in South Asia and 40,000 deaths recorded annually. In urban centres, drug addiction amongst women with school and college degrees was recorded, and the percentage of attempted suicides by ingesting poison, the most discrete form of suicide rose, with up to five to six cases of teenage suicide attempts coming in daily in Karachi alone." **[27i] (p155-156)**

24.03 Pakistan is a signatory to the UN Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW). (UNHCR, CEDAW, 11 June 2007) **[40b] (p1)**

24.04 The concluding comments of 38th Session of the Committee on the Elimination of Discrimination against Women, dated 11 June 2007, noted a number of positive developments in Pakistan:

"…recent legal reforms aimed at eliminating discrimination against women and promoting gender equality. In particular, it welcomes: the 2002 amendment to articles 51 and 59 of the Constitution under the Legal Framework Order to increase women's political participation in the National Assembly and the Senate; the 2000 amendment to the Pakistani Citizenship Act 1951, providing for nationality to the children of foreign spouses; the adoption, in 2002, of the Prevention and Control of Human Trafficking Ordinance; the adoption, in 2004, of the Criminal Law Amendment Act to facilitate prosecution of 'honour killing'; and the adoption, in 2006, of the Protection of Women (Criminal Laws Amendment) Act amending some of the Hudood Ordinances." **[40b] (p2)**

24.05 The Committee commended the Pakistan Government on the adoption of a National Plan of Action (1998), National Policy for Advancement and Empowerment of Women (2002), and the Gender Reform Action Plan (2005). It also thought positive the reorganisation of the Ministry of Women Development and the creation of a National Commission on the Status of Women and welcomed the efforts taken to support female victims of violence. **[40b] (p2)**

24.06 The Ministry of Women Development [MoWD] was devolved under the constitution's 18th Amendment, to the provincial governments. (The Express Tribune, 18 June 2011) **[92d]**

24.07 The Express Tribune noted on 18 June 2011 that, as stated by the chair of the National Commission on the Status of Women (NCSW), "The devolution of [the] Ministry of Women Development will not affect women's rights and their cause. It is not the provinces but the federal structure that needs to enhance its capacity, as women's

issues are already discussed in all provincial assemblies except Punjab." However, the article added "Rehana Hashmi from Sisters Trust was disappointed that the government has still not been able to devolve MoWD to provinces, neither has it finalized the financial and administrative particulars of any independent commission on women's development." **[92d]**

24.08 The Committee on the Elimination of Discrimination against Women raised a number concerns about Pakistan's implementation of its obligations under the CEDAW, including:

- a lack of a definition of discrimination in the constitution;
- that the CEDAW was not fully implemented into domestic law;
- insufficient measures were in place to ensure implementation of the new laws, lack of availability and access to redress mechanisms;
- lack of resources for the bodies promoting women's rights;
- the prevalence of honour related crimes and the Qisa and Diyat law;
- lack of accountability for crimes of violence against women within the criminal justice system;
- the continued use of jirgas (tribal forum to resolve disputes) which made decisions to "perpetrate violence against women" despite a high court ruling banning such meetings;
- Pakistan remained a patriarchal society with deep-rooted traditional and cultural stereotypes regarding women in the family, workplace and in society generally;
- trafficking of women; under representation of women in government and the court system (as judges);
- socio-economic problems such as high illiteracy rates and lack of access to healthcare; inadequate registration of births and marriages; and
- lack of equality in the dissolution of marriage. **[40b] (p3-8)**

24.09 The UN Committee on the Rights of the Child noted in its concluding observations to Pakistan's report regarding the UN Convention on the Rights of the Child (UNCRC), dated 19 October 2009, that:

"The Committee remains extremely concerned at the evidence of serious discrimination against women and girls in the State party, as attested by the acute gender differentials in infant mortality rates and school enrolment rates and the continuing existence of early marriages and exchanges of girls for debt settlement, domestic violence affecting women and girls, and other such situations including bonded labour and economic exploitation of girls... there seems to be little or no improvement in the country." **[79c] (paragraph 28)**

24.10 Minority Rights Group International noted in its report State of the World's Minorities and Indigineous Peoples 2011, published 6 July 2011, discussing the day-to-day discrimination and marginalisation of minorities in Pakistan, particularly with regards to minority women, that:

"... this is compounded by the discrimination that they experience as women, and may also be compounded by caste-based discrimination. A recent survey reported by the AHRC [Asian Human Rights Commission] found that primary school enrolment rates for girls belonging to scheduled Hindu castes in Pakistan were just 10.2 per cent; the national female primary enrolment rate was given as 48 per cent. Overall, 87 per cent of women from scheduled Hindu castes were illiterate, compared to 58 per cent of women

nationally. This indicates a huge discrepancy in regard to access to education between this minority group and the Muslim majority. The AHRC also reports that religious minority women have limited employment options, and are most often found in low-status work, such as manual scavenging or cleaning in urban areas, or subsistence or bonded agricultural labour in rural areas. Gender discrimination and patriarchal norms within their own communities mean that few women within minority communities are able to retain control over income that they bring into the family." **[88d] (p148)**

See also Freedom of religion: Hindus and Sikhs

Return to contents
Go to sources

LEGAL RIGHTS

24.11 The Pakistan constitution states that "All citizens are equal before [the] law and are entitled to equal protection of law…There shall be no discrimination on the basis of sex alone…Nothing in this Article shall prevent the State from making any special provision for the protection of women and children." **[29n] (Part II, Chapter 1, Section 25)**

24.12 The US Department of State Country Report on Human Rights Practices 2011 (USSD Report 2011), published 24 May 2012, observed that "The law prohibits discrimination on the basis of sex, but in practice authorities did not enforce this provision. Women faced discrimination in family law, property law, and the judicial system." **[3n] (Section 6)**

24.13 The HRCP Report 2010 noted "While declarations of commitment to empowerment of women abounded, the task remained unfulfilled because of absence of concrete measures. After taking the first steps in the right direction, the government seemed to lack the ability to follow through. Some pro-woman legal provisions also faced reversal." **[27e] (p202)**

24.14 The Express Tribune reported on 3 February 2012 that the Senate unanimously passed the National Commission for Status of Women, 2012, bill. The report noted that bill would allow the Commission to:

- "Assess implementation and make suitable recommendations to concerned authorities considered necessary for effective impact;
- Review all laws, rules and regulations affecting the status and rights of women;
- Suggest repeal, amendment or new legislation essential to eliminate discrimination;
- Sponsor, steer and encourage research to generate information;
- Conduct dialogue with non-governmental organisations, experts and individuals in society;
- Help facilitate and monitor implementation of international instruments and obligations affecting adult and minor females to which Pakistan is a signatory." **[92a]**

24.15 The same source reported, on 12 December 2011, on the passing of the Prevention of Anti-Women Practices (Criminal Law Amendment) Bill 2008. The Bill's aims included:

- "Forcing a woman into marriage for settling a dispute to be a non- bailable offence;
- Bartering a woman in such a way to be punishable by three to five years jail and a fine of Rs0.5 million;
- Depriving a woman of her inheritance can lead to imprisonment of between five and 10 years or a fine of Rs1 million or both;

- Forced marriages (other than those for settling disputes) to be punishable by between three and 10 years jail and a fine of Rs0.5 million;
- Forcing a woman to 'marry' the Holy Quran to result in a jail term of three to seven years and a fine of Rs0.5 million." **[92e]**

24.16 Amnesty International stated in its report "As If Hell Fell On Me": The Human Rights Crisis in Northwest Pakistan, published 10 June 2010, that "The reliance on jirgas under the FCR [Frontier Crimes Regulation] in practice discriminates against women by providing them no access to the tribal councils that in the case of many disputes may decide their fate and whose procedures include few or no rights or protections for those affected." **[13e] (p28)**

See also Judiciary: Frontier Crimes Regulation (FCR)

Return to contents
Go to sources

Women's Protection Act

24.17 On 1 December 2006 President Musharraf signed into law the Women's Protection Act (WPA). (USSD IRF Report 2008) **[3m] (Section II)** The US Department of State July-December, 2010 International Religious Freedom Report (USSD IRF Report 2010), published 13 September 2011, stated "Until the passage of the 2006 Protection of Women (Criminal Laws Amendment) Act (WPA), cases of rape and adultery were also heard under the Hudood Ordinance, which led to numerous abuses against women. The 2006 law moved these cases to secular rather than Sharia courts; thousands of women have now been released from jail, although social ostracism continued in some cases." **[3l] (Section II)**

24.18 However, the USSD Report 2010 stated "According to the Women's Action Forum, although the 2006 Women's Protection Act (WPA) amended the Hudood Ordinance, women were still in prison awaiting trial under these laws; however, there was a decline with the passage of the WPA." **[3g] (Section 1c)**

See also subsection Assistance available to women

24.19 A Response to Information Request (RIR) by the IRB dated 3 December 2007 noted that the WPA "…also prohibits charging women with fornication offences in the cases where women allege they were victims of rape but cannot prove their 'absence of consent'… Heterosexual consensual sex outside of marriage continues to be criminalized; however, the Act provides that such complaints will be investigated by a court before formal charges are laid…" **[12f]**

24.20 The USSD Report 2011 noted, on the WPA, that:

"Under the law the crime of rape falls under the jurisdiction of criminal rather than Islamic courts. The NGO Aurat Foundation estimated that 88 percent of women in prison were convicted of adultery, many of them after reporting rape. Under the law in cases of rape 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. After recording the victim's statement, the sessions court judge officially lodges a complaint, after which police can then make any arrests. While this procedure was meant to eliminate problems relating to social norms that make it

difficult for women to go to the police, NGOs reported that it created other barriers for rape victims who did not have money to travel to the courts or access to the courts. Rape continued to be a severely underreported crime." **[3n] (Section 6)**

24.21 The UN Committee on the Rights of the Child report, dated 19 March 2009, stated that:

"Amendments have been made in the Hadood [Hudood] Ordinance through the Prevention of Anti-Women Practices (Criminal Law) Amendment Act, 2006. The new law has been designed to end practices such as preventing or obstructing women to get their share in inheritance, sale of woman, forced marriage, Nikah [Islamic wedding ceremony] with the Holy Quran, custom of 'Vani' or giving a woman in marriage to settle a feud and pronouncement of divorce three times. These inhuman practices have been made offences under the Pakistan Penal Code." **[79b] (paragraph 32)**

24.22 The HRCP Report 2010 cited:

"In a setback to efforts to ensure equal protection of law for women, the Federal Shariat Court ruled that sections 11, 28 and 29 of the Protection of Women (Criminal Laws Amendment) Act of 2006 were unconstitutional, on the contention that these provisions negated the over-riding effect of the Hudood Ordinance of 1979. HRCP expressed alarm that the FSC verdict not only sought reversion to provisions of the 1979 Hudood Ordinance, which were highly discriminatory to the rights of women, but also undermined the legislative authority of parliament in encroaching upon its power to translate people's demands into laws, and subverted the functioning and authority of the mainstream judiciary. The government and the civil society were urged to challenge the FSC decision to ensure that women's rights were not compromised.

"The National Commission on the Status of Women (NCWS) also opposed the verdict, arguing that it only resuscitated the injustices against women that they had fought to eradicate. The NCWS called upon the government to strongly oppose the judgement as it could not only take the nation back to square one, but also exploited religion for political gains." **[27e] (p203)**

24.23 Regarding the FSC's verdict, the HRCP Report 2011 noted that "In 2011, there was widespread protest by women and civil rights groups over this backsliding... They opposed the FSC's aim to trivialise the rights of women through legitimising discrimination against them. The FSC decisionwas also challenged and an appeal made to the Supreme Court (the Federal Shariat Apellate Bench) by a number of women's rights organizations. The appeal was still pending at the end of 2011." **[27i] (p158-159)**

See also Sections Judiciary: Shariat courts (Islamic law) and Hudood Ordinances, Freedom of Religion: Hudood Ordinances and Children: Childcare and protection

Return to contents
Go to sources

POLITICAL RIGHTS

24.24 Shirkat Gah – Women's Resource Centre, Pakistan, made a 'Stakeholders Joint Submission for Pakistan's Review in The Human Rights Council -14th Session, October 2012' (Shirkat Gah Stakeholders Joint Submission), undated, accessed 8 May 2012, in which it stated:

"The current representation of women in National Parliament and Provincial Legislatures is ensured with 17% seats reserved for women. Women occupy 22.2 % seats in the National Assembly, 17% in the Senate of Pakistan and 126 out of 728 seats (17.6%) in the Provincial Assemblies...

"Data indicates that women on reserved seats are among the most active in the Provincial and National Assemblies and in the Senate. Of the 69 private member bills that were introduced in 2008-09, 51 were introduced by women on reserved seats, out of which 9 directly related to women. Similarly, in 2010-11, the majority of the bills were introduced by women on reserved seats. These women challenged social and cultural norms and introduced bills against domestic violence, women trafficking, discriminatory practices against women, and bills pertaining to women's reproductive rights. Women legislators have not restricted themselves to addressing women's issues only; they have also introduced amendments pertaining to a broad range of issues from citizenship to Anti-terrorism." **[132a] (p2)**

24.25 The USSD Report 2011 noted that:

"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 in the women's wing.

"In the December by-election in Kohistan, Khyber-Pakhtunkhwha, a jirga was held in which tribal leaders decided to bar women from voting, calling female political participation 'against Islam' and 'against tribal tradition.' According to FAFEN [Free and Fair Election Network], only three of 18,000 female registered voters cast a ballot in the by-election. Based on these results, FAFEN asked the ECP to void the results 'due to significant electoral irregularities,' but no decision on the matter was made by year's end." **[3n] (Section 3)**

24.26 The Telegraph reported on 20 July 2011 on the appointment of 34-year-old Hina Rabbani Khar, Pakistan's first woman Minister of Foreign Affairs. **[104c]**

24.27 The Asian Human Rights Commission noted in its report, The State of Human Rights in Pakistan – 2008 (AHRC Report 2008), published 11 December 2008, that the women in the National Assembly "...are not directly elected, they are merely placed into the positions by their party, which limits their value as political figures. Critics complain of nepotism." **[52b] (p10)**

24.28 The HRCP Report 2010 noted "Some women parliamentarians complained of lack of attention to the issues raised by them as well as the general attitudes towards women voters and politicians. They said women's presence in parliament would produce a change only if their voices were heard." **[27e] (p206)**

24.29 The International Federation for Human Rights (FiDH) reported on 3 November 2010 that it welcomed "...election of its Vice-president, Ms Asma Jahangir, as president of Pakistan's Supreme Court Bar Association. She is now the first woman to lead the most

prestigious association of the legal community in Pakistan... The election of Asma Jahangir to the Supreme Court Bar Association constitutes an important step not only for the defence of the independence of the judiciary but also for the defense of human rights in general in Pakistan." **[24a]**

24.30 The HRCP Report 2009 stated that "In 2009, the abolition of the local government system of 2001 came as a setback to women's participation in the political process. The system, for the first time in the history of the country, had given women 33 per cent representation at the local level and provided them an opportunity to participate in decision-making. At many places, women councillors had played an active role in addressing women's complaints and providing relief to women victims." **[27c] (p187)**

24.31 The Shirkat Gah Stakeholders Joint Submission recommended "Increasing women's reserved seats in Parliament and Provincial Assemblies to 33%, and restoring the local government system with 33% women's reserved seats [to] ensure women's increased and effective contribution on all matters pertaining to citizenry." **[132a] (p2)**

24.32 On the oppression of women participating in public life in Pakistan, the ACHR South Asia Human Rights Index 2008 recorded that:

"Chief Minister of Sindh Dr. Arbab Ghulam Rahim stated during the launch of the election campaign for his party on 26 August 2007 in Thatta that women's leadership was a 'curse' on society.

"On 29 March 2007, tribal elders in Bannu district of North West Frontier Province barred women from casting their vote in the by-election of National Assembly Seat-26.

"Most women councillors of Upper Dir district in NWFP have not attended sessions of district and union councils since 2005 because of an 'unofficial ban' imposed by a local jirga. Unelected male relatives had represented them since 2005, in sessions of the district and union councils. These self-nominated 'representatives' of women councillors – apparently fathers, sons, brothers and husbands – enter councils' rooms, sign the attendance roster and take part in the debate on behalf of the women councilors with complete acquiescence of the state." **[67b] (p75)**

24.33 The HRCP Report 2011 stated "In November, in a by-election for a provincial assembly constituency of Kohistan district of Khyber Pakhtunkhwa, only men participated in the voting. Media reports said that a jirga held ahead of the polling day had decided not to allow women voters to turn up at polling stations, calling their participation against tribal tradition." **[27i] (p144)**

24.34 The HRCP Report 2009 noted:

"A Senate Committee in Islamabad expressed concern over the restrictions imposed on women's participation in the Feb 18, 2008 elections in certain areas of the NWFP, FATA [Federally Administered Tribal Areas], Punjab and Sindh and criticized local leaders for having agreed to the violation of election rules and women's rights. It also criticized the local political leaders for being a party to the undemocratic move to prohibit women from exercising their right to vote. It directed the Ministry of Law and Justice to suggest measures to encourage women's participation in elections... In the 2008 elections, the civil society organisations had raised concern at significant difference between the number of men and women registered as voters. Out of a total of 80.4 million voters, over 45 million were men, and over 35 million were women.According to non-official

estimates, nearly 14 million eligible women were not registered as voters. While the local body elections are likely to be held in 2010, the Election Commission made no effort to remove this discrepancy." **[27c] (p187)**

SOCIAL AND ECONOMIC RIGHTS

24.35 The HRCP Report 2011 noted that:

"Over the year 2011, the social indices of development such as educational opportunities, employment, and health pertaining to women remained dismal with 65 percent of the workforce engaged in low paid and unrepresented homebased work..." **(p156)** "Women enter the workforce with several disadvantages. Lack of education and limited exposure to the public sphere leads to diminished employment opportunities for women and a poor sense of self worth. Women thereby tend to be employed in the worst-paid and most exploitative occupations." **[27i] (p161)**

24.36 The same source added:

"The education indicators for women suffered from cultural practices and in some strife-riddled parts of the country particularly in Federally Administered Tribal Areas (FATA) and parts of Khyber Pakhtunkhwa where girls schools were targeted by the militants, leading to prolonged closures. Meanwhile, in urban centres, a number of cases of sexual harassment came to view in institutions of higher education and perpetrators were brought to book in accordance with the new laws." **[27i] (p156)**

See also subsection Women in the workplace, Violence against women and Children: Education

24.37 The HRCP Report 2009 stated:

"Women were very hopeful of positive developments after the induction of the democratic government, particularly with regard to the enunciation of a national employment policy for women and women's participation in the economy. The new government had also promised legislation to enable women to have legal ownership of assets and resources and institutional initiatives to prevent crimes against women in the name of tribal traditions. However, the government failed to deliver on its promises.

"The religio-political groups remained vehemently opposed to bringing women into the mainstream. In February the women's wing of Jamaat-e-Islami strongly criticized the decision by the Senate Standing Committee on Women's Welfare to allocate 50 percent job quota for women, terming it highly dangerous and destructive for the family system and values." **[27c] (p188)**

24.38 The Asian Human Rights Commission stated in its report The State of Human Rights in Pakistan – 2009 (AHRC Report 2009), published July 2010, that:

"As an explicitly Muslim state, the women of Pakistan are beholden to a number of Islamic principles. For one, the family is seen as the nucleus of society, the fundamental building block from which the rest of society emerges and evolves. Women are seen to be responsible for maintaining the sanctity of the family, and are thus those who are most likely to disrupt this sanctity. As such, the woman becomes the lynch pin of an ordered society; it is on her back that responsibility and power lies, both for her family and by extension, for all of society. While the violence against women enacted in this

society occurs for manifold reasons, it seems that this understanding of women as both the lynch pin and the one with the power to unravel society, is a contributing factor to the continual mistreatment of women in Pakistan." **[52a] (p201)**

See also Violence against women

24.39 The HRCP Report 2009 noted that the:

"Benazir Income Support Program (BISP) was formally launched in February in Balochistan with the promise that the incumbent government would empower women financially and reduce poverty in the country. The programme was aimed at emancipating women from economic constraints and enabling them to stand on their own feet as they were better qualified to provide education to their children. Under the BISP, each form holder would receive Rs [Rupees]. 2,000 after every two months and the government will initiate technical and computer education training for children of women in need. The government would also provide soft loans to women in order to enable them to strengthen home economies." **[27c] (p188]**

24.40 Amnesty International noted in its report "As If Hell Fell On Me": The Human Rights Crisis in Northwest Pakistan, published 10 June 2010, that:

"The Pakistani Taleban systematically imposed restrictions on women's activities, their movement or employment outside the home. The Taleban's systematic discrimination against women was notable even by the standards of conservative religiosity practiced in FATA and NWFP. Dozens of people, men and women, from different FATA Agencies complained to Amnesty International that the new rules imposed on women and girls by the Taleban were a primary reason for their fleeing their homes.

"In Khyber Agency, in November 2008, the Taleban threatened local women who were going to the offices of NADRA (the National Database and Registration Authority, which provides new registration for Pakistanis), as it was registering women for the Benazir Income Support Program. Taleban forces were apparently angry that the office took photographs of women beneficiaries for identification and registration. One man told Amnesty International: 'There were no women at the NADRA office to take photograph of the local women for the registration cards. All the other staff was male. And this is why the militants, and also the local tribesmen, opposed the women's [sic] visiting the NADRA office... Posters were pasted on walls in Landi Kotal warning people not to send women to the NADRA office. The handwritten posters said the practice of taking photographs of women is un-Islamic and males should not allow their women to visit the NADRA offices. The writings warned that they would take action if someone defied the orders.

"The Taleban's efforts to bar women from registering for new national identification cards meant that they were essentially outside the government's official records — an omission that created significant problems later when many women fled conflict-affected areas but could not register to receive government relief services, including food, shelter and medical assistance because they lacked the requisite documents..." **[13e] (p41)**

See also Sections: Security situation: Pakistani Taliban, and Citizenship and Nationality

24.41 The AHRC Report 2008 recorded that "Middle-class women generally have more social and economic freedom in Pakistan, but in rural and tribal areas an estimated 12.5 million women are still denied the right to vote. Many have little or no independence on

any level. The advances at the top need to be taken into the villages and onto the street and practically enforced. Businesses and local authorities such as the police and judiciary remain profoundly male oriented." **[52b] (p10)**

See also subsection Political rights

Return to contents
Go to sources

Family laws: marriage, divorce and inheritance

24.42 The Muslim Family Laws Ordinance, 1961, stated that "It extends to [the] whole of Pakistan, and applies to all Muslim citizens of Pakistan, wherever they may be." The ordinance covers marriage, polygamy, divorce and maintenance. **[30]** The Dissolution of Muslim Marriages Act 1939 lays down the grounds on which a woman may divorce her husband. **[31]** The Offence of Zina (Enforcement of Hudood) Ordinance, 1979, stated that an adult male is defined as having attained the age of 18 years, a female as having attained the age of 16, or reached puberty. **[21b]** The USSD Report 2011 stated "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." **[3n] (Section 6)**

Marriage

24.43 The USSD IRF Report 2010 noted that:

"The government does not recognize either civil or common law marriage. Marriages were generally performed and registered according to one's religious group; however there was no legal mechanism in place for the government to register marriages of Hindus and Sikhs. The marriages of non-Muslim men remained legal upon conversion to Islam. If a non-Muslim female converted to Islam, and her marriage was performed according to her previous religious beliefs, the marriage was considered dissolved. Children born to Hindu or Christian women who converted to Islam after marriage were considered illegitimate unless their husbands also converted. The only way the marriage can be legitimated and the children made eligible for inheritance was for the husband to convert to Islam. The children of a Muslim man and a Muslim woman who both converted to another religious group were considered illegitimate, and the government could take custody of the children. The registration of Hindu and Sikh marriages by the government has been a long-standing demand of these communities. The Scheduled Caste Rights Movement (SCRM) and other minority rights organizations demanded legislation for minorities' marriage registration. The minorities' representatives were of the view that in the absence of Hindu and Sikh marriage registration, women faced difficulties in getting a share of their parents' and husbands' property, accessing health services, voting, obtaining a passport, and buying or selling property. Corrective legislation has not yet been introduced." **[3l] (Section II)**

24.44 The website everyculture.com, accessed 10 November 2010, stated, in an undated report on Pakistan, that:

"One form of a Muslim marriage involves a nikah, a formal legal document signed by the bride and groom in front of several witnesses; this establishes that the couple is legally married.

"There are other Muslim marriage traditions as well. One includes the mayun or lagan which takes place three or four days before the marriage and starts with the bride retiring to a secluded area of her home. On the day before the marriage there is a menhdi ceremony, when the bride's hands and feet are painted with henna. When the marriage ceremony takes place it is required that at least two witnesses be there, and all the guests offer a short prayer for the success of the marriage. After the ceremony, dried dates are distributed to the guests. Wedding customs vary somewhat among provinces, but the Muslim marriage is seen as uniting both families as well as the couple.

"Each tribal group also has certain ceremonies that are an important part of the marriages within that group." **[94a] (Marriage, Family and Kinship)**

24.45 The HRCP Report 2010 stated in respect of personal laws that:

"... lack of codification of personal laws of some religious minorities in Pakistan meant that matters such as marriage, divorce, inheritance, etc., were regulated by customary law. One of the biggest concerns for religious minorities such as Hindus, Sikhs and Bahais was the lack of a mechanism for registration of marriages. Married couples did not have any official certificate showing that they were married, which became a hurdle for married women in acquiring passports. The couples had to make individual petitions in courts and although the courts issued such orders they applied only to the petitioners and were not the ideal solution to the absence of a marriage registrationmechanism. Lack of registration ofmarriages also had implications for legal recourse for spouses in case of matrimonial disputes." **[27e] (p136)**

See also Freedom of religion: Hindus and Sikhs

24.46 The USSD IRF Report 2008 cited that:

"A Muslim man can marry a woman 'of the Book' (Jew or Christian) but cannot marry a woman of any other religious group unless she converts to Islam, Judaism, or Christianity. Muslim women may only marry Muslim men… In effect, the Government recognizes a marriage if both bride and groom are of the same religious group, irrespective of the sect, or if the groom is Muslim and bride is 'of the Book.' Children born to these couples are considered legitimate. If the bride is Muslim and groom is not, they are not considered married and their children are illegitimate. Since Muslim males are not allowed to convert to any other religious group, the only way the marriage can be legitimated and the children made eligible for inheritance is if the groom converts to Islam." **[3m] (Section II)**

24.47 Also on the subject of marriage the USSD Report 2011 stated that "Although the government generally did not interfere with the right to marry, local officials on occasion assisted influential families in preventing marriages to which the families were 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." **[3n] (Section 1f)**

24.48 The same source noted "Women are legally free to marry without family consent, but women who did so were often ostracized or faced becoming the victims of honor crimes." **[3n] (Section 6)**

24.49 However, the HRCP Report 2010 noted that:

"The SHC [Supreme High Court] restrained the police from arresting or harassing Jameelan and Nazir Husain who had taken marriage vows without the permission of the girl's family. In her petition to the court Jameelan had stated that she had married Nazir Husain after executing an affidavit about her free choice before a magistrate. Her brother and other relatives had declared her and her husband as Karo and Kari and hence liable to be killed. A case for kidnapping her had also been filed against her husband. She had sought the court's protection against police attempts to harass the couple." **[27e] (p59)**

See also Honour killings: Love marriages

24.50 The USSD Report 2009 stated "Upon conversion to Islam, women's marriages performed under the rites of their previous religion were considered dissolved, but the marriages of men who converted remained intact." **[3b] (Section 1f)**

24.51 The USSD Report 2011 added "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." **[3n] (Section 6)**

24.52 The USSD Report 2009 stated:

"The World Bank released a study in 2007 indicating that approximately one-third of marriages in rural areas were 'watta satta,' exchange marriages in which men marry each other's sisters. The study indicated that the reciprocal nature of the practice provided some measure of protection for women. According to the study, 'women in watta satta marriages have substantially and significantly lower probabilities of marital estrangement, domestic abuse, and major depressive episodes.' Human rights groups such as the HRCP criticized the practice, noting that 'these marriages treat women as a commodity, and tension within one household also affects the other'." **[3b] (Section 5)**

24.53 The USSD Report 2011 observed:

"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 [Khyber Paktunkhwa]. In rural Sindh landowning families continued the practice of 'marriage to the Qur'an,' forcing a female family member to stay unmarried to avoid division of property. Property of women married to the Qur'an 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." **[3n] (Section 6)**

24.54 The USSD Report 2011 further noted that:

"In response to these issues, on December 12 [2011], the Senate unanimously passed the Prevention of Anti-Women Practice Amendment 2008. The law criminalizes and punishes giving a female in marriage as consideration to settle a civil or criminal dispute; depriving a woman of her rights to properly 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 Qur'an, including forcing her oath on the Qur'an 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. These laws are not applicable to FATA and PATA unless the president issues a notification in this regard." **[3n] (Section 6)**

24.55 The Freedom House Freedom in the World: Pakistan 2011 report also noted that "Illegal forms of child and forced marriage remain problems. Most interfaith marriages are considered illegal, and the children of such unions would be illegitimate." **[5a]**

See also Children: Underage/forced marriage

24.56 On marriages by proxy, a Foreign and Commonwealth Office official from the British High Commission (BHC) in Islamabad stated in an email dated 10 November 2010 that:

"... proxy (telephonic) marriage is acceptable in Islam and also under the Muslim Family laws ordinance 1961. The condition is that both the parties (Bride and the Groom) should be present at both ends with their witnesses. Whereas in Ahmadis the proxy marriage can be contracted even without the presence of the bride and the groom and with only the presence of their Waliys (representatives).

"If a marriage is contracted with one of the above procedures and the marriage certificate has all the necessary attestations and is registered with the concerned authorities it can be considered as a valid marriage." **[11n]**

24.57 A further email from an official in the Consular Section of the BHC, dated 9 November 2010, stated that they "... do not recognise a proxy marriage done where one of the party was in the UK, and the other was in Pakistan." **[11o]**

Divorce

24.58 The USSD Report 2011 reported that:

"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 were often 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 often were ostracized or faced becoming the victims of honor crimes." **[3n] (Section 6)**

24.59 The IRB noted in a Response to Information Request, dated 4 December 2007, that:

"... According to Muslim family laws in Pakistan, a Muslim man has a unilateral right to divorce his wife. This is known as Talaq, whereas a Muslim woman can [only] dissolve her marriage with the intervention of [a] court. She does not have the unilateral right to pronounce talaq unless that right is delegated to her by the husband under marriage contract but this right is usually not delegated to [the] wife. While under Christian Family [laws], Christian women seeking to legally dissolve marriage confront such obstacles in terms of very strict grounds to prove, that many have ended up converting. And

conversion means termination of any link with their community. Parents do not encourage their daughters to return home for fear of being stigmatized a 'divorcee' which [is] tantamount to being a social pariah while husband's ill conduct is not questioned generally." **[12j]**

See also Single women

24.60 On the subject of divorce rights of Muslim women in Pakistan, the IRB noted in a Response to Information Request, dated 17 November 2010, that:

"A Muslim marriage, says the Sustainable Development Policy Institute (SDPI), a Pakistan-based independent non-profit organization founded in 1992 'to serve as a source of expertise for policy analysis and development'..., is 'a contract and can be dissolved like any other contract'... Marriage among Muslims is similarly described as 'a civil contract' that 'can be the subject of dissolution for good cause' by Mian Muhibullah Kakakhel, the founder of Kakakhel Law Associates and a senior advocate of Pakistan's Supreme Court... As a contract, explains the SDPI, 'both wife and husband have legal and religious rights to dissolve a marriage'...

"According to the SDPI, while a man has the 'unilateral right of talaq'... – the 'absolute and inherent power to repudiate his wife' without offering any reason... – women legally dissolve their marriage under the following three circumstances:

- "If the husband has 'unconditionally delegated' the right of divorce in the nikahnama or marriage contract...
- "If the wife files suit in family court for khula, which means 'untying the knot'... or 'to put off as a man is said to khula his garment when he puts it off'...
- "If, under the Dissolution of Muslim Marriages Act, 1939, she files suit for judicial divorce in family court..." **[12r]**

24.61 The same source continued:

"In spite of these 'pronounced, guaranteed and statutory rights,' the Kakakhel lawyer reported that it is 'extremely difficult' for a woman to ask for her right to divorce, not only because Pakistan is 'a male-oriented and male-dominated society,' but also because the woman is 'psychologically debarred from having access' to the laws governing her right to divorce... For an assistant professor of political science at the Metropolitan State College of Denver corresponding with the Research Directorate, the degree of difficulty depends on the woman's social class, education and financial independence, as well as the level of support she can expect from her family... But in the case of divorce through khula, the main difficulty would be the attack on her moral character that would come under a cross-examining lawyer's questions..." **[12r]**

24.62 On the subject of judicial divorce, the IRB noted:

"Under the Dissolution of Muslim Marriages Act, 1939, a woman who 'regards the husband [as] at fault' can initiate a judicial divorce through a family court..., which were established under the West Pakistan Family Courts Act, 1964, to 'adjudicate upon ... matters relating to the dissolution of marriage'... According to the SDPI, unless the couple reconciles, the family court issues a decree dissolving the marriage and sends it to a union council..., an elected local government body of 13 councillors headed by a nazim, or mayor, and a naib nazim, or deputy mayor... The divorce does not come into effect until the end of iddat... a prescribed waiting period during which a woman cannot

remarry...; iddat can last either 90 days after the union council has received the dissolution decree or, if the wife is pregnant, until the birth of a child... If the divorce is granted, the union council issues a divorce certificate and the woman keeps her mehr..., or mahr..., a dower given to the wife by the husband..." **[12r]**

24.63 As for grounds for judicial divorce, the IRB cited:

"Section 2 of the Dissolution of Muslim Marriages Act, 1939 permits divorce on any one of the following grounds:

- "(i) that the whereabouts of the husband have not been known for a period of four years;
- "(ii) that the husband has neglected or has filed [sic] to provide for her maintenance for a period of two years;
- "(ii-A) that the husband has taken an additional wife in contravention of the provisions of the Muslim Family Laws Ordinance, 1961;
- "(iii) that the husband has been sentenced to imprisonment for a period of seven years or upwards;
- "(iv) that the husband has failed to perform, without reasonable cause, his marital obligations for a period of three years;
- "(v) that the husband was impotent at the time of the marriage and continues to be so;
- "(vi) that the husband has been insane for a period of two years or is suffering from leprosy or a virulent venereal disease; ...
- "(viii) that the husband treats her with cruelty, that is to say:
- (a) habitually assaults her or makes her life miserable by cruelty of conduct even if such conduct does not amount to physical ill-treatment, or
- (b) associates with women of evil repute of leads an infamous life, or
- (c) attempts to force her to lead an immoral life, or
- (d) disposes of her property or prevents her exercising her legal rights over it, or
- (e) obstructs her in the observance of her religious profession or practice, or
- (f) if he has more wives than one, does not treat her equitably in accordance with the injunctions of the Quran;
- "(ix) on any other ground which is recognized as valid for the dissolution of marriages under Muslim Law .... (Pakistan 1939)

"Section 2 also allows a woman to repudiate a marriage that was contracted by her parents or guardians while she was still a minor, provided that the marriage was not consummated... or consummated before she was 16 years old..." **[12r]**

24.64 On khula divorce, the same IRB response stated:

"Female scholar Shagufta Omar, writing in 2007 in Policy Perspectives, a biannual journal published by the Institute of Policy Studies, Islamabad, defines khula as 'divorce on the wife's demand,' the basis of which is the Quran... In Islamic or Sharia law a Muslim woman has the right to initiate divorce when she feels she can no longer live with her husband... because of what the SDPI calls 'an irretrievable breakdown of the marriage'...

"According to Omar, the process for dissolving a marriage on the basis of khula is through an agreement between the woman and her husband... This marriage

dissolution, Omar says, is obtained 'only through court since out-of-court khula settlements are not so common'... The SDPI also indicates that the wife files suit for khula in a family court... On the other hand, the Kakakhel lawyer says that khula may be obtained either through mutual agreement or by court order...

"Although a woman can dissolve her marriage through khula, she does so 'by surrendering certain rights given to her,' such as dower... A law professor at the University of Warwick who specializes in Islamic law and Pakistani women's rights also indicated in correspondence with the Research Directorate that, if a woman asks for khula, she must relinquish her mehr or marriage gift... The SDPI similarly states that, in a case of khula, the wife 'usually' has to return the mehr, as well as 'other benefits' obtained from the husband... However, Ayesha Shahid, a lecturer at the University of Hull in the United Kingdom, summarizes Pakistan Superior Court decisions on the payment of dower to divorced women in a 2009 conference paper in which she notes that the courts have taken a positive and liberal approach in interpreting Islamic principles relating to dissolution of marriage by khula and payment/repayment of dower. The courts have refused to accept the plea of the husband for recovery of dower in cases where khula was obtained because of the cruelty or any other fault of the husband..." **[12r]**

24.65 With regards to divorce for Christian, Hindu and Parsi women, the IRB noted:

"The SDPI indicates that unlike the reforms such as the Muslim Family Laws Ordinance of 1961 which have benefited Muslim women, there has been no development since colonial times of the personal laws relating to [Christian, Hindu and Parsi] communities. The Hindu community in particular do[es] not have any specific codified laws relating to family matters which are instead governed by custom...

"However, reports the SDPI, '[m]embers of minority communities can and do approach the country's regular Family Courts since the Family Courts Act of 1964 does not restrict its jurisdiction to Muslims alone'...

"More specifically, the SDPI indicates that Christian marriages, unlike Muslim marriages, are 'regarded as a holy union'... Dissolution of a Christian marriage occurs primarily through the death of one of the spouses; divorce is 'permitted only on very restricted grounds for both husband and wife'... However, The Divorce Act 1869 does provide grounds for divorce, which include offences such as adultery, rape, and 'adultery coupled with cruelty'... Parsi marriage, on the other hand, is governed by The Parsi Marriage and Divorce Act 1936. The marriage can be dissolved by the husband or the wife through a family court if, for example, a spouse is of unsound mind (although only after three years of marriage), has deserted the marriage, has been jailed for seven or more years or has committed adultery or rape... As for Hindu marriages, the SDPI says that, '[i]n general, there is no concept of divorce among Hindus, although some file divorce suits in the Family Courts pleading the existence of the custom in their community'..." **[12r]**

Inheritance and child custody

24.66 With regard to inheritance laws, the USSD Report 2011 observed that the law "… clearly discriminates against women; however, the 2008 Anti-Women Practices Act, passed in December, made it illegal to deny women's 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." **[3n] (Section 6)**

24.67 Shirkat Gah – Women's Resource Centre, Pakistan, made a 'Stakeholders Joint Submission for Pakistan's Review in The Human Rights Council -14th Session, October 2012' (Shirkat Gah Stakeholders Joint Submission), undated, accessed 8 May 2012, in which it stated:

"The legislative framework regulating the law of inheritance for Muslims in Pakistan results in inequalities between the shares received by men and women. Moreover with regard to the share that is prescribed by the law, most women feel that they are manipulated out of it or are under social pressure to forfeit it in favour of the male members of the family. The Constitution of Pakistan gives women the legal right to own property, and when cases of denial or usurping women's inheritance are brought to Court, the Courts have consistently upheld this right even if women have technically given their share to their brothers. However, in reality customary practices dictate what women are allowed to own, and their right to inheritance is easily evaded under family and social pressures. Generally in all four Provinces of Pakistan, according to customary practice, women do not inherit property and widows customarily lose their right to inheritance if they remarry outside the family of the deceased husband even though the law prescribes a prompt division of the deceased's assets and the widow's right to her share." **[132a] (p8)**

24.68 The US Department of State (USSD) recorded in its travel section by the Bureau of Consular Affairs on International Parental Child Abduction, Pakistan, undated, accessed 10 August 2011, that:

"Under Pakistani family law, which is based on Islamic law, the father controls virtually all aspects of his family's life. He decides where his wife and children will live, how the children are to be educated and whether or where they may travel. Courts rarely, if ever, give custody of children to a woman who is not a Muslim, who will not raise the children as Muslims, does not plan to raise them in Pakistan, or has remarried. In all probability, even if the mother wins custody, the children would still need the father's permission, to leave the country. Any matter of custody in Pakistan can only be resolved through the appropriate local judicial system...In Pakistan, most mothers do not earn an income. The courts keep this is mind in determining what is in the best interests of the child. A father is legally bound to take care of his children no matter what since he is the income earner. A mother is not so bound. That is why, in most cases, the father is granted custody... Laws protecting the rights of mothers are written into the Quran (Koran). Under Islamic law, a woman has the right to keep a boy child up to the age of seven years and a girl child up to the age of twelve..." **[3i]**

24.69 The Foreign and Commonwealth Office (FCO) noted in its section on Parental Child Abduction, Pakistan, dated 21 December 2011, that:

"Both civil and religious laws are used in custody cases in Pakistan. Under Muslim personal law the father is the natural guardian of a child and the mother is allowed physical or actual custody (hizanat) of a male child up to the age of seven years and of a female child until puberty (at 16 years). Under Sunni law, a mother has custody of a male child until the age of seven and of a female child until the age of puberty (at 16 years). Under Sharia law a mother has custody of a male child until the age of two and of a female child until the age of seven. However, a guardian judge has the power to

award legal guardianship to either parent or even a third person if in the best interests of the child." **[11j] (Custody issues)**

24.70 The same source added "Under the provisions of the Guardians and Wards Act, 1890, which focuses on the welfare of the child, the guardian court is empowered to override religious laws where, in the view of the court, the child's welfare is at stake. Therefore the court may decide not to give custody to the mother even during the period of 'hizanat' if the court finds that the mother is unsuitable to look after the child." **[11j] (Custody issues)**

24.71 With regards to a parent taking their child out of Pakistan, the FCO noted "If a parent has custody of a child in Pakistan, he or she automatically has the right to remove the child from the country as long as no restrictions have been imposed on their travel by a guardian judge. No special application needs to be made to remove the child, whether for a holiday or other purpose. If any restrictions have been imposed the parent needs permission from the court to leave the country with the child." **[11j] (Custody issues)**

See also Sections: Children: Legal rights and Underage/forced marriage, and Freedom of religion: Inter-faith marriage

Return to contents
Go to sources

Women in the workplace

24.72 The USSD Report 2011 observed with regard to women's rights at work that "Women also 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." **[3n] (Section 6)**

24.73 The HRCP Report 2010 stated with regards to recently introduced legislation that:

"A positive development was the enactment of two laws to deal with sexual harassment. One of these laws amended the Pakistan Penal Code to provide for a harsher penalty for the offence under Section 509 besides offering a better definition of sexual abuse. The other law, adopted in March [2010], was the Protection against Sexual Harassment at Workplace Act, which laid down a code of conduct devised to prevent and punish sexual harassment at workplace. A number of public and private establishments agreed to adopt the code." **[27e] (p204)**

24.74 The HRCP Report 2011 noted however, that the Sexual Harassment Act "... had not been implemented by many ministries, including interior, defence production, investment, ports and shipping, and textile industries. Only three hospitals nationwide had adopted the law. The Environment Ministry adopted the code in late January [2011]. In April [2011], there was focus on provincial-level implementation of the law, as well as ensuring appointment of ombudspersons in provinces." **[27i] (p160)**

24.75 The same source reported that in January 2011 "... the government announced its plans to construct hostels in major cities of the country, including Islamabad, Lahore and Karachi, keeping in view the residential problems of working women, and implementation was keenly awaited." **[27i] (p161)**

24.76 The AHRC Report 2008 asserted that:

> "In the workplace women must still contend with lower salaries, and sexual misconduct is common. They are generally not paid according to the law and receive few benefits. The majority are not officially registered so are vulnerable to occupational abuse. It is mostly women that work in government factories and other informal sectors (unregistered under government laws), and here they have no labour law benefits, such as medical allowances, pregnancy allowances, transport or childcare services from the factory management. Through a finance bill passed during the Musharraf government, most are now expected to work 12 hours rather than the original eight. In rural areas women are often required by employers or landlords to work all day alongside their husbands for little extra remuneration, often as bonded labour, to pay off loans." **[52b] (p12)**

SOCIO-ECONOMIC INDICATORS

24.77 The World Health Organisation (WHO) country profile of Pakistan, last updated August 2010, listed a number of socio-economic statistics for men and women. Based on figures from 2009, girls/women are less likely to be educated than boys/men (83 per cent of girls were in primary school, 36 per cent in secondary school, compared to 97 per cent and 55 per cent of boys respectively) and have lower literacy rates than men (44 per cent of women over 15 years are literate; compared to 69 per cent of men). **[14a]**

24.78 The WHO country profile of Pakistan also provided some basic healthcare data that directly related to women with access to primary health care services: antenatal care was provided to 100 per cent of the population; and 100 per cent of births were attended by "skilled health personnel". **[14a]**

24.79 The HRCP Report 2009 stated with regards to the gender gap in Pakistan that:

> "The Gender Gap Index [GGI] is used to measure the level of inequality that exists between women and men through gaps in different indicators. The four pillars of the index are: economic participation and opportunity, educational attainment, political empowerment and health and survival. A GGI study revealed that Sindh had a value of 0.58 in the economic participation and opportunity index, followed by NWFP (0.312) and Balochistan (0.2514). With an index value of 0.1718 Punjab, surprisingly, has the lowest value in economic participation and education. NWFP leads all the provinces in the educational attainment index with a value of [0].249, followed by Punjab with a value of 0.163 and Balochistan representing a value of 0.148. Punjab has the minimum gender gap in the health and survival index with a value of 0.236, followed by NWFP (0.2088) The overall value of [GGI] for Pakistan is 0.551 which is ranked 126th among 128 countries, indicating women's overall low societal status in the country." **[27c] (p189)**

See also Sections: Medical Issues; and Children

Return to contents
Go to sources

SINGLE WOMEN

24.80 The Immigration and Refugee Board of Canada (IRB) noted in a Response to Information Request dated 17 November 2010, that:

"For women to live alone and unmarried in Pakistan, it will depend on which province and in what context they are living, reported the Metropolitan State College of Denver Assistant Professor... The Assistant Professor explained that, socio-economically, 'Pakistan has [a] very sharp rural and urban divide'...

"Rural is collectivist, community/village based, agrarian, traditional, more illiterate and poor. Women are not recognized as an individual member of the community, they are members of their male-dominated family. Woman's life in the village context is a matter of concern for every man of the neighborhood community. There is no concept of an 'unattached' woman. She has to live with her family. What do widows, divorced or spinsters do? They live with their parental or in-laws family. Older women with grown up children normally depend on their sons or daughters. There are always exceptions to their situations in the rural context but generally it is not socially safe and acceptable for [single] women to live in the rural context.

"Urban is semi-collectivist and individualistic, more literate, with better infrastructure and transportation facilities and plenty of job opportunities i.e. skilled or unskilled. Urban is different but still there are difficulties for single women. Here, class is the main determinant of woman's choices for her life style. In big cities educated women with jobs or some property income would not have much difficulty to live alone...

"The Law Professor also said that '[i]t all depends on who you are, what resources you have, which part of the country you come from, [and] what your own educational and economic, professional status is'..." **[12r]**

24.81 The IRB added, on the degree of independence experienced by women living in Pakistan, that:

"Both the Assistant Professor and the Law Professor said that the ability of women to act independently differs depending on their level of education ... For example, the Assistant Professor said that '[e]ducated urban, upper/middle class working women or housewives do not find it difficult to rent an apartment or to open a bank account or travel domestically or internationally. Women in the rural areas normally do not rent a house or any other place. Due to lack of education, they are normally accompanie[d] by a male member to open an account or to do other things in public sphere.'...

"The Law Professor also indicated that, although there are no laws preventing a woman to open her own bank account, 'it depends [on] who that woman is,' whether she's literate, has her own identification, and can travel alone... As the Professor explained, This is more to do with access rather than the law or society. If a professional woman, earning good money went to rent an apartment, no one would bat an eyelid. [B]ut that is because her sense of autonomy and authority would make her able to do so..." **[12r]**

24.82 The same source added on the treatment of single women:

"The Assistant Professor reported that a woman living alone in a rural area is an 'exceptional situation' that 'is not liked by her family or community'... However, the Assistant Professor allowed that the woman's age should be taken into consideration... If she is an older woman, in her 70s or 80s, it would not be a big problem in both contexts, rural and urban or in any class. A young or a middle age woman finds it hard to live alone in all of these contexts. All kind [of] gossips surround her and she is watched by everyone for every move she makes...

"The Law Professor stated that the absence of a male relative may make a woman 'vulnerable' and added that 'the worsening law and order situation' has made Pakistan 'a generally unsafe place to be'... Younger women risk attracting 'unwanted attention from men'; older women may find themselves taken advantage of by their helpers... The Assistant Professor also said that a woman '[l]iving alone in majority of the contexts such as rural (which is about 70% of Pakistan) and lower/middle class urban' would put herself at 'risk for her safety and security'... The Law Professor likewise said that any attempt to break away from her family 'might pose a danger' to the safety of even 'a resourceful woman'..." **[12r]**

24.83 The IRB put into context the regional differences with regards to single women, which stated:

"In a follow-up to initial correspondence with the Research Directorate, the Assistant Professor explained that of Pakistan's four provinces-Sindh, Punjab, Balochistan and Khayber Pakhtunkhah (KP) (formerly the North-West Frontier Province [NWFP]) – the urban centres in Punjab and Sindh are 'more educated and liberal' while cities in Balochistan and KP have a 'very conservative culture. It would be easier for an educated single woman to live alone in Karachi or Lahore but not in Peshawar or Quetta'... The Assistant Professor added that [s]ocial and physical mobility of single women in Pakistan is not an easy thing. An educated woman working in a multinational [organisation] may move easily from Karachi to Lahore or Islamabad (capital city) [but] not to the rural areas or to the smaller cities. If she is hiding from her family or her husband, it would be much difficult for her do that...

"Similarly, the Law Professor said that 'maybe' an 'educated, professional woman,' with 'resources,' could relocate and live alone in a city... But, the Law Professor cautioned, if she is young and does not have a male relative, it would be 'difficult'..." **[12r]**

24.84 In a Response to Information Request dated 4 December 2007, the IRB noted, following correspondence with an adjunct professor of gender studies and international studies at the University of Denver, that:

"It is very hard for a single woman to live alone both in urban and rural areas. ... It depends on age, class, education, and urban or rural setting. Young unmarried/divorced women in all classes in urban areas find it difficult to live alone. They cannot get apartments to be rented. If they own a property, they can more conveniently opt to live alone but again there is social pressure around them and they have to face all kinds of gossips and scandals. In such case, age is their biggest problem. Older women can live alone but still they feel insecure socially and physically. We do have examples now in the big cities where highly educated and economically independent women opt to live alone but their percentage is very low. In the rural areas they mostly live with joint family even if they do not get along with them..." **[12j]**

24.85 After consulting a representative from an NGO specialising in women's issues, specifically with regards to women affected by Islamic laws and customs, the IRB also noted in the same Request that:

"After having lived in Pakistan for one year, the Representative stated that she had only encountered one woman living alone; the Representative explained that this woman was able to live alone because she was an activist, was aware of her rights and understood the cultural system which permitted her to 'navigate daily challenges.' She added that she was aware of other women who had tried to rent apartments on their

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own but were unable to do so because of resistance from landlords who assumed they were planning to open a brothel. The Representative specified that it is also rare for men to live alone in Pakistan because people are expected to live with their families until they get married and set up households of their own. The Representative added that even though it is not illegal for women to live alone, there would be obstacles for a woman to try to rent an apartment or house on her own and '[c]ultural pressures and personal security would continue to be issues, especially if it was common knowledge [that] a woman was living alone.'

"A representative of Shirkat Gah Women's Resource Centre, a civil society organization in Pakistan promoting and advocating women's rights for the past 30 years, provided corroboration in correspondence dated 4 December 2007 to the Research Directorate that the situation of women living alone Pakistan depends on their social and economic status. The Representative also provided the following information: There has been an increasing trend in both urban and rural areas where husbands leave home for better employment options abroad. So wives of those usually live alone but the important aspect in such living situation is social acceptance and support from the family. Financial stability is often considered a strength by such women and they do not face negative criticism." **[12j]**

24.86 However, in a Response to Information Request dated 26 November 2009, on Resources available to female victims of violence in Karachi, Islamabad and Lahore, the IRB noted that, according to a report by the South Manchester Legal Centre (SMLC), dated January 2008, "... the Director of HRCP indicated that women cannot rent accommodations alone in Pakistan... Médecins du monde [an international humanitarian organisation] similarly indicates that it is not socially acceptable for women to live alone in Pakistan; though the report also indicates that because it is easier to find employment in Lahore, a woman may be able to live independently there..." **[12n]**

24.87 The IRB noted in its Response to Information Request, dated 4 December 2007, that:

"The following information was provided in correspondence received on 22 November 2007 by a professor of law at the University of Warwick who specializes in women's human rights and gender and the law, who has written various publications on Pakistan and who is also a professor at the University of Oslo:

"The response to your question depends upon the circumstances, location, socio-economic, educational and professional status of the single female. Generally, it would be accurate to say that single women are rarely able to live on their own without a male member of the family in Pakistan. Reasons for this are numerous but they primarily stem from custom and culture that requires a woman to have a male family member to be in a protective and supervisory role. Society also frowns upon women living on their own and would not help the reputation of the single woman. You may find one in a million single woman who has the means and can live in a big city with helpers, etc. to assist and protect her. This of course is a minority and an exception rather than the rule." **[12j]**

Return to contents
Go to sources

VIOLENCE AGAINST WOMEN

24.88 The HRCP Report 2010 stated "Violence against women [VAW] remained a key human rights issue in Pakistan. Monitoring of human rights violations of women's right[s] reported by the media and by HRCP activists from the field, presented a gloomy picture. The legal, preventative and protective measures needed to provide effective protection to women against violence perpetrated in the name of honour remained absent." **[27e] (p206)**

24.89 The Human Rights Watch (HRW) World Report 2012, published 22 January 2012, covering 2011 events, stated "Mistreatment of women and girls – including rape, domestic violence, and forced marriage – remains a serious problem. Public intimidation of, and threats to, women and girls by religious extremists increased in major cities in 2011." **[7i] (p366)**

24.90 The Asian Human Rights Commission stated in its report, The State of Human Rights in Pakistan: 2009 (AHRC Report 2009), published July 2010, that:

"As an explicitly Muslim state, the women of Pakistan are beholden to a number of Islamic principles. For one, the family is seen as the nucleus of society, the fundamental building block from which the rest of society emerges and evolves. Women are seen to be responsible for maintaining the sanctity of the family, and are thus those who are most likely to disrupt this sanctity. As such, the woman becomes the lynch pin of an ordered society; it is on her back that responsibility and power lies, both for her family and by extension, for all of society. While the violence against women enacted in this society occurs for manifold reasons, it seems that this understanding of women as both the lynch pin and the one with the power to unravel society, is a contributing factor to the continual mistreatment of women in Pakistan.

"Women face all kinds of violence perpetuated by the state and its agents, ranging from rape, gang rape, torture by state agents, registration of false cases of adultery, killing in the name of honour, Jirga (an illegal and parallel judicial system for the exchange of minor girls in land disputes) no free choice of marriages, restriction of freedom of movement and expression, domestic violence, sexual harassment at the workplace, forceful conversion to Islam, arbitrary punishment for blasphemy, deprivation of property rights, disappearance after arrest and being used as sex slaves in military torture cells. In extreme cases, punishments can include being buried alive or having acid thrown on them." **[52a] (p201-202)**

24.91 In a press briefing, 'Incidents of Violence against Women in Pakistan: Reported during 2011', undated, accessed 13 March 2012, the Aurat Foundation (AF) provided a breakdown of major offences of violence against women (VAW) during the reporting period. The Aurat Foundation stated that it observed a 6.74 per cent increase in reported cases of VAW in 2011 compared to 2010, with 8,539 in 2011 against 8,000 in 2010. Of the 8,539 cases only 6,745 First Information Reports (FIRs) were lodged. Province wise, 6,188 cases were reported from Punjab; 1,316 from Sindh; 694 from Khyber Pakhtunkhwa; 193 from Balochistan; and 148 from the Islamabad Capital Territory (ICT). The AF considered that, since its data was collected from media reports, a large number of VAW cases remained unknown as many went unreported. **[57c]**

24.92 The HRCP Report 2011 stated:

"Abduction and kidnapping remained the most common crimes (1,137 cases), with murder (799 cases), rape and murder (396 cases) being the second and third most commonly reported crimes. The figures for the Punjab were higher than those for Sindh, which was a change from last year, but the figures may be a result of what is reported and what remains silenced due to cultural pressures... In February 2011, the Senate was informed that over the past two years 8,433 cases of violence against women were registered in Punjab and a total of 11,798 all over the country." **[27i] (p166)**

24.93 Amnesty International's Annual Report 2010 on Pakistan stated that "In NWFP and the tribal areas, Taleban groups closed or burned down girls' schools, forced women to wear a veil and prohibited them from leaving their homes unless accompanied by male relatives. Several women were punished, shot dead or mutilated for alleged 'immoral' activities. Legal redress sought for abuses of women's rights remained difficult to obtain." **[13d] (p253; Violence against women and girls)**

Return to contents
Go to sources

Domestic violence

24.94 The USSD Report 2011 recorded that "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." **[3n] (Section 6)**

24.95 The HRCP Report 2011 stated

"Incidents of domestic violence seemed to have increased in the Punjab province or perhaps were more adequately reported, while Sindh showed a downward trend and cases in Balochistan remained largely unmonitored and unreported. Parts of Khyber Pakhtunkhwa remained under threat of religious militancy and the state of Afghan refugees, particularly the condition of women, was inadequately monitored... **(p157)**

"It was reported at a discussion organized by Insani Haqooq Ittehad, a conglomerate of civil society organizations based in Islamabad, that more than 80 percent [of] women were subject to physical or psychological domestic violence, which often went unreported since 66 percent women accepted it as their fate, 33 percent merely complained while less than 5 percent took concrete steps against it." **[27i] (p166-167)**

24.96 On 20 February 2012, The Express Tribune reported that the Domestic Violence (Prevention and Protection) Bill was unanimously passed by the upper house of parliament and would come into force once signed by President Asif Zardari. "The law classifies domestic violence as acts of physical, sexual or mental assault, force, criminal intimidation, harassment, hurt, confinement and deprivation of economic or financial resources... Those found guilty of beating women or children will face a minimum six months behind bars and a fine of at least 100,000 rupees ($1,100)." **[92h]**

24.97 However, on 16 April 2012, The Express Tribune reported that "Clerics at Wafaq-ul-Madaris Al-Arabia Pakistan have demanded a 'review' of the Domestic Violence Bill from the government, so that a consensus can be achieved on the law before it is presented to the parliament. According to a statement from the seminary's clerics,

certain controversial clauses of the bill might destroy the family structure of the Muslim community... [the] Jamiat Ulema-e-Islam-Fazl (JUI-F) has already asked the government not to pursue the current form of the legislation." **[92i]**

24.98 The HRCP Report 2011 recorded 366 cases of domestic violence against women in 2011, as reported by the media, and noted that "Of these, nearly all victims were married women with only two of them unmarried, five widows, and two divorced women, and the perpetrators were mostly husbands or other close relatives. The families were nearly all of them from the working class with only one victim being a female doctor. The reasons given for the violence were domestic dispute and the suspicion of illicit relations." **[27i] (p166)**

24.99 The Aurat Foundation's press briefing, 'Incidents of Violence against Women in Pakistan: Reported during 2011', undated, cited 610 cases of domestic violence during the reporting period. **[57c]**

24.100 On the types of violence, the HRCP Report 2011 cited "Amongst the worst hit were 38 women who suffered from acid attacks, 47 were set on fire, 81 suffered attempted murder, 98 were tortured, 10 women had their heads shaved as part of public humiliation, and nine women had their nose or other parts of the body amputated as punishment." **[27i] (p166)**

24.101 On 12 December 2011, The Express Tribune reported that the Acid Control and Acid Crime Prevention Bill 2010 was unanimously passed by the Senate. **[92e]**

24.102 The same source added that "The purpose of the bill is to control the import, production, transportation, hoarding, sale and use of acid to prevent misuse and provide legal support to acid and burn victims... The amendment in Section 336-B [of the Pakistan Penal Code] states: 'Whoever causes hurt by corrosive substance shall be punished with imprisonment for life or imprisonment of either description which shall not be less than fourteen years with a minimum fine of Rs1 million'." **[92e]**

24.103 The AHRC Report 2010 cited that the Acid Survivor's Foundation (ASF) recorded 48 acid attacks in 2009. "ASF figures suggest family members perpetrate nearly half of acid attacks (48 percent), rejected suitors are responsible for a quarter (25 percent), and 'collateral damage' accounts for 12 percent." **[52e] (p70)**

24.104 The Aurat Foundation reported 44 cases of acid attacks and 29 cases of stove burning, during 2011. **[57c]**

24.105 The UN Committee on the Rights of the Child, third and fourth periodic reports of States parties due in 2007: Pakistan, dated 19 March 2009 that "... all burn cases are required to be reported to the nearest Magistrate by the registered medical practitioner designated by Provincial Government and Officer in Charge of a Police Station. The medical practitioner shall record the statement of the burn victim immediately on arrival..." **[79b] (paragraph 138)**

24.106 An article by IRIN, dated 11 March 2008, stated that "Domestic violence is endemic in Pakistan." The report noted that in the eight years since the publication of HRW's [Human Rights Watch] 1999 report on domestic violence in Pakistan, there was little evidence that any major changes had been made in the country. The article quoted a leading lawyer and rights activist as saying "Domestic violence is very widespread. It is tied in to the lack of empowerment of women in our society." **[41a]**

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24.107 The same source noted that:

> "At times, the violence inflicted on women takes on truly horrendous forms. The Islamabad-based Progressive Women's Association (PWA), headed by Shahnaz Bukhari, believes up to 4,000 women are burnt each year, almost always by husbands or in-laws, often as 'punishment' for minor 'offences' or for failure to bring in a sufficient dowry. The PWA said it had collected details of nearly 8,000 such victims from March 1994 to March 2007, from three hospitals in the Rawalpindi-Islamabad area alone... A lack of safe shelters for women victims of domestic violence, limited awareness of the issue and the absence of specific legislation all compound the problem. The result is that thousands of women are victims of severe violence within their homes, with most cases going unreported and the culprits consequently escaping any punishment for their crime." **[41a]**

24.108 The AHRC Report 2010 noted:

> "Women from religious minorities are most common and vulnerable targets of violence: Women from religious minorities are the most frequent victims of violence, particularly sexual violence. Members of religious minorities are regularly assaulted, tortured or murdered and their property and place of worship are ransacked and desecrated. The blasphemy laws understand blasphemy only as an offence against Islam and are used by a criminal nexus between the police, the administration and religious fundamentalists to intimidate Christians, Ahmadis and all religious minorities in Pakistan. Women are disproportionately affected. It is becoming common in rural areas for Muslim fundamentalists to abduct, force into marriage, and forcibly convert women to Islam. Abductions made up nearly 30 percent of all crimes against women in the first half of 2010." **[52e] (p62)**

24.109 The USSD Report 2011 stated:

> "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. Abused women usually were returned 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." **[3n] (Section 6)**

See also sub-section: Assistance available to women; Sections: Police: Torture, and: Prison conditions

Return to contents
Go to sources

Honour killings

24.110 The IRB in a Response to Information Request (RIR) entitled Pakistan: Honour killings targeting men and women, especially in the northern areas (2001 - 2006), dated 24 January 2007, provided a brief description of the custom and to whom it applied:

> "There is an extensive amount of information on honour killings in Pakistan primarily focusing on female victims. Honour killings are described as a custom in which mostly women and some men are murdered after accusations of sexual infidelity. The killers seek to avenge the shame that victims are accused of bringing to their families.

However, even girls and, on a smaller scale, boys are victims of the practice. Honour killings are known by different names depending on the area in Pakistan in which they are practised. In Sindh province they are referred to as karo kari, where karo refers to the 'blackened' or dishonoured man and kali [kari] to the 'blackened' woman; they are called tor tora in the North-West Frontier Province (NWFP), where tor refers to the accused man and tora to the accused woman; kala kali in Punjab province, where kala refers to the accused man and kali refers to the accused woman; and sinyahkari in Balochistan." **[12e]**

24.111 The same source also provided detail about the motivations and justifications for honour killings, and states that such killings:

"…are often carried out by men who believe their honour has been breached by the sexual misconduct of female family members, even when it is only an allegation. The tribal justice system, for example, makes it incumbent upon husbands and male relatives to restore family honour damaged by allegations of a woman's sexual misdeed, usually by killing the woman and her alleged lover. The NCSW [National Commission on the Status of Women] indicates that it is not just honour killings but all forms of domestic violence that are 'frequently intended to punish a woman for a perceived insubordination supposedly impacting on male honour'. The media in Pakistan reports stories indicating that the male companion of the accused female will also be killed in the name of protecting family honour, or for marrying a woman from another tribal group without the consent of her parents, to restore the honour of her tribe." **[12e]**

24.112 The Aurat Foundation provided a glossary of terms in its Annual Report January-December 2010, Violence Against Women in Pakistan: A qualitative review of statistics 2010 (Aurat Foundation Annual Report 2010), published June 2010. The report described an honour killing as:

"A customary practice where male family members kill female relatives in the name of family 'honour' for sexual activity outside marriage, either suspected or forced, even when they have been victims of rape. Often young teenage boys are chosen to perform the crime because their sentences are generally lighter than those for adults. The practice is deeply rooted in patriarchal/tribal traditions where males are looked upon by society as the sole protectors of females; and because of this duty conferred on the man, he has complete control over the female. In case the man's protection is violated through the perceived immoral behaviour of the woman, the man loses his honour in society, as it is interpreted, as a failure either to protect the woman adequately or to educate her properly." **[57b] (Global glossary)**

24.113 The IRB RIR summarised the motives for honour killings:

- "maintain family assets;
- acquire another family's assets;
- prevent women from freely choosing their husband;
- punish women for seeking divorce, having been raped or having disobeyed family wishes;
- seek revenge on an opponent; and
- disguise the murder of another man." **[12e]**

24.114 The IRB continued:

"Honour killings are reportedly most prevalent in rural areas of Pakistan. In 2004, more than half of all reported honour killings occurred in southern Sindh province, but the practice was also believed to be widespread in Punjab, Balochistan, NWFP and the FATA. However, the HRCP noted an increase in these types of murders in urban areas such as Lahore in 2005. Pakistan's National Commission on the Status of Women (NCSW) similarly indicates that honour killings take place in urban areas and that some of these cases are committed by the urban elite." **[12e]**

24.115 The HRCP Report 2011 noted:

"Throughout the year, women were callously killed in the name of 'honour' when they went against family wishes in any way, or even on the basis of suspicion that they did so. Women were sometimes killed in the name of 'honour' over property disputes and inheritance rights. According to media monitoring and field reports from HRCP volunteers, at least 943 women were killed in the name of honour, of which 93 were minors. The purported reasons given for this were illicit relations in 595 cases and the demand to marry of their own choice in 219 cases. The murderers were mostly brothers and husbands, in 180 cases the murderer being a brother and in 226 cases being the husband of the victim. The majority of cases (557) were of married women. Before being killed, at least 19 women were raped, 12 of them gang raped, and the means used were mostly firearms but also blunt weapons and strangulation. Among the honour killing victims were seven Christian and two Hindu women." **[27i] (p167)**

24.116 Between January and December 2011, 705 women were recorded as being killed in so-called "honour" killings and 1,575 were documented as murdered. There were a total of 8,539 recorded cases of violence against women in 2011. (Aurat Foundation, Incidents of Violence Against Women, 2011) **[57c]**

24.117 The Free and Fair Election Network (FAFEN), a network of 42 civil society organisations working to foster democratic accountabilities in Pakistan, stated in a press release, published 27 April 2012, based its report on the monitoring of the offices of 78 District Police Officers [DPOs] across Punjab, Sindh, Balochistan and Islamabad Capital Territory, in February 2012, that:

"Cases of honour killings were more widespread in February 2012 as compared to the preceding month – 24 cases being reported in 16 districts against 19 recorded in 12 districts in January ... A total of 793 cases were registered for crimes against women, the report said. Most frequent and widely reported on these were FIRs [First Information Reports] for forced marriage. These constituted 40% of the total cases. Twenty four percent of the cases were those of attack on modesty, rape (19%), offences relating to marriage (14%), honour killings (3%), and word, gesture or act intended to insult the modesty of a woman (1%)." **[130a]**

24.118 Regarding the recording of honour killings, the Aurat Foundation noted in its 2009 annual report on violence against women, published June 2010, that:

"... it can be safely assumed that all such cases are not reported since perpetrators are mostly family members immediate and extended like a husband, a brother or a cousin. In some cases, women are killed by their spouses suspecting extra-marital relations while in others, they are killed for having chosen their husband rather than accepting the one their family chose for them. Often, 'honor' can also be an excuse for a cold-blooded murder. The greatest number of 'honor' killings is committed in the 'karo-kari' or 'kala-kali' tradition. Karo or kala (black man) and kari or kali (black woman) are terms for

adulterer and adulteress. A man is entitled to kill his wife and her alleged lover if he declares her 'kari' or 'kali'." **[57a]**

24.119 The HRCP Report 2008 stated that:

"Killing[s] in the name of honour were witnessed across the country involving both men and women. A majority of victims however were women as men were usually exiled or forgiven or made to pay compensation in cash or in the form of hand of a female relative in marriage. In most cases women were killed on mere suspicion of having illicit relations or displaying an independent spirit that threatened the patriarchal way of life in their areas. According to an NGO, 17 women alone were killed on the pretext of Karo-kari in Sindh in the first two months of the year." **[27a] (p121)**

24.120 In its report, The State of Pakistan's Children 2008 (SPARC Report 2008), the Society for the Protection of the Rights of the Child (SPARC) noted that:

"The selective use of religion and patriarchy, which interplay in the institution of the family, and the endorsement of it by the parallel judiciary systems [jirgas] provide a license to men to inflict violence and murder on their spouses/sisters/daughters in the name of honour, not only on the grounds of 'illicit relations' but for multiple reasons such as seeking divorce, rape, fake honour killings and to safeguard family property etc... The tribal system of retribution, and the formal legal system, both subject women and girl child to cruel treatment and judgements are passed which are highly unfavourable to women. As state institutions the law enforcement apparatus and the judiciary have dealt with such crimes against women with extraordinary leniency, and as the law provides many loopholes for murderers in the name of honour to get away, the tradition of honour killings continue unabated." **[71c] (p37)**

24.121 The Freedom House Freedom in the World: Pakistan 2011 report observed that "Activists have cast doubt on the authorities' willingness to enforce a 2005 law that introduced stiffer sentences and the possibility of the death penalty for honor killings." **[5a]** Commenting on its revised laws for honour killings, the UN Committee on the Rights of the Child report, dated 19 March 2009, that the low level implementation of laws was a problem, which was "Mostly... due to lack of adequate training to appropriately deal with the situation and apply the relevant provisions of the law." **[79b] (paragraph 137)**

24.122 The USSD Report 2010 also noted the 2005 law that established penalties for honour killings. However, the report noted that "... human rights groups criticized the act because it allows the victim or the victim's heirs to negotiate physical or monetary restitution with the perpetrator in exchange for dropping charges, known as 'qisas' and 'diyat.'... Because honor crimes generally occurred within families, many went unreported. However, police and NGOs reported that increased media coverage enabled law enforcement to take action against perpetrators." **[3g] (Section 6)**

24.123 Human Rights Watch noted in their submission to the Human Rights Council, on 5 May 2008, that "According to Pakistan's Interior Ministry, there have been more than 4,100 'honor killings' since 2001" and also noted that "provisions of the Qisas and Diyat law which allow the next of kin to 'forgive' the murderer in exchange for monetary compensation remain in force, and continue to be used by offenders to escape punishment in cases of so-called honor killings. Such laws which in effect allow men to pay to kill women act as no deterrent to those who would engage in so-called honor killings." **[7c]**

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See also Judiciary: Qisas and Diyat ordinances

24.124 In a Response to Information Request (RIR) regarding single women, dated 4 December 2007, the Immigration and Refugee Board of Canada (IRB) noted:

"South Asian Media Net, an independent website providing news, information and analyses covering the South Asian region, indicates the following in its analysis of the situation of women in Pakistan:

"The social and cultural context of Pakistani society is predominantly patriarchal…Since the notion of male honor and izzat (honor) is linked with women's sexual behaviour, their sexuality is considered a potential threat to the honor of the family. Therefore, women's mobility is strictly restricted and controlled through the system of purdah, sex segregation, and violence against them. The South Asian Media Net adds that because women lack the skills to compete for employment in the public arena, they end up socially and economically dependent towards men. Purdah, which translates to 'screen' or 'veil,' represents the practice of secluding women from public life by having them wear concealing clothing and by using barriers such as walls, curtains and screens in the home which, as a consequence, has deprived women of economic independence." **[12j]**

Return to contents
Go to sources

Love marriages

24.125 An article from the Asian Human Rights Commission publication Ethics in Action, dated October 2009, stated:

"The issue of love marriages is highly contentious in Pakistan, a traditionally patriarchal and feudal-based society. According to prevalent social and cultural norms, women are objects under the control and protection of male family members. Their rights and freedoms are severely restricted. Such a society sees marriage as a trade or business deal between different families. The idea of women choosing their own marriage partners is considered outrageous and unacceptable behavior." **[52l]**

24.126 The article added:

"It is common for legal authorities, particularly the police to mishandle cases involving love marriages or other 'family issues'. For this reason, violence against women in Pakistan (including violence against women in love marriages) remains very high. Furthermore, the country's social infrastructure and institutions are largely operated and staffed by men, most of whom carry various cultural and gender biases. Cases involving women – whether at police stations or in the court system – are inevitably prejudiced, prone to violence, and illegal. A pregnant woman in Punjab province for instance, was severely beaten by the police in August 2007 for secretly marrying and living with a man despite her parents having already chosen her bridegroom. Her husband was falsely charged with her abduction, while she was 'punished' by being raped by her intended bridegroom." **[52l]**

24.127 The same source cited other examples of families that were moved to use violence in opposing love marriages, including kidnapping their daughters, attacking the relatives of the males in a relationship and obtaining help from police to track down partners who marry without family approval. **[52l]**

24.128 The Australian Government Refugee Review Tribunal (RRT), Country Advice Pakistan, on love marriages, dated 17 November 2010, quoted Dr Shakira Hussein, a fellow at the Australian National University, as saying, in December 2009:

"Arranged marriages within a person's own ethnic community tend to be the norm. This is very much the case across Pakistan as a whole. Western observers are often surprised to discover that affluent urban Pakistani families (who may otherwise seem outwardly no different to a Western family in their dress and behaviours) will nonetheless still expect their children to meet the expectation of entering into an arranged marriage with a partner from their own ethnic community… Moreover, love marriages which transgress family expectations can result in considerable family pressure being brought to bear. Again, violence could be a part of such pressure. In instances where the male partner to the marriage was from an ill-regarded community or caste then he, as much as the female partner to the marriage, could likely find himself the subject of a violent reprisal." **[134a] (p1-2)**

24.129 The RRT also noted "Multiple sources indicate that parties to love marriages have been subjected to significant pressures, threats, and violence from their families. The most extreme example of harm against parties entering into a love marriage is the act of honour killing. An honour killing is the culturally acceptable murder of a woman who marries without consent or who refuses to marry a chosen partner." **[134a] (p2)**

24.130 The RRT further noted that Dr Shakira Hussein "... advised that love marriage partners may be pressured or pursued by police acting on behalf of disapproving family members. She also advised that the legal system did not offer much recourse or restitution. She stated:

"…above it could not be guaranteed that police would assist a couple who were being threatened by family members in such instances. It is just as likely that local police would assist the family in asserting pressure on the transgressing couple rather than offering effective protection to them.

"There have been some cases where higher courts have ruled in favour of couples in such predicaments in recent years but it should be noted that the progression of such a case to higher courts can take years and, in most cases, the offending couple will not have the opportunity or the means to argue their case in this way. The statistics associated with honour killing indicate the extent to which numerous individuals are never able to survive family reprisals. Moreover, in the lower courts…such killings may be forgiven, or subject to little punishment or a financial settlement, if such is the choice of the murdered victim's family." **[134a] (p4-5)**

24.131 An article published in the Duke Journal of Gender Law and Policy, 'What's the Constitution Got to Do With It? Regulating Marriage In Pakistan', dated August 2009, stated:

"Despite the judicial vindication of womens' right to marry, traditional perceptions of honor still severely limit some of the most basic rights of women. Regrettably, many 'love marriages' who disregarded their families' wishes find themselves subject to harassment by the Pakistani police, who raid and search their homes, arrest them, and may even charge them with 'pre'- marital sex – a severe offense under the infamous Zina Ordinance criminalizing adultery and fornication. The police may even go so far as to harass the husband's family members to pressure him to divorce his wife. One such case reached the Pakistani court system. The Court enlisted the constitutional

protection accorded to marriage in condemnation of the officers, viewing their behavior as based on tribal customs, social taboos, and barbarity." **[135a] (p359)**

24.132 The same source added:

"... the Pakistani courts have generally recognized and respected women's basic Islamic and constitutional freedom to exercise choice in marriage. They have developed and implemented various techniques – invalidating forced unions, quashing criminal charges, issuing restraining orders, penalizing police officers, and rejecting compromises and the honor killing defense – all in order to preserve the sanctity of the right to marry. But there is a limit to the judiciary's ability to uphold the Constitution unaided. While courts have interpreted laws in the spirit of the Constitution and guided state functionaries to safeguard marriage, the Pakistani legislature has largely failed to translate constitutional guarantees from rhetoric into reality. The legislature has remained oblivious to customary practices, hindering the actualization of women's right to marry, and thus also to constitutional rights." **[135a] (p364)**

See also Social and economic rights: Marriage

Return to contents
Go to sources

Rape

See subsections on the Women's Protection Act and Section: Judiciary: Hudood Ordinances for changes on legislation with regard to rape; also see subsection above: Honour killings

24.133 The USSD Report 2011 stated that "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." **[3n] (Section 6)** However, the HRCP Report 2010 stated that:

"According to statistics provided by the police departments in the four provinces, cases of rape of 2,903 women, nearly eight women a day, were reported to the police. These included at least 51 cases of gang rape. Official figures for rape from Khyber Pakhtunkhwa could not be ascertained but according to police statistics at least 52 women had been abducted in the province. In the province of Sindh there were 239 cases of rape and 50 cases of gang rape. There were 161 incidents of Karo Kari as well. In Balochistan, police figures suggested that there were 32 cases of rape and one gang rape. There were 23 incidents of Karo Kari/Siyah Kari. In Punjab 2,581 cases of rape were reported to the police. These figures were believed to be only a fraction of the actual problem as cases are often not reported or are hushed up." **[27e] (p207)**

24.134 The Aurat Foundation's 'Incidents of Violence against Women in Pakistan Reported during 2011', undated, reported 827 cases of rape/gang rape in 2011, compared to 928 in 2010. **[57c]**

24.135 The Freedom House Freedom in the World: Pakistan 2011 report observed that:

"Traditional norms, discriminatory laws, and weak enforcement contribute to a high incidence of rape, domestic abuse, and other forms of violence against women. According to the HRCP, up to 80 percent of women are victims of such abuse during their lifetimes. Female victims of sexual crimes are often pressured by police not to file charges, and they are sometimes urged by their families to commit suicide. Gang rapes

sanctioned by village councils to punish the targeted woman's relatives continue to be reported, even though perpetrators in some cases have receive harsh sentences. Under the 2006 Women's Protection Act, judges are required to try rape cases under criminal law rather than Sharia. However, extramarital sex is still criminalized, and spousal rape is not recognized as a crime." **[5a]**

24.136 On 21 April, Pakistan's Supreme Court acquitted five of the six men charged with the 2002 village council sanctioned gang-rape of Mukhtaran Mai. The rape case drew international attention after Mai fought for justice. The subsequent acquittal of the accused was criticised by human rights groups who stated the verdict put the safety of Pakistani women at risk by allowing "honour" crimes to go unpunished. (The Guardian, 21 April 2011) **[113a]**

See also subsection Honour killings

24.137 The HRCP Report 2008 reported that:

"Several panchayats and jirgas gave verdicts in 2008 where female relatives of the 'accused' were ordered to be raped by the 'victim's' party. Women and girls were also raped in revenge for seeking divorce, refusing marriage proposals, marrying of their own choice, defying cultural norms, and for many other efforts at independent-decision-making. Numerous cases were observed where girls were raped by their own fathers and other close family members and married women were molested by their in-laws. Women were also sexually harassed at work, a majority of whom were domestic help. Reports of girls being raped by teachers and at madrassahs were also received. A shocking trend of filming rape has also emerged and in many cases it was reported that the films were used to blackmail the victim for more sexual exploitation or money or the videos were sold on the black market. Several arrests were also made in this context bringing this aspect of the crime on the radar of law enforcement agencies." **[27a] (p124)**

24.138 The USSD Report 2011 noted that:

"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 current penal code.

"Under the law the crime of rape falls under the jurisdiction of criminal rather than Islamic courts. The NGO [non-governmental organisation] Aurat Foundation estimated that 88 percent of women in prison were convicted of adultery, many of them after reporting rape. Under the law in cases of rape 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. After recording the victim's statement, the sessions court judge officially lodges a complaint, after which police can then make any arrests. While this procedure was meant to eliminate problems relating to social norms that make it difficult for women to go to the police, NGOs reported that it created other barriers for rape victims who did not have money to travel to the courts or access to the courts. Rape continued to be a severely underreported crime." **[3n] (Section 6)**

24.139 The same source continued:

"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 at times were 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 postrape medical testing increased during the year, medical personnel in many areas did not have sufficient training or equipment, which further complicated prosecutions. Extra judicial resolutions to rape accusations were common, with a victim often forced to marry her attacker." **[3n] (Section 6)**

Return to contents
Go to sources

ASSISTANCE AVAILABLE TO WOMEN

24.140 Shirkat Gah – Women's Resource Centre, Pakistan, made a 'Stakeholders Joint Submission for Pakistan's Review in The Human Rights Council -14th Session, October 2012' (Shirkat Gah Stakeholders Joint Submission), undated, accessed 8 May 2012, in which it stated:

"Support structures for dealing with victims of violence are limited and under resourced. There are currently only 44 Government run women's shelters in a population of 177.10 million (of which women are estimated to be 48-50%). Till 2010, 23 women's emergency crisis support centers augmented services to survivors of violence. Following the devolution of the crisis centers for women established by the Federal Government to the Provincial Governments under the 18th Constitutional Amendment, the Punjab Government has refused to adopt twelve such functional centers, replacing them instead with crisis support desks that only serve as referral mechanisms. Other Provinces have adopted Women's Crisis Centers but have failed to provide adequate and timely budgetary allocations to these centers thereby sending a message that women's issues occupy low priority in Government budgets. There are currently only 3 recognized Government Burn Units in civil hospitals in Pakistan and 3 Burn Units in military hospitals. While some District hospitals provide burn treatment, they are poorly equipped to handle serious cases, especially those arising from acid violence. Many patients are denied treatment because of a lack of burn units in major public hospitals." **[132a] (p4-5)**

24.141 In a Response to Information Request, dated 26 November 2009, on the Resources available to female victims of violence in Karachi, Islamabad and Lahore, the Immigration and Refugee Board of Canada (IRB) noted that:

"The South Manchester Law Centre (SMLC), in partnership with Manchester Metropolitan University, published a January 2008 report that evaluated the services available to female victims of violence in Pakistan and indicated the following in regard to crisis centres in Pakistan:

"A crisis centre is the first stage of contact for a woman before admission to a shelter. Crisis centres play a crucial role in assessing a woman's needs and the risks she faces. A woman is never turned away without full assessment of her case. If necessary, immediate action is taken to protect her. Lawyers, advice workers and counsellors are

available to offer immediate support to women at the centres. After the initial assessment the woman is then referred to a shelter...

"The SMLC report also states that when a woman is accepted into a shelter, shelter staff will immediately inform the woman's family... Additionally, the report indicates that crisis centre staff assist women with 'mediation and reconciliation'..." **[12n]**

24.142 The same source noted that:

"The 2008 SMLC report offers the following summary of shelters in Pakistan: shelters for women are seen as a temporary refuge where they can stay until their problems are resolved. This could be in the form of reconciliation, re-marriage or divorce. There is no provision for aftercare work or rehabilitation except for one refuge in Karachi that actively assists women with rehabilitation. This is done in the form of finding work, re-housing and giving financial assistance for a short-term period..." **[12n]**

24.143 The IRB response continued:

"The report indicates that, in general, the lack of follow-up work is of 'particular concern, because once women have reconciled or are forced to return to their husbands, no contact is maintained with them'... Additionally, the SMLC report indicates that both government-run and private shelters do not admit boys over the age of 5 years with their mothers, whereas previously boys were admitted into shelters until the age of 11 years... Shirkat Gah's legal department states that male children 10 years of age and older are not permitted to reside with their mothers in government or private shelters..." **[12n]**

Government Assistance

24.144 The USSD Report 2011 noted:

"To address societal norms that frowned on 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. The 12 women's police stations in the country were located in Karachi (3), Larkana (1), Hyderabad (1), Sukkur (1), Lahore (1), Faisalabad (1), Rawalpindi (1), Peshawar (1), Abbottabad (1), Quetta (1), and the Islamabad Capital Territory (ICT) in Islamabad City. 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." **[3n] (Section 6)**

24.145 On women's police stations in Pakistan, updated 28 September 2009, the UN Secretary-General's database on violence against women noted that:

"According to information provided by the Gender Crime Cell, National Police Bureau Islamabad, the total numbers of women police stations in the country are nine. These are located in: Islamabad, Rawalpindi, Lahore, Karachi, Faisalabad, Larkana, Hyderabad, Peshawar and Abbottabad. Women complaint centers have been established in the existing police stations in Islamabad, Peshawar, Kohat, Hangu,

Abbottabad and Chitral, in order to provide prompt assistance to female victims of violence. These centers also provide legal advice and counseling to women. Each center is staffed by female police officers." [However, no evaluation of these centres was known to have been undertaken.] **[36a] (Women Police Stations and Women Complaint Centers)**

See also Security forces: Police

24.146 The IRB's Response to Information Request, Resources available to female victims of violence in Karachi, Islamabad and Lahore, noted that they were provided with the following information, on women's police stations, from Shirkat Gah, a women's resource centre, on 20 November 2009:

"In most city districts, as in Lahore, there is only one Women's Police Station functioning. (In Lahore there are also four women complaint cells established in four police stations i.e. in the Gulberg, Muslim Town, Kotwali and Cantt police stations respectively). It is the responsibility of the designated persons in this police station to take any victim of violence to the concerned hospital for her treatment, to lodge an FIR (First Information Report), to diligently pursue the investigation and then the court hearing. The staff of the Women's Police Station can request assistance from any male police station in the area of the accused/culprit's place of residence.

"The Women's Police Station faces many problems; they have only one vehicle for use with a very limited petrol allowance, they are understaffed and overburdened, and they have been granted less authority than their male counterparts; for example, they cannot register an FIR without the prior approval of the Deputy Superintendent of Police and Superintendent of Police. Even if the case has been registered the following investigation remains problematic. The investigation requires visiting the area of incidence, collecting evidence and arresting the accused, but lack of resources such as staff and transport make the task extremely challenging. No special treatment is afforded to female victims of violence, nor is any modern equipment made available to facilitate addressing their grievances." **[12n]**

24.147 With regard to the availability of centres to assist women, the USSD Report 2011 commented that:

"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 'darul aman' (approximately 200 centers for women and child victims 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." **[3n] (Section 6)**

24.148 The same source noted "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." **[3n] (Section 6)**

24.149 An evaluation of the Shaheed Benazir Bhutto Centers, undertaken in June/July of 2007 by a representative from the Ministry of Women Development and a non-governmental organisation, stated that 8,000 female victims of violence had been assisted, mostly to women from poorer sections of society. It was noted, however, that most of the centres were now giving less emphasis on providing women with shelter but more on offering counselling or legal aid, primarily due to a lack of resources. (UN Secretary-General's database on violence against women) **[36c]**

24.150 The Express Tribune reported on 23 June 2011 that the Punjab Government had not allocated funds to its provinces Benazir Bhutto Women's Crisis Centres, claiming that "...there is already a network of public darul amans (shelters) in the province and so the centres, which are run in partnerships with NGOs, are not needed." The report added:

"The crisis centres provide services to women not available at darul amans, said prominent women at a press conference at the Lahore Press Club. 'These centres are as important as the 1122 service,' said Justice (retired) Nasira Javid Iqbal. 'They provide psychological and medical aid, relocation and counselling'...

"MPA Amna Ulfat of the PML-Quaid said that the government-run women's shelters were inadequate. 'There is nothing in darul amans for homeless women. Saying that they are enough is very disturbing to women,' she said." **[92g]**

24.151 An article published by the Inter Press Service News Agency dated 8 March 2007 reported on help centres to assist women and stated "Considering that Pakistan is a country where violence against women is all pervasive, one should find a flurry of activity at the women's centres – of the phone ringing incessantly, of psychiatrists attending to battered women and of lawyers preparing briefs. Instead the centres are deserted." In commenting on the centre in Karachi the article continued, quoting a lawyer working for a local NGO, that the lack of women attending the centre was down to poor commitment, co-ordination and a lack of guidelines. Additionally the centre lacked resources to provide basic services, like food and toiletries. The article also observed that of the four centres in the province of Sindh, the Karachi centre was the only one functioning. **[16]**

24.152 Following correspondence with a representative of Shirkat Gah Women's Resource Centre, the IRB noted in a Response to Information Request on single women living alone, dated 4 December 2007, that:

"…women always have to face criticism by the society and survival for single woman not having support from the family becomes toughest. This complexity coupled with the lack of information and access to State support institutions have intertwined to suppress women from taking steps for themselves. At governmental level there does not exist community social support centres thus resulting in confining women to abusive relationships lacking ability to resist violations... Government run shelters lack appropriate measures as they aim at providing temporary stay and also there have not been any policy measures for rehabilitation of these women when the duration of stay expires." **[12j]**

24.153 The same source noted, with regards to women moving from rural to urban areas to find employment, that "They [the women] face a number of challenges including lack of

working women hostels, procedural complications in getting admission and negative societal attitudes towards these women hostel[s]. In Lahore (second largest city of Pakistan) alone where government estimates now put the population at somewhere around 10 million, there are only two working women hostels and very few private ones." **[12j]**

Return to contents
Go to sources

Non-governmental organisation (NGO) assistance

24.154 The USSD Report 2009 stated that "Numerous women's rights NGOs such as the Progressive Women's Association, Sehar, Struggle for Change, War against Rape, and Aurat Foundation were active in urban areas. Their primary concerns included domestic violence and honor crimes." **[3b] (Section 6)**

24.155 Bedari, a project funded by the United Nations Development Programme, helping Pakistani women facing violence, provided a list of Organisations **[132a]** and Shelter Homes **[132b]** supporting women in Pakistan, accessed 8 May 2012.

24.156 The IRB's Response to Information Request on Resources available to female victims of violence in Karachi, Islamabad and Lahore, dated 26 November 2009, reported:

"Describing the conditions of NGO services for female victims of violence in general terms, the SMLC report indicates that while some of the NGOs researched are experienced in dealing with women's issues, many NGOs located in urban centres are under resourced and have to limit the assistance offered... With respect to legal assistance offered by a small number of NGOs and law firms in urban centres of Pakistan, Shirkat Gah's legal department indicated that 'the number of women they are able to assist is very small in proportion to the number in need'..." **[12n]**

24.157 The same source noted that:

"The SMLC report provides details on the specific provisions offered by an internationally funded shelter, called Dastak, and a privately funded shelter, called Edhi, that both operate in Lahore... In addition to providing food and shelter, women staying at Dastak and Edhi can access free legal representation... The report also describes the services offered at an NGO shelter in Karachi, called Pannah, which also provides food and legal assistance... Additionally, both Edhi and Pannah offer free medical treatment...

"The SMLC reports that women can stay at Dastak for three months, whereas the Edhi shelter does not have a limit on the duration of accommodations... The report also indicates that staff at most shelters encourage women to reconcile with their partners, 'because of the generally held view that women cannot survive without men in Pakistan' ..." **[12n]**

24.158 The HRCP Report 2008 noted that "Private shelters continued to run and provide refuge as well as rehabilitation services allowed by their resources and outreach. Nevertheless, these facilities were small-scaled [sic], few and far between and relatively unknown to the masses which brought out the need for maximum government input and action." **[27a] (p128, Women: Shelter for women)**

24.159 The website Madadgaar, undated, accessed 27 July 2011, provided details of its Helpline, and stated "The center provides helpline service for children and women victims of abuse in all 18 towns of Karachi. The helpline service consists of a referral system, devised by contacting service providers. Madadgaar team assesses the nature of help warranted by the call and ensures assisstance via referral service immediately. The helpline functions twelve-hours a day." As well as the helpline, which provided a counselling service, a walk-in service was also available to women and child abuse victims. **[68]**

24.160 The UN Secretary-General's database on violence against women noted that there existed a "...universal access number available to victims of violence in order to obtain prompt access to the [Shaheed Benazir Bhutto Centre] shelters." **[36b]** However, in the 2007 evaluation of women's centres in Pakistan, it was noted that "The 'Helpline Service' does not exist in real terms." **[36c]**

See also Sections Trafficking, and Human Rights Institutions, Organisations and Activists

Return to contents
Go to sources

WOMEN'S HEALTH

24.161 Save the Children stated in its 'State of the World's Mothers 2012' report, published May 2012, that maternal mortality dropped by nearly half in the period 1990-2008. The report also noted:

"Pakistan began training and deploying 'Lady Health Workers' in 1994. There are now more than 90,000 female health workers throughout the country, serving 70 percent of the rural population. Lady Health Workers focus largely on essential maternal and newborn care. Their training emphasizes maternal nutrition, iron and folate use, rest during pregnancy and promotion of breastfeeding. Each Lady Health Worker looks after a population of about 1,000 individuals. At group meetings, she will discuss issues related to better health, hygiene, nutrition, sanitation and family planning, emphasizing their benefits towards improved quality of life. In household visits, she will treat iron deficiency anemia in women and young children, and provide nutritional education with emphasis on breastfeeding and complementary feeding practices, and maternal nutrition, including ways to reduce micronutrient malnutrition." **[133a] (p36)**

24.162 The HRCP Report 2009 stated:

"The Pakistan Medical Society (PMS) has described anaemia, pregnancy risks, menopausal disturbances and heart disease as major causes of morbidity and mortality among Pakistani women. A 2009 survey showed that more than 50 per cent women suffered from iron deficiency while cardiovascular disease was found to be the leading killer in women. Women with diabetes are two to three times more likely to have heart attacks than men. High blood pressure is also common among women who use oral contraceptives." **[27c] (p262-263)**

24.163 The HRCP Report 2011 stated:

"As two critical components of the human development index for any country, maternal health and infant mortality came down in Pakistan over the past two years but still remain among the highest in the region. The mortality of infants is 54 per 1,000 live

 The main text of this COI Report contains the most up to date publicly available information as at 24 May 2012. Further brief information on recent events and reports has been provided in the Latest News section to 7 June 2012.

births for neo-natal mortality, 72 for infant mortality, with an average of 94 deaths for every one thousand children under five years of age." **[27i] (p231-232)**

24.164 The same source added:

"The government has shown some commitment to improving the health of women and newborns, particularly in poor and marginalised communities, by allocating Rs [rupees] 281 billion for maternal, neo-natal and child health programmes, Rs 507 million for population planning, Rs 8 billion for family planning and primary healthcare, and Rs 716 billion for the immunisation programme.

"The rate of maternal mortality is still high, with 276 deaths per 100, 000 women. To address the issue, the government is committed to increasing skilled birth attendants, as only 40 percent cases of home deliveries are being covered in this way, and to increase contraceptive prevalence rate which is only 30 percent.

"According to the State of the World's Midwifery 2011, a publication by the UNFPA, there are only 10 trained midwives per thousand births in Pakistan who remain confined to their local Rural Health Centre." **[27i] (p232)**

24.165 UNICEF noted in its Pakistan Annual Report 2010, that "Newborn care units were established in 48 district hospitals with over 150 staff trained. Mother and Child Weeks were scaled up to 136 districts, reaching families with behaviour change communication, and basic diarrhoea treatment and pneumonia management services." **[72b] (p10)**

24.166 Responding to the UN Committee on the Rights of the Child, the Pakistan Government reported on 12 August 2009 that over 4,500 Community Midwives (CMW) students were under training across Punjab, Sindh, NWFP and Balochistan. **[79a] (p8)**

24.167 The HRCP Report 2008 noted in its section on health that "In 2008... no female doctors were available in FATA [Federally Administered Tribal Areas] hospitals, which was a crucial problem for women in the area as many of them refused or were prevented from seeing a male doctor. Maternal morbidity remained high though the rate declined to 276 deaths per 10,000 live births, compared to 533 deaths in 1990." **[27a] (p172, Health: Public hospitals)**

24.168 The HRCP Report 2011 cited, from media reporting, 701 cases of suicide and 428 attempted suicides amongst women in 2011. **[27i] (p168)** The Aurat Foundation recorded 633 suicides of women in 2010 and 758 in 2011, in its 'Incidents of Violence against Women in Pakistan Reported during 2011', undated. **[57c]**

See also Section: Medical issues

Return to contents
Go to sources

25. CHILDREN

OVERVIEW

25.01 The Pakistan Overview on the United Nations Children's Fund (UNICEF) website, accessed 24 August 2011, summarised the position of children in Pakistan:

"Children in Pakistan face a variety of serious challenges ranging from malnutrition and poor access to education and health facilities to exploitation in the form of child labour. Their low status in society can leave them victim to daily violence at home and in school as well as to organised trafficking and sexual exploitation. Girls are specially affected as conservative attitudes may impede them attending or finishing school. Recent natural disasters have increased the vulnerability of thousands of children." **[72a] (Background)**

25.02 The same source indicated that children face considerable difficulties in Pakistan. It observed that:

"One in ten children does not survive their fifth birthday... Thirty per cent of children are chronically malnourished and lack safe water and household sanitation, especially in rural areas. Pakistan spends less than 2.5 per cent of its GDP [Gross Domestic Product] on the education sector. Just over half of the 19 million children of primary school going age are enrolled in primary education. Compared to 58 per cent of boys, there are 48 per cent of girls enrolled in primary school. Just over a third of Pakistani women are literate. An estimated 3.6 million children under the age of 14 work, mostly in exploitative and hazardous labour." **[72a] (Background)**

25.03 The UNICEF Pakistan Annual Report 2010 noted some positive achievements affecting children, which included:

"... the vaccination of 9.2 million children against polio and 8.2 million against measles. Safe drinking water was provided to 3.2 million people and sanitation facilities to 1.5 million. Another 1.9 million received hygiene messages to help protect themselves and their families against waterborne diseases. About 354,000 children and 111,000 women were screened for malnutrition. To minimise disruption to schooling, 208,000 children received school supplies, and 2,790 temporary learning centres were set up for 164,500 children. Over 223,000 children received psychosocial support and a safe environment for learning and recreation at 926 childfriendly spaces." **[72b] (p1)**

See subsection Health and welfare

25.04 The Human Rights Commission of Pakistan noted in its annual report, the State of Human Rights in 2011 (HRCP Report 2011), published March 2012, that:

"A quick overview of the child rights situation in 2011 reveals that no decline was witnessed in the number of child rights violations in terms of figures. However, some significant measures were taken and commitments made by the government this year to promote and protect child rights. Announcement of the decision to hold a new statistical survey on child labour, declaration of all unregistered madrassas as illegal, ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and criminalisation of forced marriages and acid throwing were some of the prominent steps taken in 2011 for the welfare of children in the country." **[27i] (p172)**

25.05 The US Department of State Country Report on Human Rights Practices 2009 (USSD Report 2009), published 11 March 2010, noted that:

"The government made some progress during the year in defending children's rights and welfare through its laws and programs, but problems remained. Juveniles accused of terrorism or narcotics offenses were not protected under the Juvenile Justice System Ordinance. The Society for the Protection of the Rights of the Child (SPARC) reported

children as young as 12 were arrested under the Anti-Terrorism Act. Children convicted under this act are subject to the death penalty." **[3b] (Section 6)**

25.06 Pakistan signed the UN Convention on the Rights of the Child (UNCRC) on 20 September 1990 and it was ratified on 12 November 1990. It entered into force on 12 December 1990. At the time of ratification, Pakistan made a reservation that the provisions of the UNCRC would be interpreted according to the principles of Islamic Laws and values, although this reservation was subsequently withdrawn. On 26 September 2001, Pakistan signed the Optional Protocol to the UNCRC on the Sale of Children, Child Prostitution and Child Pornography, and Optional Protocol on Involvement of Children in Armed Conflict. These have yet to be ratified. (UN Human Rights, accessed 7 September 2011) **[79d] (Status of Ratifications)**

Basic legal information

25.07 The following gives an overview of Pakistan's minimum age requirements:

- Section 2 (a), Chapter 1, of The Offence of Zina (Enforcement of Hudood) Ordinance, 1979, states that an "… 'adult' means a person who has attained, being a male, the age of eighteen years or, being a female, the age of sixteen years, or has attained puberty." **[21b]**
- Voting age: 18 years old. (CIA World Factbook, 18 April 2012, accessed 4 May 2012) **[4a] (Government; Suffrage)**
- Marriage: 18 years old for males and 16 for females. (USSD Report 2011) **[3n] (Section 6)**
- Under Muslim Personal Law "...if the girl has attained puberty and marries with an adult male with her own free will, the marriage is valid... in Pakistan a girl usually reaches puberty at the age of 13." (Society for the Protection of the Rights of the Child report, The State of Pakistan's Children 2008 – SPARC Report 2008) **[71c] (p44)**
- Minimum employment age: no minimum age for non-hazardous occupations. It is illegal to employ children under 14 years in mines or other hazardous occupations or processes. (USSD Report 2011) **[3n] (Section 7c)**
- Criminal age of responsibility: seven years old. (UN Committee on the Rights of the Child, 19 October 2009) **[79c] (paragraph 99a)**
- The Pakistan Penal Code 1860 states "Nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion." **[21a] (Section 83)**
- Minimum voluntary recruitment age: 17 years old. (US Department of Labor's 2008 Findings on the Worst Forms of Child Labor, 10 September 2009) **[91] (p163)**

25.08 The CIA World Factbook, updated 18 April 2012, accessed 4 May 2012, stated that soldiers could not be sent into combat until they were 18 years of age. **[4a] (Military)** However, the US Department of Labor stated that "There [are] also reports of children under the minimum voluntary recruitment age of 17 years being involved in armed conflict." **[91] (p163)** The USSD Report 2011 added that it was illegal to employ children under the age of 14 years in factories, mines, and other hazardous occupations. **[3n] (Section 7)**

See also subsection: Domestic legislation, Underage/forced marriage, Child labour, and Sections: Military Service; and Women

LEGAL RIGHTS

25.09 The Society for the Protection of the Rights of the Child (SPARC) noted in its report The State of Pakistan's Children 2010 (SPARC Report 2010), published March 2011, that:

"The National Policy and Plan of Action for Children, prepared by the NCCWD [National Commission for Child Welfare and Development], and approved by the cabinet on May 26, 2006, focused on Promoting Healthy Lives, Combating HIV and AIDS, Providing Quality Education, Protection and Commercial Exploitation of Children with specific goals and key actions under every focused area. It also proposed a Child Protection and Management Information System, quarterly progress reports, annual reviews, third party evaluation and national surveys as well as a Ministerial committee.

"While the National Policy and Plan of Action is a comprehensive document, its implementation is quite weak due to a lack of budgeting coordination mechanisms particularly with reference to protection." **[71a] (Child rights; p8)**

25.10 However, on 19 October 2009, the UN Committee on the Rights of the Child noted in its concluding observations on the combined third and fourth periodic report submitted by Pakistan, following the 1,444th meeting held on 28 September 2009, that it was "... concerned that the scarcity of the human and financial resources of the National Commission for Child Welfare and Development may impede its regular meetings and proper functioning and slow down the implementation of the projects that are under its responsibility, including the National Plan of Action for Children." **[79c] (paragrah 12)**

Domestic legislation

25.11 On 19 October 2009, the UN Committee on the Rights of the Child welcomed some positive developments, including:

"(a) The adoption of the Protection of Women (Criminal Laws Amendment) Act, 2006, which criminalizes violations of women's and girls' human rights;
"(b) The Criminal Law Amendment Act (2004) facilitating the prosecution and punishment of honour killings;
"(c) The adoption of several programmes in the area of basic health and welfare, including the National Hepatitis Control Programme (2005–2010), the National Maternal, Newborn and Child Health Programme (2006–2012), the National Nutrition Programme and the expansion of the Lady Health Workers Programme;
"(d) The 2005 Amendment of the Employment of Children Act expanding the list of hazardous processes and occupations for children; and
"(e) The adoption of the Punjab Destitute and Neglected Children Act, 2004, enhancing the child's protection in this province." **[79c] (paragraph 4)**

25.12 On 12 August 2009, the UN Committee on the Rights of the Child received a response from the Government of Pakistan on a list of issues prepared by the UN Committee on the Rights of the Child, published 1 September 2009. With regards to incorporating the UN Convention on the Rights of the Child (UNCRC) into the national legal system, the Government of Pakistan stated that it was:

"... fully committed to incorporate the provisions of the Convention on the Rights of the Child into its domestic laws... In order to bring the legal system in conformity with the Convention, the Child Protection (Criminal Laws Amendment) Bill, 2009, the National Commission on the Rights of the Children (NCRC) Bill, 2009 and the National Child Protection Policy have been prepared in consultation with relevant stakeholders and are being moved to the Cabinet for approval. The provisions of the Convention have been amalgamated in the NCRC Bill 2009. The Bills will be presented before the Parliament soon after approval of the Cabinet. This set of laws will be extended to all provinces and to Provincially Administered Tribal Areas (PATA), Federal Administered Tribal Areas (FATA) and Federal Administered Northern Areas (FANA) [since 30 August 2009, FANA was renamed Gilgit/Baltistan]..." **[79a] (p3)**

25.13 However, on 19 October 2009, the UN Committee on the Rights of the Child expressed concern that:

"(a) The Charter of Child Rights Bill, which plans to incorporate all principles and provisions of the Convention into domestic legislation, has not yet been adopted;
"(b) The Child Protection (Criminal Laws Amendment) Bill, which shall protect children against violations of their rights and establish institutions for the protection and rehabilitation of child victims, has not been adopted yet despite its consideration for a number of years;
"(c) The National Commission on the Rights of the Children (NCRC) Bill is still waiting for adoption;
"(d) Legislation relating to child rights is still lacking in the North West Frontier Province (NWFP) [Khyber Pakhtunkhwa], the Province of Balochistan, the Federally Administered and Provincially Administered Tribal Areas, the Northern Areas [Gilgit Baltistan] and Azad Jammu and Kashmir; and
"(e) The Juvenile Justice System Ordinance (JJSO) is not fully recognized and implemented within the State party." **[79c] (paragraph 8)**

25.14 The same source reiterated its concerns "...about legal inconsistencies concerning the definition of a child at federal, provincial and territorial levels and between secular and sharia law. It notes in particular the difference between the minimum legal age for marriage of boys (18 years) and that of girls (16 years) and the definition of a girl child contained in the Zina and Hadood Ordinances (1979) (until 16 years or puberty)." **[79c] (paragraph 26)**

25.15 A Foreign and Commonwealth Office official at the British High Commission, Islamabad, stated in a letter dated 29 November 2010 that the Child Protection Bill was still awaiting consideration by the National Assembly. "Following the 18th Amendment, child protection and welfare will become provincial subjects. As a consequence the Punjab and Khyber-Pukhtunkwa provinces have passed Child Protection measures during 2010." **[11m]**

25.16 On marriage law, the USSD Report 2011 observed that "Despite legal prohibitions, child marriages occurred. The act 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 ($11), or both. In practice the penalties were too low to have any deterrent effect." **[3n] (Section 6)**

See also subsections: Underage/forced marriage and Childcare and protection and Section: Women: Family laws: marriage, divorce and inheritance

25.17 Regarding child labour, the USSD Report 2011 stated that:

"The constitution expressly prohibits the employment of children below the age of 14 in any factory, mine, or other hazardous site. However, there is no minimum age for work in nonhazardous sectors.

"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 ($556) in fines. The law prohibits the employment of children younger than 14 in factories, mines, railways, rag-picking, port areas, fireworks, and other hazardous occupations, and it regulates their work conditions. 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." **[3n] (Section 7c)**

25.18 The report added that enforcement of the law was a serious problem and noted:

"The Ministry of Labor, Manpower, and Overseas Pakistanis had a small group of specialized labor inspectors empowered to inspect all facilities under the child labor law. 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. Devolution also compounded these problems. 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 generally considered too low to deter violations. Due to weak government enforcement of child labor laws, child labor remained pervasive." **[3n] (Section 7c)**

See also subsection Child labour and Section: Employment rights

Judicial and penal rights

25.19 The Society for the Protection of the Rights of the Child (SPARC) website, accessed 16 March 2012, described the juvenile justice system in Pakistan and stated that the Juvenile Justice System Ordinance (JJSO) 2000: "Lays down the criteria to be followed at all stages of the juvenile trial proceedings, including arrest and bail, and the establishment of juvenile courts. It brought about improvement in two major areas, defining a child as a person below the age of 18 years and prohibiting the death penalty for children." **[71e] (Juvenile Justice, National Laws)**

25.20 However, the Committee on the Rights of the Child, in its Concluding observations to Pakistan, dated 19 October 2009, remained deeply concerned that:

"(a) The minimum age of criminal responsibility continues to remain very low (7 years);
(b) Juvenile offenders have reportedly been sentenced to death, very long imprisonment and high fines even after the promulgation of JJSO;
(c) Many of the authorities in charge of JJSO implementation, particularly within provincial Governments and tribal areas, are unaware of its existence;
(d) JJSO is poorly implemented in the country and particularly in the Federally Administered Tribal Areas where the Frontier Crimes Regulation of 1901, which does not take into account child rights and allows, inter alia, for collective punishment, continues to apply;
(e) The number of children in prisons is high, they are often detained in poor conditions together with adult offenders and thus are increasingly vulnerable to abuse and ill-treatment; and
(f) The number of juvenile courts, trained lawyers and probation officers is insufficient." **[79c] (paragraph 99)**

25.21 Amnesty International stated in its annual Report 2010 for Pakistan (covering events between January and December 2009) that "The Juvenile Justice System Ordinance of 2000 remained inadequately implemented. Its provision to detain children separately from adults remained unimplemented." **[13d] (p253; Children's right's)**

25.22 The HRCP Report 2011 cited that:

"Another year went by with no special courts set up to exclusively hear juvenile cases, despite the Juvenile Justice System Ordinance 2000, promulgated eleven year ago, expressly stating such a requirement. In Punjab, courts of sessions and all judicial magistrates of the first class serve as juvenile courts. These courts take up juvenile cases simultaneously with criminal cases of adult offenders, even though that is prohibited under the law. Rigorous imprisonment continues to be given by the judges to juveniles and children are placed in handcuffs and fetters despite express prohibition for both in JJSO 2000." **[27i] (p183)**

25.23 Human Rights Watch stated in its report Enforcing the International Prohibition on the Juvenile Death Penalty, dated 30 May 2008, that:

"The Juvenile Justice System Ordinance of 2000 bans the death penalty for crimes committed by persons under 18 at the time of the offense, and requires juvenile courts to order a medical examination when a defendant's age is in doubt. The ordinance was reportedly extended to apply to Azad Jammu and Kashmir until 2003, and to the Provincially Administered Tribal Areas and the Federally Administered Tribal Areas in late 2004. However, implementation remains very limited because many areas lack the underlying courts and other structures called for in the law... Pakistan's Supreme Court sometimes rejected death penalty appeals by juvenile offenders when their age was not recorded at the time of the original trial." **[7d] (p16)**

25.24 The Express Tribune reported on 16 January 2012 that, despite the JJSO prohibiting the death penalty for children, they could still be sentenced to death under other laws. The report noted:

"Currently, there are five prisoners in Mach Jail in Balochistan on death row, and all of them were sentenced to death when they were children. The first is Mewal Shah. He is now 20 years old and was sentenced to death by the anti-terrorism court in Mastung. After four years in solitary confinement his sentence was commuted by the Balochistan High Court to 25 years rigorous imprisonment. He was 13 at the time he committed his offence. The second, Sarfaraz, was 16 or 17 at the time when he is said to have committed a murder. He was sentenced to death in 2009 and his appeal is pending in the Balochistan High Court.

"The third is Bhai Khan, son of Shah Mohammad Chandio. He is now 18 years of age but was a minor when he was sentenced to death by the district and sessions judge of Dera Allah Yar. The fourth case involves Naseerullah who at the age of 17, is still a minor. He was sentenced to death in March 2010. The last one is a prisoner by the name Zahoor Ahmed, son of Sajawal Jakhrani. He is 17 years old and was given the death sentence in March 2010 by the district and sessions judge of Dera Allah Yar." **[92b]**

25.25 The Amnesty International Report 2010 stated that "On 31 August, the Supreme Court suspended an order passed by the Lahore High Court in April under which death sentences would not be imposed on women and juveniles in narcotics cases." **[13d] (p253; Death penalty)**

See also section on Death penalty

25.26 The SPARC Report 2009 cited a positive development in 2009 with the creation of the Juvenile Justice Working Group (JJWG), by the Law and Justice Commission of Pakistan. The JJWG, a component of the Juvenile Justice Reform in Pakistan project, held its first meeting in December 2009. The report noted that:

"The JJWG has members from police department, prison department, the judiciary, legal practioners NGOs and INGOs. SPARC is also a member of the JJWG. There are three objectives of the Juvenile Justice Reform project:

- To develop a diversion programme for young offenders;
- Bring Pakistan's legislation and policy in line with UNCRC (legislative reforms) and
- To develop rehabilitation programs for children at risk of offending and reoffending." **[71b] (p133)**

25.27 On further positive developments the SPARC Report 2010 stated "The Khyber Pakhtunkhwa and Sindh Provinces have progressed on many fronts of juvenile justice and serious notices of violation of juvenile offenders' rights have been taken. A major achievement in the year of 2010 was the passing of the Khyber Pakhtunkhwa Child Protection and Welfare Act 2010, which provides for special treatment for children who come into conflict with the law." **[71a] (Juvenile Justice; p49)**

25.28 The Government of Pakistan recorded in its response to issues raised by the UN Committee on the Rights of the Child, published 1 September 2009, that "At a given time approximately 9,000 to 10,000 children remain in criminal litigation with the majority of them released on bail at their first appearance in the court." **[79a] (p26)**

25.29 The SPARC reported in its section on Juvenile Justice, undated, accessed 16 March 2012, that, as of May 2011, "... there were 1,174 children in Pakistan's jails. Only 196 of

these had been convicted and the remaining 978 children were still under trial." SPARC provided a breakdown of the juvenile population in Pakistan's prisons in the Provinces in May 2011:

	Under trial	Convicted	Total
Punjab	622	103	725
Sindh	272	25	297
Khyber Pakhtunkhwa	46	35	81
Balochistan	38	33	71
Total	**978**	**196**	**1,174**

[71e] (Juvenile Justice)

25.30 The HRCP Report 2011 cited that, by the end of the year, 1,308 children were in prison; 950 in Punjab, 69 in Sindh, 241 in Khyber Pakhtunkhwa and 48 in Balochistan. The report added

"Scores of children were reported to be incarcerated with their mothers in different prisons across the country. Rule 326 of the Pakistan Prison Rules provides that in Sindh, Punjab and Khyber Pakhtunkhwa, a woman delinquent can keep her child with her until the child is six while in Balochistan she can only keep the child until three years of age. However, as the situation stands, this rule is rarely complied with in the prisons as no mechanism exists for lodging these children elsewhere." **[27i] (p183-184)**

25.31 The Human Rights Commission of Pakistan noted in its State of Human Rights in 2009 report (HRCP Report 2009), published February 2010, that:

"Juvenile offenders were not only maltreated but were also forced to undertake various kinds of strenuous labour. The justice system often condemned them to unnecessary trial over prolonged periods of time, and in jails they were faced with sexual abuse and physical torture. According to research collected through media reports, around 70 per cent of all children who came under the juvenile justice system were abused. Due to inadequate capacity of jails and lack of detention cells children were forced to share detention cells with older offenders Lack of resources and their inefficient management made the juveniles suffer." **[27c] (p217)**

25.32 The SPARC Report 2009 stated that approximately 98 per cent of children in juvenile detention were from the lower economic level of society. Most detained children were denied basic rights such as a proper education, shelter, basic health facilities and protection from abuse. **[71b] (p137)**

25.33 The Government of Pakistan reported to the UN Committee on the Rights of the Child that "Children have been convicted under the Zina and Hadood Ordinance during the reporting period [dates not confirmed]. However, their number remains very low. As on 31 December 2008, there were 15 juveniles convicted under different sections of the Zina and Hadood Ordinance. It is indeed important to note that on the above-mentioned date there were [a] total [of] 153 convicted juveniles all across Pakistan." **[79a] (p13)**

See also Section Judiciary: Hudood Ordinances

25.34 The Pakistan government is obliged to provide free legal aid to juvenile offenders under section three of the Juvenile Justice System Ordinance. However, the ACHR South Asia Human Rights Index 2008 stated that "most offenders continue to be denied

access to legal aid primarily due to the failure of panel of lawyers to provide legal aid." **[67b] (p78)**

For further information on juvenile justice see the Child Rights International Network (CRIN) report Inhuman sentencing of children in Pakistan, dated May 2011. **[34a]**

See also Section Prison conditions

Return to contents
Go to sources

VIOLENCE AGAINST CHILDREN

25.35 The USSD Report 2011 recorded that:

"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 26 [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." **[3n] (Section 6)**

25.36 According to Cruel Numbers 2010, a report published by the non-governmental organisation (NGO) Sahil, which works against child sexual abuse and exploitation, 2,595 cases of sexual abuse were recorded against children in Pakistan in 2010, 73 per cent of whom were girls and 27 per cent boys. The majority of the crimes reported were rape and sodomy cases. The report found that most abusers were known to the victims and that the abuse often occurred in or near to the child's home. Children living in rural areas were found to be most at risk. All figures were compiled from 66 national, regional and local newspapers as well as from cases reported directly to the NGOs Sahil, War Against Rape [WAR] and Rozan. **[65a] (p2)**

25.37 The Government of Pakistan recorded that the number of children sexually abused in 2008 was 2,321, which included 1,612 boys and 709 girls. (Report to UN Committee on the Rights of the Child, 1 September 2009) **[79a] (p24)**

25.38 The HRCP Report 2011 stated:

"In a report released in February 2011, Madadgaar Helpline, an NGO working with victims of violence, abuse and exploitation, reported as many as 5,120 cases of abuse and violence against children in the year 2010. These included 1,062 children murdered and 916 injured in various incidents, 799 children kidnapped, 288 children raped, 149 sodomised and 211 children who faced sexual assaults in 2010. The report added that 571 children were tortured, 200 trafficked, 364 went missing and around 202 children committed suicide while 121 children fell prey to karo kari. [The] Majority of the cases had occurred in Punjab or Sindh. In 2011, according to the print media monitoring by HRCP and reports sen[t] by HRCP volunteers from districts across Pakistan, at least 93 minor girls were killed in the name of honour. In the period under review, as many as 173 minors committed suicide and another 82 unsuccessfully attempted to end their own life..." **[27i] (p179)**

25.39 The SPARC Report 2010 observed that there was a marked increase in the kidnapping of children for ransom, which was especially acute in southern Punjab, cities in Khyber Pakhtunkhwa, especially Peshawar and many areas of Sindh. **[71a] (p228)** The HRCP Report 2011 stated:

"Media reports suggested an increase in abduction by parents in countries that have not ratified the Hague Convention on International Child Abduction and Pakistan was one of the most common abduction destinations last year from amongst these countries. Between April 2010 andMarch 2011, the number of children being abducted to Pakistan from Britain was reported to be 21. A large number of kidnappings and abductions were reported this year also. At least nine cases were highlighted in the media where newborns disappeared from hospitals... Militant groups in Pakistan are known to kidnap or coerce children to spy, fight or even carry out suicide bombings. There have also been accounts of sexual and physical abuse of these children." **[27i] (p181)**

See also Section Trafficking

25.40 The HRCP Report 2011 noted that at the end of 2011 there was no progress on passing the Prohibition of Corporal Punishment Bill, 2010, and that few measures to prevent corporal punishment at a provincial level had been taken. The report noted :

"Corporal punishment for children at educational institutions continued in 2011with the usual rigour, leading to the death of at least three children. Twenty serious cases resulting in grave injuries or death as a result of corporal punishment were highlighted in the media. [The] Majority of these cases occurred in government institutions. Three incidents of death of children on account of corporal punishment occurred in Taxila, Rawalpindi and Chiniot. Two other grave incidents were reported from Karachi, where one child became unconscious while the other got [a] serious injury to his eye as a result of the beating." **[27i] (p182)**

See also subsection Education

25.41 The SPARC Report 2009 recorded that "Many of the injustices committed against women and children are done under the guise of culture and tradition... many are harmful and are used as [a] means of oppression and for maintaining power structures of male dominated societies. Harmful traditional practices include, among others, early marriage, female infanticide, honour killings and marriages contracted to settle disputes, restrictions on female mobility and empowerment." **[71b] (p113)**

25.42 Amnesty International's annual Report 2010 on Pakistan stated that "In NWFP and the tribal areas, Taleban groups closed or burned down girls' schools, forced women to wear a veil and prohibited them from leaving their homes unless accompanied by male relatives. Several women were punished, shot dead or mutilated for alleged 'immoral' activities. Legal redress sought for abuses of women's rights remained difficult to obtain." **[13d] (p253; Violence against women and girls)**

25.43 The HRCP Report 2009 stated that:

"According to intelligence officials, more than 5,000 child suicide bombers between the ages of 10 and 17 have been have been trained by Taliban so far. Money is used to enroll the recruits and a suicide bomber could be hired at 5 to 25 lakh rupees. The military showed reporters video footage of a classroom where a masked teacher taught children how to carry out a suicide attack. The children, sitting in rows, were wearing

white headbands inscribed with Quranic verses. On April 6, a child suicide bomber blew himself up at a Shia mosque in Chakwal district killing 26 people and injuring more than 50.

"Some of the boys who escaped from Taliban camps in Swat have claimed that as many as 400 children were still kept at the camps. A young boy in Swat recalled how the Taliban had kidnapped him and his classmate while the two were playing in the street. In August, the army recovered 20 such boys in Swat; many more were believed to be in Taliban hands. Three of the boys, at a news briefing, appeared to be younger than ten and were visibly traumatized and occasionally broke down in tears[.] The others were mostly in their mid- teens. The Taliban wanted to turn these boys into informants, fighters or suicide bombers." **[27c] (p216-217)**

25.44 The SPARC Report 2010 noted "The number of suicide attacks in the settled and tribal areas of Pakistan in 2010 have reconfirmed that militants have been using children as the best suicide bomber weapon to kill innocent civilians in Pakistanthere was evidence that some children were abducted by the Taliban to be trained as suicide bombers." **[71a] (Child Suicide; p249)**

See also Sections Security situation; Women: Violence against women; and for treatment of children in prison see subsection on Judicial and penal rights.

Return to contents
Go to sources

Underage/forced marriage

25.45 In the SPARC Report 2009, it was noted that "The Child Marriages Restraint Act has set the minimum age of marriage, 16 years for girls and 18 years for boys. It also prescribes punishment and fine for violators, ranging from simple imprisonment up to a month, or fine of Rs1,000, or both." The report noted that the penalties were too low to be a deterrent. **[71b] (p114)**

25.46 Shirkat Gah – Women's Resource Centre, Pakistan, made a 'Stakeholders Joint Submission for Pakistan's Review in The Human Rights Council -14th Session, October 2012' (Shirkat Gah Stakeholders Joint Submission), undated, accessed 8 May 2012, in which it stated:

"40% girls are married by age 18 and 13% are married by age 15. In Pakistan, one woman dies every 20 minutes during childbirth and the major cause is child marriage. The Child Marriage Restraint Act establishes a minimum age of marriage at 16 for girls and 18 for boys despite overwhelming evidence of its negative impact on their physical, emotional and mental well being. Legislative amendments are needed to establish 18 years as the minimum age of marriage and to criminalize young age marriage with heavy fines and punishment. Inconsistency in the law on minimum age of marriage also needs to be removed." **[132a] (p11)**

25.47 The USSD Report 2010 stated that "Despite the Child Marriage Restraint Act, which prohibits child marriage, child marriages occurred... Also, the lower minimum age for girls was discriminatory. During the year the LHRLA reported 70 cases of forced and 'vani' marriages (handing over women as compensation for crimes or for resolution of a dispute), some of which may have been child marriages." **[3g] (Section 6)**

25.48 The Freedom House Freedom in the World: Pakistan 2011 report stated "Illegal forms of child and forced marriage... remain problems." **[5a]**

25.49 On child marriage, the HRCP Report 2011 noted that the Child Marriage Restraint (Amendment) Bill 2009, aimed at rising the minimum age for marriage to 18 years for both males and females, as well as making it child marriage a cognizable offence, remained pending at the end of 2011. The report added:

"Over 15 cases were highlighted in the media this year, out of which nine cases took place in Punjab, five in Sindh and one in Khyber Pakhtunkhawa. [The] Majority of the cases in Punjab took place in Faisalabad while all the five cases from Sindh occurred in Sukkur. This figure is in no way reflective of the actual number of cases, but only goes to show that the practice continues with incidents occurring across the country. In a majority of these cases, the minor children were wed off to settle disputes between families or minor girls were sold by their parents. In December 2011, however, the much trumpeted Prevention of Anti-Women Practices (amendment) Bill 2008, was passed by the Senate. Under this law customary practices of giving females in marriages for settling disputes such as swara, vani and badal-e-sulh, their marriage with the Holy Quran and denying the rights of inheritance to women, are now criminal offences. Children were beneficiaries by extension of this law which sought to curb anti-women practices. Under this law, a person coercing a woman into marriage, marriage to Quran, badal-e-sulh, vani or swara was liable to a minimum of three years of imprisonment and Rs. 500,000 fine." **[27i] (p184)**

25.50 Amnesty International (AI) stated in its annual Report 2008 on Pakistan that "The higher judiciary on several occasions ordered the prosecution of people responsible for swara, the handing over of a girl or woman for marriage to opponents to settle a dispute. The practice was made punishable with up to 10 years' imprisonment by a 2005 law, but continued to be widespread." **[13a] (Violence against women)** In its annual Report 2010 for Pakistan, covering 2009 events, AI noted that the forced marriage of girls to settle disputes continued. **[13d] (p 253, Children's rights)**

25.51 The ACHR South Asia Human Rights Index 2008 reported that "The girl child continues to be considered as the 'personal property' of the family and used as a means to settle debt or family dispute." The report gave instances where such practices had occurred. **[67b] (p77)**

25.52 The HRCP Report 2010 cited that:

"In October 2010, the Senate Standing Committee on Minorities' Affairs expressed concern over abduction and forcible conversion of Hindu girls in Sindh and demanded concrete measures to stop the conversions. Members of HRCP Working Group on Communities Vulnerable Because of Their Beliefs also highlighted instances of forced conversions of young girls in Karachi and elsewhere in Sindh. They said that conversions were not a Sindh-specific issue and were not confined to any particular gender, faith or locality. At times conversion of a girl from a minority faith began with her abduction and/or rape. A claim was later made that the girl had converted to Islam, married a Muslim and did not want to return to her family. Members of the working group said that in such cases, the courts had seldom decided matters of custody of the abducted girl in the family's favour, at times even if she was no older than 12 or 13." **[27e] (p137)**

See also Section: Women: Socio-Economic Rights and Freedom of religion: Hindus and Sikhs

Child labour

25.53 The USSD Report 2011 noted that "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 [Human Rights Commission of Pakistan] and SPARC [Society for the Protection of the Rights of the Child], there were 10 million to 11.5 million child laborers, many of them in agriculture and domestic work." **[3n] (Section 7c)**

25.54 The US Department of Labor's 2008 Findings on the Worst Forms of Child Labor, published 10 September 2009, stated that:

"In Pakistan, children of any age may be employed, provided that employers adhere to restrictions. It is illegal to employ children under 14 years in mines or other hazardous occupations or processes. Among the 4 occupations and 34 processes considered illegal for children to work are mixing and manufacturing pesticides and insecticides; fumigation; working at railway stations or ports; carpet weaving; construction; and manufacturing of cement, explosives, and other products that involve the use of toxic substances. Children may work in non-hazardous occupations, provided they do not work more than 7 hours per day (with a mandated 1-hour rest every 3 hours), do not work between 7 p.m. and 8 a.m., and do not work overtime. Various restrictions apply to the work of children, 14 years and above, in these hazardous occupations." **[91] (p162)**

25.55 The HRCP Report 2010 noted that "Despite demands from civil society no comprehensive data on child labour was collected by the government during the year under review... The number of children engaged in child labour was believed to have surged due to the financial problems caused by the floods and other factors for internal displacement... Several incidents of violence against children working as domestic servants were reported in 2011." **[27i] (p206)**

25.56 On the issue of forced and bonded labour of children, the USSD Report 2011 noted that:

"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 a March 2009 report, the National Coalition against Child Labor stated that there were 1.7 million persons in bonded labor in the agricultural sector, including children.

"Poor rural families sometimes sold their children into domestic servitude or other types of work, or 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." **[3n] (Section 7c)**

25.57 The HRCP Report 2009 noted that "On an average, children worked 6 hours a day, 6 days a week and 11 months a year, earning only Rs. 1,145 per month. Almost one-third

of the children were unpaid workers who worked with their parents or elder siblings in the field." **[27c] (p229)**

25.58 The US Department of Labor (USDOL) observed that "Commercial sexual exploitation of children continues to be a problem. Children are trafficked within Pakistan for the purposes of sexual exploitation and bonded labor. Girls are trafficked internationally for forced labor. There are reports of children being kidnapped, maimed, and forced to work as beggars." **[91] (p162)**

25.59 On a positive note, the same source stated that the International Labor Organization-International Program for the Elimination of Child Labor (ILO IPEC) Timebound program, which ended in September 2008 "... withdrew 10,217 children and prevented 1,834 children from work in the glass bangle, surgical instrument, tanning, coal mining, scavenging, and deep-sea fishing industries." Further programs, funded by the USDOL, other international governments and NGOs, continued to run in Pakistan in an attempt to combat the worst forms of child labour. **[91] (p164)**

See also subsection Domestic legislation, Sections: Trafficking, and Employment rights

Return to contents
Go to sources

CHILDCARE AND PROTECTION

25.60 The HRCP Report 2008 recorded that:

"According to the Federal Minister for Social Welfare and Special Education a Child Protection Bill was ready and the Child Protection Policy had been drafted for submission to the cabinet. After approval of the policy the bill would be tabled. The policy features review of 78 laws relating to children. However, lack of information and implementation of existent laws meant that children remained at a high risk, with hundreds of them listed as victims of physical, psychological, verbal and sexual abuse. Instances of these could be found not only in the working fields but also in homes, schools, madrassahs, hospitals and other places that are supposed to provide a secure environment." **[27a] (p132, Children: Child protection)**

25.61 A Foreign and Commonwealth Office official at the British High Commission, Islamabad, stated in a letter dated 29 November 2010 that the Child Protection Bill was still awaiting consideration by the National Assembly. "Following the 18th Amendment, child protection and welfare will become provincial subjects. As a consequence the Punjab and Khyber-Pukhtunkwa provinces have passed Child Protection measures during 2010." **[11m]**

25.62 On 12 August 2009, in response to questions put by the UN Committee on the Rights of the Child, regarding incorporating the Convention on the Rights of the Child (UNCRC) into federal and provincial legislation, the Pakistan Government stated that:

"The Provincial Governments are in process of setting up child protection systems based on the general principles of the Convention [UNCRC]... The Sindh Government is setting up a child protection authority for the province through the Sindh Child Protection Authority Bill, 2009... The NWFP Government is considering to set up [sic] a Provincial Commission for the Welfare and Protection of Children under the NWFP Child Welfare and Protection Bill, 2009... The Balochistan Government has drafted a provincial child protection policy in line with the National Child Protection Policy... The AJK [Azad

Jammu and Kashmir] Government is considering setting up a comprehensive child protection system through, the AJK Child Protection Authority Bill, 2009." **[79a] (p3)**

25.63 The same source noted that three Child Protection Centres had been established, one in Islamabad and two in Balochistan. **[79a] (p18)**

25.64 The Children Complaints Office (CCO), placed in the office of Wafaqi Mohtasib (Ombudsman) of Pakistan, "... is an institution dedicated towards receiving and resolving the complaints of children in Pakistan. The Children's Complaint Office can investigate and redress any injustice done to a child (up to 18 years) through mal-administration of a federal agency such as a school, hospital or law enforcing agency." The CCO has designated Investigation Officers for handling child related complaints in Peshawar, Lahore, Quetta and Karachi. Its headquarters is based at the Wafabi Mohtasib office in Islamabad. (Children's Complaint Office, undated, accessed 14 February 2012) **[29k]**

25.65 The Child Protection and Welfare Bureau, accessed 14 February 2012, an autonomous body under the administrative control of the Home Department, Government of Punjab, was established in accordance with the Punjab Destitute and Neglected Children's Act Amendment Act 2007. **[64a]** The Child Protection and Welfare Bureau offer a range of services to support children and families, including: the Child Protection Unit for the "...rescue, recovery, custody, rehabilitation, reintegration and follow up of destitute & neglected children"; **[64b]** Child Help Line, a 24 hour, seven day week telephone helpline; **[64c]** and; Open and Mobile Reception Centers providing help to abused and/or street children. **[64d] [64e]**

25.66 The non-governmental organisation (NGO) Rozan, based in Islamabad, website updated 31 January 2008, stated that it worked on issues "...related to emotional and psychological health, gender, violence against women and children, and the psychological and reproductive health of adolescents." The website added "There are five programs at Rozan, four of which are active at this time:

- Aangan, which works on child sexual abuse
- Zeest, which works on violence against women
- Rabta, which is Rozan's police training program
- Youth Help Line which works on adolescents' emotional and reproductive health
- Pehchaan, which is Rozan's gender resource center and is currently inactive (even though its activities continue to be carried out informally)" **[117a]**

25.67 The Society for the Protection of the Rights of the Child (SPARC) noted on its website, accessed 16 March 2012, that it had established Drop-in Centers (DICs) in Peshawar, Rawalpindi, Hyderabad and Multan for children living or working on the streets. SPARC noted that "There are ongoing efforts to assist street children through various programmes including rehabilitation centers by the government and drop in centers by civil society organizations that provide psycho- social counseling, some basic health and education services. Some of them attempt to reunite street and runaway children with their families." **[71d]**

25.68 With regards to child sexual abuse and the law protecting victims, the UN Committee on the Rights of the Child stated in its report dated 19 March 2009 that:

"Pakistan Penal Code and Hadood [Hudood] Ordinances of 1979 can be used to prosecute some child sexual abuse cases. The Pakistani Criminal Justice System does

not deal with sexual offences against children any differently than sexual offences against adults. Similarly, the abuse of children or sexual abuse not involving penetration could be dealt with under section 511 of the PPC 'whoever attempts to commit an offence punishable by this code with imprisonment for life or imprisonment, or to cause such an offence to be committed, and as such attempt does any act towards the commission of offence, shall, where no express provision is provided by this code for the punishment of such attempt, be punished with imprisonment of any description provided for the offence, for a term which my extend to one half of the longest term of imprisonment provided for that offence or such fine as is provided for the offence, or with both'." **[79b] (paragraph 628)**

See also Sections: Women: Women Protection Act (WPA), and subsection Children's homes

For information on child custody, see Women, Inheritance and child custody

Children's homes

25.69 SOS Children's Villages' International noted in its Pakistan Overview, accessed 3 February 2012, that "... there are ten SOS Children's Villages in Pakistan, six SOS Youth Facilities, six SOS Hermann Gmeiner Schools, five SOS Vocational Training Centres, five SOS Social Centres, one SOS Medical Centre, and two SOS Emergency Relief Programmes. Two SOS Children's Villages and one Hermann Gmeiner school are under construction." **[28b]** SOS Children's Villages' were located in Lahore, Dhodial, Rawalpindi, Faisalabad, Karachi, Sargodha, Sialkot, Multan and Quetta. **[28a] (Children villages)**

25.70 The Child Protection and Welfare Bureau, Punjab, accessed 14 February 2012, stated that it had Child Protection Institutions providing children with "...high quality residential, educational, vocational and recreational facilities." **[64f]**

25.71 Reporting to the UN Committee on the Rights of the Child on 1 September 2009, the Government of Pakistan stated that "There are 8,356 children deprived of their family environment placed in 92 institutions all over the country. In the NWFP, 17 institutions housed 2,510 children, whereas in Sindh, 23 institutions housed 1681 children. In Punjab, 3,955 children placed in 49 institutions, whereas in Balochistan, 170 children placed in two institutions. In Federal Administered Tribal Areas 40 children placed in one institution." The same source noted that in 2008 there were 361 children placed in foster families. **[79a] (p24)**

25.72 The Edhi Foundation, the largest welfare organisation in Pakistan, noted on its website, accessed 10 August 2011, that they provided "Jhoolas" (baby cradles) at most of the Edhi emergency centres, a service where unwanted infants can be left. The abandoned babies are given shelter in Edhi homes and later put up for adoption. **[19a] (Edhi Foundation Services)** The website listed 143 Edhi Foundation Centres across Pakistan. **[19b] (Contact Edhi Foundation)** The same organisation also ran homes for destitute orphans and runaways. The source stated that there were 13 homes across Pakistan, seven of which were in Karachi. **[19a] (Edhi Foundation Services)**

Return to contents
Go to sources

EDUCATION

25.73 Pakistan's Ministry of Finance reported in its Pakistan Economic Survey 2010-11, undated, that there were 157,360 primary schools, 41,330 Middle schools and 24,792 Secondary schools functioning in Pakistan. In 2009-10 an estimated 18,756 million pupils were enrolled in primary school, 5,501 million in middle school and 2,581 million in secondary school. **[29e] (Chapter 10: Education)**

25.74 UNICEF stated in its Overview for Pakistan, undated, that "Just over half of the 19 million children of primary school going age are enrolled in primary education. Compared to 58 per cent of boys, there are 48 per cent of girls enrolled in primary school." **[72a] (Background)**

25.75 The Guardian reported on 8 March 2011 that "One in 10 of the world's out-of-school children live in Pakistan, a nuclear-armed state that last year spent just 2% of GDP on education. The number of children absent from primary school – seven million – is roughly equivalent to the population of its second largest city, Lahore. Half of the population is illiterate and progress is painfully slow..." **[113b]**

25.76 The HRCP Report 2011 recorded that:

> "A survey of basic facilities at 147 state-run primary schools across the country found many gaps. Of these 80 percent schools had no staffroom for teachers and 48 percent had no chairs and desks for students, 90 percent had no sanitary worker, 60 percent had no security guard, 44 percent lacked clean drinking water and 67 percent had no playground. The majority of the schools lacked the basic infrastructure, i.e. 32.7 percent schools did not have a boundary wall, 33.6 percent lacked drinking water facility, 35.4 percent had no latrines and around 60 percent schools were without electricity, according to statistics released by theMinistry of Education." **[27i] (p218)**

25.77 The same source reported that:

> "One of the positive developments in education this year was the allocation of Rs. 823.1 million to improve physical infrastructure and basic facilities in government primary and elementary schools under 'Education Sector Reforms Programme-Provision of Missing Facilities' a project continuing since 2006- 2007 all over Pakistan except Punjab. According to the Economic Survey of Pakistan 2010-2011, the project had achieved 41 percent of its objectives by June. It was also reported in the media that the Punjab government had provided a sum of Rs 10 billion to the Punjab Education Foundation (PEF) to promote school education in marginalised areas through public-private partnership." **[27i] (p218)**

25.78 With regards to the subjects taught in schools, the Government of Pakistan reported to the UN Committee on the Rights of the Child, dated 1 September 2009, that "Islamiyat will be taught as a separate compulsory subject from Class-III to XII... English is to be taught from class-I onwards as a compulsory subject alongside Urdu... Medium of instruction for all science subjects will be English..." **[79a] (p20)**

25.79 The USSD Report 2011 stated that "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." **[3n] (Section 6)**

25.80 The US Department of State July-December, 2010 International Religious Freedom Report (USSD IRF Report 2010) noted that:

"The Constitution safeguards 'educational institutions with respect to religion.' No student can be forced to receive religious instruction or participate in religious worship other than his or her own. The denial of religious instruction for students of any religious community or denomination is also prohibited.

"Islamiyyat (Islamic studies) is compulsory for all Muslim students in state-run schools. Although students of other religious groups are not legally required to study Islam, they are not offered parallel studies in their own religious beliefs. In some schools non-Muslim students may study Akhlaqiyyat, or Ethics. The Constitution specifically prohibits discriminatory admission to any governmental educational institution solely based on religious affiliation. Government officials stated that the only factors affecting admission to government educational institutions were students' grades and home provinces; however, students must declare their religious affiliation on application forms. This declaration is also required for private educational institutions, including universities. Muslim students must declare in writing that they believe that the Prophet Muhammad is the final prophet, another measure that singles out Ahmadis. Non-Muslims must have their religious affiliation verified by the head of their local religious community." **[3l] (Section II: Legal/Policy Framework)**

25.81 The United States Commission on International Religious Freedom Annual Report 2011 (USCIRF Report 2011), published May 2011, covering events from 1 April 2010 to 31 March 2011, noted that:

"Pakistani primary and secondary schools continue to use textbooks that foster prejudice and intolerance of religious minorities, especially Hindus and Christians. Fifth-grade students read official textbooks claiming that 'Hindus and Muslims are not one nation but two different nations. The Hindus could never become sincere in their dealings with the Muslims.' Hindu beliefs and practices are contrasted negatively with those of Islam. Bangladesh's struggle for independence from Pakistan is blamed in part on the influence of Hindus in the education sector of the former East Pakistan. Such references are not restricted to Islamic studies textbooks but take place in both early elementary and more advanced social studies texts used by all public school students, including non-Muslims. Moreover, the textbooks contain stories, biographies, and poems with an Islamic religious character." **[53b] (p118)**

25.82 The HRCP Report 2010 stated that "Recommendations were made by civil society groups for civic education at schools to be made a compulsory subject at primary level instead of being taught as an optional subject in 9th grade. It was also demanded that textbooks should promote religious and political tolerance, gender equality, human rights, basic principles of citizenship and care for the environment." However, the report expressed concern "... at the long gap between policy formulation and implementation... many public schools did not have access to textbooks with the new curriculum." **[27e] (p265-266)**

25.83 The USCIRF Report 2011 stated:

"Efforts to improve curriculum guidelines and to produce and publish new public school textbooks have been delayed by practical and ideological hurdles. Although 'The New Education Policy 2009' is being implemented predominantly to raise the literacy rate in Pakistan, that policy maintains Islamic Studies as a compulsory subject. One positive change allows minorities the option of taking an ethics course instead of Islamic Studies from third grade onward, whereas the previous policy offered this option only in grades nine and ten. However, Pakistani NGOs argue that this option means little in practice because current ethics textbooks are based on previous curriculum guidelines which contain Islamic biases. Moreover, minority students still tend to avoid opting out of Islamic Studies for fear of being isolated from the rest of the class or of having their grades negatively impacted." **[53b] (p118)**

25.84 In an attempt to address the high number of out of school children, the Government of Pakistan told the UN Committee on the Rights of the Child, in a report dated 1 September 2009, that:

"Poor and disadvantaged children are being provided with incentives in the form of food, nutrition and edible oil etc. Budget for education is being enhanced from the existing 2.2 per cent to 4 per cent of GDP. For the promotion of girl education a project has been implemented in collaboration with UNFPA [UN Population Fund]. Under the project existing girl primary schools have been renovated and incentives provided to the girl child of deprived families enabling them to continue their education. Free text books are being provided to all students of the primary school. Primary education in the public sector is almost free. Around 13,000 non formal basic education schools have been opened for out of school children. The said number is likely to increase to 20,000 in the next two years. The Compulsory Primary Education Act has been enacted in three out of four provinces of the country as well as in Islamabad Capital Territory." **[79a] (p14)**

25.85 The website Enterprising Schools, reporting on the Affordable Private School (APS) market, accessed 16 March 2012, stated that:

"There are more than 90,000 affordable private schools in Pakistan and more than 60% of them are recognized by the Department of Education. From 1999-2009 private provision multiplied almost three fold from 36,000 schools to over 90,000 at primary and secondary levels spreading across urban and rural areas. Punjab has the highest growth out of all provinces, with over 32% of primary school students enrolled in private schools. Private provision in Pakistan is seen to be providing a 'choice' for even poor families who are willing to buy quality education for their children." **[95a]**

25.86 On the cost of private schooling an undated report published by the Global Poverty Research Group, 'The Quality of School Provision in Pakistan: Are Girls Worse Off?', accessed 23 January 2012, stated "Private school fees range from exorbitantly high to relatively small amounts." In its sample the report found that average private school fees ranged from 116 rupees per month to 3,766 rupees per month. **[127a] (p6)**

25.87 A 2001 study on schooling choices of low-income families in urban Lahore found that the cost of private schooling was comparable to government schools, which charged for uniforms, books and supplies. (Journal of Human Resources, 2001) **[128a] (p12)**

25.88 A report dated 21 March 2002, 'The Rise of Private Schooling in Pakistan: Catering to the Urban Elite or Educating the Rural Poor?', by Tahir Andrabi, Pomona College, Jishnu Das, The World Bank, and Asim Ijaz Khwaja, Harvard University, provided the

average tuition fees for self-owned (for profit) primary schools in urban and rural areas of Pakistan's provinces. **[129a] (p13-14)**

25.89 The HRCP Report 2011 stated "Violence continued to affect almost all major universities across the country with teaching faculty being targeted and murdered in Balochistan and students being roughed up by armed political groups in the Punjab." **(p268)** The report also noted that a number of schools were destroyed in conflict-hit regions in FATA [Federally Administered Tribal Areas]. **[27i] (p215)**

25.90 Amnesty International noted in its report "As If Hell Fell On Me": The Human Rights Crisis in Northwest Pakistan, published 10 June 2010, that:

"The Taleban targeted schools teaching the national curriculum, and in particular, the few operating schools for women and girls both in the NWFP and FATA throughout 2008 and 2009. According to statistics from the Human Rights Commission of Pakistan, 165 schools were destroyed in NWFP and FATA in 2008, 136 of them girls' schools; and more than 180 schools were destroyed and 318 were partially destroyed in 2009.

"In Darra Adam Khel, a Frontier Region, a 25-year-old man told Amnesty International in late 2008 that the Taleban had warned parents not to send their girls to school and later attacked the schools: 'First they warned owners of private schools to end co-education. Then they told the government's girls' schools to close. When they refused, the Taleban bombed several of them and the rest of the schools were closed for fear of bombing. At the same time, parents also stopped sending their children to schools for fear of the Taleban." **[13e] (p42)**

25.91 The same source added:

"One of the most devastating attacks on female education came in the Swat area. There, in 2008 and early 2009, as the Taleban consolidated their grip on the area, they destroyed more than 170 schools, including more than 100 girls' schools. These attacks disrupted the education of more than 50,000 pupils, from primary to college level, according to official estimates.104 The Human Rights Commission of Pakistan estimated that after the imposition of the Nizam-e-Adl Regulation in April 2009, around 4,000 schools providing education to over 40,000 girls were shut down." **[13e] (p42)**

Madrassas

25.92 On the availability and services by madrassas (religious schools) the USSD IRF Report 2010 noted that:

"Private schools run by Islamic clerics or madrassahs varied greatly in their curriculum and character. They may offer after-school non-degree Islamic religious instruction, a full degree course in Islamic religious studies based on degree parameters set by one of the country's five madrassah boards, a full degree course in regular studies based either on the government's matriculation standards or the British A level curriculum, certificate courses in vocational training, or some combination thereof. Madrassahs may have students on a part-time, full-time day, full boarding basis, or some combination thereof. In some rural communities, madrassahs were the only form of education available.

"In recent years a small, yet influential, number of madrassahs have taught extremist doctrine in support of terrorism in violation of the law. In an attempt to curb the spread of

extremism, the 2002 Madrassah Registration Ordinance required all madrassahs to register with one of the five independent boards (wafaqs) or directly with the government, cease accepting foreign financing, and accept foreign students only with the consent of their government." **[3l] (Section II)**

25.93 In regards to madrassahs fuelling terrorism, the HRCP Report 2010 stated that:

"The general perception, both international and national, that madrassa[s] stoke militancy was called into question by a Brookings Institution report, which states that madrassas 'appear not to be a major risk factor' in propagating militancy. The report says that fewer than 10% of Pakistani students attended madrassas and the real cause of militancy in the country was the poor public education system. The report's co-author Rebecca Winthrop, a Brookings fellow, said that the number of militant madrassas was not increasing, and that most Pakistani parents preferred not to send their children to school at all rather than enroll them in madrassas. The Wafaq-ul-Madaris also announced a campaign against the 'negative propaganda' of different forces against madrassas, inviting the authorities and civil society to visit madrassas and see for themselves how beneficial religious seminaries in fact are." **[27e] (p265)**

25.94 The USSD Country Reports on Terrorism 2010, published 18 August 2011, stated that "A school in Malakand, run by the Pakistani army, continued to rehabilitate Taliban-influenced youth. The UN Children's Fund-funded school, originally opened in September 2009, provided free religious education and psychiatric counseling to 85 students from Swat, a district heavily influenced by terrorist groups. The students were 13 to 18 years old and few had finished secondary school. The project is the first of its kind in Pakistan." **[3d] (Chapter 2. Country Reports: South and Central Asia Overview)**

25.95 The USSD IRF Report 2010 stated "According to the Ministry of Religious Affairs, as of December 31, 2010, 19,421 madrassahs had been registered. Of these, 770 madrassahs were registered in 2009 alone; however, many civil society organizations and education experts disputed the number of madrassahs operating across the country." **[3l] (Section II)**

25.96 The HRCP Report 2011 observed that:

"As for madrassa reforms, a project started in General Musharraf's era, there appeared to be little headway during the tenure of the current government. According to the federal minister for religious affairs, there was increased registration of madrassas. He claimed that up to August 10,973 madrassas had been registered. He stated that while negotiations were in process with the Ittehad-e-Tanzeemat-e-Madaris Pakistan, an umbrella organisation of madrassas in the country, worthwhile results had not been achieved, especially pertaining to rationalisation of the syllabus and mainstreaming of the madrassas two of the fundamental objectives of the madrassa reform project.

"In an appalling incident at Madrassa Zakariya in Sohrab Goth, Karachi on December 13, police recovered 45 students in shackles from the basement of the madrassa. The police had raided the seminary after an anonymous tip-off. The chained students included boys as young as 12 and were mainly of Pakhtun origin. The children complained of regular beatings and being hung upside down. The madrassa staff claimed that they had chained the students because they were drug addicts and they were admitted there with their parents' consent for the purposes of rehabilitation. One of the students was reported to have claimed they were brought there to be trained for battle by the Taliban. Subsequently, the federal interior minister declared that

seminaries not registered with the Tanzeemul Madaris by January 1, 2012 would be considered illegal. According to the minister, there were 24,000 registered seminaries in the country." **[27i] (p177)**

25.97 The USSD IRF Report 2010 stated that:

"On October 7 the Ministry of the Interior signed a Memorandum of Agreement (MOA) with the heads of the five wafaqs. The agreement requires the madrassahs to teach secular subjects, refrain from teaching or publishing literature promoting militancy or extremism, and to establish an independent board to monitor madrassah education. In return madrassah graduation certificates would receive government recognition. The agreement must be followed with legislation that has yet to be tabled.

"The MOA reflects the 2005 framework for cooperative registration of madrassahs, including provision of financial and educational data and expanded oversight of the prohibition on the teaching of sectarian or religious hatred and violence. The government and the independent madrassah boards have agreed to a phased introduction to all madrassahs offering full-time education of secular subjects, including mathematics, English, and science. The civilian government considers madrassah reform a priority but has yet made little progress in this regard. Due to the present economic conditions, the government does not appear to have any funds to carry out the plan, although in the past three years secular subjects were introduced in some madrassahs through government support." **[3l] (Section II)**

25.98 The USCIRF Report 2010 noted that:

"A significant minority of Pakistan's thousands of religious schools, or madrassas, reportedly continue to provide ongoing ideological training and motivation to those who take part in religiously-motivated violence in Pakistan and abroad. In mid-2005, the Pakistani central government required all madrassas to register with the government and expel all foreign students. While most registered, the registration process reportedly has had little if any effect on the curricula, which in many of these schools includes materials that promote intolerance and exhortations to violence. The government also still lacks controls on the madrassas' sources of funding. A memorandum of understanding was signed in October 2010 between the Ministry of Interior, which oversees the madrassas system, and the five main madrassas boards in another attempt to better regulate their curriculum and financing." **[53b] (p118)**

25.99 On students subjected to abuse in madrassas, the HRCP Report 2010 stated "Conditions at many madrassas remained extremely dismal and corporal punishment was a common practice. Reports from Multan, Attock, Peshawar and other areas stated that children were subjected to torture and sexual abuse on a regular basis." **[27e] (p265)**

25.100 Cable News Network (CNN) reported on 13 December 2011 that 54 men and 14 boys, some as young as eight years old, were rescued from a madrassa and drug rehabilitation facility in a suburb of Karachi, where they were found chained together in an underground room. The Islamic religious school was registered with the government. **[77a]**

Return to contents
Go to sources

HEALTH AND WELFARE

25.101 The HRCP Report 2011 recorded that:

> "According to the United Nations Human Development Report 2011, the infant mortality rate in Pakistan was recorded at 63.3 deaths per 1,000 births, indicating a marginal drop from the previous year and the under-five mortality rate was 89 deaths per 1,000 children, which was about five deaths less than the preceding year. However, such a nominal decrease in the figures seemed insufficient to meet the Millennium Development Goal 4 to reduce child mortality, which envisages the infant mortality rate to fall to 40 and the under five mortality rate to 52 by the year 2015. The Annual Health Report of the Pakistan Medical Association (PMA) for the year 2011 revealed that one child dies every minute from EPI (expanded programme on immunisation) diseases, diarrhea and acute respiratory infection. The report also said that every year about 400,000 infants die in the first year of their life." **[27i] (p173)**

25.102 The HRCP Report 2011 also noted that:

> "The Economic Survey of Pakistan for the year 2009-2010 reported that 50 percent infant and child deaths in the country related to malnutrition. Malnutrition amongst children continued to persist in 2011, exacerbated by the new wave of floods. Figures recorded in the latest economic survey showed that 38 percent of children under five years of age were underweight and 12 percent were severely underweight. In addition, it observed that deficiencies such as iron, iodine, zinc and vitamin-A were very common in pre-school children.
>
> "As a result of the floods, 30 percent of the children in Sindh were suffering from severe malnutrition. The country director for Save the Children UK observed that 'malnutrition levels among children under-five are among some of our worst recorded cases' as a result of the recent floods and expressed his fears that if adequate aid did not come in the situation would deteriorate. The National Disaster Management Authority (NDMA) also observed that nearly 500,000 children under the age of five were at risk of contracting serious diseases in Sindh due to delay in assistance by the international community." **[27i] (p173)**

25.103 UNICEF noted in its Pakistan Annual Report 2010 that:

> "Nearly one in ten children in Pakistan dies before their fifth birthday, and half of these die in their first month. Chronic malnutrition is widespread, worst affected are children in remote and insecure areas. In Sindh and Punjab, wasting ranged from 14 to 23 per cent, moderate acute malnutrition ranged from 10.3 to 17 per cent and severe acute malnutrition ranged from 3.6 to 6.1 per cent... Despite reductions in the infant mortality rate between 2002 and 2007, Pakistan remains off track to reduce child mortality. With more than 2.8 million children under five affected by the floods, it is estimated that the under-five mortality rate in flood affected areas will rise by 10 per cent in the next year... The rising number of polio cases is also a major concern." **[72b] (p3)**

25.104 The Child Aid Association (CAA), accessed 14 February 2012, a voluntary organisation working within the paediatric oncology unit at the National Institute for Child Health, Karachi, provided free treatment to underprivileged child cancer patients. **[81a]**

25.105 The HRCP Report 2009 noted that "According to the Pakistan Medical Association (PMA), substance abuse amongst street children reached alarming levels – children

 The main text of this COI Report contains the most up to date publicly available information as at 24 May 2012. Further brief information on recent events and reports has been provided in the Latest News section to 7 June 2012.

were found hooked to glue, paint and petrol sniffing and this became a serious problem in the bigger cities. There were around 14,000 street children in Karachi who were addicted to glue sniffing, thus risking damage to their brain, kidneys, liver, heart and myocardium." **[27c] (p218)**

Basic statistical information can be obtained on the United Nations Children's Fund (UNICEF) website.

See also Section: Medical Issues

Return to contents
Go to sources

26. TRAFFICKING

Overview

26.01 The US Department of State Trafficking in Persons Report 2011 (USSD TIP Report 2011), published on 27 June 2011, noted in its section on Pakistan that the government:

"...does not fully comply with the minimum standards for the elimination of human trafficking, but is making significant efforts to do so, despite the severe floods the country experienced in 2010. The government continued its programs to prevent and combat bonded labor, but did not criminally convict any bonded labor offenders or officials who facilitated trafficking in persons. The government continued to lack adequate procedures to identify trafficking victims among vulnerable populations and adequate protection for these victims." **[3e]**

Trafficking to and from Pakistan

26.02 The USSD TIP Report 2011 stated that:

"Pakistan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking... Disabled children and adults are forced to beg in Iran. Girls and women also are sold into forced marriages; in some cases their new 'husbands' move them across Pakistani borders and force them into prostitution. NGOs and police reported markets in Pakistan where girls and women are bought and sold for sex and labor. Non-state militant groups kidnap children or coerce parents with fraudulent promises into giving away children as young as 12 to spy, fight, or die as suicide bombers in Pakistan and Afghanistan." **[3e]**

26.03 The Human Rights Commission of Pakistan (HRCP) recorded in its State of Human Rights in 2008 report (HRCP Report 2008), published 1 April 2009, that:

"At the beginning of the year, the federal ministry for human rights acknowledged the seriousness of trafficking of young girls to the Gulf States by organised groups. These groups posed as promoters of cultural events abroad and hired numerous girls from all over the country, especially Lahore and Karachi, and usually took them to Dubai to perform in dramas, musical events and other such affairs. However, these women could be sold off for sexual purposes once they reached the destination. The girls were sometimes as young as 10-11-year-old. A majority of the families, who became aware of their girls' fate, chose silence to avoid shame and disgrace, which made it harder to identify and apprehend the culprits." **[27a] (p126, Women: Trafficking of women)**

26.04 The HRCP stated in its report, the State of Human Rights in 2009 (HRCP Report 2009), published February 2010, that "If newspaper reports are to be believed, the trafficking of children for camel races in Dubai has been eliminated. The Punjab government acquired land measuring 3.5 acres in RahimYar Khan to build a child protection institute at a cost of Rs. [Rupees] 40 million. As many as 450 camel jockeys were said to have been brought back to Rahim Yar Khan since 2005." **[27c] (p75)**

26.05 However, on 29 November 2010 UCA News reported that a survey undertaken by the charity Caritas Pakistan suggested camel jockey trafficking continued. The report noted "...poor children in the country are increasingly vulnerable to exploitation and abuse as camel jockeys and are in need of protection. 'Most of the children, aged six to nine years, were smuggled as camel jockeys out of the country,'..." The survey indicated "...that the victims' families are mostly poor laborers and farmers in southern Punjab and Sindh provinces." **[114a]**

See also subsection: Assistance to victims of trafficking

Trafficking within Pakistan

26.06 On the subject of internal trafficking, the USSD TIP Report 2011 noted that:

"The country's largest human trafficking problem is bonded labor, concentrated in the Sindh and Punjab provinces in agriculture and brick making, and to a lesser extent in the mining, carpet-making, glass bangle, and fishing industries. Bonded labor also exists in the fisheries, mining, and agricultural sectors of Balochistan. Estimates of bonded labor victims, including men, women, and children, vary widely. The Asian Development Bank estimates that 1.8 million people – one percent of the population – are bonded laborers. In extreme scenarios, when bonded laborers attempt to seek legal redress, landowners have kidnapped them and their family members. Boys and girls are also bought, sold, rented, or kidnapped to work in organized, forced begging rings, domestic servitude, and prostitution. Recent press stories reported on the violence in child domestic servitude, including sexual abuse, torture, and death. Illegal labor agents charge high fees to parents with false promises of decent work for their children, who are later exploited and subject to forced labor in domestic servitude, unskilled labor, small shops, and other sectors." **[3e] (Pakistan)**

See Section: Children: Violence against children and Child labour

Prosecution

26.07 The USSD TIP Report 2011 observed that:

"The Government of Pakistan made less progress in law enforcement efforts to combat human trafficking than in the previous year. On July 29, 2010, floods of unprecedented proportions began in Pakistan, affecting approximately 20 million people. During this period, most government officials focused their entire attention on disaster relief and recovery; as a result, the government's ability to prosecute counter-trafficking crimes and provide data was hampered. Several sections in the Pakistan Penal Code, as well as provincial laws, criminalize forms of human trafficking such as slavery, selling a child for prostitution, and unlawful compulsory labor, prescribing punishments for these offenses that range from fines to life imprisonment. Pakistan prohibits all forms of transnational trafficking in persons, and appears to cover some non-trafficking offenses as well, through PACHTO [Prevention and Control of Human Trafficking Ordinance]; the

 The main text of this COI Report contains the most up to date publicly available information as at 24 May 2012. Further brief information on recent events and reports has been provided in the Latest News section to 7 June 2012.

penalties range from seven to 14 years' imprisonment. Government officials and civil society reported that judges have difficulty applying PACHTO and awarding sufficiently stringent punishments, because of confusion over definitions and similar offenses in the Pakistan Penal Code. In addition, the BLSA [Bonded Labor System (Abolition) Act] prohibits bonded labor, with prescribed penalties ranging from two to five years' imprisonment, a fine, or both. Pakistani officials have yet to record a single conviction under this law." **[3e] (Pakistan: Prosecution)**

26.08 The same source added "During 2010, the government reported that it convicted 310 offenders under PACHTO – 75 fewer than in 2009. The majority of these cases resulted in penalties of either no jail time or imprisonment of less than six months, which are far less than PACHTO's prescribed minimum penalties. However, at least five cases resulted in six months' to two years' imprisonment; nine cases resulted in two to 10 years' imprisonment, and one case resulted in 10 to 14 years' imprisonment." **[3e] (Pakistan: Prosecution)**

Assistance to victims of trafficking

26.09 The USSD TIP Report 2011 stated that:

"The Government of Pakistan made some limited progress in its efforts to protect victims of human trafficking. The government continued to lack adequate procedures and resources for proactively identifying victims of trafficking among vulnerable persons with whom they come in contact, especially child laborers, women and children in prostitution, and agricultural and brick kiln workers. According to the FIA [Federal Investigation Agency], the majority of the 16,530 Pakistani nationals who were deported from other countries during 2010 were identified as victims of trafficking.

"The FIA has a process to refer trafficking victims to protective services, although universal application of this process remains problematic. There is no coordinated process to refer victims of internal trafficking to protective services, and access to protective services varies within the country. There were reports that women were abused in some government-run shelters. Shelters faced resource challenges and were sometimes crowded and under-staffed. While female trafficking victims could access 26 government-run and funded Shaheed Benazir Bhutto Centers and the numerous provincial government 'Dar-ul-Aman' centers offering medical treatment, vocational training, and legal assistance, the majority of the women assisted by these facilities were not trafficking victims. The quality of the Dar-ul-Aman facilities vary from district to district within the provinces. The quality and level of service in Punjab is stronger than in other provinces. Since 2009, the government, with the support of a local NGO, has operated a rehabilitation center for boys who have been recovered from militant or extremist groups in the Malakand district. As of March 2010, 150 boys were staying at the facility. In 2010, a second similar facility for girls was opened; as of March 2010, five girls were staying in that facility. In 2010, the FIA reported that in partnership with NGOs, it provided some medical support, transportation, shelter, and limited legal services to some Pakistani victims of trafficking who were deported to Pakistan." **[3e] (Pakistan: Protection)**

26.10 The USSD Report 2009 reported that:

"In 2005 the central government opened a model shelter in Islamabad specifically for trafficking victims. There are more than 200 shelters around the country providing services to trafficking victims, including government-run camps in Sindh for released

bonded laborers. During the year the government of Punjab initiated a project to eliminate bonded labor in brick kilns in Lahore and Kasur districts. The government of Sindh also initiated a project at the end of 2008 to distribute state land to poor laborers, with a focus on women, in efforts to reduce bonded labor practices. The federal government also provided temporary residence status to foreign victims of trafficking." **[3b] (Section 6)**

See also Sections: Women: Assistance available to women; and Children

26.11 With regards to the prevention of trafficking, the USSD TIP Report 2011 noted that:

"The Pakistani government made limited progress in its efforts to prevent human trafficking. The Punjab provincial government continued implementation of its project to eliminate bonded labor in brick kilns (launched in 2008). There were reports that this project helped 3,237 bonded laborers obtain identity cards and 1,906 bonded laborers obtain no-interest loans in the reporting period. The government also reported the establishment of 110 more on-site schools, for a total of 170. During the reporting period, the Sindh Department of Labour registered 710 brick kilns, a first step in guaranteeing that labor laws are applied to work sites, and a labor officer from district Larkana in Sindh registered 127 of these kilns. The government's inter-agency task force on human trafficking met a few times in the reporting period.

"The FIA met with NGOs and international organizations during the year to discuss trafficking and smuggling prevention. Some FIA officials participated in NGO-run awareness campaigns, and the government donated radio air time for the FIA to broadcast public service announcements on human trafficking and human smuggling. In November 2010, the Ministry of the Interior (MOI) designed a plan to monitor and track human trafficking cases, as well as to provide victims with identification and services. The MOI is in the process of rolling out the plan to the district level police officers and the FIA. According to UNICEF, only 27 percent of children are registered at birth, as of 2009. The National Database and Registration Authority continued campaigns to register women in rural areas and internally displaced people to receive ID cards. In 2010, all 250 Pakistani UN Peacekeeping Mission forces received training from various government training academies that included combating human trafficking. The government took measures to reduce the demand for commercial sex acts by prosecuting, but not convicting, 74 clients of prostitution. The FIA continued its quarterly meeting with civil society organizations and the anti-trafficking units to discuss best practices for trafficking victim identification and to increase the links between law enforcement and civil society organizations. Pakistan is not a party to the 2000 UN TIP Protocol." **[3e] (Pakistan: Prevention)**

26.12 The Human Rights Commission of Pakistan (HRCP) stated in its annual report, the State of human rights 2010, published 14 April 2011, (HRCP Report 2010), that "The SC [Supreme Court] directed the authorities (June 11) to take immediate steps to stop the trafficking of children from Pakistan to Gulf states for employment as camel jockeys. The court had taken suo motu notice of the inhuman practice. The court also ordered immediate payment of compensation money to the children who had been used earlier as camel kids." **[27e] (p59)**

Return to contents
Go to sources

27. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

27.01 The Human Rights Commission of Pakistan recorded in its annual report, the State of Human Rights in 2011 (HRCP Report 2011), published March 2012, that "In the fiscal year 2010-2011, the health budget was as low as 0.23 percent of the federal budget, the lowest in over ten years. Of that, 47 percent went unutilised by the end of the year although there was no explanation of how this came to be. According to unofficial sources, corruption in the health sector was the cause of much wastage." The same source added that:

"According to government statistics, there is one doctor for every 1,222 people in the country, one dentist for 16,854 people, and one hospital bed to 1,701 people. According to the Economic Survey of Pakistan 2010-2011, the target set for the national health policy was to increase the number of doctors by 5,000, dentists by 450, and have another 35,000 nurses, 5,500 paramedics and 500 traditional health attendants. For rural areas, there were to be 14 new Rural Health Centres (RHCs), 40 new Basic Health Units (BHUs) and the upgrade of 45 RHCs and 900 BHUs." **[27i] (p226)**

27.02 The Econmist Intelligence Unit (EIU) noted in its article 'Pakistan: Healthcare and Pharmaceuticals Report', dated 8 April 2011 that "The private sector has around 20,000 clinics, 520 hospitals, 300 maternity and child-health centres, 340 dispensaries and 450 diagnostic centres. The average private hospital has 30 beds." **[2a]**

27.03 The same source added "The healthcare sector is undeveloped, with almost one-half of the population lacking access to primary healthcare. Most people will continue to rely on traditional doctors for treatment. Healthcare will remain far more readily available in urban areas, where the majority of doctors and hospitals are concentrated. Healthcare in rural areas is often sought from hakims (traditional healers), who have little or no formal medical training." **[2a]**

27.04 The website Medics Travel, accessed 10 August 2011, published a list of medical institutes in Pakistan. **[22]** Further information on medical facilities in Islamabad and Rawalpindi is provided by the US Embassy, Islamabad, accessed 10 August 2011. **[56a]**

27.05 The USSD's Consular Information Sheet on Pakistan, last updated 24 March 2011, reported that:

"Adequate basic non-emergency medical care is available in major Pakistani cities, but is limited in rural areas. Facilities in the cities vary in level and range of services, resources, and cleanliness... Effective emergency response to personal injury and illness is virtually non-existent in Pakistan. Ambulances are few and are not necessarily staffed by medical personnel... generic brands from well-known pharmaceuticals usually are [available]. The quality of the locally-produced medications is uneven." **[3j] (Medical facitilies and health information)**

27.06 In its Travel advice for Pakistan, updated 29 April 2012, the Foreign and Commonwealth Office (FCO) stated that "Outside the major cities there are few hospitals of UK standards." **[11a] (Health)**

27.07 The HRCP Report 2009 also provided basic information on the condition of some of Pakistan's hospitals. **[27c] (p255)**

27.08 The International Organization for Migration (IOM) recorded in its Information on Return and Reintegration in the Countries of Origin (IRRICO) factsheet for Pakistan, updated 4 January 2010, that:

"Various professional bodies in Pakistan are concerned with medical resources and needs. They include the Pakistan Medical and Dental Council (PMDC), the Pakistan Dental Association (PDA), and the College of Physicians and Surgeons (CPSP). In addition, the National Institute of Cardiovascular Diseases (NICVD) was established to meet the increasing demand for the diagnosis, management and prevention of cardiovascular diseases, as well as to keep up to date with the rapid technological advances in the field through research and development. Likewise, the implementation of the National Programme for Family Planning and Primary Health Care is a timely and much-needed response to the health care needs of the rural communities in the country. The Shaukat Khanum Memorial Cancer Hospital & Research Centre (SKMCH&RC) has been providing comprehensive care, free of charge, to thousands of homeless cancer patients. Health care services across the country have visibly increased. Basic Health Units (BHU), Rural Health Centres (RHC), and civil dispensaries have been created in the remote rural areas to meet the health needs of the local communities. In the cities, there are both state and private hospitals with modern technologies to meet a variety of health needs." **[85a]**

27.09 However, on the affordability of healthcare, IRIN reported, on 9 February 2009, that:

"More and more people are being denied health care simply because they cannot afford it. 'Fewer and fewer people consult doctors. Fees have not gone up, but the cost of medicines is high, and even when they see a doctor they often cannot follow up on care, as medicines are beyond their budget,' said Waheed Sharif, a general practitioner in Lahore. As an example, he cited the case of a patient with high blood pressure who took the pills she is supposed to take each day only once a week 'because that's all she can afford'." **[41i]**

27.10 The same source added:

"Amir Omair, an associate professor in the community health sciences department at Lahore's Fatima Memorial Hospital College of Medicine and Dentistry, told Herald, the local monthly magazine, that people were now consulting doctors only when disease became acute, because of the financial burdens they faced. The Network for Consumer Protection, an Islamabad-based NGO [non-governmental organisation], which conducted a detailed survey in 2004 on the pricing of drugs and access to them, found 'public health facilities had extremely low availability of essential medicines' while 'medicines for common treatments were unaffordable and out of reach to the poor when purchased in the private sector'." **[41i]**

27.11 The EIU noted on 8 April 2011 that the average cost of a routine check-up with a family doctor, or a single xray at a doctor's office or hospital, cost over 65 per cent of the average Pakistani's monthy personable disposable income. **[2a]**

27.12 The HRCP Report 2008 stated that:

"Throughout the year there were reports that facilities at state-owned hospitals were poor. A common complaint was that doctors were not present at their posts. The main reason was that doctors were holding jobs at both private and public hospitals. Service at private hospitals was preferred because of the higher monetary incentives available

there. There were also many reports of the non-availability of basic medicines, such as anti-rabies medication at public hospitals." **[27a] (p171, Health: Existing Services)**

27.13 The same source added that "Pakistan continues to lag behind in the provision of critical care medicine which could be provided by private hospitals. This includes the treatment of asthma attacks, severe infections, complicated deliveries, road traffic accidents and many other conditions that can cause the death of otherwise healthy persons within a few hours..." **[27a] (p173, Health: Critical care)**

27.14 Pakistan's Ministry of Health (accessed via the World Health Organization) provided a National Essential Drugs List, 2003 Third Edition. **[29m]** The IOM's IRRICO factsheet for Pakistan, updated 4 January 2010, stated that the list was "... of essential drugs (as defined by the World Health Organisation) that satisfies the health care needs of the majority of the population. It is approved by the government with the aim that all the medications listed should be available at all times in adequate dosage in hospitals, clinics and pharmacies." **[85a]**

27.15 The website PakMediNet, accessed 13 September 2011, also provides a database of drugs available in Pakistan. **[97]**

27.16 The HRCP Report 2009 stated "It was a common experience that from time to time some essential drugs were in short supply in the market thereby putting the lives of patients in jeopardy." **[27c] (p260)**

27.17 Correspondence to the UK Border Agency, dated 13 October 2008, from UNHCR via their partner agency SACH (Struggle for Change) stated that:

"Foreign patients are not entitled for [sic] free medicines/consultation/tests/medication etc [in Pakistan]. National laws do not give any indication or provision to provide free treatment to foreign patients.

"Free services are available to residents of Pakistan who either possess the Zakat form attested from the area counselor or to government employees. Other categories of Pakistan nationals have to bear medicine cost, not available in hospital, and surgical item cost. Vaccination and family planning measures are available to all free of cost. Basic Health units and central health units… provid[e]… free of cost treatment for minor ailment[s], and free obstetric care is provided to Pakistan nationals and to Afghan nationals in North West Frontier Province of Pakistan.

"[The] North West Frontier provincial government hospitals do entertain Afghan nationals for health care in their government hospitals but [most have] to pay for medicines and surgical items." **[40a]**

See also Sections: Women's health, and Children: Health and welfare

Return to contents
Go to sources

HIV/AIDS – ANTI-RETROVIRAL TREATMENT

27.18 The US Department of State Country Report on Human Rights Practices 2011 (USSD Report 2011), published 24 May 2012, reported that:

"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 NACP held rallies and public campaigns and spoke in mosques about birth control and AIDS awareness. The Ministry of Health established 13 HIV treatment and care centers nationwide, which provided comprehensive HIV care services." **[3n] (Section 6)**

27.19 The HRCP Report 2011 stated that:

"From being prevalent amongst injectable drug users and sex workers, the disease has spread to the rest of the population, to women and children, from transfusion. Data suggests that most of the infected population is younger than 25. There is still a lot of misinformation and social stigma attached to the immune system disorder which is considered to be a disease affecting homosexuals or those leading promiscuous lives. This keeps the disease under the wraps and the general misconception is that it is transmitted through touch exposes patients to social problems." **[27i] (p235)**

TUBERCULOSIS

27.20 The HRCP Report 2011 stated:

"TB detection has greatly improved over the last two years with a case detection rate of 74 percent and a treatment success rate of 91 percent. What is alarming is the prevalence amongst children, with the National Institute of Child Health, based in Islamabad, receiving 40-45 cases each month. Erratic immunisation, hereditary transmission and unhygienic living conditions were reportedly the cause for the affected children in poor families. According to the manager of the National Tuberculosis Control Programme, there are about 5,000 diagnostic clinics, laboratories, and treatment centres across the country with 800 private physicians engaged by the national programme in addition to those in the public sector." **[27i] (p234-235)**

CANCER TREATMENT

27.21 The Pakistan Atomic Energy Commission recorded on its website, last modified on 7 February 2012, that the Commission was "... providing diagnostic and treatment services of cancer related diseases to over 3,50,000 [sic] patients annually through its 14 state-of-the-art Nuclear Medical Centres/Hospitals all over the country." A list of the centres was provided on their website. **[59]**

27.22 On 2 December 2005, the Aga Khan Development Network issued a press release which stated that:

"His Highness the Aga Khan, Chairman of the Aga Khan Development Network (AKDN) and Chancellor of Aga Khan University (AKU) today inaugurated the US $8.4 million Ibn Zuhr Building for Oncology Services at AKU's Karachi campus. The building…is a comprehensive cancer centre with state-of-the-art equipment, offering a wide range of facilities such as screening, diagnostic and treatment services, including high quality nuclear imaging, chemotherapy, radiation therapy, surgical oncology services, and cancer research facilities – all under one roof. The new addition to the 654-bed Aga Khan University Hospital (AKUH) in Karachi is the first of its kind in Sindh and will provide a much needed service in a country where five to ten percent of the population could suffer from cancer in their lifetime. At AKUH alone, approximately 12,000 patients are diagnosed with cancer each year. The Chancellor also expressed satisfaction that

services provided at the Ibn Zuhr Building will be accessible to those who cannot afford the full cost of their treatment, through the support of the University Hospital's Patient Welfare Programme." **[47]**

27.23 Other hospitals with Oncology departments, websites accessed 13 September 2011, include:

- Pakistan Institute of Medical Sciences (PIMS), Islamabad
- University of Health Sciences (Jinnah Hospital), Lahore
- Shaukat Khanum Memorial Cancer Hospital and Research Centre, Lahore

27.24 In an article dated 30 July 2007 on hospice and palliative care in Pakistan, the Daily Times reported that "There are no hospice at home programme[s] or palliative care unit[s] in the true sense in the Govt hospitals. There are [a] few NGO/Charitable organisations running cancer care centers and convalescent homes, but they too lack the palliative care support essence. In general most of the doctors and nurses lack specialized training in cancer pain management." **[55d]**

27.25 The Child Aid Association (CAA), accessed 14 February 2012, a voluntary organisation working within the oncology department at the NICH [National Institute for Child Health], provided free medicines, support and specialist care to underprivileged child cancer patients. **[81a]**

27.26 An article in the International Network for Cancer Treatment and Research (INCTR) newsletter of winter 2003/4 stated, with regard to the availability of cancer treatment in Pakistan, that:

"Facilities for treatment of cancer patients are available in a few larger cities in both public and private hospitals. There are 18 radiotherapy centers with 65 practicing radiation oncologists; the quality of these centers is extremely variable depending on the expertise of the physician and available equipment. There are only 15 medical oncologists practicing in major cities. State-of-the-art surgical oncology is practiced in only a few hospitals, and as a result, the majority of patients undergo sub-optimal surgery. In Pakistan, profound differences exist with respect to the availability of medical care to different segments of the population. Good quality hospital care is available to the affluent class, either from a small number of excellent public sector hospitals, or from the private sector. The less affluent classes are provided free services in the government hospitals but again, the quality of these services is extremely variable, depending on the available resources and trained personnel. The financial burden of treatment is borne by the patients, which makes it difficult for the poor to receive state-of-the-art treatment. They are supported by monetary donations from individuals as well as government funds and Zakat, a tax that the more wealthy Muslims pay specifically to help the poor. These contributions tend to be insufficient and erratic. Clearly these resources are inadequate to deal with the ever increasing economic burden of cancer patients. It is estimated that fewer than 30% of patients receive the minimal recommended treatment for their disease." **[73]**

KIDNEY DIALYSIS

27.27 The Kidney Centre, based in Rawalpindi, website accessed 14 February 2012, stated that it was "... dedicated to providing comprehensive preoperative [care] to patients with chronic renal disease, including end-stage renal disease." The same source added that

"The Kidney Transplant Program is one component of the full-service Multi-Organ Transplantation Program at Kidney Centre." **[70]**

27.28 The Noor Foundation UK, accessed 6 February 2012, stated that it:

"... currently has nineteen state of the art Kidney dialysis centres located along the length and breadth of Pakistan. We currently have centres in four out of five provinces, from Sindh province in the south, to the North West Frontier Province [Khyber Pakhtunkhwa] which borders Afghanistan and China.

"All our centres are housed in government hospitals and are managed on a day to day basis by our two NGO's in Pakistan, The Anjuman Felaho Behbood Insaniat (The Society for the betterment of humanity), and 'The Noor Foundation Pakistan'." **[48]**

Return to contents
Go to sources

MENTAL HEALTH

27.29 The New Statesman reported in an article dated 22 October 2008 that changes in Pakistan's mental health legislation, namely the 2001 Mental Health Ordinance, had yet to be enacted. The report noted that "Estimated numbers of Common Mental Disorders (CMDs) such as depression and anxiety are among the highest in the developing world, confirmed by high sales of tranquilisers, sleeping tablets, and anti-depressants, all of which are available over the counter." The article added that "…90% of mental healthcare in Pakistan is private... On average, it costs between 600-1500 rupees to see a psychiatrist - half the salary of a low-paid worker... there are just 4000 – 5000 beds in psychiatric wards, serving a population of well over 160 million." **[93a]**

27.30 The HRCP Report 2011 recorded that:

"According to media monitoring by HRCP, at least 2,131 people committed suicide in 2011, compared to 2,399 in 2010. The numbers amongst men were reported to be 1,420 in the year under review as compared to 1,678 in 2010. Another 723 men attempted suicides that did not result in death... **(p230)** According to the head of Department of Psychiatry at Agha Khan University in Karachi, perhaps a third of Pakistan's population may be suffering from clinical depression. According to World Health Organisation (WHO) estimates, 15,000 people commit or attempt suicide in Pakistan every year." **[27e] (p231)**

27.31 The HRCP Report 2009 noted:

"According to the head of the institute [Institute of Psychiatry, Rawalpindi] neither the federal nor the provincial government gave any attention to the provision of health facilities to a large section of the country's population suffering from mental disorders and problems. A glaring example of the government's apathy in the matter was the construction of a new block of the institute on self-help basis. The institute published a brochure titled 'Mental Health in Need of Your Wealth' to collect funds from the public. The institute, which was established in 1973, is providing mental health facilities to a large number of people, with patients coming from all four provinces of Pakistan." **[27c] (p255)**

27.32 In an article on mental healthcare, dated 8 November 2007, Integrated Regional Information Networks (IRIN) reported that "According to Lahore's University of Health

Sciences Vice-Chancellor Malik Hussain Mubashir, there is only one psychiatrist for every 10,000 people in Pakistan, one child psychiatrist for four million children estimated to be suffering mental-health issues and only four major psychiatric hospitals and 20 such units attached to teaching hospitals." **[41b]**

27.33 The World Health Organisation's Mental Health Atlas 2005 for Pakistan stated that:

"The primary sources of mental health financing in descending order are out of pocket expenditure by the patient or family, tax based, social insurance and private insurances. The country has disability benefits for persons with mental disorders. Disability benefit is paid to individuals who are not able to work due to mental illness. Mental health is a part of primary health care system. Actual treatment of severe mental disorders is available at the primary level. The programme has initially started in Punjab, the largest province, in 1985 and is being extended to others over the years.

"There are many residential and day-care facilities, especially for people with learning disabilities providing social, vocational and educational activities. Regular training of primary care professionals is carried out in the field of mental health. Training programmes have started in the province of Punjab as a part of in-service training for primary care personnel. Till now, approximately 2000 primary care physicians and 42 000 primary care workers have been trained. Community activists from NGOs (e.g. National Rural Support Programme (NRSP) are also being trained. Though there are training programmes for physicians, nurses and psychologists, there are no such facilities for social workers. Mental health training has been included in the programme of the District Health Development Centres.

"The Institute of Psychiatry Rawalpindi Medical College was the first WHO collaborating Centre-EMR and is acting as a resource centre at national and regional level for training, services information system and research. Multiple training manuals for primary health care physicians, paramedics, community workers and teachers have been developed. In an additional training package on counselling skills for health professionals, a package for rehabilitation of mentally ill has been developed… There are community care facilities for patients with mental disorders. ..More than 78 junior psychiatrists have been trained in community mental health to act as resource persons in the development of programmes in their areas. The National Steering Committee evaluates the quality of care delivery on a regular basis." **[14b]**

27.34 On health services for specific groups, including women and children, the report observed that:

"The country has specific programmes for mental health for refugees and children. NGOs are involved in service provision and advocacy for the above groups. Afghan refugees are being provided services by international organizations. There are also facilities for women and victims of torture. There are some facilities for children in the larger hospitals and regional hospitals, but the most parts of the country have no facilities for child and adolescent psychiatry. There are many residential and day care facilities for people with learning disabilities, especially in big cities. There is a school mental health programme and it aims to develop awareness of mental health among schoolchildren, schoolteachers and the community; to provide essential knowledge about mental health to teachers so that they are able to impart that to the students and are able to recognize and provide some counselling to the students for basic psychological problems…" **[14b]**

27.35 The Mental Health Atlas listed the following therapeutic drugs as generally being available at the primary health care level of the country: carbamazepine, phenobarbital, chlorpromazine, diazepam, haloperidol; imipramine (is supplied instead of amitriptylline); and procyclidine. **[14b]**

Return to contents
Go to sources

28. HUMANITARIAN ISSUES

28.01 In its Travel Advice for Pakistan, updated 29 April 2012, the Foreign and Commonweath Office (FCO) recorded that:

"On 18 January 2011 an earthquake measuring 7.2 on the Richter Scale hit south west Pakistan. Reports suggest there was limited damage, and no deaths.

"In July and August 2010 severe floods hit many parts of Pakistan. Punjab and Sind were the worst affected provinces. These floods have caused widespread damage and destruction. Reports suggest over 1,600 people have been killed across Pakistan, and infrastructure has been badly affected.

"Earth tremors are common and mountainous areas regularly experience floods and landslides." **[11a] (Natural Disasters)**

FLOODS AUGUST 2011

28.02 The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported in its Situation Report No.1, Pakistan Monsoon 2011, dated 9 September 2011, that:

"One year on from the devastating floods of 2010, Pakistan is again facing a rain-related emergency. The spell of monsoon rains that started in the second week of August 2011, evolved into a large-scale disaster, causing damage in various parts of the country. Sindh, however, remains by far the worst affected province. Government sources put the number of people affected to date at five million people mostly in the 22 out of 23 districts of Sindh province. To date, there are 199 confirmed deaths, according to the Sindh Provincial Disaster Management Authority (PDMA). PDMA statistics show that over 222,941 individuals have been displaced to 2,243 camps in the province. The camps are housing people primarily in Government schools, buildings and makeshift-tented settlements. Nearly a million houses have been damaged or destroyed while thousands of livestock have also been lost. The loss of standing crops exceeds 1.59 million acres which further accentuates the vulnerability of the agrarian based communities, many of whom are still trying to recover from the 2010 floods. Many cities are flooded and the affected population is without access to electricity and essential services for extended periods of time."

Return to contents
Go to sources

FLOODS JULY/AUGUST 2010

28.03 Reporting on the floods, Reuters AlertNet stated in its crisis briefing, dated 13 July 2011, that:

"Pakistan's 2010 floods were the country's worst in recorded history. They killed more than 2,000 people and affected 18 million – more than a tenth of the population. A massive cascade of waters, triggered by heavy monsoon rains in late July, swept through the Indus River basin, washing away homes, roads, bridges, crops and livestock. It ploughed a swathe of destruction from north to south and submerged one-fifth of the country." **[10c] (At a glance)**

28.04 The Human Rights Commission of Pakistan stated in its annual report, the State of human rights in 2011 (HRCP Report 2011), published March 2012, that:

"In February, HRCP expressed concern that the problems of the flood-hit population across Pakistan no longer appeared to be a priority for the authorities even though the difficulties facing the affected people remained as challenging as ever and in some areas had even aggravated. It was particularly noted that government policies to deal with the post-flood situation did not take into account the dissimilar needs and the varying nature and extent of damage in different areas and that lack of a representative local government system and absence of a disaster management plan aggravated the losses. The exceptionally slow pace of work to restore the destroyed infrastructure and irregularities in disbursement of financial assistance to the affected people were lamented." **[27i] (p277-278)**

28.05 Minority Rights Group International stated in its report State of the World's Minorities and Indigineous Peoples 2011, published 6 July 2011, that:

"According to a statement made by the Potohar Organization for Development Advocacy (PODA) at the 2010 UN Forum on Minority Issues, women in general were particularly affected by the floods, given that they were more likely to have been at home when the flooding struck, were less likely to have been able to swim, and would have felt a responsibility to try to rescue children and animals. The statement also mentioned that women from minority groups in particular often do not have a national identity card, meaning that those who survived would not have been able to claim relief and compensation in the period following the flooding." **[88d] (p148)**

See also the section on Women

28.06 The Asian Human Rights Commission (AHRC) stated in its report, The State of Human Rights in Pakistan: 2010 (AHRC Report 2010), published February 2011, that, owing to the floods:

"Pakistan now faces a scarcity of essential and edible items – a shortage that will affect the poorest people most severely. The destruction of the standing crops and inundation of the arable land will render agricultural lands crucial to food production unusable for many months. Further, the damage to crops, roads, bridges and communication networks together have caused the prices of fruit, vegetables and meat to skyrocket.

"There is no chance that the gap of food supplies created during the floods can be filled within the coming years. The villagers have lost thousands of animals; the business in the big cities is at standstill and there are no commercial activities because of huge damage to the roads and linking bridges. Therefore the food shortages will create a huge problem for years." **[52e] (p10)**

28.07 The World Food Programme (WFP) provided a map showing the flood-affected areas as of 10 August 2010. **[115a]**

See also Sections Security situation, and Internally Displaced Persons (IDPs)

Return to contents
Go to sources

29. FREEDOM OF MOVEMENT

29.01 The Human Rights Commission of Pakistan noted in its annual report, State of Human Rights in 2011 (HRCP Report 2011), published March 2012, that:

"The freedom of movement faced many challenges in Pakistan in 2011, with restrictions in many parts of the country, mainly as a consequence of violence by non-state actors and the government's failure to afford adequate protection to the people. Military operations against extremist militants in northwest Pakistan forced tens of thousands of people to abandon their homes in search of safety. The government flirted with the idea of introducing additional requirements for travel to India which were not implemented after being slammed as a bid to make travel to India more difficult. Inordinately prolonged delays in issuance of passports also added to woes of the citizens planning to travel abroad and thus impinged on their right to leave the country.

"Citizens continued to be barred from leaving the country by inclusion of their names in the Exit Control List (ECL), a list of people prohibited from traveling abroad for one reason or another. The Interior Ministry claimed putting in practice rules for regulating the ECL in order to prevent arbitrary restrictions. However, individuals whose names were placed on the ECL often claimed victimisation.

"Escalation in ethnic, sectarian and political violence and crime feuds made parts of Karachi, the financial capital of the country, virtual no-go zones for large sections of the population. Ethnic violence and targetting of religious minorities had the same effect in parts of Balochistan, where not only people deemed to be settlers' in the province were targeted but also members of religious minority communities, particularly Hazara Shias, murdered in brazen and frequent targeted killings. The Hazara community in Quetta, the provincial capital, felt compelled to settle in two localities in the city amid frequent incidents of targeted killings. The biggest hurdle to freedom of movement in Khyber Pakhtunkhwa and parts of the Federally Administered Tribal Areas (FATA) appeared amid military operations against Taliban-linked militants as the authorities asked the population to vacate their settlements and migrate to safer locations. The internally displaced persons expressed apprehensions about returning to some areas, mainly in FATA, because they feared reprisal attacks from militants, although the security forces claimed to have restored the writ of the state." **[27i] (p71-72)**

29.02 The same source added:

"As in previous years, ahead of the Shia mourning month of Muharram which started in late November, the government barred at least 600 clerics from various districts across Pakistan and stopped hundreds more from making any speeches during Muharram, in a bid to prevent sectarian violence... The ban was imposed under the Maintenance of Public Order Ordinance 1960 in order to maintain law and order and prevent sectarian violence in the province, according to the Sindh Home Department." **[27i] (p75)**

See also Security situation: Sectarian violence

29.03 In respect of freedom of movement within the country, foreign travel, emigration, and repatriation, the US Department of State Country Report on Human Rights Practices 2011 (USSD Report 2011), published 24 May 2012, noted that the law provides for these rights, although the government limited them in practice. The report noted that "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." **[3n] (Section 2d)**

29.04 The USSD Report 2011 also stated that:

"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 [Federally Administered Tribal Areas], KP [Khyber-Pakhtunkhwa], and Balochistan, often for security concerns, hindered the ability of humanitarian assistance providers to deliver aid to vulnerable populations…

"Persons on the Exit Control List (ECL) were prohibited from foreign travel. Although the ECL 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 to the ECL. The ECL 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." **[3n] (Section 2d)**

See also Section Exit/entry procedures: Exit Control List

Return to contents
Go to sources

30. INTERNALLY DISPLACED PERSONS (IDPS)

30.01 The Human Rights Commission of Pakistan report, the State of Human Rights in 2011 (HRCP Report 2011), published March 2012, noted:

"The number of the internally displaced in Pakistan in 2011 peaked at over 1.2 million people in relief camps across the country. Over nine million people were displaced or otherwise affected by flooding in Sindh. The displacement was caused in Sindh by floods, in Federally Administered Tribal Areas (FATA) by a violent militancy and security forces operations against the Taliban, while in Balochistan the displacement of around 80,000 people uprooted in a military operation in two districts several years ago continued, in addition to flood induced displacement in the province in 2010 and 2011." **[27i] (p273)**

30.02 Intergrated Regional Information Networks (IRIN) reported on 18 July 2011 that "Hundreds of families have been displaced from Kurram Agency in northwestern Pakistan by a fresh military operation against militants based in Khyber Pakhtoonkhwa Province (KP), and many are finding it hard to find shelter." The report noted that around 85,000 people had been displaced, many of whom had moved to camps formally used by Afghan refugees. **[41c]**

30.03 The Internal Displacement Monitoring Centre (IDMC) reported on 12 January 2012 that:

"Pakistan has faced a series of displacement crises due to natural disasters and armed conflict in recent years. 19 million people have been displaced by earthquakes and flooding and over five million by armed conflict over the past seven years. In December 2011, more than half a million people were still displaced following the flooding of the Indus in September, and almost one million remained internally displaced by armed conflict in the north-west.

"Conflict continued to cause displacement in 2011. Since April, major displacements have taken place in Kurram and Khyber agencies of the Federally Administered Tribal Agencies (FATA), and in a number of other locations.

"Responses to the displacement, coordinated by the government, have included some important achievements. Millions of people have received food, household items, temporary shelters and cash assistance, and widespread death caused by malnutrition and communicable diseases has consistently been avoided." **[84b] (p1)**

30.04 The US Department of State Humanitarian Information Unit provided a map, dated 8 February 2012, of the Pakistan: Humanitarian Crises in 2011, Displacement from Conflict and Sectarian Violence in FATA. **[3k]**

30.05 The USSD Report 2009 noted that "Media reports from 2003 estimated that 1.5 million Kashmiris displaced from Indian-held Kashmir had entered the country. The law entitles Kashmiris to the same rights as full citizens." **[3b] (Section 2d)**

Return to contents
Go to sources

31. FOREIGN REFUGEES

31.01 The US Department of State Country Report on Human Rights Practices 2011 (USSD Report 2011), published 24 May 2012, noted that Pakistan was:

"... a party to neither the 1951 UN Convention relating to the Status of Refugees nor its 1967 Protocol. 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." **[3n] (Section 2d)**

31.02 The US Committee for Refugees and Immigrants (USCRI) World Refugee Survey 2009 recorded that:

"The Foreigners Act of 1946 (amended 2000) pertains to unregistered Afghans and non-Afghan asylum seekers and prescribes up to three years' imprisonment and a fine for any who enter without valid travel documents. Pakistan is party, however, to the 1966 International Covenant on Civil and Political rights which, with few exceptions, allows expulsion only by law and requires the Government to allow those it wishes to expel to give reasons against doing so and to have competent authorities review their cases and to have representatives in doing so. Pakistan is also signatory, without reservation, to the 1984 Convention against Torture and Other Cruel, Inhuman or

Degrading Treatment or Punishment which prohibits refoulement of anyone where there is substantial risk that they will be tortured." **[80]**

31.03 The USSD Report 2011 noted:

"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 is, 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 of refugees being denied access to health facilities on the basis on nationality." **[3n] (Section 2d)**

31.04 The same source noted:

"Refugees faced societal discrimination and abuse from local communities, who 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.

"Police in many cases demanded bribes from refugees. There were credible reports that members of the intelligence services also harassed refugees. There were also many reports of extortion of refugees who participated in the UNHCR's voluntary repatriation process, since such refugees were known to receive repatriation grants ($150 in cash assistance per family member upon return to Afghanistan).

"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." **[3n] (Section 2d)**

31.05 Integrated Regional Information Networks (IRIN) noted in an article dated 4 November 2010 that "Vulnerable and homeless returnees [to Afghanistan] cannot go back to Pakistan because it no longer accepts new refugees, and UNHCR also no longer offers protection to new refugees in Pakistan." **[41d]**

See also Section Trafficking

Return to contents
Go to sources

AFGHAN REFUGEES

31.06 The Human Rights Commission of Pakistan report, the State of Human Rights in 2011 (HRCP Report 2011), published March 2012, noted:

"At the end of 2011, the total number of registered Afghans in Pakistan after the renewal of their Proof of Registration (PoR) cards, which had expired in 2009, stood at approximately 2 million. The mass registration process for Afghans in Pakistan stopped after 2005, when the first ever registration and census ofAfghans were conducted. Only registered Afghans with a valid Proof of Registration (PoR) card were entitled to assistance by UNHCR [United Nations High Commissioner for Refugees] in Pakistan. The UNHCR-facilitated voluntary repatriation programme for Afghan refugees in

Pakistan started in March after a short winter break and continued until the end of the year...

"The Minister for States and Frontier Regions told the house that according to the National Database and Registration Authority data, 1.201 million Afghan refugees were residing in Khyber Pakhtunkhwa, 0.491million in Balochistan, 0.091 million in Sindh, 0.228 million in Punjab and 0.041 million in Islamabad capital territory. There were 81 refugee camps/villages in Pakistan and no camps housing Afghans were closed during the year under review." **[27i] (p275)**

31.07 The same source added:

"The extended deadline for Afghan refugees to stay in Pakistan was set to expire at the end of 2012. However, voluntary repatriation of much of the Afghan population in Pakistan by that time seemed unlikely because of the reluctance of the Afghans to return on account of a range of concerns regarding the situation in Afghanistan. The number of Afghan refugees returning home dropped substantially during the year under review – 52,096 Afghans returned to Afghanistan from Pakistan in 2011, compared to 109,383 in 2010.According to UNHCR, lack of livelihood opportunities, shelter and security in Afghanistan were the most frequently cited reasons by the refugees for not returning." **[27i] (p275)**

31.08 The USSD Report 2011 cited that:

"Since 1979 the government provided temporary protection to millions of refugees from Afghanistan. According to the UNHCR, at year's end an estimated 1.7 million registered Afghan refugees remained in the country, while another 52,096 voluntarily repatriated to Afghanistan between March 1 and December 31 [2011]. The government and the UNHCR agreed to continue voluntary repatriation throughout the year (voluntary repatriation season usually ends in November and restarts in March) and remained in discussions about opening two additional Voluntary Repatriation Centers in KP, for a total of four in the country. 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 given the "temporary" nature of Afghans' presence in the country, the law would not be applied 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." **[3n] (Section 2d)**

31.09 The USSD Report 2011 added:

"In March 2010 Prime Minister Gilani extended Proof of Registration (PoR, the official documents held by registered refugees that allow them to legally remain in Pakistan) status through December 2012. The government implemented some of the measures that the 2010-12 strategy contemplated, such as conducting a population profile, but had not implemented residency measures or issued work permits for Afghan refugees. The Ministry of States and Frontier Regions approved a pilot project for issuance of 1,000 visas to Afghan refugees during the year under four categories, (students,

businessmen, skilled/unskilled workers, and female-headed households). However, at year's end the rights attached to these visas were under negotiation.

"The government generally abstained from forcibly returning Afghans with PoR cards, although from January to early September it deported 17 PoR cardholders. Refugees' PoR was due to expire in December 2012. There also were credible allegations that the government deported between 50 and 60 unregistered Afghans per week." **[3n] (Section 2d)**

31.10 The USCRI World Refugee Survey 2009 reported that:

"In August [2009], the Government extended the 2009 deadline allowing Afghans to remain in the country under the Tri-Partite Agreement between it and UNHCR and the Government of Afghanistan in light of insecurity there and low absorption capacity. UNHCR said it could take three to five years to finish repatriations... Afghans who registered with the National Database and Registration Authority between October 2006 and February 2007, including children over five, hold Proof of Registration (PoR) cards providing de facto temporary protection through [to] 2012 but no other legal rights. Those who arrived after 2007 are not eligible for PoRs and those who leave the territory loose them [sic]." **[80]**

31.11 The same source added that "Afghan nationals were regularly arrested under the Foreigners Act for illegally staying in Pakistan and for not having valid travel documents. Media reports suggested that over 1,500 had either been arrested or handed over to the Afghan authorities after serving their sentence for their unauthorised presence in Pakistan." **[27a] (p199, Refugees: Jalozai)**

Return to contents
Go to sources

32. CITIZENSHIP AND NATIONALITY

32.01 Information issued by the Pakistan government Ministry of Interior website, accessed 4 August 2011, advised that Pakistan citizenship can be acquired in specified circumstances; these included: "Foreign ladies married to Pakistani nationals", and the "Minor children (below 21 years of age) of Pak [sic] ladies married to foreigners." Children born to a Pakistani mother and foreign national father after 18 April 2000 are to be treated automatically as citizens of Pakistan. The Government of Pakistan has dual nationality agreements with 16 countries, including the UK. **[29b] (Interior Division, Information and Services)** Travel advice issued by the Foreign and Commonwealth Office, updated 29 April 2012, stated that "If you or your father were born in Pakistan, you might be considered a Pakistani national by the authorities, even if you do not hold a Pakistani passport..." **[11a] (Local laws and customs)** Pakistani citizens acquiring nationality of a country with which there are no dual nationality arrangements are required to renounce Pakistani nationality. (Ministry of Interior, Pakistan, accessed 4 August 2011) **[29b] (Interior Division, Information and Services)**

32.02 The Pakistan Citizenship Act, 1951, stated that Pakistan citizenship could be acquired:

- By birth - Section 4 of the Citizenship Act
- By descent - Section 5 of the Citizenship Act
- By migration - Section 6 of the Citizenship Act
- By Naturalization - Section 9 of the Citizenship Act
- By Marriage -Section 10 of the Citizenship Act **[45]**

NATIONAL IDENTITY CARDS

32.03 The National Database and Registration Authority (NADRA), website accessed 10 August 2011, noted that every "genuine" citizen of Pakistan aged 18 or above is eligible for a Computerised National Identity Card (CNIC). To obtain a CNIC the applicant needs to register at any NADRA Swift Registration Center (NSRC). The following documents are required for the CNIC: birth certificate, educational certificates, and the national identity cards of the applicant's immediate/blood relatives. A citizenship certificate issued by the Ministry of Interior is also required. **[29g]**

32.04 The Human Rights Commission of Pakistan noted in its report, State of Human Rights in 2009 (HRCP Report 2009), published February 2010, that:

"In November [2009], a three-member bench of the Supreme Court directed the National Database and Registration Authority (NADRA) to formulate a policy for the registration of Hindu couples, according to their religious customs, in order to enable them to get computerised national identity cards. The court heard a suo motu case on the application of a Hindu couple from RahimYar Khan regarding the problems the Hindu community in Pakistan faced in acquiring identity cards. The SC [Supreme Court] also asked the government to introduce legislation in this regard." **[27c] (p42)**

32.05 A Child Registration Certificate (CRC) should be issued to every Pakistani child aged 18 years or under and includes "...the minor's name and registration number, date of birth, place of birth, gender, and parents' names and CNIC numbers. The Child is allotted [the] same registration number when he/she applies for CNIC upon attaining 18 years of age. It is the responsibility of every child's parents/guardians to get registered the children under 18 years of age [sic]." (Report to UN Committee on the Rights of the Child, 4 January 2008) **[79b] (paragraph 174)**

See also Sections Freedom of religion: Voting rights, Passports and ID cards and Hindus and Sikhs

Return to contents
Go to sources

33. FORGED AND FRAUDULENTLY OBTAINED OFFICIAL DOCUMENTS

33.01 The Immigration and Refugee Board of Canada (IRB) noted in a Response to Information Request (RIR), Pakistan: Fraudulent documents (2008-2010), published 24 November 2010, that:

"In an article published on 10 August 2010, the Daily Times of Lahore reported that 'fake passports are widely available' in Pakistan. According to the Sydney Morning Herald, the Federal Investigation Agency (FIA) in Pakistan arrests an average of six people a day in the Islamabad area for document fraud... An assistant director of the FIA stated that tens of thousands of people have some sort of involvement in this industry... According to a an article published on 12 November 2009 in another Lahore newspaper, The Nation, the current British Home Office Minister responsible for Immigration stated that numerous applications for British visas presented by Pakistanis are accompanied by false documents. The Consul General of the United States in Pakistan stated that in July 2010, nearly 98% of applications for American visas made by Pakistanis were refused because they were accompanied by false documents..." **[12p]**

 The main text of this COI Report contains the most up to date publicly available information as at 24 May 2012. Further brief information on recent events and reports has been provided in the Latest News section to 7 June 2012.

33.02 The IRB also produced a

"... partial list of cases reported in the media concerning fraudulent documents in Pakistan:

"The Supreme Court asked the Election Commission of Pakistan (ECP) to review the degrees of legislators... Almost all of the nearly 1,100 elected officials have to submit their diplomas for verification... According to an article in the newspaper The News International on 14 October 2010, at the time the article was published, the degrees of 67 Members of Parliament had been declared fake; however, the hearings into the fake degrees was still ongoing as of 1 November 2010...

"In September 2010, six Pakistanis went to Denmark to seek asylum... They were allegedly in possession of fake visas and were aided by FIA [Federal Investigation Agency] agents at Benazir Bhutto International Airport...

"In September 2010, the FIA arrested four people-three women who had fake Afghan passports that had been provided to them by the smuggler accompanying them-as their airplane was about to take off for Oslo... An FIA agent and an immigration inspector allegedly helped the passengers clear the checks prior to boarding...

"On 20 June 2010, Zimbabwean police arrested two Pakistanis with fake Kenyan passports...

"In March 2010, the FIA arrested a forgery expert and found at his residence various forged documents, including passports, visa stickers and security papers...

"In early 2009, Pakistan's National Accountability Bureau (NAB) announced that the former consul general of Pakistan in the United States would soon be arrested for issuing 300 fake passports to Pakistanis... He subsequently admitted in court that his office had indeed issued 300 fake passports..." **[12p]**

33.03 The Immigration and Refugee Board of Canada (IRB) noted in a Response to Information Request (RIR), dated 28 November 2007, that:

"A July 2005 article in Dawn, a Karachi-based newspaper, states that 'tens of thousands of Pakistanis manage every year to reach [the] UK on forged documents and through other means of human trafficking'. In an article on human trafficking [March 2005], The Daily Times... indicates that 'illegal immigrants travelling with fake student visas' are also commonplace. The Human Rights Commission of Pakistan (HRCP), a non-governmental organization which promotes the advancement of human rights in Pakistan indicates in their 2006 report that during the previous four years, over 33,000 Pakistanis were returned to Pakistan after using fraudulent travel documents to enter Oman. The HRCP report also estimates that over 300,000 people were thought to leave Pakistan by illegal means each year." **[12b]**

33.04 The same source noted that:

"The Federal Investigation Agency (FIA), a Pakistani law enforcement agency which generally investigates cases of corruption and immigration control, including offences under passport-related legislation states that it was aware of 131 passengers travelling on forged documents in 2004 and 83 in the first six months of 2005.

"According to the Pakistan Press International (PPI), in May 2006, the British government donated a machine that detects forgeries to the Pakistan passport and immigration office. This equipment, which magnifies images on any document to a very high degree and can identify the use of different inks in the preparation of documents, is intended to help Pakistani authorities identify forged or fraudulent documents, such as national identity cards, bank statements and other documents required to obtain visas. The FIA already owns four such machines. The Director of Visa Services at the British High Commission in Islamabad is quoted in the article as saying that approximately two percent of applications for United Kingdom (UK) visas are fraudulent." **[12b]**

33.05 Another IRB RIR, dated 18 June 2004, stated that:

"During a presentation at the Ninth European Country of Origin Information Seminar held in Dublin, Ireland, on 26 and 27 May 2004, an Islamabad-based representative of the United Nations High Commissioner of Refugees (UNHCR) provided information on various country conditions in Pakistan. The UNHCR representative stated that there is a high level of corruption in Pakistan and that it is possible to obtain many types of fraudulent documents or documents that are fraudulently authenticated by a bona fide stamp or authority." **[12a]**

33.06 The same report noted that:

"The Information Centre on Asylum and Migration of the German Federal Office for the Recognition of Foreign Refugees indicated that '[i]n nearly all cases, the documents presented [by asylum seekers] for proof of persecution (reports under the penal code, warrants for arrest, court judgments, lawyers' correspondence) were falsified or of incorrect content. In Pakistan, it is not…difficult to have a (simulated) criminal proceeding initiated against oneself, in order to get authentic documents (e.g. a 'First Information Report' or a decision to set the accused free until the date of the trial)… It is possible…either [to] pay for or to use private contacts to have a newspaper article published depicting a situation of persecution'." **[12a]**

See also Section Corruption

Return to contents
Go to sources

34. EXIT AND RETURN

34.01 The US Department of State Country Report on Human Rights Practices 2011 (USSD Report 2011), published 24 May 2012, observed that the laws provide for the freedom of movement within the country, foreign travel, emigration and repatriation but the government limited these in practice. However:

"The government's restrictions on access to certain areas of FATA [Federally Administered Tribal Areas], KP [Khyber-Pakhtunkhwa], and Balochistan, often for security concerns, hindered the ability of humanitarian assistance providers to deliver aid to vulnerable populations. 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." **[3n] (Section 2d)**

 The main text of this COI Report contains the most up to date publicly available information as at 24 May 2012. Further brief information on recent events and reports has been provided in the Latest News section to 7 June 2012.

34.02 The Immigration and Refugee Board of Canada (IRB) noted in a Reponse to Information Request (RIR) dated 19 November 2007 that:

"A Karachi-based lawyer provided the following information regarding border security measures in 31 October 2007 correspondence to the Research Directorate. There are strict measures adopted by border authorities regarding Pakistanis exiting Pakistan via international flights. After proceeding through Customs, Pakistanis who are leaving Pakistan will appear before an immigration officer who will ask various questions. The immigration officer will verify in the computer system that there are no restrictions against the person in question and will then stamp the traveller's passport with an exit stamp if everything seems in order. The traveller will then proceed to either an army officer or another officer under the supervision of an army officer who will ask questions, check the passport and, if everything is in order, the traveller will proceed to the departure lounge. With regard to border authorities at land borders, the lawyer states that 'equally strict measures' are adopted, although they may vary from one border to another." **[12l]**

34.03 The Government of Pakistan's Federal Investigation Agency (FIA) provided information on their website, undated, accessed 10 August 2011, on the Personal Identification Secure Comparison and Evaluation System (PISCES). The FIA noted that:

"PISCES Project provides Immigration officials and law enforcement agencies with a tracking system to capture vital information of travelers and allows them to identify and, if necessary detain individuals of interest...

"PISCES project will enable the linking of all ports of exit/entry under real-time networking environments and provide smooth working co-ordination and standardization among different law enforcement agencies in the area of immigration control. In this connection PISCES system has been installed at seven major airports of the country i.e. Islamabad, Karachi, Lahore, Peshawar, Quetta, Multan and Faisalabad airports till the end of year 2004. The system has provision to accommodate information on suspects from all law enforcement agencies like Immigration, Police, Narcotics Control, Anti-smuggling, and Intelligence Services." **[29d]**

34.04 The Pakistan Times reported on 20 February 2008 that up to 4,000 people were on the Federal Investigation Agency's PISCES watch list. The article noted that:

"This system [PISCES] works against pre-defined watch list of suspects that includes ECL [Exit Control List], stolen passport and blacklisted for visa, lost/ missing passports and blacklisted for passport categories... There are 17 operational sites of PISCES in Pakistan, including Karachi airport, Lahore airport, Islamabad airport, Peshawar airport, Quetta airport, Multan airport, Faisalabad airport, Wagha land route, Chaman land route, Torkham land route, Wagha Railway Station, Karachi seaport, Khokarapar railway station, Ghassbandar seaport, Port Bin Qasim, Taftan land route and Sust land route. The system is also being planned for Gwadar airport, Pasni airport, Turbat airport and Gwadar seaport... PISCES has contributed a lot in identifying the high value suspects especially involved in terrorism and human trafficking..." **[44a]**

34.05 The USSD Country Reports on Terrorism 2010, published 18 August 2011, stated that "Pakistan continued to process travelers on entry and departure at 13 international airports, five land border sites, four seaports, and two train stations with the Personal Identification Secure Comparison and Evaluation System (PISCES)." **[3d] (Chapter 2. Country Reports: South and Central Asia Overview)**

See also Section Freedom of Movement

Return to contents
Go to sources

PASSPORTS

34.06 Ordinary Machine Readable passports (MRP) can be issued to all citizens of Pakistan. In applying, applicants aged 18 or above should provide their original National Database and Registration Authority (NADRA) ID card plus two photocopies; NOC [No Objection Certificate] in case of a Government Servant; old passport (if issued) plus a photocopy; and foreign passport, plus copies, for dual nationality holders only. (Government of Pakistan, Ministry of Interior, Directorate General Immigration and Passports, undated, accessed 10 August 2011) **[29a] (Ordinary Passport)**

34.07 Regarding border control using a Multi-Biometric E Passport, Pakistan's National Database and Registration Authority (NADRA), accessed 10 August 2011, reported on its:

"... Automated Border Control (ABC) system which serves as a tool for law-enforcement agencies in eradicating illegal immigration and human trafficking. The Automated Border Control System is fully automated immigration control system linked with the central Passport server. It authenticates e-Passport, identity and other travel documents by performing on spot Facial Recognition and Fingerprint Identification with utmost reliability and efficiency. It also keeps the record of automated data verification, passenger travel history, flight information, destination, port-of-origin, nationality, verification log and officer's comments." **[29f] (Automated Border Control)**

34.08 The IRB of Canada noted in its RIR dated 19 November 2007 that "According to the November 2007 edition of the Travel Information Manual (TIM), exit permits are not required of Pakistani citizens by immigration authorities when exiting Pakistan, but passports are..." **[12l]**

34.09 An email response from an official at the British High Commission in Islamabad, dated 30 January 2009, stated that, in theory, Pakistani passport holders would have their passports stamped at all ports and legal border crossings when entering and exiting the country. However, since corruption is a problem, it would be possible for an individual to avoid having their passport stamped by, for example, paying a bribe to the relevant official. The Foreign and Commonwealth Office (FCO) official further stated that, as far as they were aware, and aside from the reasons stated above, there would be no exceptions when a passport would not be stamped. **[11c]**

34.10 The Human Rights Commission of Pakistan report, the State of Human Rights in 2009, (HRCP Report 2009), published February 2010, noted that "According to the Federal Minister for Religious Affairs, International Machine Readable (IMR) passports were made mandatory for obtaining Hajj visas in 2009. Applications without Computerized National Identity Cards (CNIC) and IMR passports were not entertained causing great inconvenience to the pilgrims." **[27c] (p120)**

See also Freedom of Religion: Passport and ID cards, Arrest and detention – legal rights, and Corruption

Return to contents
Go to sources

 The main text of this COI Report contains the most up to date publicly available information as at 24 May 2012. Further brief information on recent events and reports has been provided in the Latest News section to 7 June 2012.

EXIT CONTROL LIST (ECL)

34.11 The website of Pakistan's Ministry of Interior, accessed 3 February 2012, stated the following regarding the Exit Control List (ECL):

"1. Exit from Pakistan (Control) Ordinance, 1981, empowers the Federal Government to prohibit any person from proceeding abroad. Ordinarily following categories of persons are placed on ECL:-

- Persons involved in mass corruption and misuse of power / authority causing loss to the government funds/property.
- Government employees involved in economic crime where large government funds have been embezzled or institutional frauds committed.
- Hardened criminals involved in acts of terrorism / conspiracy, heinous crimes and threatening national security.
- Key directors of firms having tax default / liabilities of Rs. (rupees) 10 million or more.
- Only 2 -3 key directors of firms having more than Rs. 100 million loan default / liabilities.
- Names of persons if recommended by the Registrar, High Courts / Supreme Court of Pakistan and Banking Courts only.
- Drug traffickers...

"2. The On-Line System is operational at the Ministry linked with international airports at Karachi, Lahore, Peshawar, Islamabad and Faisalabad.

"3. Any person aggrieved by the order of Federal Government regarding placement of his name on ECL, can under the law, file a Review Petition giving justifications for review and also can seek a personal hearing with the competent authority.

"4. ECL is reviewed periodically to assess the need for further retention of a person on ECL or otherwise." **[29o] (Information and Services; Exit Control List)**

34.12 The HRCP Report 2011 noted that:

"The arbitrary use of the Exit Control List (ECL) to prevent individuals from travelling abroad continued in 2011, despite formulation of rules by the Interior Ministry the previous year that were supposed to regulate the inclusion of a person's name on the ECL. Media reports suggested that the names of some individuals were included because of political vendetta. In January, the name of the state minister for ports and shipping was placed on the ECL soon after he quit his cabinet position. He stated in the National Assembly that his name was included in the ECL on the verbal instructions of a bureaucrat and that the prime minister had later got his name removed from the ECL.

"Under the rules formulated in 2010, ECL restrictions could only be placed on those involved in massive corruption or misuse of power causing financial loss to the government; or on government employees involved in a financial crime where large government funds were embezzled or institutional frauds committed. Names of hardened criminals involved in acts of terrorism, conspiracy, heinous crimes threatening national security and key directors of firms with tax default or liabilities of Rs 10 million or more could also be placed on the list.

"However, as in previous years, in 2011 also it was not uncommon for travelers to find out only as they were about to board a flight that they could not do so as their name had been included in the ECL. The ECLwas apparently made available only to the airport authorities and was not available even on the website of the Interior Ministry or that of the Federal Investigation Agency (FIA). Little was done to make the ECL accessible to the people or inform the person concerned." **[27i] (p74-75)**

34.13 In a Response to Information Request (RIR), dated 19 November 2007, the Immigration and Refugee Board of Canada (IRB) noted that, following discussions with a Karachi-based lawyer:

"The Exit Control List (ECL) is a list of Pakistani citizens wanted in cases of crime or corruption or who are facing court charges and who are prohibited from leaving the country. However, various sources indicate that the ECL is sometimes used to 'harass' human rights activists or political dissidents. In addition, the Karachi-based lawyer stated the following:

"The Government places the name of anyone who it does not wish to leave Pakistan [on the ECL]. There could be many reasons, both justifiable and unjustifiable, for placing the name of someone on this list. Most of the names [on the list] are of those whom the Government of the day do not like but ... some ... may be [subject to] serious investigation or criminal proceedings in progress or likely to be commenced. [The] majority of the names, however, are of the politicians in opposition to the Government of the day." **[12l]**

34.14 In an RIR dated 23 November 2005, the IRB noted that "Although the Ministry of the Interior maintains the ECL the National Accountability Bureau may recommend names to be added to the list; judicial action is not required to add a name to the ECL, though permission from the courts is required to remove a name from the ECL. There is no limit to the amount of time a person's name remains on the list." **[12g]**

34.15 Continuing the subject of exit control in Pakistan, the IRB further noted in its RIR dated 19 November 2007 that "A First Information Report (FIR) is the police report prepared when an offence is committed. The Karachi-based lawyer explained that Pakistani citizens who have an FIR registered against them can still leave Pakistan, and he added that the 'lodging of [a] FIR by itself does not automatically stop a person from leaving Pakistan. Many FIRs are baseless, bogus and lodged to harass ... opponents but ultimately found frivolous and dismissed'." **[12l]**

See also Section Arrest and detention – Legal rights

Return to contents
Go to sources

TREATMENT OF FAILED ASYLUM SEEKERS

34.16 On 2 December 2008, the Immigration and Refugee Board of Canada (IRB) noted, in a Response to Information Request (RIR), that:

"United Press International (UPI) reported that in August 2002, Nasir Ali Mubarak, a Pakistani man detained on immigration charges in the United States, who was married to an American woman and who was deported to Pakistan, was 'detained for many days at an unknown location'. In April 2004, UPI reported that... 'detainees have been arrested upon arrival by Pakistani immigration officials'. However, according to 24 May

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2005 correspondence from the Human Rights Commission of Pakistan (HRCP), '[f]ailed Pakistani refugee claimants are not usually detained.'" **[12h]**

34.17 In another RIR, dated 26 June 2003, following correspondence with a London-based barrister and advocate of the Supreme Court and High Courts of Pakistan, the IRB reported that:

"According to the barrister, FIA [Federal Investigative Agency] 'does not interview all nationals returning to Pakistan. It detains and interviews those persons who are alleged to have violated any law in respect of travel/visit to a foreign country, e.g. traveled on fake travel documents or entered a country without [a] valid visa, etc.' The UNHCR office in Islamabad provided the following similar information in correspondence to the Research Directorate: 'FIA only interviews those nationals who are wanted by the government or involved in any criminal, unlawful or anti-state activities...

"The HRCP indicated that the FIA 'are given a list of deported persons and may interview those they believe [to] have any involvement in criminal activity in the country'. The HRCP went on to state that 'Pakistanis entering another country illegally may be detained on their return, but are generally released within a few days'." **[12i]**

34.18 The same source noted that:

"In correspondence with the Research Directorate, a Pakistan-based political and defense consultant with a doctorate degree in international relations and political science who has written two books on Pakistan and, until 2001, was a Professor of Political Science at Punjab University in Lahore, Pakistan, provided the following information about the FIA:

"Pakistanis returning from abroad are not interviewed by the FIA. You pass through passport control and customs and then leave. However, if a person is deported by a foreign country for any reason (overstay, passport and visa fraud, involvement in a crime in the host country) and formally handed over to Pakistani authorities, the FIA/relevant authorities would undertake an inquiry. If found to have forged [a] passport/visa or [committed] any other illegal activity, he/she can be charged and presented to a court of law. All deportations are inquired into.

"If a person returns to Pakistan quietly after having failed to get a refugee status elsewhere, he/she faces no problem in returning to Pakistan. However, if a failed applicant for refugee status is handed over by the country concerned to Pakistani authorities, Pakistani FIA/relevant authorities would question such a person.. when a Pakistani national is deported by a foreign government and handed over to Pakistani authorities, the first thing the Pakistani authorities check is if he/she travelled on [a] forged passport and fake visa. If that is the case, they do two things. First, they would like to know where and how did that person get the forged passport or visa. They would like to know about the travel agent or any other person who facilitated his/her departure. Second, the authorities can file a criminal case in a lower court for having forged travel documents. Sometimes newspaper[s] publish news that a person has been sentenced to imprisonment for a couple of months for travel document fraud.

"If a person is deported by a foreign government but not formally handed over to Pakistani authorities, they would hardly know about the case and the person can quietly return to Pakistan." **[12i]**

34.19 The IRB further stated that "There is no standard interview procedure employed by the FIA when interviewing returning nationals, including those who are failed refugee claimants... According to the barrister, 'No punitive measure is taken against failed refugee claimant[s] unless FIA official[s] [are] able to find some lapse or default on the part of [the] returning national['s] ... documentation...'" **[12i]**

34.20 The same source also reported that:

"Information provided by the UNHCR office in Islamabad on the possibility of punitive measures against returning Pakistani nationals is as follows '...Generally, there is no punitive action for failed refugee claimants... If a person returns to Pakistan quietly after being denied refugee status, nothing is expected to happen. If such a person is deported and handed over to Pakistani authorities, the person will face preliminary inquiry to determine if he has violated Pakistani laws. If a person's refugee status case gets a lot of media publicity, the government will inquire into it. However, there is no law that can be invoked against a person for applying for refugee status elsewhere.

"A Pakistani denied refugee status can get into trouble on return if there are criminal cases registered against him/her in Pakistan. The FIA/Police can arrest such a person on arrival at the port of entry (if they get prior information of his return) or later on as they come to know of his/her return." **[12i]**

Return to contents
Go to sources

35. EMPLOYMENT RIGHTS

35.01 The US Department of State Country Report on Human Rights Practices 2011 (USSD Report 2011), published 24 May 2012, stated:

"The federally set minimum wage for unskilled workers is 7,000 rupees ($78) per month, increased in 2010 from the previous wage of 6,000 ($67) per month. Provincial governments' minimum wage boards set skilled and semiskilled sector minimum wages. The sectors specified and minimum wages vary by province. The government's 2011 Economic Survey considered the poverty line to be 3,389 rupees ($37.68) 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 both Sindh and Punjab, provincial policies against surprise inspections severely limited effective enforcement. 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." **[3n] (Section 7d)**

35.02 Whilst summarising some of the protests by workers across Pakistan in 2011, the Human Rights Commission of Pakistan report, the State of Human Rights in 2011 (HRCP Report 2011), published March 2012, stated:

"Trade unions and workers from different industries carried out protests throughout the year raising their voice against inflation, inadequacy or non payment of minimum wage, proposed privatization of state-owned enterprises, regularisation of their jobs, unemployment and electricity and gas load shedding. Lady health workers and nurses were prominent among government employees agitating for their rights who were mercilessly beaten during their peaceful protests. Criminal cases were also registered against them." **[27i] (p199)**

Return to contents
Go to sources

LAND DISPUTES

36.01 The United States Agency for International Development (USAID) Land tenure and property rights portal noted in its Country profile – Pakistan, dated 21 September 2010, that:

"Squatting and land-grabbing are common in Pakistan. The lack of land available for housing development and lease by individuals in growing urban areas has forced migrants into informal settlements and squatting on vacant land. Pakistan is also home to individuals and groups known as the Land Mafia who illegally take possession of land or claim ownership of land and dispossess true owners through legal or extra-legal means. The Illegal Dispossession Act of 2004 was passed in an effort to address the problem but has had little effect to date." **[75a] (Securing land rights)**

36.02 The same source noted:

"Land disputes are prevalent in rural and urban areas throughout Pakistan. A revenue court system has jurisdiction over disputes regarding land documents, tenancy, land revenue, and land transactions. Disputes are heard at the tehsil level (a level of local government similar to a county) by the tehsildar, the officer responsible for the collection of land revenue and land administration. A Chief Settlement Oficer [sic] and the provincial-level Board of Revenue are the appellate authorities within the revenue court system. The revenue court system, which is designed to provide a specialized, local,

rapid resolution of disputes, has been criticized by landholders as time-consuming, complex, and subject to corruption. Land administration offices do not publish procedures for bringing a claim, documentation of land rights is often missing, land records maintained by the local authorities are often incomplete or of questionable validity, and land administration officials such as the patwari often do not appear to provide evidence. Cases may take years to resolve.

"Pakistan's formal court system also has jurisdiction to hear land cases, creating a parallel structure of courts. Land disputes are the most common form of dispute filed with the formal court system, perhaps in part because filing a case may stay a pending revenue court proceeding. Pakistan's judiciary is hampered by low pay, poor training, and a large volume of cases. Between 50% and 75% of cases brought before lower-level civil courts and the high courts are land-related disputes. By one estimate, over a million land cases are pending countrywide. Major causes of land disputes are inaccurate or fraudulent land records, erroneous boundary descriptions that create overlapping claims, and multiple registrations to the same land by different parties. Credible evidence of land rights is often nearly impossible to obtain. Land cases can take between 4 and 10 years to resolve, with the party in possession of the land delaying adjudication in order to prolong the period of beneficial use. Appeals are assumed." **[75a] (Land disputes and conflicts)**

36.03 USAID added:

"Inhabitants of Pakistan's Tribal Area do not have access to the High Court and Supreme Court except for constitutional claims and challenges. Land disputes are handled by the traditional jirga: a round-table conference in which there are no leaders, and participants are selected at the time of convening based on age, reliability, and shrewdness. Decisions must be unanimous and the jirga can impose fines for wrongful behavior. In Punjab and Sindh Provinces, local leaders and elected panchayat (local governance body) members often hear and resolve land disputes. In most areas, women are not permitted to participate in the jirga, and resolutions reached often perpetuate existing biases against women's land ownership and control." **[75a] (Land disputes and conflicts)**

36.04 On 24 July 2011 the Daily Times reported "On one hand cost of property in capital is running high and on other hand land mafia is in full boom for its vested interests causing land disputes to reach considerably high while the persons involved in these cases are hopeless as they see no hope of solution to these problems as it takes decades to resolve." **[55g]**

36.05 The same source added:

"According to court official, disputes over land issues are on the increase in the federal capital. Locals in and around the city allegedly sell their lands and then try to cancel the agreements. He said that land ownership is highly concentrated in rural areas of capital and a root cause of persistent poverty and instability countrywide. He said that the land dispute is a burning issue in district court because the property price is very expensive in Islamabad and with the passage of time it is increasing. He said that these cases take so long generation-to-generation but their issues are not resolving." **[55g]**

36.06 A UN Human Rights Council report dated 23 February 2010, refering to a written statement submitted by the Asian Legal Resource Centre (ALRC), refered to the use of blasphemy charges in land disputes as follows:

"Charges of blasphemy are indeed sometimes used for personal or political reasons. They have been used to settle scores unrelated to religious activity, such as intra-familyor property disputes and more broadly to intimidate, threaten or punish people who belong to minority communities. In many cases, religious violence has occurred in villages or cities where land had grown in commercial value. Mosque leaders have allegedly exploited the religious sentiments of Muslim people to chase Christians or Ahmadis away in order to grab the land they occupied." **[83a] (p4)**

See also Judiciary: Blasphemy laws and Freedom of religion: Blasphemy laws

Return to contents
Go to sources

Annex A

CHRONOLOGY OF MAJOR EVENTS

As reported in the BBC's Pakistan Profile: Timeline – A chronology of key events, updated 17 January 2012 **[35b]**

1947	Muslim state of East and West Pakistan created out of partition of India at the end of British rule. Hundreds of thousands die in widespread communal violence and millions are made homeless.
1948	Muhammed Ali Jinnah, the first governor general of Pakistan, dies.
	First war with India over disputed territory of Kashmir.
1951	Jinnah's successor Liaquat Ali Khan is assassinated.
1956	Constitution proclaims Pakistan an Islamic republic.
1958	Martial law declared and General Ayyub Khan takes over.
1960	General Ayyub Khan becomes president.
1965	Second war with India over Kashmir.
1969	General Ayyub Khan resigns and General Yahya Khan takes over.
1970	Victory in general elections in East Pakistan for breakaway Awami League, leading to rising tension with West Pakistan.
1971	East Pakistan attempts to secede, leading to civil war. India intervenes in support of East Pakistan which eventually breaks away to become Bangladesh.
1972	Simla peace agreement with India sets new frontline in Kashmir.
1973	Zulfiqar Ali Bhutto becomes prime minister.
1977	Riots erupt over allegations of vote-rigging by Zulfiqar Ali Bhutto's Pakistan People's Party (PPP). General Zia ul-Haq stages military coup.
1978	General Zia becomes president.
1979	Zulfiqar Ali Bhutto hanged.
1980	US pledges military assistance to Pakistan following Soviet intervention in Afghanistan.
1985	Martial law and political parties ban lifted.

Return to contents
Go to sources

 The main text of this COI Report contains the most up to date publicly available information as at 24 May 2012. Further brief information on recent events and reports has been provided in the Latest News section to 7 June 2012.

1986	Zulfiqar Ali Bhutto's daughter Benazir returns from exile to lead PPP in campaign for fresh elections.
1988	
August	General Zia, the US ambassador and top Pakistan army officials die in mysterious air crash.
November	Benazir Bhutto's PPP wins general election.
1990	Benazir Bhutto dismissed as prime minister on charges of incompetence and corruption.
1991	Prime Minister Nawaz Sharif begins economic liberalisation programme. Islamic Shariah law formally incorporated into legal code.
1992	Government launches campaign to stamp out violence by Urdu-speaking supporters of the Mohajir Quami Movement.
1993	President Khan and Prime Minister Sharif both resign under pressure from military. General election brings Benazir Bhutto back to power.
1996	President Leghari dismisses Bhutto government amid corruption allegations.
1997	Nawaz Sharif returns as prime minister after his Pakistan Muslim League party wins elections.
1998	Pakistan conducts its own nuclear tests after India explodes several devices.
1999	
April	Benazir Bhutto and her husband convicted of corruption and given jail sentences. Benazir stays out of the country.
May	Kargil conflict: Pakistan-backed forces clash with the Indian military in the icy heights around Kargil in Indian-held Kashmir. More than 1,000 people are killed on both sides.
October	General Pervez Musharraf seizes power in a coup
2000	
April	Nawaz Sharif sentenced to life imprisonment on hijacking and terrorism charges over his actions to prevent the 1999 coup
December	Nawaz Sharif goes into exile in Saudi Arabia after being pardoned by military authorities.

Return to contents
Go to sources

2001

June	Gen Pervez Musharraf names himself President while remaining head of the army.
September	Musharraf swings in behind the US in its fight against terrorism and supports attacks on Afghanistan. US lifts some sanctions imposed after Pakistan's nuclear tests in 1998.
December	India, Pakistan prompt fears of full-scale war by massing troops along common border amid growing tensions over Kashmir following suicide attack on Indian parliament

2002

January	President Musharraf bans two militant groups - Lashkar-e-Toiba and Jaish-e-Mohammad - and takes steps to curb religious extremism.
April	Musharraf wins another five years in office in a referendum criticised as unconstitutional and flawed
May	Pakistan test fires three medium-range missiles capable of carrying nuclear warheads, amid rumours of impending conflict with India.
August	President Musharraf grants himself sweeping new powers, including the right to dismiss an elected parliament.

2003

November	Pakistan declares a Kashmir ceasefire; India follows suit
December	Pakistan and India agree to resume direct air links and to allow overflights of each other's planes from beginning of 2004 after two-year ban.

2004

February	Leading nuclear scientist Dr Abdul Qadeer Khan admits to having leaked nuclear weapons secrets. Technology is said to have been transferred to Libya, North Korea and Iran.
April	Parliament approves creation of military-led National Security Council. Move institutionalises role of armed forces in civilian affairs.
May	Pakistan readmitted to Commonwealth.
June	Pakistan mounts first military offensive against suspected Al-Qaeda militants and their supporters in tribal areas near Afghan border. US begins using drone strikes to target Al-Qaeda leaders in the area.

Return to contents
Go to sources

 The main text of this COI Report contains the most up to date publicly available information as at 24 May 2012. Further brief information on recent events and reports has been provided in the Latest News section to 7 June 2012.

2005

April	Bus services, the first in 60 years, operate between Muzaffarabad in Pakistani-administered Kashmir and Srinagar in Indian-controlled Kashmir.
August	Pakistan tests its first, nuclear-capable cruise missile.
October	Earthquake kills tens of thousands of people in Pakistani-Administered Kashmir

Return to contents
Go to sources

2006

September	Government signs peace accord to end fighting with pro-Al-Qaeda militants in Waziristan tribal areas near Afghan border.

2007

February	68 passengers are killed by bomb blasts and a blaze on a train travelling between the Indian capital New Delhi and the Pakistani city of Lahore.
	Pakistan and India sign an agreement aimed at reducing the risk of accidental nuclear war.
March	President Musharraf suspends the Chief Justice Iftikhar Mohammed Chaudhry, triggering a wave of protests across the country.
July	Security forces storm the Red Mosque complex in Islamabad following a week-long siege.
	Supreme Court reinstates Chief Justice Chaudhry.
October	Ex-prime minister Benazir Bhutto returns from exile. Dozens of people die in a suicide bomb targeting her homecoming parade in Karachi.
	Army launches offensive against militants in North Waziristan. Nearly 200 people die in the fighting
October/ November	Musharraf wins presidential election but is challenged by Supreme Court. He declares emergency rule, dismisses Chief Justice Chaudhry and appoints new Supreme Court, which confirms his re-election.
November	Former PM Nawaz Sharif returns from exile
December	State of emergency lifted.
	Benazir Bhutto assassinated at election campaign rally in Rawalpindi.

Return to contents
Go to sources

2008

February/ March	Pakistan People's Party (PPP) nominee Yusuf Raza Gilani becomes PM at head of coalition with Nawaz Sharif's Muslim League party following parliamentary elections in February.
August	President Musharraf resigns after the two main governing parties agree to launch impeachment proceedings against him.
	Nawaz Sharif pulls his PML-N out of the coalition, accusing the PPP of breaking its promise to reinstate all judges sacked by Mr Musharraf.
September	MPs elect Pakistan People's Party's (PPP) Asif Ali Zardari - the widower of assassinated former PM Benazir Bhutto - president.
	Suicide bombing on Marriott Hotel in Islamabad kills 53 people. Soon after, government launches major offensive in Bajaur tribal area, killing more than 1,000 militants.
November	The government borrows billions of dollars from the International Monetary Fund to overcome its spiralling debt crisis.
December	India blames Mumbai terrorist attacks in November on Pakistani-based militants and demands Pakistan take action. Islamabad denies involvement but promises to co-operate with the Indian investigation.

2009

February	Government agrees to implement Sharia law in north-western Swat valley in effort to persuade Islamist militants there to agree to permanent ceasefire.
March	After days of protests, government yields to demands for reinstatement of judges dismissed by former President Musharraf.
April	Swat agreement breaks down after Taleban-linked militants seek to extend their power-base. Government launches offensive to wrest controll of Swat by militants.
July	The Supreme Court acquits opposition leader Nawaz Sharif of hijacking charges dating from the 1999 coup, removing ban on his running for public office.
August	The leader of Pakistan's Taliban, Baitullah Mehsud, is killed in US drone attack in South Waziristan. He is succeeded by Hakimullah Mehsud.
October	Suicide bombing in northwestern city of Peshawar kills 120 people.
November	President Asif Ali Zardari hands control of Pakistan's nuclear arsenal to PM Yousuf Raza Gilani, in apparent attempt to ease political pressure.

2010

January	Suicide attack on a volleyball match in north-west kills more than 100 people.
April	Parliament approves package of wide-ranging constitutional reforms. Measures include transferring key powers from office of president to prime minister.
August	Worst floods in 80 years kill at least 1,600 people and affect more than 20 million. Government response widely criticised.
October	Rise in targeted political killings, bombings in commercial hub of Karachi.

2011

January	A campaign to reform Pakistan's blasphemy law leads to the killing of two prominent supporters, Punjab Governor Salman Taseer in January, and Minorities Minister Shahbaz Bhatti in March.
March	The prime ministers of India and Pakistan meet to watch a cricket match, an occasion seen as an chance for the two nations to repair relations.
May	The founder of Al-Qaeda, Osama bin Laden, is killed by American special forces in garrison city of Abbottabad.
November	Pakistan shuts down Nato supply routes after a Nato attack on military outposts kills 25 Pakistani soldiers.
December	Pakistan boycotts the Bonn Conference on Afghanistan in protest at the Nato attack on a border checkpoint. President Zardari undergoes treatment in Dubai for a heart condition. The government comes under pressure over a leaked memo alleging that senior officials sought US aid against a military coup after the killing of Osama bin Ladin in April. US troops leave the Shamsi air base in Balochistan in the wake of the November border attack, and Pakistan blocks US convoys entering Afghanistan.

2012

January	Amid growing tension between government and military over "memogate" scandal, army chief Gen Pervez Kayani warns of "unpredictable consequences" after PM Yousuf Raza Gilani criticises army leaders and sacks top defence official. Supreme Court threatens to prosecute PM Gilani for contempt of court over government's refusal to reopen corruption cases against President Asif Ali Zardari and other political figures.

Return to contents
Go to sources

Annex B

POLITICAL ORGANISATIONS

Pakistan People's Party (PPP)
A mainstream party advocating Islamic socialism and democracy. (Europa World Online, accessed 26 July 2011) **[6] (Political organisations)** Co-chaired by Pakistan Head of State, President Asif Ali Zardari (widower of Benazir Bhutto), and their son, Bilawal Bhutto Zardari. PPP member Yusuf Raza Gilani was nominated as Prime Minister following the 2008 elections. The only party to have candidates in the National Assembly and in all four Provinicial Assemblies; has formed governments at the centre and in Sindh and Balochistan provinces. (Jane's, updated 18 October 2011) **[1a] (Internal affairs)**

Pakistan Muslim League – Nawaz (PML-N)
Founded in 1993 and led by Nawaz Sharif. Twice in power: from 1990 to 1993 and again from 1997 to 1999 before being overthrown in a bloodless coup by the then army chief, Pervez Musharraf. Briefly in coalition with the PPP after the 2008 elections; currently in government in Punjab province. (Jane's, updated 18 October 2011) **[1a] (Internal affairs)**

Pakistan Muslim League – Quaid-e-Azam (PML-Q)
Formed in 2001 with the support and intervention of the then military regime. Led by Chaudhry Shujaat Hussain, the party became simply the Pakistan Muslim League following a split with coalition partners in 2004, but is still popularly known as the PML-Q. (Jane's, updated 18 October 2011) **[1a] (Internal affairs)**

Muttahida Qaumi Movement (MQM)
Led by Altaf Hussain and originally called the Mohajir Quami Movement, founded in 1984 and renamed in 1997. Representing the interests of Muslim-Urdu speaking migrants (from India, following partition), the MQM is the forth largest party in the National Assembly with 25 seats, and part of a coalition government in Sindh with the PPP. (Jane's, updated 18 October 2011) **[1a] (Internal affairs)**

See also Ethnic groups: Formation of MQM

Awami National Party (ANP)
Formed in 1986 and essentially a left-wing Pashtun nationalist party. Led by Asfandyar Wali Khan, the ANP emerged triumphant in the 2008 elections as the largest party in the NWFP (Khyber Pakhtunkhwa) Assembly, won seats in Sindh and Balochistan as well as the National Assembly. The ANP has attempted to maintain dialogue with the militants although this has become less successful following the increase in militant activity since May 2008. (Jane's, updated 18 October 2011) **[1a] (Internal affairs)**

Muttahida Majlis-e-Amal (MMA) (United Action Front)
A coalition of disparate Islamic parties including Jamaat-e-Islami (JI) - Qazi Hussain Ahmad (Deobandi), Jamiat-e-Ulema Pakistan (JUP) (Barelvi), Jamiat-e-Ulema Islam - Fazal-ur-Rehman (JUI-F) (Deobandi), Jamiat-e-Ulema Islam - Samiul Haq (JUI-S) (Deobandi), Islami Tehreek (or Tehrik) Pakistan (Shia) and Jamiat Ehla-e-Hadith (Ahl-e-Hadith). However, this coalition disintegrated in the run-up to the 2008 elections as the JI boycotted them, and the JUI-F contested them albeit under the MMA banner, winning seven seats in the National Assembly and 14 in the NWFP. (Jane's, updated 18 October 2011) **[1a] (Internal affairs)**

Return to contents

Jamaat-e-Islami (JI)
A religious-based political party founded in 1941, which decrees Islam as "... a complete system of politics, economics and culture." Opposed to the West, the JI believes sharia (Islamic law) regulations should govern all aspects of life and advocates jihad to achieve an Islamic state. (Jane's, updated 18 October 2011) **[1a] (Internal affairs)**

Jamiat-e-Ulema Islam (JUI)
The JUI is split into two factions, led by Maulana Fazal ur-Rehman (JUI-F) and Maulana Samiul Haq (JUI-S). (Europa World Online, accessed 26 July 2011) **[6] (Political organisations)** An extensive network of madrassas that train most of the leadership and much of the rank and file of the Taliban continues to be run by the JUI. Despite extremist rhetoric, Rehman, remains an important link between the MMA and government, currently a member of the broad ruling coalition holding three cabinet posts. (Jane's, updated 18 October 2011) **[1a] (Internal affairs)**

Jamiat-e-Ulema Pakistan (JUP)
Founded in 1948/49 advocating Sufi-influenced, Sunni Islamic principles with largely Mohajir support. The JUP boycotted the 2008 elections and has little popular support or organisational ability. (Europa World Online, accessed 26 July 2011) **[6] (Political organisations)** (Jane's, updated 18 October 2011) **[1a] (Internal affairs)**

All Pakistan Muslim League (APML)
The new party of former President Pervez Musharraf, established on 1 October 2010 in London and expected to contest the 2013 parliamentary elections. (Jane's, updated 18 October 2011) **[1a] (Internal affairs)**

Return to contents
Go to sources

OTHER POLITICAL PARTIES

All Jammu and Kashmir Muslim Conference
Awami Muslim League (AML)
Awami Qiyadat Party (People's Leadership Party)
Balochistan National Party—Awami (BNP—A)
Balochistan National Party—Maingal (BNP—M)
Jamhoori Watan Party (Bugti) Balochistan
Millat Party
National Party
National People's Party (NPP)
Pakhtoonkhwa Milli Awami Party
Pakistan Awami Tehreek (PAT)
Pakistan Democratic Party (PDP)
Pakistan Muslim League—Functional (PML—F)
Pakistan People's Party (Shaheed Bhutto Group)
Punjabi Pakhtoon Ittehad (PPI)
Sindh National Front (SNF)
Sindh Taraqi Passand Party (STPP)
Tehreek-e-Insaf (Movement for Justice)
(Europa World Online, accessed 26 July 2011) **[6] (Political organisations)**

Return to contents
Go to sources

OUTLAWED PARTIES AND ORGANISATIONS

Millat-e-Islamia Pakistan (MIP)
Formerly known as Sipah-e-Sahaba Pakistan (SSP) and founded in 1984, the MIP is overtly anti-Shia with aims to make Pakistan a Sunni state. Its leader, Azam Tariq, was assassinated in October 2003 by unknown gunmen, and replaced by Mullah Muhammad Ahmed Ludhanvi. The party was banned in November 2003. (Jane's, updated 18 October 2011) **[1a] (Internal affairs)**

Tehrik-e-Nefaz-e-Shariat-e-Mohammadi (TNSM)
The TNSM (Movement for the Enforcement of Islamic Law) is a militant tribal organisation led by Maulana Sufi Mohammad. A breakaway faction, led by Sufi Mohammad's son-in-law, Maulana Fazlullah, and under the umbrella of the Tehrik-e-Taliban Pakistan (TTP), poses a significantly greater security threat than the original group. (Jane's, updated 18 October 2011) **[1a] (Internal affairs)**

See also Section: Security: Pakistani Taliban and Annex C

OTHER BANNED GROUPS

Khuddam-i-Islam (Jesh-i-Mohammadi)
Islami Tehrik-i-Pakistan (Tehrik-i-Jafria Pakistan)
Jamiat-ul Ansar (Harakat-ul-Ansar)
Hizb ut-Tahrir
Jamaat-ul Farqan (a sister organisation of the Jesh-i-Mohammadi) (Jane's, updated 18 October 2011) **[1a] (Internal affairs)**

Return to contents
Go to sources

Annex C

TERRORIST AND EXTREMIST GROUPS

KASHMIRI GROUPS

Hizb-ul-Mujahideen (HM)
Founded in 1989 and led by Syed Salahuddin, alias Maulvi Yousuf Shah, HM is the militant wing of the Jamaat-e-Islami political party in Pakistan and one of the most active militant groups in Indian-administered Kashmir (IAK). Salahuddin is based in Muzaffarbad in Pakistan administered Kashmir. (Jane's, updated 19 April 2012) **[1a] (Non-state armed groups)**

Harakat-ul-Mujahideen (HuM) (Movement of Holy Warriors)
A militant Islamist group founded in 1985 and formerly known as Harakat-ul-Ansar (HuA), the HuM, until 1999, was one of the largest and most dangerous Pakistan-based jihadist groups fighting in the IAK. Since then it has lost manpower and is much less active. Unconfirmed reports suggest the HuM may be regrouping. The US Department of State identifies Maulana Sadaatullah Khan as HuM's leader. (Jane's, updated 19 April 2012) **[1a] (Non-state armed groups)**

Jesh-e-Mohammadi/Jaish-e-Mohammed (JeM) (Army of the Prophet Mohammad)
Founded in December 1999 by Maulana Masood Azhar, JeM is an active militant Islamist group posing a major terrorist threat to India and Pakistan, and to Western targets within those countries. Sometimes referred to as Jaish-e-Mohammed-e-Tanzeem, JeM also goes under the aliases Khuddam-ul-Islam, Khudamul Islam and Kuddam e Islami. (Jane's, updated 19 April 2012) **[1a] (Non-state armed groups)** (South Asia Terrorism Portal, Pakistan Terrorist and Extremist Groups, accessed 27 June 2011) **[61e]**

Lashkar-e-Tayyiba/Toiba (LeT) (Army of the Pure)
Founded in 1989, the LeT (banned in Pakistan in 2002) is one of the most active and best known Kashmiri militant groups. The Jamaat-ud-Dawa (JuD), classified as a terrorist organisation by the UN Security Council, is considered to be a front for the LeT. (Jane's, updated 19 April 2012) **[1a] (Non-state armed groups)**

Return to contents
Go to sources

SECTARIAN GROUPS

Soldiers of the Companions of the Prophet (Sipah-e-Sahaba Pakistan: SSP)
Founded in the early 1980's and banned by Pakistan in 2002, the SSP was renamed Millat-e-Islamia Pakistan (MIP) in April 2003, and Ahle Sunnat wa Aljamaat Pakistan (The Sunni Party: ASWJP) in June 2008. A radical Sunni group, the SSP is no longer a significant force in Pakistan but is associated with the LeJ, and individuals and small groups still pose a threat to Shia's and Christians. The current SSP leader is Mullah Muhammad Ahmed Ludhianvi. (Jane's, updated 19 April 2012) **[1a] (Non-state armed groups)**

See also "Punjabi Taliban" below

Soldiers of Mohammed (Sipah-e-Mohammed: SMP)
A radical Shia group in opposition to the SSP. Formed in 1993 and banned by Pakistan in 2001. Individuals from the SMP remain active and dangerous although as a group the organised threat has been reduced due to financial difficulties and the arrest of key leaders. SMP leaders

Ghulam Raza Naqvi and Munawar Abbas Alvi are in prison. (Jane's, updated 19 April 2012) **[1a] (Non-state armed groups)**

SECCESSIONIST GROUPS

Balochi insurgents:

Baloch Liberation Army (BLA), Balochistan Republican Army (BRA), Baloch People's Liberation Front (BPLF), Baloch Students' Organisation-Awami (BSO-A) and Popular Front for Armed Resistance (PFAR).

Active political groups fighting for Balochistan independence but posing no direct threat to the Pakistan government. However, attacks on public transport, fuel facilities and security forces make travel through Balochistan and Sindh provinces extremely dangerous for foreigners. A long-standing feud between the Bugti and Marri tribes, led by fierce nationalists Nawab Sardar Brahamdagh Khan Bugti and Khair Bux Marri, respectively, is a major cause of disruption in the Balochistan province. (Jane's, updated 19 April 2012) **[1a] (Non-state armed groups)**

Return to contents
Go to sources

Other domestic groups:

Lashkar-eJhangvi (LeJ)

Lashkar-e-Jhangvi (LeJ), a Sunni-Deobandi terrorist outfit was formed in 1996 by a break away group of radical sectarian extremists of the Sipah-e-Sahaba Pakistan (SSP), a Sunni extremist outfit, which accused the parent organisation of deviating from the ideals of its slain co- founder, Maulana Haq Nawaz Jhangvi. It is from Maulana Jhangvi that the LeJ derives its name. It was formed under the leadership of Akram Lahori and Riaz Basra. The LeJ is one of the two sectarian terrorist outfits proscribed on August 14, 2001, by President Pervez Musharraf. (South Asia Terrorism Portal – SATP, undated, date accessed 27 June 2011) **[61e]**

The Human Rights Commission of Pakistan stated in its report, the State of human rights in 2010 (HRCP Report 2010), published 14 April 2011, that "Media reports cited a report by Punjab Crime Investigation Department that the outlawed Lashkar-e-Jhangvi (LJ) now had two splinters: Jhangvi Fidayi Forces and Sunni Fidayi Forces. The reports said that the intelligence agencies had alerted the government to the activities of the LJ in some seminaries located in the southern districts of Punjab, especially Jhang." **[27e] (p173)**

See also "Punjabi Taliban" below

Lashkar-e-Omar (LeO)
Tehreek-e-Jaferia Pakistan (TJP)
Jamaat-ul-Fuqra
Nadeem Commando
Popular Front for Armed Resistance
Muslim United Army
Harkat-ul-Mujahideen Al-alami(HuMA)

(South Asia Terrorism Portal, Pakistan Terrorist and Extremist Groups, accessed 27 June 2011) **[61e]**

Return to contents
Go to sources

PAKISTANI TALIBAN GROUPS

"Punjabi Taliban"

Harvard University's Belfar Center for Science and International Affairs noted in an article dated April 2009 that:

"The Punjabi Taliban network is a loose conglomeration of members of banned militant groups of Punjabi origin – sectarian as well as those focused on the conflict in Kashmir – that have developed strong connections with Tehrik-i-Taliban Pakistan (TTP), Afghan Taliban and other militant groups based in the Federally Administered Tribal Areas (FATA) and North-West Frontier Province (NWFP) [Now Khyber Pakhtunkhwa – KP]. They shuttle between FATA and the rest of Pakistan, providing logistical support to FATA- and Afghan-based militants to conduct terrorist operations deep inside Pakistan. Between March 2005 and March 2007 alone, for example, about 2,000 militants from southern and northern Punjab Province reportedly moved to South Waziristan and started different businesses in an effort to create logistical support networks. Given their knowledge about Punjabi cities and security structure, they have proved to be valuable partners for the TTP as it targets cities in Punjab, such as Lahore, Rawalpindi and Islamabad...

"The most recent use of the name began in 2007, when Maulvi Nazir, a militant leader who with some official Pakistani support challenged Uzbek foreign fighters residing in South Waziristan, was hailed by some as a leader of the Punjabi Taliban. This allegation arose because Maulvi Nazir attracted many Punjabi recruits from banned organizations to fight Uzbek foreign fighters." **[116a]**

The HRCP Report 2010 stated "Interior Minister Rehman Malik was quoted as saying that the LJ [Lashkar-e-Jhangvi] and the SSP [Sipah-e-Sahaba Pakistan] were united under the banner of the Punjabi Taliban, with the southern districts of Punjab as their hub. The interior minister said 726 workers of the banned outfits were present in southern Punjab. One hundred most wanted militants belonged to this region and out of a total of 13,500 registered madrassas (seminaries) in Punjab, 7,281 were located there." **[27e] (p173)**

Tehrik-E-Taliban Pakistan (TTP)

Formed in December 2007 as an umbrella group to enable the numerous pro-Taliban groups operating in the Federally Administered Tribal Areas (FATA) and Khyber Pakhtunkhwa (formerly the NWFP) to coordinate and consolidate their activities. Following the death of TTP leader, Bailtullah Mehsud, killed on 5 August 2009 by a missile from a US-operated unmanned aircraft, the TTP is now under the command of Hakimullah Mehsud. (Jane's, 19 April 2012) **[1a] (Non-state armed groups)**

The Intergrated Regional Information Network (IRIN), dated 13 October 2010, provided a guide to the main militant groups, splinter groups from the TTP, operating in Pakistan's Northern provinces. **[41f]**

See also Annex B: Political organisations: Outlawed parties and organisations

Return to contents
Go to sources

Annex D

PROMINENT PEOPLE

President	Asif Ali Zardari
Prime Minister	Yusuf Raza Gilani (BBC Pakistan Profile, 4 April 2011) **[35c] (Leaders)**

The Pakistan government website, accessed 1 May 2012, provided a list of Ministries and Divisions, which included the relevant Federal Ministers. **[29]**

PROMINENT PEOPLE OUTSIDE OF THE GOVERNMENT

Bhutto, Benazir
Prime Minister of Pakistan from 1988 to 1990, and from 1993 to 1996. Killed in a bomb attack on 27 December 2007 as she was leaving an election rally in Rawalpindi. (BBC News, 27 December 2007) **[35d]**

Bhutto, Bilawal Zardari
Son of Benazir Bhutto and Asif Ali Zardari, he was appointed chairman of the Pakistan People's Party (PPP) after his mother's death in late December 2007. However he was to continue his education in England (Mr Bhutto was at that time 19 years old), while his father and co-chairman of the PPP, Asif Ali Zardari, effectively ran the party. (Daily Times, 31 December 2007) **[55e]**

Hussain, Altaf
Leader of the Muttahida Qaumi Movement (MQM) and currently living in exile in London where he fled to in 1992. He is now a UK citizen but continues to run the MQM. (Elections.com, date accessed 15 June 2011) **[39b]**

See also Ethnic groups: Muttahida Qaumi Movement (MQM)

Musharraf, Pervez
(Former president and army chief Gen) (r). Now living in self-imposed exile in London. On 1 October 2010 he announced another faction of PML, called the All Pakistan Muslim League. "He said the party would take part in the 2013 general elections. Musharraf said he feared Pakistan could break up without a change in leadership and apologised for the 'mistakes' made during his regime." (HRCP Report 2010, 14 April 2011) **[27e] (p192)**

Sharif, Mohammad Nawaz
Prime Minister of Pakistan from November 1, 1990 to July 18, 1993, and from February 17, 1997 to October 12, 1999. His government was overthrown by the General Pervez Musharraf-led military coup in 1999. (Elections.com) **[39a]** Mr Sharif returned from exile in November 2007. (BBC Timeline: Pakistan, 14 May 2011) **[35b]**

Return to contents
Go to sources

Annex E

GLOSSARY OF LOCAL TERMS FOR TRIBAL CUSTOMS

As quoted from the Aurat Foundation Annual Report 2010 **[57b]**

Kala-kali
Balochi and Seraiki term literally meaning disreputable man-disreputable woman (who have brought disgrace to the family or clan), a 'crime' that allows culturally condoned killing in the name of honor of a man or woman charged with an illicit relationship.

Karo-kari
Sindhi term literally meaning disreputable man-disreputable woman (who have brought disgrace to the family or clan), a 'crime' that allows culturally condoned killing in the name of honor of a man or woman charged with an illicit relationship.

Ghairat
Loosely translated as honor but is considered a chivalrous adherence to tradition and culture in the context of social relations.

Jirga
An assembly of male elders, usually tribal, who make decisions regarding social issues; an informal body for resolving disputes. The term is Pushto but the practice exists across Pakistan. Jirgas were banned by the Sindh High Court but they continue to function. They are dominated by influential members of the community who are usually conservative and patriarchal. Decisions taken by them are known to be anti-women.

Swara
A Pashto word denoting a child marriage custom in tribal areas of Pakistan and Afghanistan. This custom is tied to blood feuds between different tribes and clans where young girls are forcibly married to members of the enemy clan in order to compensate for a crime committed against a member of that clan (always by a male) and to end a feud.

Vanni
A child marriage custom in tribal areas of Pakistan, also widely prevalent in Punjab. This custom is tied to blood feuds among the different tribes and clans where young girls are forcibly married to members of opposing clans in order to resolve feuds or compensate for a crime. Vanni can be avoided if the girl's clan agrees to pay blood money, called Diyat (دیت). Otherwise the young bride may be forced to spend her life paying for a crime committed by her male relatives.

Watta Satta
A tribal custom in Pakistan of exchanging brides between two families. Both families must have a daughter and a son, and be willing to betroth them to the daughter and son of the other family. That is to say, in order for a family to marry off a son to a daughter of another family, it must have a daughter to marry off in return to the same family.

Return to contents
Go to sources

Annex F

LIST OF ABBREVIATIONS

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
FCO	Foreign and Commonwealth Office (UK)
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organization for Migration
MSF	Médecins sans Frontières
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODPR	Office for Displaced Persons and Refugees
OHCHR	Office of the High Commissioner for Human Rights
RSF	Reporters sans Frontières
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

Return to contents
Go to sources

 The main text of this COI Report contains the most up to date publicly available information as at 24 May 2012. Further brief information on recent events and reports has been provided in the Latest News section to 7 June 2012.

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Return to contents
Go to sources

V

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Return to contents
Go to sources

X, Y & Z

Annex I

CORRESPONDENCE FROM FOREIGN AND COMMONWEALTH OFFICE

Emails:

[11c]

From: Rosie.Dyas@fco.gsi.gov.uk
Sent: 30 January 2009 07:53
To: Crichlow Pauline
Cc: Janice.Moore@fco.gsi.gov.uk
Subject: RE: Passport exit/entry stamps

Pauline

Glad to be of help.

In theory Pakistani passport holders have the passports stamped on entry and exit across all ports and legal border crossings, without any exception that I'm aware of. However, corruption is a problem and in practice an individuals would often be able to avoid having their passports stamped, e.g. by paying a bribe etc.

Regards,

Rosie

Return to contents
Go to sources

[11d]

-----Original Message-----
From: @fco.gsi.gov.uk
Sent: 09 January 2009 4:35 AM
To: @fco.gsi.gov.uk
Cc: Clarkson Ralph; @fco.gsi.gov.uk
Subject: RE: Pakistan Enquiry

Janice/Ralph

I've consulted colleagues here who have advised that although apostasy (conversion of religion) is not illegal in Pakistan , people who change their faith are regularly charged with blasphemy and insulting Islam. This is usually when a conversion is made to an entirely separate religion (e.g. becoming Christian). Arguably a Sunni Muslim becoming Shia is a conversion of belief within a single religion and we are not currently aware of examples of blasphemy legal proceedings against Shias by Sunnis.

But conversion aside, there are incidents of sectarian violence - mainly Sunnis against Shias - in the parts of Pakistan where the Shia minority are most prevalent. For example, in January 2007, during the Shia festival of Ashura, at least two suicide bombers attacked Shia gatherings and two rockets were launched at a Shia mosque in Bannu. Authorities respond to these attacks, although in Pakistan police investigation etc does not equate to protection or necessarily to justice through legal proceedings.

Hope this helps!

Rosie

Return to contents
Go to sources

[11h]

From: Sardar.Alihaidery@fco.gov.uk
Sent: 24 June 2008 10:50
To: Crichlow Pauline
Subject: RE: Pakistan query re. access to services by illegitimate child

Dear Pauline,

In Islam a Muslim woman cannot marry a non-Muslim man - though the opposite is permissible. If a Muslim woman and a non Muslim man did have a child it would be considered illigitimate on the grounds that they would not (could not) be legally married. If this were to happen here in Pakistan or elsewhere in an Islamic country it would be considered adultery. The Islamic punishment for adultery is to be stoned to death. In reality it would result at least in a lengthy imprisonment and considerable social stigma.
I haven't received further information regarding access to services by illegitimate child. As soon as i received i will inform you.

Thanks

Sardar

Return to contents
Go to sources

[11i]

-----Original Message-----
From: Peter Jacob [mailto:petncjp@yahoo.com]
Sent: 02 October 2008 6:20 AM
To: Crichlow Pauline
Cc: Sarah.Williamson@fco.gov.uk
Subject: Re: Pakistan Blasphemy laws

1. What is the procedure for an individual to initiate a complaint against an Ahmadi (or any other person) directly with a Magistrates' court?

Anyone agreived by some illegal action or privy to information about a crime can register a complaint (fir) [first information report] with the police. in case there is no crime, or the police happen to be the first one know, the police can become a complainant too.

If the police refuse to register a FIR on a complaint, the district and sessions judge (not a magistrate) can order registration of a FIR under Article 199 of the Constitution / Section 154 of Criminal Procedure Code, which is the prosecution story to be substaniated by inquiry / investigation report. 'challan' is the formal charge framed in a court.

Section 196 of the Criminal Procedure Code makes the registration of certain FIRs hard, requiring an inquiry by a senior police officer (in case of Section 295 b and c, a suprintendant)

This is the law, however in case of blasphemy allegations, we have seen laws being violated and procedures ignored on one pretext or the other.

2. Once such a complaint has been lodged, what procedure does the court follow, and what are the timescales for such actions?

The charge is framed, accused can deny and standard procedure of evidence, witnesses, cross examination takes place - if the offense is bailable the court may also grant bail whenever requested. finally the judgement, [followed by] appeals against the verdict if felt necessary.

298 -c, however is non- bailable unless the accused can successfully contest that the offense is unfounded or cannot be substantiated. this can happen at investigation or trial.

3. Who are the court permitted to release documents to with regard to such a complaint?

All parties to the case have the right to acquire documents from any court of law, even the press can manage [to obtain] the copies of FIRs and decisions.

4. Are complaints lodged with courts reported in newspapers?

Usually they are reported but sometimes not, if small town or accused party too powerful.

5. On the first question, my colleague in the UK was under the impression that a charge had be made against a person under the blasphemy laws (298c of the Penal Code in this instance), with the police making a First Instance Report (FIR) before the charge could be made. Is it possible for someone to complain directly to a magistrate, i.e. bypass the police?

In case of non-Muslim accused, there is a strong tendency among authorities to register a case promptly and without due investigation. there is usually no need for a magistrate to initiate a proceeding under the blasphemy laws, however technically it is not impossible because a first class magistrate is empowered to hear cases under 298 –c. but a first information report will have to be registered by police even in this case.

Return to contents
Go to sources

[11n]

From: Aqeel Malik (UKBA International Group) (Protect)
Sent: 10 November 2010 04:25
To: Ruth Orchard (Restricted)
Cc: Rachel Creighton * (Restricted)
Subject: RE: Marriage by proxy

Hi Ruth,

Please note that proxy (telephonic) marriage is acceptable in Islam and also under the Muslim Family laws ordinance 1961. The condition is that both the parties (Bride and the Groom) should be present at both ends with their witnesses. Whereas in Ahmadis the proxy marriage can be contracted even without the presence of the bride and the groom and with only the presence of their Waliys (representatives).

If a marriage is contracted with one of the above procedures and the marriage certificate has all the necessary attestations and is registered with the concerned authorities it can be considered as a valid marriage.

Regards
Aqeel Malik

Return to contents
Go to sources

[11o]

From: Stelios Kyriakides * (Restricted)
Sent: 09 November 2010 11:27
To: Ruth Orchard (Restricted)
Cc: Adnana Boric (Protect); Traci Butler (Protect); Maja Tatoolian (Protect); Carol Rashleigh (Protect); Hannah Gates (Protect); Jason Doondeea * (Protect)
Subject: RE: Marriage by proxy

Hi Ruth,

My understanding (but I'm cc'ing to those more expertly than me) is:

- Consular Section (and Visas, I think) do not recognise a proxy marriage done where one of the party was in the UK, and the other was in Pakistan.

- You should establish where each party was for the marriage. If one was in Saudia Arabia (where proxy marriages are recognised) and one was in Pakistan (where it is also recognised), we would recognise it as legitimate.

- How do you tell? Look at the passport stamps in their passports, to establish where they both were on the claimed date. Also request to see the subsequent wedding photos, and marriage certificate. The marriage certificate will sometimes tell if it was a proxy marriage (it will include the name of e.g. the groom, and person representing the groom).

I have contact details for a person at the General Registrar's Office who can may be able to give the definitive definition - can get them to you for tomorrow, if that's helpful.

Stel
x 8405 2411

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Return to contents
Go to sources

Letters:

[11f]

Pauline Crichlow
Border and Immigration Agency
Country of Origin Information Service
Home Office

6 February 2008

**British
High Commission
Islamabad**

Chancery
Diplomatic Enclave, Ramna 5
P.O. Box 1122, Islamabad

Telephone: [redacted]
Facsimile: [redacted]
E-mail: @fco.gov.uk

Transgender and transexualism in Pakistan

Dear Pauline,

You, and your predecessor Robin Titchener, have been in contact with some questions on transgender and transexualism in Pakistan. We have been in contact with experts locally to provide information on these issues, including Maria Ahmad, a producer and journalist for the private TV station GEO TV, whose work includes a recent documentary on transsexualism/gender in Pakistan. The information provided was requested as background information. We judge it to be well-founded, but request that these findings are not shared widely (or published) without the permission of those who provided the information.

1) Is it lawful for a man or woman to change their sex (by medical means) in Pakistan?

"There are two parallel legal systems in Pakistan : the constitution of Pakistan and the Federal Sharia law (religious law) of Islam. Under the Constitution of Pakistan there are only two recognized sexes i.e. male or female. The Constitution does not address the status of a person who has changed their gender through an operation. On the other hand the Sharia Law does not recognize any such operations and forbids them strictly. It is under this law that the various cases of gender operations have been arrested and charged in Paki[stan] courts. Depending on the severity [of transsexualism] various punishments have been prescribed in each case.

"There are various degrees of the crime of transsexuality... Actually changing one's sex for commercial reasons, for purposes of marriage (like the case of summer 2007) or pure cases of physical gratification. Given the stereotypical, ignorant approach to the subject, lack of researched knowledge on the subject and a taboo status of the issue, these people's reasons to undergo sex-change operations are always reduced to mere animalistic and crude lust i.e. physical gratification. Depending on the reasons that the jury/judge deduce, the transsexuals might be put in jail or prescribed lashes. In strict Sharia Law there can be worse punishments like stoning to death, but haven't been practiced by law yet. Stoning to death has been done in some rural areas where the local elders hold court to decide the matter. Let me add that the constitution states that discrimination on basis of sex will not be entertained anywhere in the country. But it has failed to safeguard the rights of these people too."

2) Do you know of any examples of people being arrested and tried in the Shari'a courts for transexualism? What is the crime under the Shari'a Courts that transsexuals have been sentenced /previously arrested?

"The crime of transsexualism or undergoing sex operations essentially is translated as tampering with the Al Mighty's creations. That is deemed as a crime. Also please remember that the understanding of the various angles and approaches of this issue/subject is limited to very few due to bans and taboos on the subject. This in turn then influences the perception and final judgment meted out to 'criminals of sexual crime'

"There's no recorded history of such cases being tried in Sharia courts. Progressive and moderate interpretations of Islamic thought subscribe to this interpretation 'Religious law only makes exceptions when a doctor prescribes the operation for a grown adult due to a severe and extremely dangerous health risk for the patient. Under religious law there should be absolutely no alternative for the patient and once the patient undergoes the operation, then s/he should be treated according to the new gender.' [is this a quote from a legal text/procedure?] This is a quote from an Islamic scholar of the progressive school. His name is Khursheed Nadeem and he is the Country Director of an NGO called "Organization for Research and Education" in Islamabad. Classic and conventional Islamic interpretation prescribes to lashings and stonings - a practice that was prescribed for adultery in early Islam, but practiced at the height of the crime [not quite sure what you mean by 'practiced at the height of crime']. Today stonings and lashings are carried out at the highest degree of sexual crime. So far a legal court in Pakistan has not ordered this punishment for any such criminal (remember there are only a handful cases tried in courts). But when these cases are caught in rural areas, under feudal and tribal laws and customs, eunuchs and transsexuals are lashed in public.The reported incidence of this is few and far between because the transsexuals flee to areas where there communities are relatively more accepted."

3) Is 'sex realignment treatment' (i.e. sex change treatment) available in Pakistan - if so where?
"There is no "legal" operation in Pakistan for sex realignment. No registered hospital conducts the operation freely. However all sex change operations are done in "back alley hospitals." Qualified sexologists and surgeons perform the operation in private and hidden clinics. But there are unqualified and dangerous operations too where excessive blood flow causes loss of life. A third form of these operations are conducted by quacks and "spiritual doctors" who reside in the inner part of the cities."

4) Once an individual has changed their sex, what is their status within Pakistan law?

"After a sex change operation, logically the person then has their new identity and should change their legal documents i.e. ID Card, passport etc. accordingly. In Pakistan when these

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people [transsexuals] file their papers to change their documents they have complained that the officials on duty do not change their sex on the documents. This is accompanied by ridicule, abuse, mental torture and in several instances complaints to the police for arresting the transgender. They are not provided any legal counsel in case of arrests, unless they arrange for their own lawyer.

“Most cases pertain to men changing their sex rather than women. The word Hijra is used to describe the whole lot of them - psychological patients, biological cases, those who do it to earn money, etc.”

5) If it is illegal to be transgender/transsexual have there been any prosecutions?

“People are sent to jails and they spend their life there because the cases are forgotten. In rural areas sometimes they are stoned to death under local law (jirga system) or left to their own means.

“There have been minor cases in towns where these people were picked up by police. The only notable case for many years has been Shumail's case from this summer [2007]. Under strict implementation of the law, these transsexuals should be arrested for the crime of an illegal operation but it requires a lengthy procedure, as well as a proper jail for them to send to. (in an ordinary jail men would abuse them sexually) Mostly local administration knows of these people but the police don't arrest them - just harass them. Since the Hijras earn a livelihood through begging or dancing at weddings/births, the police often blackmail them for their freedom. Alternately for any random crime or increment in crime in an area, the Hijras' slums are raided - which leave many injured, abused or arrested without any criminal evidence. In answer to your question in particular, being arrested for being a transsexual is rare - usually a fake or minor case is slapped to justify the arrest. No doctor has yet been arrested for conducting a sex operation. But when and if transsexuals/ transgenders are arrested they are tossed in jails and the files are forgotten. “

6) Can you provide any information on how transgender/transsexual people are treated in Pakistani society - do they face social discrimination / harassment / imprisonment, etc?

“Transgenders are called the "third form" or "hijras" in Urdu language. there are no apt words for hermaphrodites, transgenders, eunuchs, transsexuals, etc.. They are all lumped together under the word Hijra. Most people just ignore them, some revere them, give them alms and clothes, men generally ridicule them. The two biggest hurdles in their peaceful life is the sexual harassment from men, including thrashings in public and verbal abuse that they have to face from everyone. They learn to live on the periphery of society showing up to beg and dance on weddings and the birth of children in exchange for some money. Currently they have no place or industry to work in because they are harassed wherever they go. education is an impossibility for them. if they adopt children and raise them, eventually they even leave them because of society's pressures.”

7) 'Hirja' appears to apply to men who behave/wish to become women. Does the word also apply to both female transsexuals (i.e. women who wish to become men)?

“Yes, the origin of the word Hijra corresponds to those women. But in Pakistan, the instance of females undergoing an operation to become a man are one in a million, i.e. terribly rare. Women who behave like men are just called tomboys, never Hijras. On the other hand, as I mentioned earlier, men who behave, act, undergo operation, suffer with biological, psychological issues of gender are all termed as Hijras in Pakistan.”

8) If legal, would a transsexual/transgender person be able to obtain protection from the authorities (if threatened by non-state agents, such as family, religious groups)?

"No they will not because of the prevailing myths and stereotypes about these people. Almost all of Pakistani society with the exception of a couple of doctors or researchers or people close to transgenders, believes that these people undergo this operation to fulfill their sexual desires and wishes. they refuse to believe this behavior can be induced by social learning, psychological handicap or biological/genetic imbalance. if this information is made public to the people through media, for a certain period of time and awareness success is a 100% then social and psychological help for these people will be easier to come. This will also provide them safe and legal means to earn a livelihood because the people will be tolerant and understanding about their situation."

9) Is someone who is transgender/transsexual commits a crime likely to face harsher treatment than other Pakistanis because of they are transgender if prosecuted?
"No their treatment meted out by law is exactly the same as other offenders, however the social repercussions, abuse and mental torture add to the agony of transsexuals."

10) How many transsexuals are there approximately in Pakistan?

"There is no precise number of these transsexuals. According to their own tight-knit community there are at least 50,000 Hijras across Pakistan. The majority of these 50000 Hijras are men [i.e. men who behave/have had treatment to become women]. The ratio of women to men is easily 10 to 50000.

11) Would it be possible for someone who is transgender/transsexual (ie has changed or is in the process of changing sex) to obtain identification documents such as ID cards and passports in their new sexual identity and name?

"So far i've spoken to several transsexuals who've told me that they have tried to acquire new ID cards or traveling documents but they have been turned down. Officials at these offices demand health and operation records for these people but since the operation is illegal in Pakistan no doctor can issue a sex change certificate that supports the transsexuals' claim. Public humiliation, aggravation and bureaucracy are part and parcel of this process."

"I think its possible to obtain ID documents in their new sexual identity but it may be a protracted process requiring medical certification of the gender. NADRA does not appear to have a clear policy on this, as such applications are seen as exceptional cases (Information is not available on open source, would be better to consult a lawyer)." Was this Sarman's view, and would you be willing to put this forward as an answer?

Yours sincerely

Matthew Forman

Matthew Forman

Return to contents
Go to sources

Foreign & Commonwealth Office

[11g]

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Pauline Crichlow
Border and Immigration Agency
Country of Origin Information Service

Pakistan Team
Room 203
SAG
King Charles St
London SW1A 2AH

Tel: 0207 008 2865

Dear Pauline,

Pakistan Legal Query – Double Jeopardy Law

1. As requested, our post in Islamabad has consulted legal advice with regard to double jeopardy laws in Pakistan. The reply from the law firm Khan & Piracha is as follows:

(Begins):

We have reviewed the provisions of law relating to double jeopardy to ascertain whether any individual who has been convicted in the U.K and has served time can be tried and sentenced for the same crime on his return to Pakistan and would advise as under:
Under Section 403 of the Criminal Procedure Code, 1898 (the "Code") no person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall during the pendancy of the acquittal or conviction be liable to be tried again for the same offence. However, a person so acquitted or convicted may be tried for (a) any distinct offence for which a separate charge might have been made i.e. where more than one offence are committed by the same person; (b) a different offence arising out of the consequences of the act which constituted the first offence but which consequences together with the act constitute a different offence and (c) any other offence constituted by the same acts which constituted the first offence but which the court which first tried him was not competent to try.
To invoke Section 403 of the Code the following conditions must be satisfied:
i) The accused has already been tried for the offence charged against him,
ii) the trial was held by a court of competent jurisdiction, and
iii) a judgment or order of acquittal or conviction has been issued.
The rule against "autrefois convict" i.e. double jeopardy has received recognition in Article 13(A) of the Constitution of the Islamic Republic of Pakistan 1973 (the "Constitution") which provides a constitutional guarantee to the effect that no person shall be prosecuted or punished for the same offence more than once.
To ascertain whether the person in question i.e. the person convicted by a court in U.K. is covered by Section 403 of the Code it needs to be determined whether the conditions set out for

invoking Section 403 of the Code are met. The conditions set out in i) and iii) above are clearly met. The Code is silent on the issue of whether the term "court of competent jurisdiction" as used therein extends to cover a foreign court of competent jurisdiction. However, where the legislature has intended to extend cover of any statute to foreign courts it has done so by specific reference i.e. in the Control of Narcotic Substances Act, 1997 specific reference is made to a "foreign court of competent jurisdiction" and it is therefore safe to conclude that a "court of competent jurisdiction" for purposes of Section 403 of the Code has to be a court within the territorial jurisdiction of Pakistan and hence condition ii) above is not met in the present instance. Likewise, the constitutional guarantee provided by Article 13 (A) of the Constitution will, in our opinion, not extend to an offence which has been tried and convicted outside Pakistan as the doctrine of dual sovereignty permits successive prosecutions by two states for the same conduct.

In view of the above, it would appear that the person in question could face a trial and conviction in Pakistan for the offence for which he has already been tried and convicted in the U.K.

Please note that under Section 365 of the Pakistan Penal Code (the "PPC") any person who kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined is subject to punishment with simple or rigorous imprisonment for a term which may extend to seven years and fine. However, under Section 365A of the PPC where any person kidnaps or abducts any person for the purpose of extorting from the person kidnapped or any person interested in such person any movable or immovable property or valuable security or compliance with any demand in cash or kind for obtaining release of the kidnapped person, the punishment is death or imprisonment for life and forfeiture of property. The fact that the offence was committed against a high profile person adds the dimension of use of influence to expedite prosecution against the offender.

We are not fully conversant with the facts of the prosecution in the U.K. and therefore cannot give any specific advice with respect to the circumstances of that case. However, as a case for double jeopardy is in any event not made out any discussion of the same would be academic. We would nonetheless point out that unless a case of kidnapping for purposes of extortion is made out the death penalty will not apply and the maximum penalty for simple kidnapping will be seven years.

(Ends)

2. You had also asked about availibility of a drug Paroxetine in Pakistan. Our post have made enquiries locally and have established that it is available, costing 432 rupees for a 20mg 10-capsule strip (approx. £3.50). It is sold under the name 'Seroxat'**Error! Reference source not found.**

Yours sincerely

Asif Choudhury

Asif Choudhury
Pakistan Team
South Asia Group

Return to contents
Go to sources

[11l]

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British
High Commission
Islamabad

9 November 2009

According to media reports, the Supreme Court ruled in July 09 that Pakistan's hijra community should be entitled to 'protection guaranteed under Article four (rights of individuals to be dealt with in accordance of law) and Article nine (security of person) of the Constitution'. Aside from many blogs and a few news articles I can find little information about this ruling. Is it possible to get a copy of the ruling, or do you have any more information on the issue?

We consulted internally with our Liaison Prosecutor.

He cited articles from the Dawn newspaper below. He concluded that it was unlikely that a judgement would have been issued in this case, as the second report makes it clear that the case stands adjourned. He also noted that the Court's rulings in this case are essentially declaratory and have little binding effect on the government; declaring that the plaintiffs are Pakistani citizens and entitled to basic state provisions like education and the protection of law will not do anything to actually remove the disadvantages they face in society.

SC orders equal benefits for transvestites

By Nasir Iqbal
Wednesday, 15 Jul, 2009
ISLAMABAD: The Supreme Court has ordered that transvestites, being equal citizens of Pakistan, should also benefit from the federal and provincial governments' financial support schemes such as the Benazir Income Support Programme (BISP).'They are citizens of Pakistan and enjoy the same protection guaranteed under Article four (rights of individuals to be dealt with in accordance of law) and Article nine (security of person) of the Constitution,' ruled a three-member bench comprising Chief Justice Iftikhar Muhammad Chaudhry, Justice Muhammad Sair Ali and Justice Jawwad S Khawaja on Tuesday.

The bench had taken up the petition seeking establishment of a commission to emancipate effeminate men ostracised by the society for no fault of theirs.
Islamic jurist Dr Mohammad Aslam Khaki, who researched on the conditions of the ignominious merrymakers and discovered them to be the most oppressed and deprived segment of the society and subjected to humiliation and molestation, had filed the petition for the welfare of the transvestites left by the society to live by begging, dancing and prostitution.

Parents give their hermaphrodite children into the care of gurus (leaders of transvestites) at a very tender age who abuse them instead of providing them the opportunity to get education.

Dr Khaki took up their cause after police raided and arrested several transvestites in Taxila recently, pleading before the court that being a welfare state it was the responsibility of the government to look after this community. He told the court that Shoaib Mansoor who produced a blockbuster film 'Khuda ka Liya' was also planning to come up with another movie to highlight the miserable lives of the these people.
During the proceedings, Roop and Shazia along with their community representatives appeared before the court to narrate harrowing details of abuse they receive from the society, police and gangsters mainly because of their weak financial conditions, especially when their fathers and brothers did not accept them as family members.

'My appearance before the court today may cost me my life,' Shazia feared, saying already she was receiving threats from different quarters. 'Once I was implicated in a false case and subjected to immense sexual torture by the police in their custody,' she alleged.

The court asked the federal as well as the provincial governments to help them overcome their financial difficulties by supporting them from programmes like the BISP and Baitul Mal or provincial support programmes so that they could adopt a respectable livelihood.

The court also asked the petitioner to negotiate with the non-governmental organisations working in social sectors to devise some welfare programmes for the transvestites.

The provincial social welfare departments were also asked to come up with suggestions for the uplift of these people to reduce their miseries and difficulties.
To protect them from thugs or goons, the apex court ordered the law-enforcers to provide security to these people so that that their rights were not violated. The court also asked senior police officials to take action against delinquent police officers who harass the transvestites.

The court directed the provincial social welfare departments to complete the survey and registration of transvestites to save them from the life of shame.
Both the petitioner and transvestites present in the court said they were compelled to lead an immoral life by offering themselves for dancing or prostitution and they were also required to pay handsome amount to self-styled gurus or to the police.
'We are not accepted anywhere in the society and degraded and humiliated everywhere,' the transvestites said.

The bench remarked that being Muslims as well as human beings, parents of such gender-confused children should look after them without discrimination but, it lamented, they throw them on roads to suffer throughout their lives.
The court also expressed surprise that one of the computerised national identity card of the eunuch bears a photograph of a female but in the gender column, she was recognised as male.

The court adjourned the proceedings till third week of August.

Supreme Court asks govt to care for transvestites

By Nasir Iqbal
Tuesday, 18 Aug, 2009

ISLAMABAD: The Supreme Court on Monday virtually put transvestites in the care of the government by directing it to make their lives easier and safer.

'Eunuchs are also the citizens of Pakistan and should be given basic fundamental rights guaranteed in the constitution,' Chief Justice Iftikhar Mohammad Chaudhry remarked.

'They are human beings and nobody has a right to hate them.' A three-judge bench comprising the chief justice, Justice Chaudhry Ijaz Ahmed and Justice Ghulam Rabbani had taken up a petition seeking the establishment of a commission to emancipate effeminate men ostracised by the society for no fault of their's.

Islamist jurist Dr Mohammad Aslam Khaki, who researched into the conditions of the ignominious merrymakers and discovered them to be the most oppressed and deprived segment of the society that is subjected to humiliation and molestation, had filed the petition for the welfare of the unfortunate and vulnerable people left by the society to live by begging, dancing and prostitution.

The court ordered the federal as well as the provincial governments and the social welfare secretaries to interact with representatives of transvestites, offer them incentives like education and find respectable jobs for their social uplift to bring them into the mainstream.

For ensuring security of transvestites, the interior secretary and the provincial police officers were also ordered to appoint focal persons in districts and tehsils, and also forward copies of cases registered against them to the Supreme Court registrar, social welfare departments and the inspectors general of police. This will help safeguarding transvestites from being booked under fabricated and fake cases.

The federal and the provincial health secretaries are also required to coordinate with the representatives of transvestites to provide free of cost health facilities to them. Secretary education and Chief Commissioner Islamabad were also asked to provide education facility to them if they were interested.

The court was told that 2,167 transvestites had been registered in the Punjab, while only 56 in Balochistan's 14 districts. Similarly, in NWFP 324 transvestites were registered, as a majority of them had left the province due to the law and order situation.

Meanwhile, in four-page suggestions for the rehabilitation of transvestites, petitioner Dr Khaki said they should be declared as women for all legal purposes and therefore should not be arrested by male police. Similarly, raid for showing vulgar dances should be conducted under the supervision of magistrates or local nazims instead of the police.

The petitioner was in favour of constituting rehabilitation committees at district level to protect transvestites from the highhandedness of police and thugs.

He also asked for setting up a commission by provincial governments to prepare recommendations and plans for their legal and social uplift.

He said in the national identity card, their gender should be described as Khwaja Sara and special national identity cards like the ones for disabled persons should be issued to them.

Dr Khaki said their rights to availing public utilities like public toilets, transport compartments and hospital admissions should also be clarified.

The petitioner said small loans should be granted to transvestites to establish businesses. The court adjourned the case for two months with a direction to provincial governments to complete registration process before the next date of hearing.
http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/14-the-legal-challenge-zj-05

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Return to contents
Go to sources

[11m]

British
High Commission
Islamabad

29th November 2010

The UK Border Agency made the following enquiries:-

- If the Nizam-e-Adl Regulation 2009 is officially still in effect, or whether it was revoked following the Swat military offensive?
- Did the proposed Apostasy Act 2006 ever get any further consideration in the National Assembly?
- Is the criminal age of responsibility still set at 7, or has it been raised to 12? Is there any progress on the Child Protection Bill?

We referred this enquiry to Ian Dawson, Political Section, who provided the following information:-

> The Nizam-e-Adl Regulation 2009 is still in force in the Malakand Division. Its case management provisions have been deemed so successful in dealing with court backlogs that USAID is considering a law reform programme based on disseminating the good practice. This is not to say that some elements of the Nizam-e-Adl are highly regressive. On an aside, I recently learned that the Sexual Offences Reform Act passed by Musharraf in 2006 does not apply in Malakand, leaving the victims of sexual violence vulnerable under the regressive Zina Ordinance.

The Apostasy Bill was tabled by the right-wing Sunni based religious alliance, the Muttahida Masjlis-i-Amal (MMA) in the National Assembly. The Bill was sent to the Standing Committee in May 2007 for detailed consideration. The Bill failed to emerge from Committee before the dissolution of the National Assembly in 2007. The MMA boycotted the elections, eventually held in early 2008, and the alliance crumbled. They have no meaningful parliamentary base in the current Assembly.

The Pakistan Penal Code, 1860 states, in Section 82 that a child under seven years of age cannot commit a criminal offence. A child between 7 and under 12 years of age can commit an offence, if the "child has sufficient maturity of understanding to judge the nature and consequences of his act". In effect, it falls to the prosecution to prove that such a child has a 'mischievous discretion'.

The Child Protection Bill is still not law. In July the government referred the Bill to the Council of Islamic Ideology, which ruled that raising the age of criminal responsibility was not contrary to Sharia. The Child Protection Bill was sent back to the Interior Ministry, where it joins a number of other bills awaiting consideration by the National Assembly. Following the 18th Amendment, child protection and welfare will become provincial subjects. As a consequence the Punjab and Khyber-Pukhtunkwa provinces have passed Child Protection measures during 2010.

Return to contents
Go to sources

[11p]

British
High Commission
Islamabad

20 January 2011

The UK Border Agency requested the following information:-

- What is the process to record your faith in a Pakistani passport?
- Is a stamp issued to confirm the individuals Ahmadiyya faith?
- Who applies the stamp in the Pakistani passport?
- Can the stamp be applied at any stage?
- Could a bribe be paid for an Ahmadiyya stamp to be issued?
- Do those with the Ahmadiyya faith declared in their passport have problems with immigration when departing from Pakistan?

In relation to the first four questions only, the British High Commission consulted with an official working within the Passport Circle within the Government of Pakistan's Federal Investigation Agency. He responded as follows:-

"There is no stamp of "Ahmadiyya". Its printed on second page of the passport...it's one time process and it can be printed only at once when passport is printed".

The British High Commission also consulted with a locally employed member of staff within the British High Commission, whose opinion was as follows:-

"The old PAK ppt had religion column on the biodata page. The new PAK machine readable ppts were introduced in Oct 2004 when religion was not being mentioned. In 2006 the authorities started putting religion on annotation page. The passport database is interconnected with the NADRA's system, where the things are being tallied. During the database recording for a new PAK ppt, religion question is asked. If there is any discrepancy the applicants are asked to submit affidavit on this to remove doubts.

1. At the time of data recording for a new passport questions are asked verbally including religion.

2. There has never been any stamp impression (Rubber Stamp) for religion/faith on the manual (old) PAK ppt. However the faith/religion is printed on the annotation page of the new PAK ppt. The term Ahmadiyya is printed on page two of the passport. We are not aware of there being a wet ink stamp.

3. The passport and Immigration authorities are responsible for printing the biodata and additional info of the applicant (faith/religion) on the passports both on manual and machine readable.

4. Yes, but in such cases applicants needs to reapply for modifications and new passport will be issued.

5. The system can be abused by culprits by different ways. It is possible that a bribe could be paid at the time the passport is issued, but we do not have any direct evidence of this.

6. There isn't any problem in departing from Pakistan for Ahmadis holding Pakistani ppt. As long as the visa and passport is genuine."

Return to contents
Go to sources

[11q]

British
High Commission
Islamabad

2 March 2011

Can converts to Christianity could live freely and openly in Pakistan? Are they at risk of an "honour" killing owing to their conversion? Is internal relocation an option, i.e. would any areas be deemed "safer" for Christians than others?
We consulted internally with our Political Section, who deal with humanitarian and human rights issues. In short, it is difficult to corroborate the real situation, as this is a frequently hidden problem; our view is that converts would probably not want to draw additional attention to themselves. However, we have ascertained the following anecdotal evidence from our dealings with external contacts in Pakistan:-

- Firstly, in our opinion it would be difficult for Christian converts to live freely and openly in Pakistan, as converts over and above being Christian. It is our view that people who are known to have converted to Christianity suffer serious discrimination, for example in the workplace or by the authorities. It is far more difficult for people in Pakistan who are known to have converted to Christianity, than it is for people who were born Christian.
- We understand that it would be rare for someone to convert to Christianity, or at least to do so openly, in Pakistan. It is therefore something of note for the community, with potential repercussions.
- Our Political Section considered that internal relocation may be possible, in theory, as there were Christian communities in many urban areas such as Rawalpindi, and across Punjab and Sindh provinces. Due to the anonymity afforded by moving to an urban area, it may be feasible to relocate and not reveal the fact of the conversion. However, our view was also that the Christian communities were themselves becoming increasingly isolated from other communities. Therefore whilst it may be more difficult to socially exclude and harass a Christian who lives in a larger Christian community, it does not necessary preclude that harassment.
- Finally, it was our view that Christian converts were not at risk of an honour killing, despite these difficulties, as these are normally related to property disputes or perceived dishonourable behaviour rather than matters of faith or principle.

Return to contents
Go to sources