

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	140
Land:	Pakistan
Kilde:	Freedom House
Titel:	"Pakistan (2006)"
Udgivet:	29. november 2006
Optaget på baggrundsmaterialet:	2007

Pakistan (2006)

Overview

Polity:

No polity available

Political Rights:

6

Civil Liberties:

5

Status:

Not Free

Population:

162,400,000

GNI/Capita:

\$520

Life Expectancy:

62

Religious Groups:

Muslim (97 percent)
[Sunni (77 percent), Shi'a (20 percent)], other
[including Christian and Hindu] (3 percent)

Ethnic Groups:

Punjabi, Sindhi,
Pashtun, Baloch,
Muhajir

Capital:

Islamabad

Additional Info:

[Freedom in the World 2005](#)

[Freedom of the Press 2005](#)

[Nations in Transit 2004](#)

[Countries at the Crossroads 2005](#)

Pakistan remained firmly under the control of a military government headed by General Pervez Musharraf in 2005. Despite facing sustained opposition from both the secular and Islamist political parties, the regime has retained its dominance over the political sphere, and Musharraf himself has managed to continue in his dual roles of president and head of the army despite his previous promises to relinquish one title. Local elections held in August and September, which were seen as a precursor to the likely conduct of national elections scheduled for 2007, were criticized as being widely rigged; instead of expanding the democratic process, they have further consolidated the government's hold over political institutions. In the absence of an independent legislature and judiciary, the media remain one of the only forums that provide oversight of official actions and policy. However, the government has become less tolerant of such criticism and, on a number of occasions, harassed or intimidated members of the press. A range of other human rights violations, including egregious legal and societal discrimination against women and religious minorities, continued to be reported during the year. Sectarian and terrorist violence remains a concern, and fighting between government forces and tribal groups in Waziristan and Balochistan escalated in 2005.

Pakistan came into existence as a Muslim homeland with the partition of British India in 1947. Following a nine-month civil war, East Pakistan achieved independence in 1971 as the new state of Bangladesh. The army has directly or indirectly ruled Pakistan for 31 of its 58 years of independence. As part of his efforts to consolidate power, the military dictator General Zia ul-Haq amended the constitution in 1985 to allow the president to dismiss elected governments. After Zia's death in 1988, successive presidents cited corruption and abuse of power in sacking elected governments headed by Benazir Bhutto of the Pakistan People's Party (PPP) in 1990 and 1996, and Nawaz Sharif of the Pakistan Muslim League (PML) in 1993.

After the PML decisively won the 1997 elections, Sharif, as prime minister, largely ignored Pakistan's pressing economic and social problems while attempting to undermine every institution capable of challenging him, including the judiciary and the press. However, when he attempted to reshuffle the army's leadership and fire the army chief, he was deposed in October 1999 in a bloodless coup. Chief of Army Staff General Pervez Musharraf then appointed

himself "chief executive," declared a state of emergency, and suspended parliament, the provincial assemblies, and the constitution. In December 2000, 18 of Pakistan's political parties, including archrivals PML and PPP, joined to form the Alliance for the Restoration of Democracy (ARD), an umbrella group calling for an end to military rule. However, Musharraf was able to successfully neutralize Sharif and Bhutto, his primary political opponents, through a combination of court convictions and exile.

Musharraf's primary aim since gaining power has been to ensure a dominant role for the military after Pakistan made the nominal transition back to democratic rule. The controversial 2002 Legal Framework Order (LFO), which was intended as a vehicle for amending the constitution without the participation of parliament, gave him effective control over parliament and changed the electoral rules to the detriment of opposition parties. The regime also openly promoted progovernment political parties, such as the newly formed Pakistan Muslim League Quaid-i-Azam (PMLQ). In the 2002 parliamentary elections, no single party won a majority of seats; the PML-Q won 126 seats, while the PPP won 81 and the PML, 19. A coalition of six religious parties, the Muttahida Majlis-i-Amal (MMA), performed unexpectedly strongly, winning 63 seats in the national parliament and a majority of seats in two provinces. With support from independents and deserters from the other main parties, the PML-Q was able to form a government; it then consolidated its position by winning a majority of seats in the 2003 Senate elections.

Parliament was deadlocked throughout most of 2003, with the main opposition parties insisting that Musharraf rescind the LFO, introduce legal and constitutional changes through the normal parliamentary process, and relinquish his position as army chief if he wished to continue as president. A deal brokered with the MMA enabled the government to pass a constitutional amendment in January 2004 legitimizing the coup; the government was then able to pass legislation in April 2004 establishing a powerful National Security Council (NSC), headed by the president, which further solidified the military's role in government. In a reversal of his pledge to the MMA that he would step down as army chief by year's end, Musharraf then announced in September 2004 that the need for stability required him to stay on in both roles. This decision was formalized when the parliament passed the President to Hold Two Offices Act, enabling him to stay on as army chief until 2007. In reaction, the MMA launched nationwide protests and have continued to oppose the government.

In May 2005, Musharraf announced that he might stay on in both roles past 2007, when parliamentary elections are scheduled. Local council elections held in August and September were seen as a test of the government's commitment to allowing freer and fairer elections to take place. The elections were held on a nonparty basis with more than 218,000 candidates contesting; in final results, PML-Q- backed candidates performed well in Punjab and Sindh, while nationalist parties scored gains in the North West Frontier Province (NWFP) and Balochistan at the expense of MMA-backed candidates. However, opposition parties as well as monitoring groups expressed dissatisfaction with the conduct of the process. In addition to higher than usual levels of violence-there were

over 60 election-related deaths and some 550 injured countrywide-numerous cases of pre-poll rigging, ballot stuffing, intimidation, and other forms of coercion and fraud were condemned by the independent Human Rights Commission of Pakistan (HRCP), International Crisis Group (ICG), and others. With the moderate opposition parties having been further marginalized and with local government structures now more firmly under the grip of his political allies, Musharraf is now well placed to continue in power after the next national elections.

While managing to contain the secular opposition, Musharraf was initially less willing to rein in the Islamic fundamentalist groups with whom the military had traditionally had a close relationship. Although several groups have been banned since September 2001, when Musharraf pledged to support the United States in its war on terrorism, and hundreds of activists have been periodically arrested, more than 40 groups continue to function under new names, and their leaders have generally not been prosecuted. The increased parliamentary presence of religious parties with ties to radical madrassas (religious schools) and to militant groups suggests that the influence of the Islamists will continue to be strong. However, official tolerance for the activities of these groups declined following several assassination attempts against Musharraf and Prime Minister Shaukat Aziz in late 2003 and 2004. Working closely with U.S. intelligence, Pakistani security forces captured a number of high-value al-Qaeda targets in 2004, and troops engaging militants sheltering in the tribal areas of South Waziristan have killed or captured hundreds of fighters. After the July 7, 2005, bombings in London, which involved several British citizens of Pakistani origin who had studied in Pakistan, Musharraf ordered a renewed crackdown on militant groups and madrassas, which further worsened the relationship between the government and the MMA. Nevertheless, many militant groups remain active, and sectarian violence, which killed and injured several hundred people during 2005, continues to be a concern.

Fighting and unrest between government forces and tribal groups in Balochistan, which was triggered by the rape of a female doctor allegedly at the hands of the army, escalated in early 2005, and the situation remains tense. A separatist group, the Balochistan Liberation Army, has stepped up its attacks on infrastructure (particularly gas pipelines) and development projects and staff, while local tribal leaders continue to demand greater political autonomy and control over the province's considerable natural resources. The federal government, as well as Pakistan in general, was also severely tested by the October 8 earthquake, which hit Pakistani Kashmir as well as the NWFP, killing an estimated 73,000 and rendering about 3 million homeless, in addition to causing extensive damage to roads and infrastructure.

Political Rights and Civil Liberties

Citizens of Pakistan cannot change their government democratically. Despite the election of a civilian National Assembly in October 2002, the Pakistani military, headed by General Pervez Musharraf, continues to wield effective control over the structures of government. The 1973 constitution provides for a lower National Assembly, which currently has 272 directly elected seats and 70

seats reserved for women and non-Muslim minorities, and a Senate, the majority of whose 100 members are elected by the four provincial assemblies for six-year terms. Shortly after the 1999 coup, Musharraf suspended the provincial and national assemblies, declared himself president, and in 2002 held a referendum widely regarded as rigged in order to extend his term as president. In preparation for national elections-after the coup, the Supreme Court mandated that they be held by October 2002- Musharraf further strengthened the powers of the presidency and formalized the military's role in governance. The LFO gave him the right to unilaterally dismiss the national and provincial parliaments, as well as providing for a National Security Council dominated by military figures that would supervise the work of the civilian cabinet.

The LFO also restricts certain individuals from standing for elected office, as well as restricting political parties in their choice of leadership. Some of these measures were explicitly aimed at preventing former prime ministers Benazir Bhutto and Nawaz Sharif from contesting the 2002 elections. Although the government lifted the longstanding ban on political rallies shortly before the elections, significant restrictions remained in place, and the ability of opposition parties to mount effective campaigns was circumscribed. In its statement on the elections, the HRCP noted that governmental machinery had been used to intimidate opposition candidates. The report of the European Union Election Observation Mission concluded that there had been "serious flaws" in the electoral process.

Since the election, secular opposition parties and their leaders have continued to face intimidation and harassment from intelligence agencies and other government organs. In October 2003, Javed Hashmi, the leader of the ARD alliance, was arrested and charged with treason after he publicly criticized the army (he had read an anti-Musharraf letter at a news conference). In April 2004, Hashmi was sentenced to 23 years in prison on sedition charges. Prior to and during the local elections, a number of opposition candidates were abducted or otherwise intimidated, according to the ICG.

On the positive side, women and minorities now have enhanced representation in the parliament. After repeated complaints by religious minorities, the government abolished the system of separate electorates in January 2002, enabling them to vote alongside Muslims and thus participate more fully in the political system. In addition, 10 seats in the reconstituted National Assembly were reserved for minorities and 60 were reserved for women. However, women continue to have difficulty voting and running for office in the more conservative parts of the country.

Pakistan's government operates with limited transparency and accountability. Over the past six years, military officers have assumed an increasing role in governance through "army monitoring teams" that oversee the functioning of many civilian administrative departments. The army now has a stake in continuing to influence both commercial and political decision-making processes, as well as maintaining its traditional dominance over foreign policy and security issues. Serving and retired officers receive top public-sector jobs in

ministries, state-run corporations, and universities, and are given a range of other privileges. The effective functioning of the parliament has been hampered by ongoing opposition boycotts, and many pieces of legislation have been pushed through with limited debate.

Corruption is pervasive at almost all levels of politics and government, and appears to be worsening; Transparency International's 2005 Corruption Perceptions Index ranked Pakistan 144 out of 159 countries surveyed, a drop from the previous year. Although Musharraf has publicly stated that eliminating official corruption is a priority, the National Anti-Corruption Strategy approved in 2002 focuses on politicians, civil servants, and businessmen, while virtually ignoring military and security personnel. Corruption charges are frequently used as a tool to punish opposition politicians; for example, Yousuf Raza Gilani, a former speaker of the National Assembly, was fined, sentenced to 10 years' imprisonment, and disqualified from holding office on corruption charges in September 2004 after he refused to defect from the PPP.

The constitution and other laws authorize the government to curb freedom of speech on subjects including the constitution, the armed forces, the judiciary, and religion; blasphemy laws have also been used to suppress the media. On numerous occasions, police, security forces, and military intelligence subjected journalists to physical attacks, intimidation, or arbitrary arrest and incommunicado detention. In addition, Islamic fundamentalists and thugs hired by feudal landlords or local politicians continue to harass journalists and attack newspaper offices. In February, gunmen killed two journalists and injured two others in the tribal areas of South Waziristan. Police raided the offices of several publications in July and arrested vendors selling newspapers deemed to be promoting religious hatred and disharmony; in August, the publication licenses of three of these periodicals were revoked.

While a number of journalists practice self-censorship, Pakistan continues to have some of the most outspoken newspapers in South Asia, and the broadcast sector has become somewhat more diversified with the opening of a number of new private television stations. However, military authorities are using increasingly aggressive tactics to silence critical voices in the media, according to Human Rights Watch. A number of journalists have been pressured to resign from prominent publications, charged with sedition, or arrested and intimidated by intelligence officials while in custody. Authorities have also used advertising boycotts to put economic pressure on publications that do not heed unofficial directives on coverage; in 2005, the most prominent example of this occurred in May, when a ban on official advertising was placed on two newspapers in the Nawa-i-Waqt group of publications. The website of an online newspaper established abroad by exiled editor Shaheen Sehbai remains blocked by Pakistani telecommunications authorities, and other web-based news sources are occasionally blocked. Musharraf himself has also contributed to an atmosphere that is inimical to free speech by making public threats against specific members of the press.

Pakistan is an Islamic republic, and there are numerous legal restrictions on religious freedom. Blasphemy laws provide for steep sentences, including the

death penalty, for defiling Islam, the prophet Muhammad, and the Koran; in addition, injuring the "religious feelings" of individual citizens is prohibited. Instances of low-ranking police officials being bribed to file false blasphemy charges against Ahmadis, Christians, Hindus, and occasionally other Muslims have been increasing in recent years. Ahmadis consider themselves to be Muslims, but the constitution classifies them as a non-Muslim minority, and the penal code severely restricts Ahmadi religious practice; in August, authorities closed 16 Ahmadi publishing houses.

According to the U.S. State Department's 2005 Report on International Religious Freedom, there were several dozen blasphemy cases pending in the courts as of mid-2005, and nine people were in prison following conviction. To date, appeals courts have overturned all blasphemy convictions, but suspects are generally forced to spend lengthy periods in prison, where they are subject to ill-treatment, and they continue to be targeted by religious extremists after they are released. However, in an attempt to limit abuse of these laws, an amendment was enacted in January requiring that a senior police officer investigate such charges. In November, after a Christian man was accused of desecrating the Koran and a Muslim mob burned down two churches and a convent near the town of Sangla Hill in reprisal, human rights and minority groups called once again for the repeal of the blasphemy laws.

Religious minorities also face unofficial economic, social, and cultural discrimination, and are occasionally subjected to violence and harassment. Attacks on places of worship occur frequently, with an increase during 2005 in violence at Sufi shrines and festivals. The government often fails to protect religious minorities from sectarian violence, and discriminatory legislation contributes to creating a general climate of religious intolerance. In March, right-wing religious groups successfully lobbied the government to retain religious designations on Pakistani passports.

The government generally does not restrict academic freedom. However, student groups, some of whom have ties to radical Islamist organizations, violently attack or otherwise intimidate students, teachers, and administrators at some universities, which contributes to a climate of intolerance. According to the ICG, college students are now also required to sign affidavits declaring that they will not participate in any political activity, and this ban is selectively enforced against supporters of opposition parties. During the year, the government proceeded with proposed reforms of the public education sector designed to minimize the teaching of religious intolerance.

The military government banned all public political meetings, strikes, and rallies in March 2000. Authorities regularly disperse protests using force and preemptively arrest political activists to prevent demonstrations from occurring. In December 2004, police arrested hundreds of PPP activists, including several legislators, prior to a planned rally, and in April 2005, thousands of PPP supporters were arrested in order to prevent them from welcoming Asif Ali Zardari, husband of PPP leader Benazir Bhutto, upon his arrival at Lahore airport. Some Islamist leaders have been held under house arrest or in preventive detention under the Maintenance of Public Order ordinance, which

allows for three months' detention without trial. Laws governing sedition, public order, and terrorism have also been used to raid party offices and detain political activists and leaders in Punjab and Sindh.

Authorities generally tolerate the work of nongovernmental organizations (NGOs) and allow them to publish critical material. In May, however, NGO activists, led by the HRCP, who attempted to organize a symbolic, mixed-gender marathon in Lahore were beaten and arrested by police. In recent years, Islamic fundamentalists have issued death threats against prominent human rights defenders and against female NGO activists who work in rural areas.

Trade unions are independent. The law restricts the right to strike, and workers in certain essential industries face restrictions on bargaining collectively and generally cannot hold strikes. Despite legislation outlawing bonded labor and canceling enslaving debts, illegal bonded labor continues to be widespread. News reports say that there is a growing trend involving bonded laborers who sell organs, particularly kidneys, in order to escape their servitude. The enforcement of child labor laws continues to be inadequate; recent surveys indicate that there are at least eight million child workers in Pakistan.

The judiciary consists of civil and criminal courts and a special Sharia (Islamic law) court for certain offenses. Lower courts remain plagued by endemic corruption; intimidation by local officials, powerful individuals, and Islamic extremists; and heavy backlogs that lead to lengthy pretrial detentions. The military regime undermined the Supreme Court's reputation for independence in January 2000, when it ordered all high-ranking judges to swear to uphold the Provisional Constitutional Order issued by Musharraf. When the chief justice and a number of other judges refused, they were replaced. Since then, the courts have rejected subsequent challenges to the legality of military rule. A November 2004 ICG report drew attention to the fact that the executive has extended its influence over the judiciary by using the appointments system to remove independent judges, fill key positions with political allies, and reward those who issue judgments favorable to the government.

Other parts of the judicial system, such as the antiterrorism courts, operate with limited due process rights. A 1999 ordinance vested broad powers of arrest, investigation, and prosecution in a National Accountability Bureau and established special courts to try corruption cases. Musharraf has used both selectively to prosecute rival politicians and officials from previous civilian governments. The Sharia court enforces the 1979 Hudood Ordinances, which criminalize nonmarital rape, extramarital sex, and several alcohol, gambling, and property offenses, and provide for Koranic punishments, including death by stoning for adultery, as well as jail terms and fines. According to Human Rights Watch, an estimated 210,000 cases are currently being processed under the ordinances. In part because of strict evidentiary standards, authorities have never carried out the Koranic punishments. In 2003, the provincial assembly in the NWFP passed a bill that declared Sharia (Islamic law) the supreme law of the province and empowered the government to Islamize the economy, the legal system, and education. In July 2005, after the NWFP passed the

Talibanstyle Hisba (accountability) Bill, under which a watchdog agency would monitor and enforce adherence to Islamic values and practices, Musharraf asked the Supreme Court to declare the bill unconstitutional.

The Federally Administered Tribal Areas (FATA) are under a separate legal system, the Frontier Crimes Regulation, which authorizes tribal leaders to administer justice according to Sharia and tribal custom. Feudal landlords and tribal elders throughout Pakistan continue to adjudicate some disputes and impose punishment in unsanctioned parallel courts called jirgas. A 2002 Amnesty International report raised concerns that the jirgas abuse a range of human rights and are particularly discriminatory towards women. In April 2004, however, the Sindh High Court issued a ruling that banned all trials conducted under the jirga system in the province.

Anecdotal evidence suggests that police continue to routinely engage in crime, use excessive force in ordinary situations, arbitrarily arrest and detain citizens, extort money from prisoners and their families, accept money to register cases on false charges, rape female detainees and prisoners, commit extrajudicial killings, and torture detainees (often to extract confessions). Political opponents, former government officials, and other critics of the regime are particularly at risk of arbitrary arrest or abduction, torture, and denial of basic due process rights at the hands of military authorities, according to Human Rights Watch. In its 2005 annual report, the HRC noted that instances of people being illegally detained by state agencies, sometimes for extended periods of time, appeared to be on the rise. Prison conditions continue to be extremely poor. A January 2005 Amnesty International report noted that the Juvenile Justice System Ordinance of 2000 remains largely unimplemented and that numerous children continue to be jailed alongside adults, heavily fined, and sometimes sentenced to the death penalty.

Press reports indicate that there may be as many as 200,000 armed militants currently active in Pakistan, and these extremists continue to carry out terrorist attacks both within Pakistan and in neighboring countries, including assassination attempts and suicide bombings directed at foreign, Shia, and Christian targets, which kill at least several hundred civilians each year. Sunni and Shia fundamentalist groups continue to engage in a cycle of retaliatory sectarian violence, mostly bomb attacks against mosques, other places of worship such as shrines, and religious processions or gatherings. The South Asia Terrorism Portal has estimated that almost 160 people were killed and more than 350 were injured as a result of sectarian violence in 2005, a slight improvement over the previous year. The perpetrators of such attacks are rarely prosecuted, and protection for affected communities is minimal.

Operations by the Pakistani army and security forces against foreign militants in the tribal areas of South Waziristan are ongoing, and cases of human rights abuses committed during the course of these operations, including arbitrary arrest and detention, the destruction of property and the displacement of civilians, and extrajudicial executions, continue to be reported. Meanwhile, suspected Taliban militants have strengthened their hold over the area, imposing strict behavioral codes and killing more than 60 progovernment

political and religious leaders in 2005, according to the Christian Science Monitor. An upsurge in tension in Balochistan in January, where nationalist groups demanding increased autonomy and control over profits gained from natural resources have increased their attacks on gas pipelines and other infrastructure, has led to violence, instability, and displacement of civilians in a number of areas in the province.

In an atmosphere where the rule of law is weakly enforced and the military has expanded its control over economic resources, land rights are at risk. According to a Human Rights Watch report, tenant farmers in the Okara district of Punjab who have refused to cede their land rights to the army have faced besiegement, arbitrary arrest and detention, torture, "forced divorce," dismissal from employment, and, in the most extreme cases, murder. The growing dominance of the military over economic and commercial activity has also been cause for concern.

A combination of traditional norms, discriminatory laws, and weak law enforcement continues to contribute to rape, domestic violence, acid attacks, and other forms of abuse against women; according to the HRCP, up to 80 percent of women are victims of such abuse. Although less frequently than in the past, women are still charged under the Hudood Ordinances with adultery or other sexual misconduct arising from rape cases or alleged extramarital affairs, and 7,000 women are currently estimated to be in prison as a result of being wrongfully charged. The threat of being charged with adultery may prevent some women from reporting rape. In an attempt to reduce abuse of the ordinances, the government passed legislation in January requiring a court order before a woman can be detained under such charges.

Gang rapes sanctioned by village councils as a form of punishment for crimes committed by a woman's relatives continue to be reported, despite the fact that harsh sentences have been handed down in some cases. During the year, the administration's flippant attitude towards the issue of violence against women was highlighted by the outcry that erupted over Musharraf's comments that rape had become a "money-making concern." He referred to several high-profile victims of rape-Shazia Khalid, a doctor in Balochistan who was raped in January and subsequently fled the country after being pressured by the government; and Mukhtaran Mai, who was gang-raped on the orders of a village council in 2002 and initially denied a visa to travel to the United States in June 2005-as taking advantage of the issue to obtain foreign visas.

According to the HRCP, at least 1,000 women are killed by family members in so-called honor killings each year. Usually committed by a male relative of the victim, honor killings punish women who supposedly bring dishonor to the family. Government-backed legislation introducing stiffer sentences and the possibility of the death penalty for those convicted of honor killings was signed into law in January. However, given a prevailing environment where authorities generally do not aggressively prosecute and convict the perpetrators of violence against women, activists have questioned the effectiveness of the bill.

Pakistani women face unofficial discrimination in educational and employment

opportunities, and the trafficking of women and children remains a serious concern. Adequate access by children to education and health care continues to be a problem, despite the presence of a number of local and international NGOs that work to address such issues.