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(99)

Pakistan

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On October 12, 1999, the elected civilian Government of former Prime Minister Mian Nawaz Sharif was overthrown in a bloodless coup led by Army Chief of Staff General Pervez Musharraf. In consultation with senior military commanders, General Musharraf designated himself Chief Executive, and suspended the Constitution, the Parliament, and the provincial assemblies. The office of the President, which is mainly ceremonial, was retained. General Musharraf appointed an advisory National Security Council, which included both military and civilian advisers, and a civilian cabinet. The government bureaucracy continued to function; however, at all levels, the functioning of the Government after the coup was "monitored" by military commanders. In May the Supreme Court ruled that the Musharraf Government was constitutional and imposed a 3-year deadline—starting from October 12, 1999—to complete a transition to democratic, civilian rule. On December 31, local elections were held in 18 districts on a non-party basis; however the Government has not set a timetable for national elections. Corruption and inefficiency remained acute in all branches of government. The suspended Constitution provided for an independent judiciary; however, the judiciary was subject to executive branch and other outside influences, and suffers from inadequate resources, inefficiency, and corruption. The Supreme Court demonstrated a limited degree of independence; however, the overall credibility of the judiciary remained low, and General Musharraf took steps to control the judiciary and to remove his regime from judicial oversight.

The police have primary internal security responsibilities, although paramilitary forces, such as the Rangers and the Frontier Constabulary, provide support in areas where law and order problems are acute, like Karachi and the frontier areas. Provincial governments control the police and the paramilitary forces when they are assisting in law and order operations. In August the Government announced a devolution plan that included some increase in local political control of the police; however, the Government had not implemented this plan by year's end. During some religious holidays, the regular army is deployed in sensitive areas to help maintain public order. After the coup, the army played a role in enforcing exit control restrictions at airports and border crossings, reportedly as part of the Musharraf regime's anticorruption accountability campaign. Members of the security forces committed numerous serious human rights abuses.

Pakistan is a poor country with great extremes in the distribution of wealth. Education, especially for females is poor and only 33 percent of the population are judged literate by a very low standard. Cotton, textiles and apparel, rice, and leather products are the principal exports. The economy includes both state-run and private industries and financial institutions. The suspended Constitution provided for the right of private businesses to operate freely in most sectors of the economy and there continued to be a strong private sector. The per capita annual income is \$490 (PRs 29,400).

The Government's human rights record was poor, and the Government committed numerous serious abuses; however, there were improvements in some areas, particularly with respect to freedom of the press. Citizens continued to be denied the right to choose or change their government peacefully. Police committed numerous extrajudicial killings; however, there were fewer such killings than in 1999. In Karachi there were fewer killings between rival political factions during the year; however, many of these killings reportedly were committed by or with the participation of the security forces. Police abused and raped citizens. While the officers responsible for such abuses sometimes were transferred or suspended for their actions, no officer has been convicted and very few have been arrested. In Karachi there were signs of progress in redressing police excesses; however, in general police continued to commit serious abuses with impunity. Prison conditions remained extremely poor, and police arbitrarily arrested and detained citizens. The Government used arbitrary and sometimes incommunicado detention against leaders of the Sharif Government and their families; several major political leaders remained in jail or in self-imposed exile abroad at year's end. Case backlogs led to long delays in trials, and lengthy pretrial detention is common. The judiciary is subject to executive and other outside influences, and corruption, inefficiency, and lack of resources remained problems. The Government took steps to control the judiciary and to remove itself from judicial oversight. On January 25, General Musharraf ordered all Supreme Court, Shariat court, and provincial High Court justices to swear to uphold the post-coup Provisional Constitutional Order (PCO), which suspended the Constitution and legislative bodies and prohibited the superior courts from making any decision against the Chief Executive "or any person exercising powers or jurisdiction under his authority." Six Supreme Court justices, including the Chief Justice, and nine other provincial court justices resigned in protest. The Government's anticorruption campaign violated due process. In October 1998, the National Assembly (NA) voted for a 15th constitutional amendment, which would have required the Government to enforce Shari'a (Islamic law) throughout the country. However, General Musharraf abandoned his predecessor's attempt to enact the amendment. In April the Sindh Court found Nawaz Sharif guilty of treason and other charges; however, the court imposed a life sentence instead of the death penalty sought by the Musharraf Government. The court acquitted Sharif's six codefendants. In October the Sindh High Court upheld Nawaz Sharif's conviction. However, on December 9, the Government commuted former

Prime Minister Nawaz Sharif's prison sentence and exiled him and 18 of his family members to Saudi Arabia for 10 years. The Government infringed on citizens' privacy rights. The press was able to publish relatively freely; however, several journalists practiced self-censorship, especially on sensitive issues related to the military. There was not a systematic harassment campaign against newspapers or commentators critical of the Government during the year; however, the broadcast media remain a closely controlled government monopoly. The Government restricted freedom of assembly. During the year, the Government sporadically permitted several large antigovernment demonstrations; however, it prevented other protests and arrested organizers, reportedly for security reasons. In March the Government instituted a country-wide ban on strikes, processions, and outdoor political demonstrations. The Government maintained some limits on freedom of association. The Government imposed some limits on freedom of religion, particularly for Ahmadis. The Government also imposed limits on freedom of movement. General Musharraf spoke out against some of the human rights abuses of the previous regime and held a conference on human rights in April; however, the Government made minimal progress toward achieving the goals set at the conference.

Significant numbers of women were subjected to violence, abuse, rape, and other forms of degradation by spouses and members of society. The Government publicly criticized the practice of "honor killings" but failed to take corrective steps, and such killings continued throughout the country. There was considerable discrimination against women, and traditional social and legal constraints kept women in a subordinate position in society. Violence against children, as well as child abuse, and prostitution, remained serious problems. Female children still lag far behind boys in education, health care, and other social indices. Governmental and societal discrimination against religious minorities, particularly Ahmadis and Christians remains a problem, and the Government failed to take effective measures to counter prevalent public prejudices against religious minorities. Religious and ethnic-based rivalries resulted in numerous killings and civil disturbances. The Government and employers continued to restrict worker rights significantly. Debt slavery persists, and bonded labor by both adults and children remained a problem. The use of child labor remained widespread, although it generally is recognized as a serious problem, and industrial exporters have adopted a number of measures to eliminate child labor from specific sectors. Trafficking in women and children for the purpose of forced prostitution was a serious problem. Mob violence and terrorist attacks remained problems; however, the number of incidents declined slightly during the year.

Respect for Human Rights

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

Police committed extrajudicial killings. The extrajudicial killing of criminal suspects, often in the form of deaths in police custody or of staged encounters in which police shoot and kill the suspects, is common. Police officials generally insist that these deaths occur during attempts to escape or to resist arrest; family members and the press insist that many of these deaths are staged. Police personnel have been known to kill suspected criminals to prevent them from implicating police in crimes during court proceedings. After an attempt was made on then Prime Minister Sharif's life in January 1999, as many as 40 Sunni Muslims associated with the Lashkar-i-Jhangvi, the putative instigator, may have been killed in police encounters. The Human Rights Commission of Pakistan (HRCP) reported that there were fewer reports of extrajudicial killings during the year than there were in the previous year. In September a journalist reported that 19 persons died in police encounters or as victims of torture in the first 9 months of the year. Amnesty International (AI) estimates that at least 100 persons die from police torture each year (see Section 1.c.). The HRCP estimated that 23 persons were killed in police custody or police encounters during the year. Police officials insist that these deaths occurred during attempts to escape or resist arrest. For example, in October police killed a suspect who reportedly attempted to resist arrest; there were no investigations of the incident during the year. In addition to killing suspects to prevent them from implicating the police in court, police reportedly killed suspected criminals to circumvent or overcome insufficient evidence, witness intimidation, judicial corruption, and sometimes political pressure. Police professionalism is low. The police view the killings of criminal suspects as appropriate given the lack of effective action by the judiciary against criminals. The judiciary on the other hand, faults the police for presenting weak cases that do not stand up in court.

According to a press report, Shaheen Akhtar, a 15-year-old rape victim charged with adultery was kept fettered in a hospital despite being diagnosed with advanced tuberculosis; Akhtar died in May (see Section 1.c.).

Police officers occasionally are transferred or briefly suspended for involvement in extrajudicial killings. However, court-ordered inquiries into these killings have resulted in few trials and no convictions. In February two police inspectors who were charged with killing a member of the Muttahida Quami Movement (MQM) in custody were denied bail after the Sindh High Court determined that they had falsified precinct records and appeared to have committed the crime. Punjabi police killed Tahir Prince in February 1999; after his mother filed a writ, the Lahore High Court ordered a case registered against two police officers, one of whom was dismissed mid-year on charges of corruption. Tahir Prince's family then accepted financial compensation and dropped the case against the two officers. In general police continued to commit such killings with impunity.

The police and security forces were responsible for the deaths of a number of individuals associated with political or terrorist groups. A committee of inquiry was established to look into the death of Pakistan Muslim League youth wing leader Qasim Khan, who died while in the custody of the Peshawar police in July 1999. However, despite requests from human rights activists, the committee did not publish its findings, and the officer who allegedly was involved in the killing retained his position.

The Muttahida Quami Movement (MQM), an urban Sindh-based political party that in the past demonstrated a

willingness to use violence to further its aims, claimed that the police specifically targeted its adherents for extrajudicial killings. Altaf Hussain established the MQM in 1984 to promote the rights of Mohajirs, the descendants of Urdu-speaking Muslims who migrated from India to Pakistan following partition in 1947. Elements of the group became involved in extortion and other forms of racketeering, and the party split into the MQM-Altaf -- the original group headed by Altaf Hussain, a large breakaway group (MQM-Haqiqi), and a few smaller factions. The MQM-Altaf, in part because of its efficient organization and willingness to use violence, became the dominant political party in Karachi and Hyderabad, and sent several moderate and nonviolent leaders to the now suspended Parliament and the Sindh provincial assembly. Because of its past links, the MQM-Altaf has antagonized followers, suffered violent breakaways, and continually been at odds with successive governments. In a 1999 report, the MQM listed 10 persons, mostly MQM activists, that it alleged were killed extrajudicially by Karachi police between October 1998 and March 1999. Since the coup, reports of extrajudicial killings of MQM activists have dropped sharply. However, on September 13, two MQM activists were killed, probably by government forces.

Politically motivated and sectarian violence continued. After the coup, there was relative quiet until the traditionally tense Shi'a holiday of Muharram in April, when a number of violent incidents occurred between rival Sunni and Shi'a groups. One newspaper reported that an estimated 300 persons had died in sectarian attacks between late 1997 and 1999 (see Sections 2.c. and 5). Shi'a activists reported in April that approximately 40 Shi'as have been killed since the coup. According to government figures, 915 persons, 64 percent of them Shi'as, have died as a result of sectarian violence since 1994. On April 7, unknown gunmen in Karachi killed a Shi'a lawyer and the Secretary General of Tehrek-i-Jafaria Pakistan (TJP), his son, and his driver; the assailants may have been members of the extremist Sipah-e-Sahaba Pakistan (SSP -- see Section 5). On April 12, in the worst incident of sectarian violence since the coup, unknown assailants attacked a Shi'a religious congregation in Rawalpindi with grenades and bullets, killing 19 persons and injuring 37 others. Police arrested several Sunni Muslims following the attack. In April an unknown gunman killed 15 Shi'a Muslims in the village of Mallow Wali. On May 11, unknown assailants killed a leader of the SSP, which marked the first killing of a known Sunni leader since 1998 (see Sections 1.d. and 5).

Women were killed by family members in so-called "honor killings." In March women's rights activists told a local newspaper that the frequency of honor killings is on the rise. For example, on June 1, a man from Yar Hussain in the northwest frontier province (NWFP) allegedly killed his 20-year-old daughter, Mumlikat Bibi, while she was sleeping. The father reportedly opposed his daughter's efforts to choose a spouse without parental consent (see Sections 1.f. and 5).

There were at least two high profile killings during the year. In January unknown assailants killed the chief justice designate of the Baluchistan High Court; it is likely that Marri was killed as a result of a personal vendetta. On March 10, unknown assailants killed Iqbal Raad, one of the defense lawyers for former Prime Minister Sharif. However, many observers believe that Raad's involvement in the Sharif trial was not a factor in his death.

There were numerous bomb attacks during the year. On January 17, a bomb in Karachi killed 12 persons and injured 22 persons. On January 28, two separate explosions killed 6 persons and injured 40 persons. On February 5, a bomb exploded killing 7 persons and injuring 60 others. No one claimed responsibility for these attacks. In March during a high profile visit to the country by a foreign head of state, five explosions occurred in Hyderabad, Quetta, and Karachi; two persons were killed and four persons were injured in these explosions. On March 28, an explosion in Torkham along the Pakistan-Afghanistan border killed at least 7 persons and injured 27 others. In May a spate of bombings targeting Karachi police stations killed one person. On July 7, two explosions in the Punjab killed 3 persons and injured 11 others. On July 16, a bomb exploded on a train to Hyderabad, killing 10 persons and injuring 32 others. On September 3, a bomb exploded in Lahore's central bus station, killing 2 and injuring 12 others. On September 7, 7 persons were killed and 35 injured in an explosion at the Dharampura Bazaar in Lahore. In late September, a large explosion at an Islamabad market killed at least 16 persons and injured 100 others. A local magazine reported that between January and October, there were more than 17 bomb explosions that killed dozens of persons in Quetta. No one claimed responsibility for these attacks (see Section 1.c.).

Local newspapers reported that more than ten politically prominent Afghans were killed during the year (see Section 2.d.). For example, in April unknown assailants killed Arif Khan, the Taliban governor of Konduz province. Afghans attributed some of these killings to personal rather than political disputes. Police personnel did not arrest anyone in connection with these killings.

There were reports that four prisoners died in a riot in a Peshawar jail in October; however, prison authorities denied these reports (see Section 1.c.).

Tension along the line of control between Pakistan and Indian-held Kashmir was high during the year, and there was shelling in several sectors. A senior army official in Pakistan-controlled Kashmir estimated that approximately 143 civilians were killed on the Pakistani side of the line of control.

b. Disappearance

There were credible reports of politically motivated disappearances. For example, retired Major General Anwar Sher and an Afghan aide, Abdul Qaher Shariati, disappeared in July; they were active in organizing Afghans to pursue a peace process. There has been no police investigation into the disappearances. In the intra-Mohajir violence in Karachi, victims sometimes first are held and tortured by opposing groups (or, as the MQM-Altaf alleges, by security forces). Bodies of these victims, often mutilated, generally are dumped in the street soon after the victims are abducted; however, the incidence of such crimes decreased greatly during the year.

In July a woman in Baluchistan was abducted by members of her tribe after a tribal jirga (council) forced the woman to annul her marriage (see Section 5).

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

The suspended Constitution and the Penal Code expressly forbid torture and other cruel, inhuman, or degrading treatment; however, police regularly torture, beat, and otherwise abuse persons. Police routinely use force to elicit confessions; however, there were fewer such reports and greater police cooperation in investigating such reports during the year. Human rights observers suggest that, because of widespread torture by the police, suspects usually confess to crimes regardless of their actual culpability; the courts subsequently throw out many such confessions. AI estimates that at least 100 persons die from police torture each year (see Section 1.a.). According to a 1999 Human Rights Watch report, children in detention also are subjected to torture and mistreatment (see Section 5).

Common torture methods include: beating; burning with cigarettes; whipping the soles of the feet; sexual assault; prolonged isolation; electric shock; denial of food or sleep; hanging upside down; forced spreading of the legs with bar fetters; and public humiliation. Some magistrates help cover up the abuse by issuing investigation reports stating that the victims died of natural causes.

Police personnel continued to torture persons in custody throughout the country. In June a local newspaper reported that prisoners waiting to appear in court routinely are held in fetters in police vans, even on extremely hot days. In 1999 70 prisoners awaiting or undergoing trial at Karachi prison, all MQM members, charged that they had been arrested illegally and tortured to induce confessions. According to MQM officials, police arrested over 700 MQM members during the past 2 years (see Section 1.d.); many of these persons reportedly were tortured in custody. In November 1999, Rana Sanaullah Khan, a PML member of the suspended Punjab provincial assembly, was arrested for criticizing the Musharraf Government; he reportedly was tortured in custody.

In March a judge sentenced two prisoners convicted of murdering almost 100 children to be executed by having their bodies cut into 100 and 98 pieces, respectively, and then having the pieces dissolved in acid. Legal experts criticized the judgment, and the case was under appeal at year's end.

Despite some cases during the year in which police officers were investigated or charged in connection with abuse of detainees, the failure of successive governments to prosecute and to punish abusers effectively is the single greatest obstacle to ending or reducing the incidence of abuse by the police. The authorities sometimes transferred, suspended, or arrested offending officers, but seldom prosecuted or punished them. Investigating officers generally shield their colleagues. However, in February Deputy Inspector General Fayyaz Ahmed Leghari stated that in 1999 Sindh police penalized 28,000 officers for malfeasance, and discharged or compulsorily retired 1,100 out of a total provincial force of 85,000. In February two police inspectors charged with killing an MQM activist in custody in 1998 were denied bail after the Sindh High Court determined that they falsified precinct records and appeared to have committed the crime (see Section 1.a.).

The 1997 Anti-terrorist Act allowed confessions obtained in police custody to be used in new "special courts." Human rights organizations and the press criticized this provision of the law because police torture of suspects is common. Police generally did not attempt to use confessions to secure convictions under this law and the Government agreed to amend the law after the Supreme Court in 1998 invalidated this and other sections of the Anti-terrorist Act. Due to greater scrutiny by NGO's and the media, including prison inspections in the Punjab and Sindh, the incidence of torture and abuse in prisons may be decreasing. In Karachi the Citizens Police Liaison Committee (CPLC) brought cases against police who make false arrests, practice torture, or take bribes. Cooperation between the CPLC and the police human rights complaint cell resulted in the dismissal of 216 policemen and the demotion or fines for 1,226 others between November 1998 and July 1999.

Police corruption is widespread. Police and prison officials frequently use the threat of abuse to extort money from prisoners and their families. Police accept money for registering cases on false charges and may torture innocent citizens. Persons pay police to humiliate their opponents and to avenge their personal grievances. During the year, the Government took some steps to reduce police corruption and transferred several senior police officers to other provinces to circumvent their local ties. The Government also deployed army officers to police stations.

In the past, successive governments recruited police officers in violation of considerations of merit and the department's regulations. In some instances, recruits had criminal records. Police corruption is most serious at the level of the Station House Officer (SHO), the official who runs each precinct. In 1998 300 new SHO's recruited on merit began a long-delayed special training course; the new SHO's have been hired and observers believe that they might improve police performance greatly. Some SHO's widely are believed to operate arrest-for-ransom operations, and establish unsanctioned police stations to collect illicit revenue. An August news report listed seven such stations in Karachi. SHO's are powerful; some are believed to have killed superior officers who tried to inhibit their corruption. Senior government officials have confirmed that police stations, and assignments therein, are sold to interested parties who then proceed to recoup their investment through illicit activities.

Actions taken to redress police abuses often have mixed results. In urban Sindh, the CPLC committees helped to curb some excesses, but complaints of large-scale police abuse persist.

Special women's police stations were established in 1994 in response to growing numbers of complaints of custodial abuse of women, including rape. These stations are staffed by female personnel, but receive even fewer material and human resources than regular police stations. For example, at the beginning of the year, the Karachi women's police station was housed in an unsafe building that had no bathing facilities and only one toilet for staff and inmates to share. Alerted to these conditions, Sindh Inspector General of Police Aftab Nabi moved the station to improved quarters and began a fundraising drive for a permanent facility. According to the government's own Commission of Inquiry for Women, the stations do not function independently or fulfill their purpose. Despite court orders and regulations that only female officers may interrogate female suspects, women continued to be detained overnight at regular police stations and abused by male officers. Based on Lahore newspaper reports from January to May 1999, the HRCP found 11 cases of violence, rape, or torture of women in police custody. In 1998 "Nasreen" accused the SHO of Lahore's Mozang police station of raping her after she visited the station to register a complaint against her in-laws. At the end of 1998, the case was under internal investigation by Lahore police; however, during the year, "Nasreen" and her family withdrew the case without stating a reason. Instances of abuse of women in prisons are less frequent than in police stations. Sexual abuse of child detainees by police or guards reportedly also is a problem.

The Hudood Ordinances, promulgated by the central martial law government in 1979, aimed to make the Penal Code more Islamic. These ordinances provide for harsh punishments for violations of Shari'a (Islamic law), including death by stoning for unlawful sexual relations and amputation for other crimes (see Section 1.c.). These so-called Hadd punishments require a high standard of evidence. In effect, four adult Muslim men of good character must witness an act for a Hadd punishment to apply. In 20 years, not a single Hadd punishment has been carried out. However, on the basis of lesser evidence, ordinary punishments such as jail terms or fines are imposed. From 1979 to 1995, over 1 million Hudood cases were filed, and 300,000 were heard by the courts. More recent statistics are unavailable. The laws are applied to Muslims and non-Muslims alike.

Women frequently are charged under the Hudood laws for sexual misconduct, such as adultery. In 1998 about one-third of the women in jails in Lahore, Peshawar, and Mardan were awaiting trial for adultery; that percentage likely remains accurate. Most women tried under the ordinance are acquitted, but the stigma of an adultery charge alone is severe. A Hudood law meant to deter false accusations is enforced weakly, and one human rights monitor claimed that 80 percent of adultery-related Hudood cases are filed without supporting evidence. Men accused of rape sometimes are acquitted and released while their victims are held for adultery or fornication. The Commission of Inquiry for Women recommended that the Hudood laws be repealed as they are based on an erroneous interpretation of Shari'a (see Section 5).

The Federal Crimes Regulation (FCR), which applies in the Federally Administered Tribal Areas (FATA), permits the punishment of relatives, friends, and neighbors of suspects. Authorities are empowered to blockade villages or to detain tribal kinsmen to obtain the surrender of a fugitive (see Sections 1.e. and 1.f.).

Police routinely use excessive force against demonstrators or strikers. On June 3, in Rawalpindi police that were armed with batons attacked 200 small business owners during a demonstration, injuring a number of persons. On June 9, police personnel used force to disperse a group of protesters, injuring 4 persons. Police accused the protesters of throwing stones and bricks at them, but some eyewitnesses alleged that the police fired without provocation. On June 29, police used batons and deployed tear gas during a rally of small and medium businessmen. In all three incidents, the protesters were challenging government plans to collect sales taxes (see Section 2.b.).

Police at times also beat journalists (see Section 2.a.). For example, in August government agents allegedly beat journalist Mazhar Tufail.

Police failed in some instances to protect members of religious minorities—particularly Ahmadis and Christians—from societal attacks (see Section 5).

A number of bomb attacks killed and injured many persons during the year (see Section 1.a.). No one claimed responsibility for these attacks.

Prison conditions are extremely poor. Overcrowding is widespread. According to the HRCP, there are 80,000 prisoners in jails that were built to hold a maximum of 35,833 persons. In 1999 a journalist for the Nation newspaper visited Adiala jail in Rawalpindi and reported that the prison holds 4,277 prisoners but was built for 2,000. According to a February press report, Sindh provincial officials claimed that the 16 jails of Sindh province, with a total capacity of 7,759 prisoners, actually housed over 14,000. Karachi central prison is the most overcrowded, with a population of 4,087 prisoners in a space designed for only 991; only 2 toilets are available per every 100 prisoners and the daily food budget in the lowest class of cells equals about \$.020 per prisoner. The HRCP claimed that the Lahore district jail, built to house 1,045 prisoners, contains 3,200. In July 1999, the Punjab Home Department admitted before the Lahore High Court that over 50,000 prisoners were held in Punjabi jails meant for 17,271. In the NWFP 21 prisons with a total capacity of 7,397 prisoners house 10,194 persons, including 485 children. Some 80 percent of prisoners are awaiting trial, mostly for petty offenses.

Prisoners routinely are shackled. The principal of the institute for jail staff training in Lahore stated in a July 1999 press interview that fettering is the most convenient way to administer an overcrowded jail. While the Pakistan Prison Act of 1894 permits fettering for a variety of offenses, the punishment usually is given for administrative convenience, or to extract bribes from prisoners. The shackles used are tight, heavy, and painful, and reportedly have led to gangrene and amputation in several cases. According to a press report, Shaheen Akhtar, a 15-year-old rape victim charged with adultery under the Hudood Ordinances, was kept

fettered in a hospital despite being diagnosed with advanced tuberculosis; Akhtar died in May (see Section 1.c.). Although the Sindh High Court ruled fettering illegal in 1993, the practice continues, and visitors to Sindh jails regularly see fettered prisoners. On April 21, General Musharraf condemned fettering as a "tool of indignity." Following a Lahore High Court ruling in June, prison wardens in Lahore were ordered to remove fetters; however police personnel and prison administrators have resisted (see Section 4).

There are three classes (A, B, and C) of prison facilities. Class "C" cells generally hold common criminals and those in pretrial detention. Such cells often have dirt floors, no furnishings, and poor food. Prisoners in these cells reportedly suffer the most abuse, including beatings and forced kneeling for long periods of time. In 1998 the Senate's Committee on Human Rights reported that at one facility in Hyderabad, 60 prisoners were confined to a space 100 feet by 30 feet with only 1 latrine. Such unsanitary conditions are common in small, poorly ventilated, and decrepit colonial-era prisons. Inadequate food, often consisting of only a few pieces of bread, led to chronic malnutrition for those unable to supplement their diet with help from family or friends. Access to medical care is a problem. Mentally ill prisoners normally lack adequate care and are not segregated from the general prison population (see Section 5). Foreign prisoners, mostly citizens of African countries with minimal diplomatic representation, often remain in prison long after their sentences are completed because there is no one to pay for their deportation to their home country. Conditions in "A" and "B" cells are markedly better; prisoners in these cells are permitted to have servants, special food, and televisions. Authorities reserve "A" cells for prominent persons, including political leaders. Especially prominent individuals—including some political figures—sometimes are held under house arrest and permitted to receive visitors.

In September prisoners in Hyderabad prison rioted to protest poor prison conditions. On September 25, police used force to quell a large prison riot; no casualty figures were reported. Prisoners also held riots over prison conditions in Peshawar in October and in Dera Islami Khan in December. There were reports that four prisoners died in the Peshawar jail riot; however, prison authorities denied the reports.

The Government permits prison visits by human rights monitors (see Section 1.d.). Landlords in Sindh and political factions in Karachi operated private jails (see Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile

The law regulates arrest and detention procedures; however, the authorities do not always comply with the law and police arbitrarily arrested and detained citizens. The law permits the Deputy Commissioner (DC) of a local district to order detention without charge for 30 days of persons suspected of threatening public order and safety. The DC may renew detention in 30-day increments, up to a total of 90 days. Human rights monitors report instances in which prisoners jailed under the Maintenance of Public Order Act have been imprisoned for up to 6 months without charge. For other criminal offenses, police may hold a suspect for 24 hours without charge. After the prisoner appears before a magistrate, the court can grant permission for continued detention for a maximum period of 14 days if the police provide material proof that this is necessary for an investigation. The Musharraf regime created the National Accountability Bureau (NAB) and special accountability courts to try corruption cases; the National Accountability Ordinance allows those suspected of corrupt practices to be detained for 90 days without charge (see Section 1.e.).

Police may arrest individuals on the basis of a First Incident Report (FIR) filed by a complainant, and have been known to file FIR's without supporting evidence. FIR's frequently are used to harass or intimidate individuals. Charges against an individual also may be based on a "blind" FIR, which lists the perpetrators as "person or persons unknown." If the case is not solved, the FIR is placed in the inactive file. When needed, a FIR is reactivated and taken to a magistrate by the police; the police then name a suspect and ask that the suspect be remanded for 14 days while they investigate further. After 14 days, the case is dropped for lack of evidence, but then another FIR is activated and brought against the accused. In this manner, rolling charges can be used to hold a suspect in custody continuously.

If the police can provide material proof that detention (physical remand or police custody for the purpose of interrogation) is necessary for an investigation, a court may extend detention for a total of 14 days. However, such proof may be little more than unsubstantiated assertions by the police. In practice the authorities do not fully observe the limits on detention. Police are not required to notify anyone when an arrest is made and often hold detainees without charge until a court challenges them. The police sometimes detain individuals arbitrarily without charge or on false charges to extort payment for their release. In Karachi small squads of police stopped taxis and delivery trucks for bribes. Human rights monitors report that a number of police stations have secret detention cells in which individuals are kept while police bargain for their release. There also are reports that the police move prisoners from one police station to another if they suspect a surprise visit by higher authorities. Some women continued to be detained arbitrarily and sexually abused (see Sections 1.c. and 5). Police also detained relatives of wanted criminals in order to compel suspects to surrender (see Section 1.f.). Police personnel also have been known to detain persons as a result of personal vendettas. Following an August house robbery in a Christian neighborhood in Islamabad, police reportedly arrested residents of the neighborhood and extorted bribes from them in exchange for their release.

The law stipulates that detainees must be brought to trial within 30 days of their arrest. However, in many cases, trials do not start until 6 months after the filing of charges. In 1998 the HRCP estimated that there were almost as many individuals awaiting trial in jails as there were prisoners. According to the chief justice of the Lahore High Court, there were over 500,000 civil and criminal cases backlogged in the province's subordinate court system as of April 1999. In 1999 in 62 Lahore city courts, 7,000 prisoners were awaiting trial in 6,000 cases; in 3,500 of these cases, the police have not even brought a "challan," or indictment, to the court. Sindh Government officials reported in February that 11,945 of the 14,219 prisoners in Sindh jails are awaiting trial. In 1997 the Government justified the creation of Anti-terrorist courts by citing the large number of murder and other cases that are clogging the regular court system (see Section 1.e.). The antiterrorist courts reportedly sentenced 32 persons to death and 15 persons to life imprisonment during the year. Double jeopardy applies

to those convicted of possessing narcotics because of a 1990 federal Shariat court ruling that customs and narcotics cases be initiated separately. A February ruling by the Lahore High Court forbidding a second trial was ignored by an April sessions court decision in Lahore, which sent the accused back to prison for the second time on the same narcotics conviction.

Asif Zardari, husband of former Prime Minister Benazir Bhutto, has waited for over 3 years for the start of his trial on charges of killing his brother-in-law, Murtaza Bhutto. Charges were first filed against Zardari in 1997 and transferred successively to two courts, where several judges refused to preside. By year's end, only 2 of 223 witnesses have been heard. In April 1999, Zardari was tried and convicted separately on corruption charges.

The Government permits visits by human rights monitors, family members, and lawyers (see Section 1.c.). However, in some cases, authorities refuse family visits and, in some police stations, persons are expected to pay bribes to see a prisoner. The Federally Administered Tribal Areas (FATA) have a separate legal system, the Frontier Crimes Regulation, which recognizes the doctrine of collective responsibility. Authorities are empowered to detain fellow members of a fugitive's tribe, or to blockade the fugitive's village, pending his surrender or punishment by his own tribe in accordance with local tradition. The Government continued to exercise such authority during the year. In March two persons from Mullah Said village were arrested under the Frontier Crimes Regulation following a shooting incident in which some persons from this village fired on residents of the neighboring Badan village (see Section 1.f.).

The Government sometimes uses mass arrests to quell protests or civil unrest. In 1999 police personnel arrested hundreds of persons, including two prominent members of the SSP, Maulana Muhammad Azam Tariq and Maulana Mohammad Ahmad Ludhianvi, following a wave of sectarian violence in Punjab and Sindh. Tariq and Ludhianvi were released during the year; however, Ludhianvi was killed in May by unknown assailants and Azam Tariq has taken refuge in Afghanistan (see Sections 1.a. and 5). Police arrested small businessmen during strikes in May and June; however, all of the demonstrators were released shortly after their arrests. On May 11, police arrested about 300 Muslim clerics and students in Lahore during protests against Musharraf's proposed changes to the blasphemy laws (see Sections 2.b. and 2.c.). In September Lahore police arrested more than 500 activists of the Pakistan People's Party (PPP) for shouting slogans against the Musharraf regime and the army. During the year, police arrested hundreds of opposition party members in order to prevent planned demonstrations from occurring (see Section 2.b.).

The Government detained several high-profile businessmen in connection with General Musharraf's anticorruption campaign. In March police detained a leading Afghan rug merchant; the merchant was released after 2 months. On May 8, armed gunmen seized Amin Lakhani, a leading Karachi businessman. Several days later, the NAB admitted that it authorized Lakhani's seizure. Lakhani was held without charge for several weeks and questioned about his financial affairs. His brother, Sultan Lakhani, also was seized on May 8 and remained in detention without charge at year's end.

On a number of occasions, police arrested persons prior to demonstrations under the Criminal Procedures Code ban (see Section 2.b.).

Police personnel arrested about 150 journalists during a peaceful protest in April. In August police personnel arrested four journalists who reportedly criticized the police; the journalists were released after 4 days (see Section 2.a.).

In past years, persons occasionally were detained arbitrarily because of disputes with powerful or well-connected persons; however, there were no reports that this occurred during the year.

The Musharraf Government detained without warrants and without charges several dozen political figures, military officers, government administrators, and Sharif family members following the 1999 coup. Nawaz Sharif and members of his family, including Punjab chief minister Shahbaz Sharif, most of the Cabinet, several senior advisors to the Prime Minister or to the Government, and a number of military and police officials were arrested or placed under house arrest immediately following the coup. On several occasions during the year, police officials prevented Nawaz Sharif's wife, Kulsoom Nawaz, from speaking at public meetings. Many of the officials who were arrested following the coup were held incommunicado. Nawaz Sharif was held incommunicado from the time of his arrest until he was brought to court more than 1 month later. Most others were released within a few days. In December the Government released from detention former Minister of Information Mushahid Hussain who had been held under house arrest since the October coup. As of year's end, approximately 30 politicians and their relatives remained in custody.

Several key figures among those initially arrested without charge, including Nawaz Sharif, were held in connection with the "hijacking" on October 12, 1999 of the civilian airliner carrying General Musharraf back from a conference in Sri Lanka; former Prime Minister Sharif reportedly denied permission for the plane to land in Karachi. Along with Sharif's summary replacement of General Musharraf with the Director General of the Inter-Services Intelligence Directorate, this event led to the 1999 coup. In the weeks following Sharif's arrest, he was detained without charge and denied access to counsel and family members (see Section 1.e.). A First Incident Report was filed on November 10, 1999, which charged Sharif with attempted murder, hijacking, and criminal conspiracy. Former Sharif advisor Ghous Ali Shah, former Pakistan International Airlines chairman Shahid Khaqan Abbasi, former Director of Civil Aviation Aminullah Chaudhary, and former Inspector General of Police Rana Maqbool were charged along with Sharif. The accused were to be tried before an Anti-terrorist court. On November 26, 1999, three other individuals—former Punjab chief minister Shahbaz Sharif, former senator Saifur Rehman, and former secretary to the Prime Minister Saeed Mehdi—were named codefendants in the case. Following changes in the Anti-terrorist Act, the formal filing of charges against Nawaz Sharif occurred on December 8, 1999. Sharif was convicted and sentenced to life imprisonment in April. His six codefendants

were acquitted; however, they were still in custody at year's end on a maintenance of public order charge" (see Section 1.e.).

Private jails exist in tribal and feudal areas.

Hundreds of MQM activists and legislators (including former Sindh Minister of Labor Shoaib Bokhari) were arrested in 1998 and remained in custody at year's end; some of these activists are being held without charge. According to MQM officials, police arrested over 700 MQM officials during the past 2 years (see Section 1.c.).

Many persons apprehended by the National Accountability Bureau (see Section 1.e.) remained in detention past the ordinance's stipulated 90 days detention without charge (see Section 1.d.). Siddiq ul-Farooq, a former press secretary to Nawaz Sharif, was arrested under the NAB in October 1999 and held without charge until May; at year's end, he was in detention pending commencement of the proceedings in his case. On April 4, Mian Manzoor Watoo, the former Punjab Chief Minister and head of his own PML faction, became the first senior politician to receive a jail term in a corruption case. In late 1999, MQM leader and former mayor of Karachi Dr. Farooq Sattar was arrested by order of the NAB, removed from his domicile, and held in a cell without a bed, chair, or desk. On July 14, Sattar was convicted on a widely disputed corruption charge. In July Nawaz Sharif was sentenced to 14 years' imprisonment and banned from holding political office for 21 years on the basis of a corruption conviction. Most observers reported that Sharif's trial was fair; however, they believe the Government's decision to pursue the corruption case was politically motivated.

During the year, authorities released from prison thousands of persons convicted of petty crimes who were being held despite the fact that their prison terms had expired. For example, in January authorities released 12,000 prisoners who were convicted of petty crimes. In an October news report, a senior official in the Ministry of Interior stated that 47,000 persons who were jailed for minor offenses were released during the year. The Punjab Department of Jails reportedly released 15,000 prisoners who were convicted of petty crimes during the year.

Human rights groups alleged that as many as 50 private jails, housing some 4,500 bonded laborers were being maintained by landlords in lower Sindh (see Section 6.c.). Some prisoners reportedly have been held for many years. In the five districts of upper Sindh, landlords have defied the courts and police by holding tribal jirgas, which settle feuds, award fines, and even sentence persons to the death penalty in defiance of provincial laws. In January a newspaper reported that 56 landless agricultural workers escaped from a private jail in Sanghar district, Sindh. The landlord reportedly had forced them to work without wages for several years. In February 42 bonded laborers escaped from a private jail in Umerkot district, Sindh. Under pressure from the landowner, seven of the laborers signed affidavits that they had not been confined against their will. On March 8, the Lahore High Court ordered the release of 24 brick kiln workers, including 10 women or children. According to press accounts, the laborers were kept in chains, not compensated for their work, and were beaten frequently.

On December 9, the Government commuted former Prime Minister Nawaz Sharif's prison sentence and exiled him and 18 of his family members to Saudi Arabia for 10 years. The Sharif family was forced to surrender a number of assets to the Government and had to agree to withdraw from politics while in exile. Some observers stated that the Government exiled Sharif in order to remove him from politics and to reduce the power and influence of the opposition.

e. Denial of Fair Public Trial

The suspended Constitution provided for an independent judiciary; however, in practice, the judiciary remains subject to executive branch influence, and despite the Musharraf regime's pledge to respect the independence of the judicial system, it took steps to control the judiciary and to remove the regime from judicial oversight. Provisional Constitution Order Number 1, issued on October 14, 1999, provided that all courts functioning at the time of the change in government would continue to operate, but that no court would have the power to issue orders against General Musharraf or any person exercising powers or jurisdiction under his authority. The decree effectively removed the actions of the Musharraf regime from judicial oversight. General Musharraf further undermined the independence of the judiciary when he ordered that all Supreme Court, Shar'ia Court, and Provincial High Court justices take an oath to uphold the PCO that brought the military into power. Low salaries, inadequate resources, heavy workloads, and corruption contributed to judicial inefficiency, particularly in the lower courts.

On January 25, 4 days before the Supreme Court was due to begin hearings on the legitimacy of the coup, General Musharraf ordered all Supreme Court, Shariat court, and provincial High Court justices to take an oath committing themselves to uphold the PCO, which suspended the Constitution and legislative bodies and prohibited the superior courts from making any decision against the Chief Executive "or any person exercising powers or jurisdiction under his authority." Six Supreme Court justices, including the Chief Justice, and nine provincial High Court justices resigned in protest; however, 85 percent of the affected justices agreed to swear allegiance to the PCO. As a result of this decree, government directives and ordinances under the PCO are no longer subject to judicial review. Some government officials claimed that General Musharraf issued this decree due to concerns that judges were being bribed to rule against the Government in the court challenges to the military takeover. Many persons criticized this requirement, stating that it effectively ended the role of the judiciary as an independent body.

The Supreme Court at times demonstrated a limited degree of independence. For example, on May 12, in a unanimous decision, the Supreme Court upheld the legality of the coup on the grounds of state necessity; however, the court ordered the current Government to hold national elections no later than 90 days after October 12, 2002. The decision also affirmed the Supreme Court's continued right of judicial rule, ruled that it was legal for the Musharraf Government to amend the Constitution as long as the amendments do not change

the basic character of the Constitution, and reserved the right to review the military's performance and the continued necessity of the Emergency Proclamation and the PCO. Many observers criticized the Supreme Court decision as vague and contradictory.

The judicial system involves several court systems with overlapping and sometimes competing jurisdictions. There are civil and criminal systems with special courts for banking, antinarcotics, and antiterrorist cases, as well as the federal Shariat court for certain Hudood offenses. The appeals process in the civil system is: Civil court, district court, High Court, and the Supreme Court. In the criminal system, the progression is magistrate, sessions court, High Court, and the Supreme Court.

The judiciary has argued that it has failed to try and convict terrorist suspects in a timely manner because of poor police casework, prosecutorial negligence, and the resulting lack of evidence. In response to this problem, the Sharif Government passed the Anti-terrorist Act in 1997; special antiterrorist courts began operation in August 1997. The antiterrorist courts, designed for the speedy punishment of terrorist suspects, have special streamlined procedures; however, due to the continued intimidation of witnesses, police, and judges, the courts produced only a handful of convictions in 1998. Under the act, terrorist killings are punishable by death and any act, including speech, intended to stir up religious hatred, is punishable by up to 7 years' rigorous imprisonment. Cases are to be decided within 7 working days, but judges are free to extend the period of time as required. Trials in absentia were permitted, but then subsequently prohibited in October 1998. Appeals to an appellate tribunal also were required to take no more than 7 days, but appellate authority since has been restored to the High and Supreme Courts, under which these time limits do not apply. Under the Anti-terrorist Act, bail is not to be granted if the court has reasonable grounds to believe that the accused is guilty.

Leading members of the judiciary, human rights groups, the press, and politicians from a number of parties expressed strong reservations about the antiterrorist courts, charging that they constitute a parallel judicial system and could be used as tools of political repression. Government officials and police believed that the deterrent effect of the act's death penalty provisions contributed to the reduction in sectarian violence after its passage. The antiterrorist courts also are empowered to try persons accused of particularly "heinous" crimes, such as gang rape and child killings, and several persons have been tried, convicted, and executed under these provisions. In 1997 cases filed under Section 295 (a) of the Penal Code (one of the so-called blasphemy laws—see Section 2.c.) were transferred to the antiterrorist courts. Human rights advocates feared that if blasphemy cases were tried in the antiterrorist courts, alleged blasphemers, who in the past normally were granted bail or released for lack of evidence were likely to be convicted, given the less stringent rules of evidence required under the Anti-terrorist Act.

In November 1998, Nawaz Sharif announced the establishment of military courts in Karachi, which had been under Governor's Rule since October 1998. These courts were to try cases involving heinous acts and terrorism, which the Government stated were a serious challenge to public authority that the existing court system was inadequate to address. They were intended to bring swifter justice to the city, which had been plagued by terrorism, violence, and a general breakdown in law and order. Military courts began operation in December 1998. In January 1999, the Supreme Court ruled in an interim decision that military trial courts could not impose the death penalty. On February 17, 1999, the Supreme Court ruled that the military courts were unconstitutional and ordered the establishment of additional antiterrorist courts; however, it allowed sentences already handed down by the military courts to stand. The antiterrorist courts were to operate under the supervision of two Supreme Court justices, and courts of first instance and appellate courts were to render decisions within 7 days; in practice, this did not occur. Consequently in April 1999, the Sharif Government promulgated an ordinance transferring cases from military trial courts to antiterrorist courts and expanded the jurisdiction to cover the same types of offenses as the military courts, including murder, gang rape, and child molestation. An April 1999 ordinance made strikes and go-slows illegal as "civil commotion" offenses; both are punishable by incarceration and fines (see Sections 2.b. and 6.a.). In December 1999, the Musharraf Government again modified the Anti-terrorist Act by adding a number of additional offenses, including acts to outrage religious feelings; efforts to "wage war against the state"; conspiracy; acts committed in abetting an offense; and kidnapping or abduction to confine a person. By ordinance the Musharraf regime created a special antiterrorist court in Sindh presided over by a High Court justice rather than a lower level judge, as is usually the case. The amended provision permits the High Court justice to "transfer...any case pending before any other special court...and try the case" in his court. Supporters of Nawaz Sharif maintained that these changes were designed to help the Musharraf regime prosecute Sharif.

The trial of Nawaz Sharif and six codefendants on charges of hijacking was the most widely publicized case tried by an Anti-terrorist court during the year. On April 6, Sharif was found guilty of hijacking and terrorism and sentenced to two terms of life imprisonment (to be served consecutively), an unspecified fine, 5 years' rigorous imprisonment in lieu of non-payment of the fine, forfeiture of all property, and a fine to compensate the 198 passengers and crew of the flight. Judge Jaffrey ruled that there was insufficient evidence to arraign Sharif on four offenses related to "waging war against the state" and criminal conspiracy; the charges were dropped. The six codefendants were found not guilty; however, they were still in custody at year's end on a "maintenance of public order charge."

Diplomatic observers who attended the Sharif trial concluded that the trial generally was fair, open, and transparent. The defendants were given free choice of and ready access to counsel. Diplomats and the media were granted free daily trial access and newspapers frequently reported on defense attorneys' criticism of General Musharraf and the army. In February the prosecution asked the judge to restrict media coverage of court statements by the accused. Judge Jaffrey rejected the prosecution's petition; however, the court reserved the right to prevent publication of sensitive national security data. Nawaz Sharif and his defense counsel expressed "full confidence" in the court. The prosecution appealed the codefendants' acquittals and Sharif's life sentences, arguing for the death penalty, and the defense appealed Sharif's conviction in the Sindh High Court in a trial that courtroom observers considered free and fair. On October 30, the appeals court upheld Nawaz Sharif's convictions for hijacking and terrorism but combined them into one offense. The court also denied the prosecution appeal to upgrade Nawaz's sentence to the death penalty, reduced the amount of property

forfeiture, and affirmed the antiterrorism court's acquittals of the six codefendants.

By ordinance, the Musharraf regime created the National Accountability Bureau and special accountability courts to try corruption cases. The NAB was created in part to deal with as much as \$4 billion (approximately PRs 208 billion) that is estimated to be owed to the country's banks (all of which are state-owned) by debtors, mainly from among the wealthy elite. The Musharraf Government stated that it would not target genuine business failures or small defaulters and does not appear to have done so. The NAB was given broad powers to prosecute such cases, and the accountability courts were expected to try cases within 30 days. The ordinance prohibits courts from granting bail and gives the NAB chairman sole power to decide if and when to release detainees. The ordinance also allows those suspected by the State Bank of Pakistan of defaulting on government loans or of corrupt practices to be detained for 90 days without charge and, prior to being charged, does not allow access to counsel. During the year, many persons that were apprehended under the NAB ordinance remained in detention without charge for longer than 90 days (see Section 1.d.). In accountability cases, there is a presumption of guilt, and conviction under the ordinance can result in 14 years' imprisonment; fines; and confiscation of property. Those convicted also are disqualified from running for office or holding office for 21 years. On August 11, the Government announced that persons with a court conviction would be barred from holding party office.

The Musharraf regime denied press reports that it had decided not to pursue accountability cases against active members of the military or the judiciary; however, no serving members of the military or the judiciary have been charged by the NAB. In June the Government announced that NAB had arrested 132 persons to date; 82 persons were in detention, 53 were held in judicial lockups, and 29 were in the bureau's custody. A published list of persons charged with corruption by the NAB included former Prime Ministers Nawaz Sharif and Benazir Bhutto. On November 19, 1999, MQM leader and former mayor of Karachi Dr. Farooq Sattar was arrested on a corruption charge by the NAB. He was held for more than three months in prison without access to counsel and was transferred from Karachi to Attock Fort, a high-security army facility in NWFP in February. Sattar was convicted on July 14 and sentenced to 14 years' rigorous imprisonment, a \$1 million (PRs 50 million) fine, and 21 years of political disqualification. Sattar's lawyers complained about violations of due process and the remote venue of the trial.

The civil judicial system provides for an open trial, the presumption of innocence, cross-examination by an attorney, and appeal of sentences. Attorneys are appointed for indigents only in capital cases. There are no jury trials. Due to the limited number of judges, the heavy backlog of cases, and lengthy court procedures, cases routinely take years, and defendants must make frequent court appearances. Cases start over when an attorney changes. Under both the Hudood and standard criminal codes, there are bailable and nonbailable offenses. According to the Criminal Procedures Code, the accused in bailable offenses must be granted bail, and those charged with nonbailable offenses should be granted bail if the alleged crime carries a sentence of less than 10 years. Many accused, especially well-connected persons who are made aware of impending warrants against them, are able to obtain pre-arrest bail, and are thus spared arrest and incarceration.

The federal Shariat court and the Shari'a bench of the Supreme Court serve as appellate courts for certain convictions in criminal court under the Hudood ordinances. The federal Shariat court also may overturn any legislation judged to be inconsistent with the tenets of Islam. However, these cases may be appealed to the Shari'a bench of the Supreme Court. In two areas of the NWFP—Malakand and Kohistan—Shari'a law was instituted in 1999 by regulation and by ordinance, respectively. On September 20, 1999, the NWFP assembly passed a bill that incorporated the Kohistan ordinance into law (see Section 2.c.). In May the governor of the NWFP reportedly affirmed to the media his plan to implement Shari'a law in Malakand division.

The judicial process continued to be impeded by bureaucratic infighting, inactivity, and the overlapping jurisdictions of the different court systems. Heavy backlogs that severely delayed the application of justice remained, due to scores of unfilled judgeships and to archaic and inefficient court procedures. The politicized appointment process holds up the promotion of many lower court judges to the High Courts. Although the higher level judiciary is considered competent and generally honest, there are widespread reports of corruption among lower level magistrates and minor court functionaries.

Persons in jail awaiting trial sometimes are held for periods longer than the sentence that they would receive if convicted. Court officials report that each judge reviews between 70 and 80 cases per day, but that action is taken on only 3 or 4 each week. At the end of 1997, 80,000 criminal cases were reportedly pending in Sindh, 67,800 of which were in Karachi. The Law Ministry, in reply to a question in the National Assembly in 1997, reported that there were over 150,000 cases pending with the superior judiciary, which includes the Supreme Court and the four provincial High Courts. During the year, there were approximately 125,000 cases pending. Clogged lower courts exacerbate the situation; the majority of cases in the High Courts consist of appeals of lower court rulings. Once an appeal reaches the High Court, there are further opportunities for delay because decisions of individual judges frequently are referred to panels composed of two or three judges. There continued to be charges that magistrates and police, under pressure to achieve high conviction rates, persuade detainees to plead guilty without informing them of the consequences. Politically powerful persons also attempt to influence magistrates in their decision-making, sometimes threatening to transfer magistrates to other assignments.

In July 1999, press reports noted that hundreds of prisoners remained in the Karachi central prison after the completion of their sentences. The Sindh Home Department stated that at least 10 percent of prisoners awaiting trial in Karachi central prison had no access to free legal aid or the possibility of bail, even if qualified. Reporters interviewing male prisoners in one block discovered that 16 percent of them were not represented by attorneys. As of March 1999, 6,000 cases awaited trial in 62 Lahore courts, with 7,000 prisoners awaiting a court date. In 3,500 of these cases, the police have not yet submitted a "challan," or indictment.

The Penal Code incorporates the doctrines of Qisas (roughly, an eye for an eye) and Diyat (blood money).

Qisas is not known to have been invoked; however, Diyat occasionally is applied, particularly in the NWFP, in place of judicial punishment of the wrongdoer. Only the family of the victim, not the State, may pardon the defendant. The Hudood, Qisas, and Diyat ordinances apply to ordinary criminal courts and Shariat courts. According to Christian activists, if a Muslim kills a non-Muslim, he can redress the crime by paying Diyat to the victim's family; however, a non-Muslim who kills a Muslim does not have the option of paying and must serve a jail sentence or face the death penalty for his crime. Failure to pay Diyat in non-capital cases can result in indefinitely extended incarceration, under Section 331 of the Diyat ordinance. In 1998 the Human Rights Commission of Pakistan noted that there were 58 persons in prison after the completion of their jail terms because they could not pay the Diyat.

Appeals of certain Hudood convictions involving penalties in excess of 2 years' imprisonment are referred exclusively to the Shariat courts and are heard jointly by Islamic scholars and High Court judges using ordinary criminal procedures. Judges and attorneys must be Muslim and must be familiar with Islamic law. Within these limits, defendants in a Shariat court are entitled to the lawyer of their choice. There is a system of bail.

The Hudood ordinances criminalize nonmarital rape, extramarital sex (including adultery and fornication), and various gambling, alcohol, and property offenses. Offenses are distinguished according to punishment, with some offenses liable to Hadd, or Koranic, punishment (see Section 1.c.), and others to Tazir, or secular punishment. Although both types of cases are tried in ordinary criminal courts, special, more stringent rules of evidence apply in Hadd cases; Hadd punishments are mandatory if there is enough evidence to support them. Hadd punishments regarding sexual offences are most severe for married Muslims; for example, if a married Muslim man confesses to rape or there are four adult male Muslim witnesses to the act, the accused must be stoned to death; if the accused rapist is not Muslim or married, if he confesses, or if the act is witnessed by four adult males (not all Muslim), the accused must be sentenced to 100 lashes with a whip, and such other punishment, including death, as the court may deem fit. The testimony of four female witnesses, or that of the victim alone, is insufficient to impose Hadd punishments. If the evidence falls short of Hadd criteria, then the accused may be sentenced to a lesser class of penalties (Tazir). Since it is difficult to obtain sufficient evidence to support the Hadd punishments, most rape cases are tried at the Tazir level, under which sentences may be imposed up to 25 years in prison and 30 lashes. No Hadd punishment has ever been applied in the more than 20 years that the Hudood ordinances have been in force. For Tazir punishments, there is no distinction between Muslim and non-Muslim offenders. Under Tazir the evidentiary requirement for financial or future obligations is for two male witnesses or one male and two female witnesses; in all other matters, the court may accept the testimony of one man or one woman (see Section 5).

Administration of justice in the FATA is normally the responsibility of tribal elders and maliks, or leaders. They may conduct hearings according to Islamic law and tribal custom. In such proceedings, the accused have no right to legal representation, bail, or appeal. The usual penalties consist of fines, even for murder. However, the Government's political agents, who are federal civil servants assigned to tribal agencies, oversee such proceedings and may impose prison terms of up to 14 years. Paramilitary forces under the direction of the political agents frequently conduct punitive actions during enforcement operations. For example, in raids on criminal activities, the authorities have damaged surrounding homes as extrajudicial punishment of residents for having tolerated nearby criminal activity (see Sections 1.c. and 1.f.).

In remote areas outside the jurisdiction of federal political agents, tribal councils occasionally levy harsher, unsanctioned punishments, including flogging or death by shooting or stoning.

Another related form of rough justice operating in the NWFP, particularly in the tribal areas, is the concept of Pakhtunwali, or the Pakhtun Tribal Code, in which revenge is an important element. Under this code, a man, his family, and his tribe are obligated to take revenge for wrongs—either real or perceived—to redeem their honor. More often than not, these disputes arise over women and land, and frequently result in violence (see Section 5).

There are limited numbers of political prisoners. Sections of the Penal Code directly target members of the Ahmadi faith; according to Ahmadi sources, approximately 200 Ahmadis have been incarcerated under these provisions since their inception. Several minority religious groups argue that other sections of the Penal Code—particularly the related blasphemy laws—are used in a discriminatory fashion by local officials or private individuals to punish religious minorities. While precise numbers are unavailable, the Ahmadis estimate that 80 of their coreligionists were charged in criminal cases "on a religious basis" in 1999 (see Sections 2.c. and 5). On April 12, the Government announced its intention to require that deputy commissioners review all blasphemy cases prior to the filing of a FIR; however, the Government reversed this decision on May 16 due to intense pressure from some Islamic groups (see Section 2.c.).

Some political groups also argue that they are marked for arrest based on their political affiliation (see Section 1.d.). The Muttahida Quami Movement, in particular, has argued that the Government used Anti-terrorist court convictions in Sindh to silence its activists.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Government infringes on citizens' privacy rights. The Anti-terrorist Act allowed police or military personnel acting as police to enter and to search homes and offices without search warrants, and to confiscate property or arms likely to be used in an alleged terrorist act (which is defined very broadly). This provision was never tested in the courts. While the Anti-terrorist Act was partially suspended in 1998, the Government promulgated new Anti-terrorist Ordinances in October 1998 and in April 1999. Under these new ordinances, many blasphemy cases are now tried by antiterrorist courts. By law the police need a warrant to search a house, but not to search a person. Despite this law, police have entered

homes without a warrant and sometimes stole valuables during searches. In the absence of a warrant, a policeman is subject to charges of criminal trespass. However, police seldom are punished for illegal entry.

The Government maintains several domestic intelligence services that monitor politicians, political activists, suspected terrorists, and suspected foreign intelligence agents. Credible reports indicate that the authorities routinely use wiretaps and intercept and open mail. In 1997 the Supreme Court directed the Government to seek its permission before carrying out wiretapping or eavesdropping operations. The judiciary's directive has been widely ignored. A case in which it was alleged that 12 government agencies tapped and monitored citizens' telephone calls still was pending in the Supreme Court at year's end.

Police sometimes arrest and detain relatives of wanted persons to compel them to surrender. In some cases, the authorities have detained entire families in order to force a relative who was the recipient of an arrest warrant to surrender (see Section 1.d.). While the Government generally does not interfere with the right to marry, the Government on occasion assists influential families to prevent marriages they oppose. For example, in July 1999, police in Mirpurkas District, Sindh raided the home of Javed Dal, who had eloped with his cousin, and arrested his family members as hostages. His wife's father, Somar Dal, used his influence as a member of the Sindh National Front Executive Committee to instigate the arrests, which were carried out without warrants (see Section 5). The authorities also fail to prosecute vigorously cases in which families punish members (generally women) for marrying or seeking a divorce against the wishes of other family members. In June Mumlikat Bibi was killed in her parents' home in the village of Yar Hussain in the NWFP. Her father, who reportedly opposed Bibi's efforts to choose a spouse without parental consent, was accused of being the culprit (see Section 5).

Upon conversion to Islam, the marriages of Jewish or Christian men remain legal; however, upon conversion to Islam, the marriages of Jewish or Christian women, or of other non-Muslims, that were performed under the rites of the previous religion are considered dissolved (see Section 2.c.).

The Frontier Crimes Regulation, the separate legal system in the FATA, permits collective responsibility, and empowers the authorities to detain innocent members of the suspect's tribe, or blockade an entire village (see Sections 1.c. and 1.d.). The Government demolished the houses of several alleged criminals, as well as the homes of those who reportedly tolerated nearby criminal activity.

On December 13, 1999, a Shariat court established by the Tehrik-i-Tulaba, an extremist group in Orakzai Tribal Agency, fined six alleged accomplices to a killing, and burned down their homes as punishment. On December 29, 1999, there were riots in Karachi in response to the demolition by security forces of up to 300 homes in the low-income Gharibabad neighborhood, which is widely considered to be an MQM-Altaf stronghold. Authorities claimed that the homes were built without permits and that they sheltered terrorists and criminals. In March police personnel arrested two persons from Mullah Said village following an incident in which several persons from the village shot at residents of the neighboring Badan village (see Section 1.d.).

Provincial governments sometimes forcibly moved landless laborers from their temporary camps. For example, in October local government officials forcibly moved 900 persons who recently had been freed from bonded labor from their temporary camps in Sikandarabad in Kotri district (see Section 6.c.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The suspended Constitution provided for freedom of speech and of the press, and citizens generally are free to discuss public issues; however, some journalists practice a degree of self-censorship. In contrast to the Sharif Government, the Musharraf Government did not attempt to exercise direct control over views expressed in the print media. Newspaper editorials and commentators are increasingly critical of the Government; however, direct criticism of the military is rare. Investigative journalism is rare; instead the press acts freely to publish charges and countercharges by named and unnamed parties and individuals representing competing political and social interests. Both governmental and nongovernmental entities sometimes pay for favorable media coverage.

Prior to the 1999 coup, any person deemed to have damaged the Constitution, including the publication of statements against the spirit of the Constitution, could be prosecuted for treason. However, prosecutions under this provision were rare. The suspended Constitution also prohibited the ridicule of Islam, the armed forces, or the judiciary.

The Penal Code mandates the death sentence for anyone defiling the name of the Prophet Mohammad, life imprisonment for desecrating the Koran, and up to 10 years in prison for insulting another's religious beliefs with the intent to outrage religious feelings (see Section 2.c.). The Anti-terrorist Act stipulates imprisonment with rigorous labor for up to 7 years for using abusive or insulting words, or possessing or distributing written or recorded material, with the intent to stir up sectarian hatred. No warrant is required to seize such material. While the Anti-terrorist Act was partially suspended in 1998, the Sharif Government promulgated new Anti-terrorist Ordinances in October 1998 and in April 1999.

In March police in Hyderabad registered criminal cases against Kulsoom Nawaz and 15 other PML leaders for making "provocative" speeches at a party convention held the previous day.

The competitive nature of politics helps to ensure press freedom since the media often serve as a forum for political parties, commercial, religious, and various other interests to compete with and criticize each other.

publicly. Although the press does not criticize Islam as such, leaders of religious parties and movements are not exempt from public scrutiny and criticism. The press traditionally has avoided negative coverage of the armed forces, and the Office of Inter-Services Public Relations (ISPR) has served to hold press coverage of military matters under close restraint. Officially the ISPR closely controls and coordinates the release of military news and access to military sources. After the 1999 coup, journalists reported no attempts by the ISPR agencies to influence editorial content.

Detailed public discussion of the military as an institution is hampered severely since any published discussion, let alone criticism, of the defense budget is proscribed by law. However, in 1997 this code of silence was undermined when a National Assembly committee discussed defense appropriations and corruption in defense contracts in open session, thereby making possible (and legal) newspaper coverage of the same issues. Discussion of the defense budget continued during the year, especially in the English-language press. Personnel changes among senior army officers in September were widely discussed in the press and newspapers published calls for extending the accountability process to include former military officers.

Government leaks are not uncommon, but are managed carefully, and often are made to underpaid journalists who are on the unofficial payrolls of competing interests. Reports of intimidation, heavy-handed surveillance, and legal action to quiet the unduly curious or nondeferential reporter were common in the past; however, these reports have declined significantly since the coup. The Government has had considerable leverage over the press through its substantial budget for advertising and public interest campaigns and its control over the supply of newsprint and its ability to enforce regulations. Human rights groups, journalists, and opposition figures accused the Government of attempting to silence journalists and public figures; however, there were fewer such complaints during the year. On July 1, the Government ended its monopoly of newsprint supply and did not initiate new efforts to collect back taxes from selected newspapers. On August 28, the Government announced a draft ordinance for freedom of information, which would require every government office to designate a freedom of information officer who would be responsible for providing replies to written applications within 21 days. However, the act excludes all classified documents and does not define what constitutes classified information. By year's end, this ordinance has not been enacted. On December 30, the Government declassified the Hamoodur Rahman Commission Report, which criticizes the conduct of political and military leaders during the 1971 war with India.

On April 29, a newspaper reported that police attacked and arrested 150 journalists from Islamabad and Rawalpindi during a peaceful protest (see Sections 1.d. and 2.b.). In May journalists in Abbotabad accused the local army monitoring cell of harassing Shuja Ahmad, president of a local organization of journalists. On August 22, several unknown assailants attacked Mazhar Tufail, a journalist from the Awam newspaper (see Section 1.c.). The journalist claimed that his assailants were government agents who wanted information on his activities. On August 30, police in Dadu, Sindh arrested and charged with theft four journalists who reportedly criticized the police; authorities released the journalists after 4 days (see Section 1.d.). On July 10, police personnel entered the Lahore Press Club during a press conference and arrested the leader of the All Pakistan Traders Alliance, Umer Sailya. During the press conference, Sailya had criticized Musharraf and the military. In October a team of army monitors demanded immediate access to the premises of the Dawn newspaper and threatened to cut off power if refused; this occurred after the editors of Dawn received an unsigned letter threatening retaliatory action for recent articles criticizing the Government. However, many reputable journalists stated that this incident was an electrical inspection and not a violation of freedom of press. On October 3, police officials prohibited more than a dozen journalists from covering a speech that General Musharraf delivered to a group of businessmen. On December 10, army personnel detained for several hours a journalist and four photographers who attempted to photograph the departure of Nawaz Sharif following his exile. The officers confiscated the film and subsequently released the journalist and photographers.

The State no longer publishes daily newspapers; however, the Ministry of Information controls and manages the country's primary wire service, the Associated Press of Pakistan (APP). The APP is both the Government's own news agency and the official carrier of international news to the local media. The few small privately owned wire services usually are circumspect in their coverage of sensitive domestic news and tend to follow a government line.

The Print, Press, and Publications Ordinance requiring the registration of printing presses and newspapers was allowed to lapse in 1997 after several years of waning application. In practice, registering a new publication is a simple administrative act, and is not subject to political or government scrutiny.

Foreign books must pass government censors before being reprinted. Books and magazines may be imported freely, but are likewise subject to censorship for objectionable sexual or religious content. English language publications were not affected by the direct proscription of books and magazines promulgated by the Chief Commissioner in Islamabad, who banned five Sindhi-language publications in 1997 for "objectionable material against Pakistan," i.e., expressions of Sindhi nationalism.

Privately owned newspapers freely discuss public policy and criticize the Government. They report remarks made by opposition politicians, and their editorials reflect a wide spectrum of views. The effort to ensure that newspapers carry their statements or press releases sometimes leads to undue pressure by local police, political parties, ethnic, sectarian, and religious groups, militant student organizations, and occasionally commercial interests. Such pressure is a common feature of journalism, and, when a group is extreme in its views, can include physical violence, the sacking of offices, the intimidation or beating of journalists, and interference with the distribution of newspapers. At times landlords and their agents, who have become accustomed to terrorizing the powerless on their lands in an atmosphere of impunity, retaliate against journalists who report on their crimes. Journalists working in remote areas can expect more difficulties from local authorities and influential individuals than their big city counterparts. However, violence against and intimidation of journalists is a nationwide problem.

The broadcast media are mainly government monopolies directed by the Pakistan Broadcasting Corporation and Pakistan Television (PTV). Domestic news coverage and public affairs programming on these media are controlled closely by the Government and traditionally reflect its views. One private radio station, one television broadcaster, and a semi-private cable television station are licensed under special contractual arrangements with the Government. The semi-private television station, Shalimar Television Network (STN), occasionally has been closed due to disputes with the Ministry of Information and to financial difficulties. None of these stations is permitted to produce news and public affairs programming; the private television station rebroadcasts or simulcasts the regular PTV evening news. The Shalimar Television Network also rebroadcasts PTV news, in addition to current affairs programming from foreign broadcasters, such as the British Broadcasting Corporation. While the STN routinely censors those segments considered to be socially or sexually offensive, rarely, if ever, are foreign news stories censored for content. In 1999 after STN aired news stories critical of the Sharif Government's handling of the Kargil crisis with India, PTV announced plans to turn the STN into an "all-news" channel, scheduled to start in October 1999; as of year's end, these plans have not been implemented. The Ministry of Information monitors advertising on all broadcast media, editing, or removing advertisements deemed morally objectionable.

In 1999 the Secretary for Information was quoted in the press as stating that additional, private television and radio channels would soon be licensed, echoing a pledge made by General Musharraf. However, by year's end, no such licenses were granted. Satellite dishes are readily available on the local market and are priced within reach of almost everyone with a television set—well into the lower-middle classes. South Asian satellite channels (usually India-based) have become important sources of news and popular entertainment.

Literary and creative works remain generally free of censorship. Dance performances, even classical performances, are subject to protest by certain religious groups. Obscene literature, a category broadly defined by the Government, is subject to seizure. Dramas and documentaries on previously taboo subjects, including corruption, social privilege, narcotics, violence against women, and female inequality, are broadcast on television; however, some sensitive series have been canceled before broadcast.

The Government and universities generally respect academic freedom. The atmosphere of violence and intolerance fostered by student organizations, typically tied to political parties, continued to threaten academic freedom, despite the fact that a 1992 Supreme Court ruling prohibits student political organizations on campuses. On some campuses, well-armed groups of students, primarily from radical religious organizations, clash with and intimidate other students, instructors, and administrators on matters of language, syllabus, examination policies, grades, doctrine, and dress. These groups facilitate cheating on examinations, interfere in the hiring of staff at the campuses, control new admissions, and sometimes control the funds of their institutions. At Punjab University, the largest university in the province, Islami Jamiat-e-Tulaba (IJT)—the student wing of the religious political party Jamaat-i-Islami) imposes its self-defined code of conduct on teachers and other students.

b. Freedom of Peaceful Assembly and Association

The suspended Constitution provided for freedom "to assemble peacefully and without arms subject to any reasonable restrictions imposed by law in the interest of public order;" however, while the Government until March generally permitted peaceful assembly, it later imposed significant restrictions on this right. Since 1984 Ahmadis have been prohibited from holding any conferences or gatherings (see Section 2.c.). Throughout the year, the Government occasionally interfered with large rallies, which were held by all political parties. On March 15, the Musharraf regime enacted an ordinance banning all public political gatherings, processions, and strikes. Government officials claimed that the ban was enacted as a safety measure for the visit of an official head of state; however, the ban remained in place at year's end, although it has been enforced unevenly. Some groups circumvented the ban by meeting in private homes while using loudspeakers to carry the proceedings to supporters outdoors. The Government approved some public political gatherings, including a meeting of the Grand Democratic Alliance in September where parties debated which steps to take to return the country to democracy.

District magistrates occasionally exercised their power under the Criminal Procedures Code to ban meetings of more than four persons where demonstrations seemed likely to result in violence. During the year, police made preventive arrests of political party organizers prior to announced demonstrations. For example, in July police arrested a group of Sharif supporters on their way from Lahore to Peshawar for a demonstration. On August 11, police arrested 40 PML supporters ahead of a planned public meeting on the country's independence day. In September police in Lahore arrested more than 500 members of the PPP for shouting anti-Musharraf and anti-army slogans. In October police arrested approximately 300 opposition leaders prior to a planned demonstration commemorating the year anniversary of the coup.

The MQM has been harassed in its regular political activities, especially by the Sindh police. On February 19, police arrested 35 MQM and Jiye Sindh Qaumi Mahaz (JSQM, a national Sindhi political party) members during a public protest against layoffs of Urdu and Sindhi speaking workers from Pakistan Steel (see Section 1.d.). On February 19, police personnel arrested 40 members of JSQM who planned to participate in a strike (see Section 1.d.). Police frequently arrested PML leaders and supporters in order to prevent planned demonstrations during the year; the HRCP noted that all public PML demonstrations in Karachi were prevented, except for meetings at the party's headquarters (see Section 1.d.).

In August 1999, the Sharif Government issued an ordinance related to the antiterrorist courts (see Section 1.e.). One section of the ordinance made "illegal strikes, go-slows, (or) lock outs" punishable by up to 7 years' imprisonment and a fine. A wide spectrum of opposition groups opposed this measure, fearing that it would be used to silence legitimate dissent. The antiterrorist courts did not invoke this ordinance during the year.

Police also arrested about 300 Muslim clerics and students in Lahore in May and students in Lahore during protests against General Musharraf's proposed changes to the blasphemy laws (see Sections 1.c. and 2.c.).

Police sometimes used excessive force against demonstrators. On April 29, a local newspaper reported that police attacked with batons and then arrested more than 150 journalists from Islamabad and Rawalpindi during a peaceful rally (see Sections 1.c. and 2.a.). On June 3, police attacked with batons a procession of 200 small business owners who were protesting a government campaign to collect sales taxes; police also arrested three demonstrators (see Section 1.c.). On June 9, police opened fire to disperse a protest in Peshawar; four persons were injured (see Section 1.c.). Police accused the protesters of throwing stones and bricks; however, eyewitnesses alleged that the police opened fire without provocation.

The authorities sometimes prevented leaders of politico-religious parties from traveling to certain areas if they believed their presence would increase sectarian tensions or cause public violence (see Section 2.d.).

The suspended Constitution provided for freedom of association subject to restriction by government ordinance and law; however, the Government maintained some limits on this right. While these ordinances and laws apparently have not been used since the martial law period, the Sharif Government revoked the licenses of almost 2,000 NGO's in Punjab. After the coup, the government of Punjab lifted the ban on the registration of new NGO's, but the old NGO's remained without licenses at year's end. Overall, NGO's reported improved relations with the Government during the year (see Section 4). There are no banned groups or parties.

c. Freedom of Religion

The suspended Constitution provided for freedom of religion, and stated that adequate provisions shall be made for minorities to profess and practice their religions freely; however, the Government imposes a range of limits on freedom of religion. Pakistan is an Islamic republic in which approximately 95 percent of the population is Muslim. The majority of the population is Sunni Muslim, but an estimated 15 percent of the population is Shi'a. The suspended Constitution required that laws be consistent with Islam and imposed some elements of Koranic law on both Muslims and religious minorities. In July General Musharraf amended the PCO in order to incorporate the Islamic provisions of the suspended Constitution, which include the definition of "Muslim" and "non-Muslim" and procedures regarding Shariat courts. While there is no law establishing the Koranic death penalty for apostates (those who convert from Islam), social pressure against apostasy is so powerful that most such conversions take place in secret. Reprisals and threats of reprisals against suspected converts are common. Members of religious minorities are subject to violence and harassment, and police at times refuse to prevent such actions or charge persons who commit them.

In the Malakand division and the Kohistan district of the NWFP, ordinances require that "all cases, suits, inquiries, matters, and proceedings in the courts shall be decided in accordance with Shari'a." These ordinances define Shari'a as the injunctions found in both the Koran and the Sunna. Islamic law judges with the assistance of the Ulema (Islamic scholars), under the general supervision of the Peshawar High Court, try all court cases in the Malakand Division and the Kohistan District. Elsewhere in the country, partial provisions of Shari'a apply. For example, police are authorized to arrest or fine Muslims who eat or smoke in public places during Ramadan. In 1998 then-Prime Minister Nawaz Sharif, proposed an amendment to the Constitution (the 15th Amendment) that would have imposed Shari'a throughout the country; minority religious groups feared that the implementation of this amendment would have restricted further the freedom to practice religions other than Islam. However, the Musharraf Government did not enact the proposed 15th Amendment and reportedly has no plans to do so.

Discriminatory religious legislation has added to an atmosphere of religious intolerance, which has led to acts of violence directed against minority Muslim sects, as well as against Christians, Hindus, and members of Muslim offshoot sects, such as Ahmadis and Zikris (see Section 5).

The Ahmadis are subject to specific restrictions under law. A 1974 constitutional amendment declared Ahmadis to be a non-Muslim minority because, according to the Government, they do not accept Mohammed as the last prophet of Islam. However, Ahmadis regard themselves as Muslims and observe Islamic practices. In 1984 the Government inserted Section 298(c) into the Penal Code, prohibiting Ahmadis from calling themselves Muslim and banning them from using Islamic words, phrases, and greetings. The constitutionality of Section 298(c) was upheld in a split-decision Supreme Court case in 1996. The punishment for violation of this section is imprisonment for up to 3 years and a fine. The Government and anti-Ahmadi religious groups have used this provision extensively to harass Ahmadis. Ahmadis suffer from various restrictions of religious freedom and widespread societal discrimination, including violation of their places of worship, being barred from burial in Muslim graveyards, denial of freedom of faith, speech, and assembly, and restrictions on their press. Several Ahmadi mosques remained closed. Since 1984 Ahmadis have been prohibited from holding conferences or gatherings (see Section 2.b.). Ahmadis are prohibited from taking part in the Hajj (the annual Muslim pilgrimage to Mecca). Some popular newspapers publish anti-Ahmadi "conspiracy" stories, which contribute to anti-Ahmadi sentiments in society.

Section 295(a), the blasphemy provision of the Penal Code, originally stipulated a maximum 2-year sentence for insulting the religion of any class of citizens. This sentence was increased to 10 years in 1991. In 1982 Section 295(b) was added, which stipulated a sentence of life imprisonment for "whoever willfully defiles, damages, or desecrates a copy of the holy Koran." In 1986 another amendment, Section 295(c), established the death penalty or life imprisonment for directly or indirectly defiling "the sacred name of the holy Prophet Mohammed." In 1991 a court struck down the option of life imprisonment. These laws, especially Section 295 (c), have been used by rivals and local authorities to threaten, punish, or intimidate Ahmadis, Christians, and even orthodox Muslims. No one has been executed by the State under any of these provisions, although

religious extremists have killed some persons accused under them. Since 1996 magistrates have been required to investigate allegations of blasphemy to see whether they are credible before filing formal charges. On April 21, the Government announced its intention to require that deputy commissioners review all blasphemy cases prior to the filing of a FIR (see Section 1.c.); however, General Musharraf later reversed this decision due to strong pressure from some Muslim groups. On May 11, police arrested approximately 300 Muslim clerics and students in Lahore during protests against Musharraf's proposed changes to the blasphemy laws (see Sections 1.c., 1.d., and 2.b.). According to Ahmadi sources, approximately 3 dozen Ahmadis have been charged under the blasphemy laws since the October 1999 coup. For example, in October police arrested Nasir Ahmad of Rajanpur district under Section 295(b) for allegedly defiling a copy of the Koran. Mushtaq Ahmad Saggon and Nasir Ahmad, were convicted in Muzaffargarh in July 1999 under Sections 295(a) and 295(c) for preaching and distributing religious literature. Their case was transferred to an antiterrorist court at Dera Ghazi Khan, and the Lahore High Court denied their request for bail.

In May a lower court in Sialkot district, Punjab, sentenced two Christian brothers to 35 years' imprisonment each and fined them each \$1,500 (PRs 75,000). The brothers were convicted of desecrating the Koran and blaspheming the Prophet Mohammed; both cases were registered by an ice cream vendor who allegedly fought with the brothers after he asked them to use their own dishes, stating that his were reserved for Muslim customers. Lawyers for the brothers filed an appeal in the Lahore High Court. On May 2, Augustine Ashiq Masih was charged with blaspheming the Prophet in Faisalabad. According to press reports, Masih converted to Islam, married a Muslim woman, and then converted back to Christianity, which angered local Muslims who brought the charges against him. Ayub Masih (detained since 1996) was convicted of blasphemy for making favorable comments about Salman Rushdie, the author of the controversial book, "The Satanic Verses," and was sentenced to death in April 1998. Ayub's family and 13 other landless Christian families were forced from their village in 1996 following the charges, and he survived an attempt on his life in 1997, when he was shot at outside of the courtroom while in trial. The case was pending appeal before the Lahore High Court at year's end.

Police also arrest Muslims under the blasphemy laws; government officials maintain that about two-thirds of the total blasphemy cases that have been brought to trial have affected Muslims. In February Muhammad Younis was sentenced to 13 months in jail in Multan for uttering derogatory remarks about the companions of the Prophet Mohammed. In March an antiterrorist court in Sindh convicted Muslim author Gohar Shahi in absentia under the blasphemy laws. On August 5, Abdul Hasnain Muhammad Yusuf Aliwas was given a death sentence and 35 years' imprisonment by a Lahore court after being convicted under Sections 295(a), 295(c), and 298 for defiling the name of the Prophet Muhammad. Some of Ali's supporters claim that he was being persecuted for his allegedly unorthodox Islamic beliefs. In August Abdul Hasnain Muhammad Yusuf Ali, a Sufi Muslim was convicted of blasphemy under Sections 295(a) and 295(c) for defiling the name of the Prophet Muhammad. A Lahore court sentenced Ali to death. On October 4, police arrested Yunis Shaikh on blasphemy charges after he allegedly made remarks offensive to Islam and to the Prophet Mohammed during a lecture. Police denied bail and he was awaiting trial at year's end. In 1998 a Shi'a Muslim, Ghulam Akbar, was convicted of blasphemy for allegedly making derogatory remarks about the Prophet Mohammed in 1995. He was sentenced to death, the first time a Muslim had been sentenced to death for a violation of the blasphemy law. The case remained under appeal at year's end.

When blasphemy and other religious cases are brought to court, extremists often pack the courtroom and make public threats about the consequences of an acquittal. As a result, judges and magistrates often continue trials indefinitely, and the accused is burdened with further legal costs and court appearances. Many judges also try to pass such cases to other jurists.

The Government distinguishes between Muslims and non-Muslims with regard to political rights. In national and local elections, Muslims vote for Muslim candidates by geographic locality while non-Muslims must vote for at-large non-Muslim candidates. Legal provisions for minority reserved seats do not include the Senate and the Federal Cabinet.

Furthermore according to the suspended Constitution, the President and the Prime Minister must be Muslim. 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, which is the basis for the creation of Pakistan" (see Section 3).

In June a prominent Christian-affiliated NGO that is active in defending those accused of violating the blasphemy laws received a series of death threats.

"Islamiyyat" (Islamic studies) is compulsory for all Muslim students in state-run schools. Students of other faiths are not required to study Islam but are not provided with parallel studies in their own religions. In practice many non-Muslim students are compelled by teachers to complete the Islamiyyat. An education policy announced by the Government in 1998 included provisions for increased mandatory Islamic instruction in public schools.

Upon conversion to Islam, the marriages of Jewish or Christian men remain legal; however, upon conversion to Islam, the marriages of Jewish or Christian women, or of other non-Muslims, that were performed under the rites of the previous religion are considered dissolved.

The Government designates religion on passports, and to get a passport citizens must declare whether they are Muslim or non-Muslim. Muslims must also affirm that they accept the unqualified finality of the prophethood of Mohammed and declare that Ahmadis are non-Muslims.

In September 1999, the Sharif Government removed colonial-era entries for "sect" from government job application forms to prevent discrimination in hiring. However, the faith of some, particularly Christians, often

can be ascertained from their names. General Musharraf and members of his staff apparently consulted with religious minorities on some of his initial cabinet appointments.

In December 1999, the Supreme Court ruled that interest is un-Islamic and directed the Government to implement an interest-free system by June 2001.

Following the coup, the Musharraf Government affirmed its commitment to protect the rights of religious minorities. According to minority community members, the Government made efforts to seek minority input into decision-making and offered some religious minorities cabinet positions.

The predominantly Ahmadi town and spiritual center of Chenab Nagar (formerly known as Rabway) in Punjab often has been a site of violence against Ahmadis (see Section 5).

In December 1999, several hundred persons looted and burned property in Haveli Lakha, Okara district, Punjab, which belonged to Mohammad Nawaz, a local Ahmadi leader accused of planning to build an Ahmadi house of worship (see Section 5). A neighbor reportedly incited the incident by accusing Nawaz of building the house of worship after the two were involved in a property dispute. Nawaz, a doctor, reportedly intended to build a free clinic next to his home. The mob destroyed the clinic and looted and burned Nawaz's home. According to Ahmadi sources, police personnel arrived at the scene, but did nothing to stop the crowd. At year's end, neither the neighbor nor anyone in the crowd had been arrested or questioned in connection with the incident, and police took no steps to find or return any of Nawaz's property. However, Nawaz and his two sons were arrested and charged with blasphemy. Several days later, they were released on bail; however, the blasphemy case against them was pending as of year's end. Three other Ahmadis in Haveli Lakha also were charged with blasphemy in connection with the incident, even though they were not in town at the time; however, the case against them was dismissed for lack of evidence.

Sectarian violence and tensions continued to be a serious problem throughout the country (see Section 5). More than 300 persons have died in incidents of sectarian violence in Punjab in the last 3 years, according to one credible newspaper report. Another newspaper reported that over 2,000 persons have died in sectarian violence since 1981 (see Section 1.a.). However, sectarian violence markedly decreased after the October 1999 coup.

Antiterrorist courts also handed down convictions against several individuals accused of sectarian violence. On April 22, an antiterrorist court in Rawalpindi sentenced 23 persons to life imprisonment for their role in leading a procession of persons that burned a Shi'a mosque in 1996. On July 3, an antiterrorist court in Gujranwala convicted 2 men for reportedly killing a Shi'a senior police officer; however, the men later were released.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Most citizens enjoy freedom of movement within the country and the freedom to travel abroad; however, the Government limits these rights. The authorities at times prevent political party leaders and religious leaders from traveling to certain parts of the country (see Sections 2.b. and 2.c.). Travel to Israel is prohibited by law. Government employees and students must obtain "no objection" certificates before travelling abroad, although this requirement is rarely enforced against students.

Citizens regularly exercise the right to emigrate. However, an Exit Control List (ECL), which is made public but is constantly revised, is used to prevent the departure of wanted criminals and individuals under investigation for defaulting on loans, corruption, or other offenses. At the end of 1999, the HRCP estimated that there were more than 5,000 entries on the ECL, including 400 PML leaders, all 45 MQM legislators and their family members, 20 journalists, and as many as 3,000 alleged bank defaulters. The Musharraf Government increased the use of the ECL reportedly to prevent those suspected of loan defaults or corruption from leaving the country. The focus apparently was on potential loan defaulters as part of the Musharraf Government's emphasis on accountability. According to a press report, the Musharraf Government added approximately 3,000 names to the ECL. No judicial action is required to add a name to the ECL; however, those named have the right to appeal to the Secretary of Interior and, if refused, to the Advocate General of the senior judiciary. In practice courts have directed the Government to lift restrictions on some politicians on the ECL. For example, Benazir Bhutto, former Prime Minister and leader of the PPP, was placed on the ECL and was prevented from leaving the country in December 1998. Bhutto was allowed to leave later that month following a court order to lift the travel restrictions against her.

Pakistan has not signed the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol and has not adopted domestic legislation concerning the treatment of refugees. In December 1999, the office of the U.N. High Commissioner for Refugees (UNHCR) noted a change from the practice of granting "prima facie" status to all Afghans in the country; under the new policy, all refugee determinations are to be made on a case-by-case basis. However, means for screening Afghan refugees have not been established, and Pakistani law makes no provisions for asylum. The absence of legalized asylum, coupled with sharp economic competition, led to a more restrictive admissions policy and a deteriorating quality of life for some refugees.

The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. First asylum has been provided to refugees from Afghanistan since 1979, when several million Afghans fleeing Soviet occupation poured across the border. There remain an estimated 1.2 million Afghan refugees in the country who have been granted first asylum. There also are an estimated 2 to 3 million unregistered Afghans in urban areas throughout the country.

The Government has not granted permanent legal resettlement to Afghan refugees but allows them to live and work in the country. Many are self-supporting and live outside refugee camps, which has resulted in some hostility among local communities whose residents resent the economic competition and believe that the refugees contribute to high crime rates. The Government occasionally harasses refugees and threatens them with deportation. For example, authorities in Quetta detained a number of newly arrived Afghans, mostly nonPashtun minorities, with plans to deport them. In December 1999, the UNHCR proposed that the Government establish a formal joint screening mechanism to determine whether or not the intended deportees are refugees according to internationally accepted standards. No such formal mechanism was established during the year, and the Government deported some persons without notifying UNHCR officials. However, the Government sometimes allowed the UNHCR to attempt to find solutions other than deportation for refugees, such as arranging for resettlement in a third country.

Most refugee camps are well established, and living conditions resemble those in neighboring villages, even though most direct assistance to the camps ended in the early 1990's. Most recent arrivals have gone to urban areas like Peshawar or Quetta, but some have settled in the new Akora Khattak camp (since 1996) and the Shamshatoo camp (since 1999). Conditions for newly arrived Afghans generally are worse than conditions in the well-established camps. For example, sanitation, health care, shelter, and fresh water are ongoing problems in the new camps. Some of the most recent arrivals still reside in makeshift tents. In 1999 874 Afghan refugees from Nasir Bagh camp were relocated to make room for construction of a new highway and housing development. Some were taken to Akora Khattak camp; however, many reportedly returned to Afghanistan or moved to other locations in Pakistan. Relocations declined in late 1999 and did not occur during the year.

According to Amnesty International, there was one report of the forced return of a person to a country where he feared persecution during the year. Professor Mohammad Rahim Elhan, a prominent Afghan scholar who had accused the Government of interfering in the internal affairs of Afghanistan, was deported against his will to Afghanistan on June 21. However, he was subsequently permitted to reenter Pakistan. The Government cooperated with the UNHCR to support voluntary repatriations to rural areas of Afghanistan considered to be safe. In 1999 approximately 92,000 Afghans returned to their home country. Afghan refugees have limited access to legal protection and depend on the UNHCR and group leaders to resolve disputes among themselves and with Pakistanis. In the past, police sometimes attempted to prevent Afghan nationals from entering cities and there were reports that some have been forced back into refugee camps. During the year, there were reports that the Government closed some Afghan schools and cracked down on unlicensed medical practitioners that treat mostly Afghans.

Most able-bodied male refugees have found at least intermittent employment; however, they are not covered by local labor laws. NGO's and private entities provided women and girls with better education and health care than is available in Afghanistan. However, Afghan women working for NGO's were targets for occasional harassment and violence by conservatives and Taliban sympathizers.

Several prominent Afghans also reportedly have been the targets of harassment and violence from Taliban supporters and conservatives in the refugee community. According to newspaper reports, at least 10 Afghans were killed during the year, reportedly for their political views (see Section 1.a.). On June 1, unknown gunmen injured Mohammad Enam Wak at his home in Peshawar (see Section 1.c.). Wak wrote a book calling for a federal system of government in Afghanistan. In July an Afghan leader, Haji Jan Mohammad, whose name reportedly appeared on a Taliban hit list, was killed by unknown assailants (see Section 1.a.). Police investigations of these Afghan killings were perfunctory at best; there were no arrests or convictions in any case.

The resettlement of Biharis continued to be a contentious issue. The Biharis are Urdu speakers from the Indian state of Bihar who went to East Pakistan—now Bangladesh—at the time of partition in 1947. When Bangladesh became independent in 1971, the Biharis sought resettlement in Pakistan. However, approximately 250,000 Biharis remain in refugee camps in Bangladesh. While the Mohajir community—descendants of Muslims who immigrated to Pakistan from India after partition—supports their resettlement, the Sindhi community opposes it. In 1993 the Government flew 342 Biharis to the country and placed them in temporary housing in central Punjab. No further resettlement has occurred.

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

Citizens continued to be denied their right to choose or change their government peacefully. After the imposition of a military government in October 1999, the Constitution and representative bodies, including the National Assembly, the Senate, and the provincial assemblies, were suspended indefinitely. General Musharraf appointed new members to the Cabinet, as well as new governors to all four provinces.

The Musharraf Government pledged to return the country to a democracy; however, General Musharraf stressed his priority to build first a strong economic and political foundation to avert another bout of "sham" democracy. General Musharraf pledged to abide by a May 12 Supreme Court ruling that mandates that national elections be held no later than 90 days after October 12, 2002. The Government established the National Reconstruction Bureau (NRB) to develop political reforms and a framework for elections. It is unclear whether or not the NRB has the institutional capacity to meet its mandate within the established deadline.

Citizens' right to change their government also was restricted by the executive's strong influence on the judiciary. On January 25, General Musharraf ordered all of the justices in the country to swear to uphold his PCO (see Section 1.e.).

The Musharraf regime did not ban political parties, and the parties active prior to the coup, including the Pakistan Muslim League (which was led by former Prime Minister Nawaz Sharif) continued their activities. However, the Government arrested hundreds of persons in opposition political parties during the year (see Sections 1.d. and 2.b.). On March 15, General Musharraf issued an ordinance banning all political gatherings held outdoors (see Section 2.b.). The National Accountability Ordinance prohibits those convicted of corruption under the NAB from holding political office for 21 years (see Section 1.d.). On August 11, the Government amended the Political Parties Act to automatically disqualify anyone with a court conviction from holding party office. Legal observers expressed concern over the concentration of power in the NAB, the fact that NAB chairmen have all been members of the military, and the presumption of guilt in accountability cases. National elections for national and provincial assemblies last were held in February 1997. Election observers concluded that the elections generally were free and fair. Nawaz Sharif's Pakistan Muslim League won a majority of seats and formed a government.

Elections for local government bodies were held in Punjab in May 1998. Elections were held in Baluchistan in March 1999 and a chairman was named in August. Elections have not been held in the two other provinces, NWFP and Sindh, since 1993, when these bodies were dissolved by a caretaker government because of corruption charges. Local government elections were postponed indefinitely in the NWFP and Sindh. Sindh was under Governor's rule from November 1998 until the October 1999 coup. In October 1999, Musharraf suspended the local and provincial governments; the provinces are ruled by governors appointed by General Musharraf. During the year, Musharraf focused on the perceived need to devolve power to the local level in order to reduce the power of the central Government. In March General Musharraf presented his plan for devolution and political restructuring at the local level. According to this plan, non-party based local elections were scheduled to be held from December through August 2001. On December 31, there were elections in 18 districts of the country. According to local and international election observers, the elections generally were free and fair. Religious minorities boycotted the polls. Directly elected union councilors are to select a chief mayor and members of district council. Critics of the plan claim that it is merely an attempt to dissipate pressure for a return to democracy at the national level. On June 7, the Government announced a number of measures designed to make the electoral commission independent of government control, including granting the commission full financial autonomy.

Because of a longstanding territorial dispute with India, the political status of the northern areas—Hunza, Gilgit, and Baltistan—is not resolved. As a result, more than 1 million inhabitants of the northern areas were not covered under the suspended Constitution and have had no representation in the federal legislature. An appointed civil servant administers these areas; an elected Northern Areas Council serves only in an advisory capacity and has no authority to change laws or to raise and spend revenue. In May 1999, the Supreme Court directed the Government to act within 6 months to give the northern areas an elected government with an independent judiciary. In November 1999, the Musharraf regime permitted previously scheduled elections to take place in the northern areas; independents and candidates from the PML, the PPP, and the Tehrik-e-Jafria Pakistan won seats.

The right of citizens to change their government also has been hampered at the provincial level by the Government's failure to release the 1998 census figures and by the likely underestimation of the population of Sindh. Held after a delay of 7 years, the national census was postponed repeatedly due to pressure from ethnic groups and provincial officials who feared diminished representation and access to federal funds. The 9.26 million census figure for Karachi, revised to 9.8 million in a February report, is estimated to be 3 to 5 million short of the actual figure.

Although women participate in Government, and former prime minister Benazir Bhutto is a prominent opposition figure, women are underrepresented in political life at all levels. Six women held seats in the 217-member National Assembly, up from 4 seats in the previous Parliament. Thirty-five women, more than ever before, campaigned for seats in the 1997 national elections. The Parliamentary Commission on the Status of Women in Pakistan recommended reserving one-third of seats in all elected bodies for women. The Musharraf Government announced in August that one-third of the seats in the upcoming local council elections would be reserved for female candidates; some political activists doubt that there would be enough female candidates in certain remote areas of the country to fulfill this requirement. Women participate in large numbers in elections, although some are dissuaded from voting by family, religious, and social customs. In 1997 only 37 out of 6,600 female registered voters actually cast ballots in Jamrud in the Khyber Agency due to pronouncements that voting by women was un-Islamic. General Musharraf appointed a woman to his National Security Council and three women to his Cabinet. Provincial governors appointed by General Musharraf also have named women to serve in provincial cabinets.

Minorities are underrepresented in Government and politics. Under the electoral system, minorities vote for reserved at-large seats, not for nonminority candidates who represent actual constituencies. The Musharraf regime abandoned a plan to abolish the separate electorate system due to pressure by some Muslim political groups. With separate electorates, representatives have little incentive to promote their minority constituents' interests. Many Christian activists state that separate electorates are the greatest obstacle to the attainment of Christian religious and civil liberties. Ahmadi leaders encourage their followers not to register as "non-Muslims," so most Ahmadis are completely unrepresented. In the National Assembly, Christians hold four reserved seats; Hindus and members of scheduled castes another four; Ahmadis one; and Sikhs, Buddhists, Parsis, and other non-Muslims one (see Section 2.c.). Each of the four categories is maintained on a separate electorate roll, and minorities cannot cast votes for the Muslim constituency seats. Under Article 106 of the suspended Constitution, minorities also had reserved seats in the provincial assemblies. The 1997 general election report states that each Christian National Assembly member represents 327,606 persons; each Hindu and scheduled castes member, 319,029; the Sikh, Buddhist, Parsi, and other non-Muslim member, 112,801; and the Ahmadi member 104,244. These figures significantly understate the population of most of the minority groups because they are based on 1981 census figures. By year's end, the 1998 census figures for religious minorities had not been published. According to a local magazine, there are approximately 3 million Christians,

2.7 million Hindus, and several hundred thousand Ahmadis in the country.

Tribal people are underrepresented in government and politics. The 1997 elections for the eight National Assembly members from the FATA were, for the first time, conducted on the basis of universal adult franchise. Prior to 1997, in keeping with local traditions, tribal leaders, or maliks, appointed in the governor's name by the central Government's political agents in each agency, elected the FATA National Assembly members. In accordance with the Government's general ban on political party activities in the FATA, candidates were not allowed to register by political party and political party rallies were not allowed. However, several political parties did campaign covertly. Tribal people, including large numbers of women in some areas, registered to vote despite campaigns by some tribes against their participation. However, on election day, far fewer registered women than registered men actually voted.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are several domestic human rights organizations, and new human rights and legal aid groups continue to form. These groups generally are free to operate without government restriction; however, they are required to be licensed. Human rights groups report that they generally have good access to police stations and prisons. The Government has provided protection to human rights lawyers defending accused blasphemers following threats and attacks on the lawyers by religious extremists. These threats became more explicit and public in 1998, with signed graffiti calling for the killing of well-known human rights activist Asma Jahangir.

The Musharraf Government made some attempts to ease some of the previous government's restrictions on NGO's; the Sharif Government revoked the licenses of almost 2,000 NGO's in 1999. General Musharraf appointed several persons with prominent NGO backgrounds to his Cabinet and many NGO workers reported a smoother working relationship with the Government during the period covered by this report. The new government in Punjab under General Musharraf lifted the previous ban on NGO registration (see Section 2.b.).

International human rights observers are permitted to visit the country and travel freely. Several international organizations, many focused on refugee relief, maintain permanent offices in the country, although some report difficulty in securing visas for their foreign staff.

The Ministry of Human Rights, established in 1995, is now a department within the Ministry of Law, Justice, Human Rights, and Parliamentary Affairs. Some 125 employees staff the department, which is headquartered in Islamabad and has four regional offices. The department has set up a "fund for women in distress and detention" and a "relief and revolving fund" for victims of human rights violations. Because of its limited budget, the department operates primarily on a case-by-case basis but seeks help from donor agencies for projects to build institutional capacity and human rights awareness. The department finalized and began limited implementation of a reform program for jails. However, the department is not viewed as effective by human rights observers. The Government has failed to take follow-up action on the 1997 report of the Commission of Inquiry for Women.

In April the Government organized a conference on human rights and pledged to take "small but meaningful steps" including: an 8-month public relations campaign on human rights themes; requiring deputy commissioners to move female burn victims to hospitals (see Section 5); banning the use of fetters in prisons and jails (see Section 1.c.); ordering deputy commissioners to review all blasphemy cases prior to the filing of a FIR (see Section 1.d.); creating a commission for police reforms; releasing 20,000 prisoners from jail; calling for a Commission on the Status of Women; and changing the law so that women married to foreign husbands can claim citizenship for their children. The Government subsequently took no apparent steps to organize the public relations campaign and backtracked on having deputy commissioners review blasphemy cases (see Sections 1.e. and 2.c.). The Government made limited progress in the following areas: the Lahore High Court ordered local jail authorities to remove all fetters (see Section 1.d.); the Government reportedly released 47,000 prisoners who were convicted of petty crimes and that already had served their prison terms; the Government inaugurated a National Commission on the Status of Women on September 1; and in late April President Tarar issued an amendment ordinance to the citizenship law to enable women married to foreigners to claim citizenship for their children (see Section 5).

On July 23, several clergy in the NWFP shot at a female NGO worker's home and ransacked her NGO-sponsored medical camp.

Section 5 Race, Sex, Religion, Disability, Language, or Social Status

The suspended Constitution provided for equality before the law for all citizens and broadly prohibited discrimination based on race, religion, caste, residence, or place of birth; however, in practice there is significant discrimination based on these factors.

Women

Domestic violence is a widespread and serious problem. Human rights groups estimate that anywhere from 70 to 90 percent of women are victims of domestic violence at the hands of their husbands, in-laws, or other relatives. The Progressive Women's Organization reported in 1999 that every one of two women is the victim of mental or physical violence. The Parliamentary Commission of Inquiry for Women reported that violence against women "has been described as the most pervasive violation of human rights" in the country, and it

called for legislation clearly stating that domestic violence against women is a criminal offense. Husbands are known to kill their wives even for trivial offenses. In 1999 the Pakistan Peace Coalition surveyed 1,000 women in 10 communities in rural Punjab; 82 percent of the respondents reported that they feared violence from their husbands over trivial matters. While abusers may be charged with assault, cases rarely are filed. Police usually return battered women to their abusive family members. Women are reluctant to file charges because of societal mores that stigmatize divorce and make women economically and psychologically dependent on their relatives. Relatives also are reluctant to report abuse to protect the reputation of the family. There are no specific laws pertaining to domestic violence, except for the Qisas and Diyat ordinances, which are rarely invoked and may privatize the crime. However, Qisas and Diyat cannot be invoked where the victim is a direct lineal descendant of the perpetrator. Police and judges tend to see domestic violence as a family problem, and are reluctant to take action in such cases. Thus, it is difficult for women to obtain relief from the justice system in cases of domestic violence.

The Shirkat Gah Women's Resource Center in Karachi published a report in 1999 that summarized reports in the English language press about violence against women between 1993 and 1998. Even though it limited itself to reports of violence by close male relatives, Shirkat Gah documented 535 women who were killed or who committed suicide during the period; 95 of these women were killed or committed suicide after they expressed interest in marrying a man of their own choice.

During the year, the press reported on hundreds of incidents of violence against women, and drew attention to the killings of married women by relatives over dowry or other family-related disputes. Most of the victims were burned to death, allegedly in kitchen stove accidents; some women reportedly were burned with acid. During the year, 593 burn cases were recorded in Lahore newspapers; cases were registered in 74 percent but suspects were arrested in only 10 percent. Human rights monitors assert that many cases are not reported by hospitals and that, even when they are, the police are reluctant to investigate or file charges. Furthermore, human rights monitors agree that most "stove deaths" are in fact killings based upon a suspicion of illicit sexual relationship or upon dowry demands. Increased media coverage of cases of wife burnings, spousal abuse, spousal killing, and rape has helped to raise awareness about violence against women. The Government has failed to take action in honor killing cases, particularly when influential families are involved. By year's end, there was no progress in the 1998 case of Shahnaz, who died after her husband poured gasoline on her and set her on fire. The police registered a case against her husband and three in-laws. The case remained pending.

A crisis center for women in distress was opened in 1997 in Islamabad. The center, the first of its kind in the country, is an initiative of the Ministry of Women's Development with the assistance of local NGO's. The center offers legal and medical referrals from volunteer doctors and lawyers, counseling from trained psychologists, and a hotline for women in distress. During the year, the crisis center served 75 women. A second crisis center in Vehari, in southern Punjab, opened during the year.

Rape is an extensive problem. The HRCP estimates that at least eight women, five of them minors, are raped every day, and more than two-thirds of those are gang-raped. In 1997 the National Assembly passed a law that provided for the death penalty for persons convicted of gang rape. No executions have been carried out under this law and conviction rates remain low because rape, and gang rape in particular, is commonly used by landlords and criminal bosses to humiliate and terrorize local residents. It is estimated that less than one-third of all rapes are reported to the police. Police rarely respond to and sometimes are implicated in these attacks (see Section 1.c.). According to a police official, in most rape cases the victims are pressured to drop charges because of the threat of Hudood adultery or fornication charges against them if they cannot prove the absence of consent. All consensual extramarital sexual relations are considered violations of the Hudood Ordinances, and carry Hadd (Koranic) or Tazir (secular) punishments (see Section 1.e.). Accordingly, if a woman cannot prove the absence of consent, there is a risk that she may be charged with a violation of the Hudood ordinances for fornication or adultery. The Hadd—or maximum punishment for this offense—is public flogging or stoning; however, for Hadd punishments to apply, especially stringent rules of evidence are followed. Hadd punishments are mandatory if evidentiary requirements are met; for sexual offenses, four adult male Muslims must witness the act or the alleged perpetrator must confess. For non-Muslims or in cases where all of the 4 male witnesses are not Muslim, the punishment is less severe. The testimony of four female witnesses, or that of the victim alone, is insufficient to impose Hadd punishments, therefore, even if a man rapes a woman in the presence of several women, he cannot be subjected to the Hadd punishment. If Hadd punishment requirements are not met, the accused may be sentenced to a lesser class of penalties (Tazir); in practice most rape cases are tried at this level. Under Tazir, a rapist may be sentenced to up to 25 years in prison and 30 lashes. No Hadd punishment has been applied in the 20 years the Hudood ordinances have been in force. For Tazir punishments, there is no distinction between Muslim and non-Muslim offenders. According to an HRCP lawyer, the Musharraf Government has brought fewer charges against women under the Hudood Ordinance than in the past, and the courts have shown greater leniency toward women in their sentences and in the granting of bail. However, even in cases where a woman wishes to bring rape charges, she may have trouble bringing her attacker to justice. According to Amnesty International, men accused of rape sometimes are acquitted and released, while their victims are held on adultery charges.

According to Human Rights Watch, women face difficulty at every level of the judicial system in bringing rape cases. Police are reluctant to take the complaint and sometimes are abusive toward the victim; the courts do not have consistent standards of proof as to what constitutes rape and to what corroboration is required; and judges, police, and prosecutors are biased against female rape victims, tending towards a presumption of female consent and the belief that women lie about such things. Judges on the whole reportedly are reluctant to convict; however, if there is some evidence, judges have been known to convict the accused of the lesser offense of adultery or fornication (consensual sex). Human Rights Watch also reported that women face problems in the collection of evidence; that the doctors tasked to examine rape victims often believe that the victims are lying; that they are trained insufficiently and have inadequate facilities for the collection of forensic evidence pertaining to rape; that they do not testify very effectively in court; and that they tend to focus on the virginity status of the victim, and, due either to an inadequate understanding of the need for prompt medical

evaluations or to inadequate resources, often delay the medical examinations for many days or even weeks, making any evidence that they collect of dubious utility. Medical examiners and police personnel sometimes are physically or verbally abusive during these exams, especially in cases where a woman is charged with adultery or fornication (for which an exam may be requested) and does not wish to be examined (such women, despite the fact that by law they should not be examined without their consent, have been examined, and even have been beaten for their refusal to be examined). Police and doctors often do not know that a woman must consent to this type of exam before it can be performed, and judges may not inform women of their right to decline. If they report rape to the police, women's cases often are delayed or mishandled, and women frequently are harassed by police or the alleged perpetrators to drop the case. Police sometimes accept bribes to get the complainant to drop a case, and sometimes request bribes to carry it forward. Police tend to investigate the cases poorly, and may not inform women of the need for a medical exam or may stall or block women's attempts to obtain one. The Parliamentary Commission of Inquiry for Women criticized Hudood Ordinances relating to extramarital sex and recommended that they be repealed asserting that they are based on an erroneous interpretation of Shari'a (see Section 1.c.). The Commission charged that the laws on adultery and rape have been subject to widespread misuse, with 95 percent of the women accused of adultery being found innocent either in the court of first instance or on appeal. However, the Commission pointed out that, by that time, the woman may have spent months in jail, suffered sexual abuse at the hands of the police, and seen her reputation destroyed. The Commission found that the main victims of the Hudood Ordinances are poor women who are unable to defend themselves against slanderous charges. These ordinances also have been used by husbands and other male family members to punish their wives and female relatives for reasons having nothing to do with sexual propriety, according to the Commission. At year's end, 511 women were awaiting trial for adultery under the Hudood Ordinance in Lahore; 400 in Peshawar; and 300 in Mardan (see Section 1.e.).

Marital rape is not a crime. The 1979 Hudood Ordinances abolished punishment for raping one's wife. However, the Commission of Inquiry for women has recommended reinstating penalties for marital rape. Marriage registration (nikah) sometimes occurs years before a marriage is consummated (rukhsati). The nikah (unconsummated) marriage is regarded as a formal marital relationship, and thus a woman or girl cannot be raped by a man to whom her marriage is registered, even if the marriage has not yet been entered into formally.

There are numerous reports of women killed or mutilated by male relatives who suspect them of adultery. Few such cases are investigated seriously and those who are arrested often are acquitted on the grounds that they were "provoked," or for a lack of witnesses. While the tradition of killing those suspected of illicit sexual relations in so-called "honor killings", in order to restore tribal or family honor, applies equally to offending men and women, women are far more likely to be killed than men. The Progressive Women's Organization, a human rights NGO, estimated that as many as 300 women are killed each year by their husbands or family, mostly as a result of "honor killings," known as "karo/kari" in Sindh. The problem is believed to be even more extensive in rural Sindh. "Karo/kari" (or adulterer/adulteress) killings are common in rural Sindh and Baluchistan. The HRCP reported an average of 30 killings per month for the first half of the year. Tribal custom among the Baluch and the Pathans also sanctions such killings. The Commission of Inquiry for Women has rejected the concept of "honor" as a mitigating circumstance in a murder case and recommended that such killings be treated as simple murder. Women who are the victims of rape may become the victims of their families' vengeance against the victims' "defilement." On June 1, Nazir Ahmad killed his wife, Yasmin, and a family friend, Nasir Farooq, on suspicion that the two were conducting an extramarital relationship. On December 12, Khalida was killed by her uncle and other relatives who accused her of having illicit relations with Momin Gorchani. Khalida's relatives also injured Momin's father and another one of his relatives. Police arrested one person in connection with the murder. AI also reported that if an accused adulteress is killed, and the adulterer manages to escape this fate, he may be required under the karo/kari tradition to compensate the family of the accused adulteress; sometimes, a woman from the adulterer's family is given compensation to repair the honor of the adulteress' family.

Trafficking in women also is a significant problem (see Section 6.f.).

There are significant barriers to the advancement of women beginning at birth. In general female children are less valued and cared for than are male children. According to a UN study, girls receive less nourishment, health care, and education than do boys. In February Dr. Sher Shah Syed, of the Pakistan National Forum on Women's Health in Karachi, reported that the maternal mortality rate is 600 per 100,000 pregnancies; this figure contradicts the Government's figure of 300 per 100,000 pregnancies. At Karachi's civil hospital, the maternal mortality rate was 2,257 per 100,000 in 1999. According to a 1996 report by the Islamabad-based human development center, only 16 women are economically active for every 100 men.

Discrimination against women is particularly acute in rural areas. In some areas of rural Sindh and Baluchistan, female literacy rates are 2 percent or less. A survey of rural females by the National Institute of Psychology found that 42 percent of parents cited "no financial benefit" as the reason they kept their daughters from attending school, and sent their sons instead. Similarly a study by the NWFP directorate of primary education concluded that most girls in rural areas do not go to school because they have to look after the household while their mothers help in the fields. In Karachi only 28 percent of girls completing matriculation (10th grade) exams in science during the year would be able to find places in government-run colleges, as opposed to 83 percent of boys passing the same tests. In Baluchistan conditions are much worse, with only 2 percent of the province's women having received any formal education. Education activists have noted that many parents would like to educate their daughters; however, many parents reportedly choose not to send their daughters to school due to the poor quality of instruction and the lack of facilities.

Human rights monitors and women's groups believe that a narrow interpretation of Shari'a has had a harmful effect on the rights of women and minorities, as it reinforces popular attitudes and perceptions and contributes to an atmosphere in which discriminatory treatment of women and non-Muslims is more readily accepted.

Both civil and religious laws theoretically protect women's rights in cases of divorce, but many women are unaware of them, and often the laws are not observed. The Parliamentary Commission of Inquiry for Women has recommended that marriage registration (nikahnama) be obligatory and that women, as well as men, have the right to initiate divorce proceedings. It also has called for the punishment of those who coerce women or girls into forced marriages. A husband legally is bound to maintain his wife until 3 months after the divorce. A father is bound to maintain his children until they reach the age of 14 for males, or the age of 16 for females. However, the legal system is so complicated and lengthy that it can take years for the children to get maintenance.

In inheritance cases women generally do not receive—or are pressed to surrender—the share of the inheritance they legally are due. In rural areas, the practice of a woman "marrying the Koran" still is widely accepted if the family cannot arrange a suitable marriage or wants to keep the family wealth intact. A woman "married to the Koran" is forbidden to have any contact with males over 14 years of age, including her immediate family members. Press reports indicate that the practice of buying and selling brides still occurs in parts of the NWFP and the Punjab.

A special three-member bench of the Lahore High Court upheld in 1997 the federal Shariat Court's ruling that a Muslim woman can marry without the consent of her wali (guardian—usually her father). However, in practice social custom dictates that couples are to marry at the direction of family elders. When this custom is violated, especially across ethnic lines, violence against the couple may result, and the authorities generally fail to prosecute such cases vigorously.

Upon conversion to Islam, the marriages of Jewish or Christian men remain legal; however, upon conversion to Islam, the marriages of Jewish or Christian women, or of other non-Muslims, that were performed under the rites of the previous religion are considered dissolved (see Section 2.c.).

The value of women's testimony is not equal to that of a man's in certain court cases (see Section 1.e.).

In December speakers at a seminar stated that large numbers of working women face discrimination and sexual harassment. Women routinely are denied equal opportunities for promotion, pay, and benefits. Additionally women in some sectors are denied days off and overtime benefits.

Although a small number of women study and teach in universities, postgraduate employment opportunities for women largely remain limited to teaching, medical services, and the law. Nevertheless, an increasing number of women are entering the commercial and public sectors.

Women's organizations operate primarily in urban centers. Many concentrate on educating women about existing legal rights. Other groups concentrate on providing legal aid to poor women in prison who may not be able to afford an attorney.

The Government took several positive steps to improve the status of women during the year. For example, in April President Tarar issued an amendment ordinance to the citizenship law, which enables women who are married to foreign husbands to claim citizenship for their children. In September the Government inaugurated a National Commission on the Status of Women (see Section 4). The Commission was established in order to advise the Government on policies directly affecting women; however, the Commission lacks the authority to ensure that its recommendations are implemented.

Children

The Government, through its laws and programs, does not demonstrate a strong commitment to children's rights and welfare. There is no federal law on compulsory education, and neither the federal nor provincial governments provide sufficient resources to assure universal education. The education system is in disarray, with studies showing that only 65 to 70 percent of children under the age of 12 are enrolled in school, less than half of whom actually complete primary school. In Sindh province, the number of students enrolled in primary education rose from 2.1 million to 2.6 million between 1992 and 1998, an increase of approximately 6 percent. During this period, an average population growth rate of 3 percent would have added 20 percent to the number of primary school age children. Even in relatively prosperous Karachi, enrollment figures are low. M.I. Memon, the late head of the Board of Intermediate and Secondary Education in Karachi, estimated in 1998 that only 1.1 million of Karachi's school-age children actually were attending school: 500,000 in the public schools; 500,000 in private schools; and 100,000 in madrassahs (Islamic religious schools). Since the lowest estimate of school-age children in Karachi—the wealthiest and most developed city in the country—is 4 million, it would appear that no more than 27.5 percent of school age children are attending school. Even those children who go to school are not assured of being able to read and write. According to UNICEF figures, a nationwide sample of children in grade five revealed that only 33 percent could read with comprehension, while a mere 17 percent were able to write a simple letter. Development experts point to a number of factors for the poor state of public education, including the low percentage of gross national product devoted to education and inefficient and corrupt federal and provincial bureaucracies. Those fortunate enough to pursue higher education often face inordinate delays in receiving the results of final exams. On March 30, candidates for civil engineering degrees received results of the 1996 annual examinations. In 1999 one member of the Prime Minister's education task force estimated that up to 50 percent of the education budget is "pilfered."

Information about progress in educating girls is contradictory. A recent survey found that the enrollment rate for girls under age 12 was 65 percent, which was less than that of boys (75 percent), but was considerably higher than the 1990 figure of 50 percent. Since official government figures count at most 1.5 million school-age

children in public and private schools and madrassahs in Karachi (of an estimated 4 million or more between the ages of 5 and 14), enrollment figures of 65 and 75 percent are difficult to account for. In all of Sindh province, a 14 percent jump in the number of girls in Sindh's primary schools in the 1992-1998 period placed female enrollment in 1998 at only 35 percent. Similarly the female literacy rate has doubled during the past two decades, although, at roughly 27 percent, it is just over half that of males. However, an Oxfam report released in March 1999 stated that the proportion of girls enrolled in school fell by 10 percent in the first half of the 1990's and one doctor claimed in a February press report that the average time girls spend in school nationwide is 0.7 years.

The Government announced a new education policy in March 1998, which dealt mostly with the construction of new schools but that also included provisions for increased Islamic instruction in public schools. Education is a provincial responsibility. In 1998 the government of Punjab, the country's most populous province, began an ambitious program to improve the quality of its educational system. A comprehensive survey was performed to identify school buildings that were being misused as well as the large numbers of teachers and administrators who were not performing their duties or even showing up for work. Administrative action against these "ghost schools" began, and the Government was better placed to ensure that its education budget was not misused. The Punjab government also worked closely with both international and local NGO's to improve primary and secondary education. However, no legal action was taken against those found responsible for the misuse of government property.

Health care services, like education, remained seriously inadequate for the nation's children. Children suffer a high rate of preventable childhood diseases. According to the National Institute of Child Health Care, over 70 percent of deaths between birth and the age of five are caused by easily preventable ailments such as diarrhea and malnutrition. Public health administration suffers from poor management, avoidance of responsibility, false data, and lack of cooperation among agencies. The problems associated with polio are illustrative. According to the World Health Organization (WHO), in 1997 91 percent of confirmed polio cases in the eastern Mediterranean region were in Pakistan (1,147). The WHO and the Center for Disease Control reported in 1999 that the full (three-dose) course of oral polio vaccine has been given to only 57 percent of children in Punjab, 50 percent in the NWFP, 42 percent in Sindh, and 22 percent in Baluchistan. However, even the high number of reported polio cases may be too low, and the reported protection rate may be too high. Public health professors at a Karachi medical school report that vaccines frequently are degraded by poor storage, and that vaccination rates are inflated. In 1999 the English-language newspaper Dawn reported that doctors in Sindh had persuaded the Sindh health department to order a halt to the reporting of polio cases. Doctors are required by law to vaccinate all children under 5 years old within a 1.2 mile range (3 miles in rural areas); however, they reportedly have taken steps to avoid the responsibility. Although the Government has undertaken six national immunization days since 1994, a Center for Disease Control official who observed a 1999 polio immunization campaign in Quetta, the capital of Baluchistan, reported that vaccination teams had no maps, census data, or plans. The International Labor Organization (ILO) reports that 8 percent of children suffer from iron deficiency and 30 to 40 percent of children in the country suffer from stunted growth. According to a family-planning NGO, up to 50 percent of children are born iodine-deficient, resulting in high rates of mental retardation. During the year, the Government conducted a well-publicized campaign to encourage polio vaccinations; however, there were no statistics available on the number of children who were vaccinated.

Many children begin working at a very early age (see Section 6.d.). At the age of 5 or 6, many female children assume responsibility for younger siblings.

Trafficking in children is a problem (see Section 6.f.).

Children sometimes are kidnaped to be used as forced labor, for ransom, or to seek revenge against an enemy (see Sections 6.c. and 6.d.). On September 11, an antiterrorist court in Karachi convicted five men for kidnaping the 15-year-old son of a businessman in January; three of the five defendants were sentenced to death. In rural areas, it is a traditional practice for poor parents to give children to rich landlords in exchange for money or land, according to human rights advocates. These children frequently are abused by these landlords and held as bonded laborers for life. Landlords also have been known to pay impoverished parents for the "virginity" of their daughters, whom the landlords then rape. Incidents of rape and the s are common. A 1996 survey conducted in Punjab showed that 40 percent of reported rape victims were minors, with the youngest victim in the study only 8 years old. A UNICEF-sponsored study of Punjab found that 15 percent of girls reported having been abused sexually. Sexual abuse of boys is more common in segments of society where women and girls traditionally remain within the home. An HRCF study in the NWFP found 723 cases of sexual abuse of boys and 635 of girls during the first half of 1998. A newspaper reported that there were 1,025 incidents of sexual abuse of children between January and September; in the majority of cases, children were abused by acquaintances. There were credible reports of boys being sexually abused in a jail located in Punjab province during the year. At a May conference in Karachi on trafficking in women, speakers claimed that over 15,000 child sex workers were operating in Lahore and other cities. Child prostitution involving boys and girls is widely known to exist but rarely is discussed. All forms of prostitution are illegal and a person who abducts a child under the age of 10 and commits sexual assault may be sentenced to the death penalty. The Shabab-i-Milli, the youth wing of the Jamaat Islami party, launched a campaign in May to combat child prostitution by raising public awareness of the problem. The Commission of Inquiry for Women has observed that child sexual abuse is a subject that "has been virtually ignored," and called for a public education campaign on the subject, including introducing it into school curriculums and training nurses and doctors in how to handle such cases.

In the aftermath of a September prison riot in Hyderabad (see Section 1.c.), military personnel discovered that adult prisoners abused sexually about 50 imprisoned minors. The Government did not take action against prison officials for permitting the abuse by year's end.

Children's rights theoretically are protected by numerous laws that incorporate elements of the U.N. Convention on the Rights of the Child. However, the Government frequently fails to enforce these laws. There are two facilities—one in Karachi and one in Bahawalpur—that serve as reform schools for juvenile offenders. There is only one jail in each province for convicted prisoners under 21 years of age, and children frequently are

incarcerated along with the general prison population, sharing prison conditions that are extremely poor (see Section 1.c.). Many children in prison were born to female inmates who were sexually abused by prison guards. Although Punjab and Sindh provinces have laws mandating special judicial procedures for child offenders, in practice, children and adults essentially are treated equally. According to a local NGO, an estimated 4,200 children were held in the nation's prisons at year's end, some as young as 8 years old, compared with 4,000 in 1999. Imprisoned children often spend long periods of time in prison awaiting trial or a hearing before a magistrate, often in violation of the law. One child spent 3 years and 4 months awaiting trial. Children are subject to the same delays and inefficiencies in the justice system as adults are (see Section 1.e.). Peshawar's jail in 1998 contained 183 children, 40 percent of whom were Afghan refugees. These prisoners were separated from the adult prisoners. According to some estimates, there are 900 children in Karachi's central jail, in a space meant to house 300; these children are 18 and under. Human Rights Watch reports that children frequently are beaten and even tortured while in detention; usually this is done to extract confessions, but it is done also to punish or intimidate child detainees or to extort payment from their families for their release (see Section 1.c.). Sexual abuse of child detainees by police or guards is reportedly a problem as well (see Section 1.c.).

Courts also may order that children be sent to reform schools or various types of residential facilities, many designed to provide vocational or other training. Juvenile offenders and, in some cases, homeless and destitute children, may be sent to these residential facilities, for terms not to exceed the amount of time until they reach majority. Conditions in these institutions reportedly are poor, similar to those found in jails. Abuse and torture of the children in such institutions is a problem; one study found that 17.4 percent of the inmates of the Youthful Offenders Industrial School in Karachi had been tortured or otherwise mistreated. Educational facilities in these institutions often are inadequate; however, during the year, an NGO in Karachi started a school for the approximately 1 dozen children forced to live in a Karachi women's prison. Extortion on the part of the staff at such institutions is reportedly widespread; parents of inmates often are required to pay lower level staff members to visit their children or bring them food. Drug trafficking by guards and other staff also is a problem; some children reportedly have developed drug habits while in these institutions, and are supplied by their guards.

On July 1, the Government passed the Juvenile Justice System Ordinance. The ordinance abolished the death penalty for minors under 18 years of age, guarantees that the Government will provide children with legal assistance, prohibits children from being tried for crimes with adults, and prohibits the proceedings of juvenile courts from being published.

According to press reports, there are several madrassahs where children are confined illegally and kept in unhealthy conditions, and there were reports of the abuse of children studying at madrassahs during the year. Sexual abuse of boys is widely believed to occur at some madrassahs.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is practiced by the Bohra Muslims. There are an estimated 100,000 Bohra Muslims in the country; the Bohra observe a form of Shi'a Islam that was practiced in medieval Cairo. There were no available statistics on the extent to which the Bohra practice FGM; however, the practice of FGM in the Bohra community reportedly has declined in the last few years.

People with Disabilities

There are no laws requiring equal accessibility to public buildings for disabled persons. The vast majority of physically and mentally disabled persons are cared for by their families. However, in some cases these individuals are forced into begging, while organized criminal "beggar masters" skim off much of the proceeds. Parents reportedly have given children as offering to Baba Shah Dola, a shrine in Punjab where the children reportedly intentionally are deformed by clamping a metal form on the head that induces microcephalitis. Some human rights organizations asked local authorities to investigate this practice; however, there have been no investigations. There is a legal provision requiring public and private organizations to reserve at least 2 percent of their jobs for qualified disabled persons. Organizations that do not wish to hire disabled persons can instead give a certain amount of money to the government treasury, which goes into a fund for the disabled. This obligation rarely is enforced. The National Council for the Rehabilitation of the Disabled provides some job placement and loan facilities.

Mentally ill prisoners normally lack adequate care and are not segregated from the general prison population (see Section 1.c.).

Religious Minorities

Government authorities afford religious minorities fewer protections than are afforded to Sunni Muslim citizens. Members of religious minorities are subject to violence and harassment, and police at times refuse to prevent such actions or to charge persons who commit them.

Sectarian violence between Sunni and Shi'a Muslims continued to be a serious problem throughout the country (see Section 2.c.). In Punjab in particular, a deadly pattern of Sunni-Shi'a violence in which extremists killed persons because of their membership in rival sectarian organizations, or simply for their religious identification, continued; however, there were fewer deaths during the year as compared to previous years. Antiterrorist courts handed down convictions against several individuals accused of sectarian violence during the year; however, government authorities did not detain suspects in many other cases of sectarian violence. Several incidents of sectarian violence between rival Sunni and Shi'a groups occurred during Muharram in April, during which Shi'a Muslims mourn the deaths of the Prophet Mohammed's nephew Ali and his son Hussain. On April 7, a Shi'a lawyer and the secretary general of TJP, Syed Waqar Hussain, his son, and his driver were killed by

unknown gunmen in Karachi; the assailants may have been members of the extremist SSP (see Section 1.a.). On April 12, in the worst incident of sectarian violence since the coup, unknown assailants attacked a Shi'a religious congregation in Mullaowali, Rawalpindi, with grenades and bullets, killing 19 persons and injuring 37 others (see Sections 1.a. and 1.c.). Police personnel arrested several Sunni Muslims following the attack. On April 19, unknown gunmen killed TJP activist, Iqbal Hussain in Multan. On April 26, unknown assailants killed TJP activist, Syed Farrukh Birjis Haider and his personal aide in Khanewal. On April 28, unknown gunmen killed local Shi'a leader Hakeem Syed Shahbaz Hussain Sherazi in Chishtian. On May 2, unidentified assailants killed a Shi'a doctor, his pharmaceutical dispenser, and a patient in the doctor's Karachi office. The next day, unknown assailants killed Shi'a lawyer, Malik Ibrar Hussain in Toba Tek Singh, Punjab. On May 15, unknown assailants killed Shi'a lawyer Syed Sardar Hussain Jafri. Unknown assailants also killed Qudratullah Cheema, the chief of the Ahmadi community of Khanpur. On May 19, unknown assailants killed eminent Sunni cleric Maulana Yousuf Ludhianvi and Abdur Rehman, a teacher at the Sunni Banuri town religious school in Karachi; following these murders, hundreds of Sunni Muslims rioted in Karachi and torched a newspaper office, a movie theater, and a bank (see Section 2.c.).

Ahmadis often are targets of religious intolerance, much of which is instigated by organized religious extremists. Ahmadi leaders charge that militant Sunni mullahs and their followers sometimes stage marches through the streets of Rabwah, a predominantly Ahmadi town and spiritual center in central Punjab. Backed by crowds of 100 to 200 persons, the mullahs purportedly denounce Ahmadis and their founder, a situation that sometimes leads to violence. The Ahmadis claim that police generally are present during these marches but do not intervene to prevent trouble (see Section 2.c.).

On October 30, 2 assailants opened fire on an Ahmadi mosque in Ghatialian in Sialkot district, killing 4 Ahmadis and 1 Sunni Muslim. Three suspects were arrested; however, no formal charges were filed by year's end. On November 10, a mob composed of the cleric's followers killed five Ahmadis in Takht Hazara, Sarghoda district following a scuffle between a group of Ahmadis and a Sunni Muslim cleric. Police detained 25 persons for questioning and imprisoned 13 others in connection with the killings; however, no charges were filed against any of the suspects by year's end (see Section 2.c.).

On July 15, in response to pressure from some Muslim groups, the Government incorporated the Islamic provisions of the suspended Constitution into the Provisional Constitutional Order, including the clause declaring Ahmadis to be non-Muslims. Ahmadis suffer from harassment and discrimination and have limited chances for advancement to management levels in government service (see Section 2.c.). Even the rumor that someone may be an Ahmadi or have Ahmadi relatives can stifle opportunities for employment or promotion. Ahmadi students in public schools are subject to abuse by their non-Ahmadi classmates, and the quality of teachers assigned to predominantly Ahmadi schools by the Government generally is poor. However, most Ahmadis are home-schooled or go to private Ahmadi-run schools. Young Ahmadis complain of their difficulty in gaining admittance to good colleges and consequently having to go abroad for higher education. Certain sections of the Penal Code discriminate against Ahmadis (see Section 2.c.), particularly the provision that forbids Ahmadis from "directly or indirectly" posing as Muslims. Armed with this vague wording, mullahs have brought charges against Ahmadis for using standard Muslim salutations and for naming their children Mohammed.

Other religious minority groups also experience considerable discrimination in employment and education. In the country's early years, minorities were able to rise to the senior ranks of the military and civil service. Today many are unable to rise above mid-level ranks. Discrimination in employment reportedly is common. Christians in particular have difficulty finding jobs other than menial labor, although Christian activists say the employment situation has improved somewhat in the private sector. Christians are overrepresented in Pakistan's most oppressed social group—that of bonded laborers. Like Ahmadis many Christians complain about the difficulty that their children face in gaining admission to government schools and colleges, a problem they attribute to discrimination. Many Christians continue to express fear of forced marriages between Muslim males and Christian women, although the practice is relatively rare. Reprisals against suspected converts to Christianity occur, and a general atmosphere of religious intolerance has led to acts of violence against religious minorities (see Section 2.c.). According to the HRCP, in January intruders broke into a church in Sialkot and desecrated religious literature. On March 12, men broke into the Lourdes Convent and attacked Sister Christine, a 78-year-old nun; she died in a nearby hospital a few days later. According to the Christian Liberation Front (CLF), an NGO, the perpetrators of the attack were Muslims who previously had accused Sister Christine of proselytizing. Police officials did not arrest anyone in connection with this attack. In May five masked men stopped a factory bus in Ferozwala on which female factory employees were traveling and raped six to eight Christian girls who were passengers; the assailants reportedly spared the two Muslim passengers on the bus. Initially police officials urged the girls to report that they were robbed, not raped; however, when the CLF complained to government officials, the officials immediately registered the cases as rape cases, arrested three suspects, and promised to investigate police behavior. The suspects were charged under the Hudood Ordinances and were scheduled to stand trial in September. One of the suspects was released for lack of evidence; however the other two cases had not been tried by year's end.

There are restrictions on certain testimony in court by non-Muslims (see Section 1.e.).

Although there are few Jewish citizens, anti-Semitic sentiments appear to be widespread, and anti-Semitic and anti-Zionist press articles are common.

Section 6 Worker Rights

a. The Right of Association

The Industrial Relations Ordinance of 1969 (IRO) permits industrial workers to form trade unions subject to

major restrictions in some employment areas. The Essential Services Maintenance Act of 1952 (ESMA) covers the state administration, government services, and state enterprises like oil and gas production, electricity generation and transmission, the state-owned airline, and ports. Workers in these sectors are allowed to form unions. However, the ESMA sharply restricts normal union activities, usually prohibiting, for example, the right to strike in affected organizations. A worker's right to quit also may be curtailed under the ESMA. For each industry subject to the ESMA, the Government must make a finding, renewable every six months, on the limits of union activity. There is no provision allowing agricultural workers or teachers to unionize as they are not defined as "an industry." A presidential ordinance in 1998 banned all union activity in the water and power development authority (employing 130,000 workers) for 2 years. Following a 3-day conference on employment protection, human resource development, and industrial relations sponsored by the Musharraf Government and the ILO in May, the Government on July 17 passed an ordinance permitting water and power workers to engage in "responsible trade unionism."

Other restrictions on union activities include the Anti-terrorist Ordinance of 1999 (ATO). The ATO codified the crime of a "terrorist act," which includes "an act of civil commotion." Such acts are punishable by imprisonment of 7 years to life, as well as fines. "Civil commotion" includes illegal strikes, go-slows, and lockouts. Under the original ordinance, those distributing, publishing, or pasting a handbill or making graffiti or wall-chalking "intended to create unrest" were subject to arrest. According to the ILO, this ordinance prevented leafleting, posters, or even word-of-mouth notices of public meetings. In late 1999, the ATO was amended to eliminate references to handbills, graffiti, or the intent to create civil commotion (see Sections 1.e and 2.b.). According to government estimates, union members make up about 10 percent of the industrial labor force and 3 percent of the total estimated work force. Unions claim that the number of union members is underestimated. Contract labor continues to flourish, undercutting the power of the unions and exploiting workers who are willing to work on temporary contracts with fewer benefits and no job security.

Legally required conciliation proceedings and cooling-off periods constrain the right to strike, as does the Government's authority to ban any strike that may cause "serious hardship to the community" or prejudice the national interest. The Government also may ban a strike that has continued for 30 days. Strikes are rare. When they occur, they usually are illegal and short. The Government regards as illegal any strike conducted by workers who are not members of a legally registered union. Police do not hesitate to crack down on worker demonstrations. The law prohibits employers from seeking retribution against leaders of a legal strike and stipulates criminal penalties for offenders. The courts may imprison employers for violating this prohibition, but they are more likely to fine them. The law does not protect leaders of illegal strikes. In May and June, there were strikes by small and large businessmen throughout the country to protest the Government's efforts to collect taxes. In May there was a 3-day strike by religious leaders against General Musharraf's proposed modification of the blasphemy law (see Section 2.b.).

Unions may belong to federations, and there are eight major federations. The Government permits trade unions across the political spectrum. While many unions remain aloof from politics, some are associated with political parties. Unions associated with opposition parties are allowed to carry on their activities freely.

In 1997 the Cabinet passed an amendment to the IRO which states that: 1) only employees of the represented industry can hold office in a trade union; and 2) if trade unions form a federation, the federation cannot bargain with individual employers; each component union has to bargain for itself. The first provision disadvantages smaller unions, which may not have enough officers capable of bargaining. The second provision is an attempt to weaken the power of the federations. This amendment has been challenged by the trade unions and, as a result, has not yet come into force. Late in 1997, the Prime Minister announced the Government's new investment policy, under which, in order to improve working relations among employees and employers, trade union activity would be industry-based and not factory-based. The new policy also decrees that, in order to check the growth of trade unions, unions receiving less than 20 percent of the votes in a referendum are to be dissolved automatically and their registrations canceled. No action has been taken to implement these elements of the investment policy.

The ILO has stated repeatedly that current law and practice violate the Government's commitments under ILO Convention 87. The ILO has urged the Government to lift prohibitions against union activity with respect to teachers, radio, television, railway, forestry, hospital, banking, and other Government employees, as well as to rescind the existing ban on strikes. The ILO also expressed concern about the practice of artificial promotions that exclude workers from the purview of Convention 111. In response to a Government request, the ILO has provided technical assistance to help bring the country's labor laws into conformity with the ILO's conventions. However, no legislative remedies have been applied.

In 1994 a government task force on labor recommended improvements on worker rights problems, which formed the basis for the development of a new government labor policy. The Government has not approved the new policy; however, it has implemented two components of the proposed policy: 1) improvements in the workers' welfare fund; and 2) increases in social security benefits for workers. Federations are free to affiliate with international federations and confederations. Pakistani trade unions belong to the ICFTU and to secretariats affiliated with the ICFTU.

The United States revoked generalized system of preferences (GSP) trade benefits in 1996 for failure to make progress on worker rights issues.

b. The Right to Organize and Bargain Collectively

The right of industrial workers to organize and freely elect representatives to act as collective bargaining agents is established in law. The IRO prohibits antiunion discrimination by employers. Under the law, private

employers are required to reinstate workers fired for union activities. However, in practice, such redress has not been available to workers, because workers usually do not pursue redress through the courts due to the fact that the legal system is normally slow, prohibitively expensive, and sometimes corrupt. In general, legal unions have the right to bargain collectively. However, the many restrictions on forming unions (see Section 6.a.) preclude collective bargaining by large sections of the labor force like agricultural workers who are not provided with the right to strike, bargain collectively, or make demands on employers. The National Bank of Pakistan Employees Union filed suit against the Government for implementing a banking companies ordinance that prohibited union activities in banks during working hours and allowed only current bank employees to serve as bank trade union officials. Labor unions report that workers are given artificial promotions (such as a new title with no salary increase) to make them ineligible for union membership. This practice is prevalent in the financial sector, particularly among foreign banks.

The ESMA also restricts collective bargaining. For each industry subject to the ESMA (see Section 6.a.), the Government must make a finding, renewable every 6 months, on the limits of union activity. In cases in which the Government prohibits collective bargaining, special wage boards decide wage levels.

The boards are established at the provincial level and are composed of representatives from industry, labor, and the provincial labor ministry, which provides the chairman. Despite the presence of labor representatives, unions generally are dissatisfied with the boards' findings. Disputes are adjudicated before the National Industrial Relations Commission. A worker's right to quit also may be curtailed under the ESMA. Dismissed workers have no recourse to the labor courts.

The ESMA exempts export promotion zones (EPZ's) from the IRO's granting of workers the right to form trade unions. There is only one EPZ, in Karachi, with nearly 6,000 employees, according to government sources. In 1996 the Cabinet decided to withdraw these exemptions beginning in January 2000. However, the Government has stated that it will honor agreements with investors regarding the exemptions, making it unlikely that the EPZ's exemption will be lifted before 2001.

c. Prohibition of Forced or Compulsory Labor

The suspended Constitution and the law prohibited forced labor, including forced labor by children; however, the Government does not enforce these prohibitions effectively. Critics argue that the ESMA's limitation on worker rights, especially the right to quit, constitutes a form of compulsory labor. The ILO has objected to this violation of Convention 29. The Government has responded that the maintenance of essential services is required for the defense and security of the country, and that continued reviews have limited these services to a few core areas like electricity generation and distribution, and air and sea ports.

There is a reasonable basis to believe that handmade bricks and hand-woven wool carpets are produced with forced or indentured child labor. Illegal bonded labor is widespread. It is common in the brick, glass, and fishing industries and is found among agricultural and construction workers in rural areas. A 1998 study by a trade federation reported that over 200,000 families work in debt slavery in the brick kiln industry and there are reports that this figure has grown with the arrival of Afghan refugees to the country. The Bonded Labor Liberation Front (BLLF) is an NGO that advocates for the rights of bonded laborers and provides a safe haven and educational and vocational training for those who have escaped their bondage. The BLLF states that it freed 820 bonded brick kiln workers (including 351 children) in 1999. There is no evidence that bonded labor is used in the production of export items like sporting goods and surgical equipment. However, bonded labor reportedly is used in the production of carpets for export under the peshgi system, by which a worker is advanced money and raw materials for a carpet he promises to complete. Many workers do not realize the extent of their exploitation. The lack of education among bonded laborers deprives them of the ability to perform the necessary calculations to know when they have paid their debts to bondholders. Bonded laborers who escape often face retaliation from former employers. Although police do arrest violators of the law against bonded labor, many of these individuals bribe the police to release them. Conservative estimates put the number of bonded workers at several million. The Government disputes that peshgi workers are "bonded" or "forced" laborers and argues that they are "contract laborers" who negotiate a salary advance in a free and open market.

Human rights groups report that as many as 50 private jails housing some 4,500 bonded laborers were maintained by landlords in rural Sindh (see Section 1.d.).

The suspended Constitution and the law prohibited slavery. However, in remote areas of rural Sindh, bonded agricultural labor and debt slavery have a long history. Landlords have kept entire families in private prisons and sold families to other landlords.

The Bonded Labor System (Abolition) Act of 1992 outlawed bonded labor, canceled all existing bonded debts, and forbade lawsuits for the recovery of existing debts. The act makes bonded labor by children punishable by up to 5 years in prison and up to \$900 (PRs 50,000) in fines. However, the provincial governments, which are responsible for enforcing the law, have failed to establish enforcement mechanisms. Furthermore the law is written in English and is frequently incomprehensible to persons it is intended to protect. Hence the law is ineffective. Lacking employment alternatives, many workers who have been freed end up returning to bonded labor. In April General Musharraf announced that approximately \$1,700,000 (PRs 100,000,000) have been designated to fight bonded labor. However, these funds were not allocated by year's end.

There are reports that children in juvenile detention facilities are required to work. Children at the Karachi Central Jail, who either are imprisoned for crimes they have committed, were detained with their parents, or were born in jail reportedly are involved in woodcrafts and television repairs (see Section 6.d.). Verifying these reports is difficult because of limited outside access to the jail.

Trafficking in children is a problem (see Section 6.f.).

Children sometimes are kidnaped to be used for forced labor. According to 1996 ILO estimates, 3.3 million children between the ages of 5 and 14 years (about 8 percent of this population group) are "economically active." Of these, about two-thirds work in agriculture. Seventy percent of the working children have the status of "unpaid family helpers." Many observers believe that the ILO estimates understate the true dimensions of the problem. Observers also believe that the incidence of bonded labor among such children is significant, but there are no reliable figures available on this. Some boys, usually between the ages of 6 and 9, are taken to countries in the Persian Gulf to serve as camel jockeys (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

Child labor is common and results from a combination of severe poverty, employer greed, and inadequate enforcement of laws intended to control it. The suspended Constitution prohibited the employment of children aged 14 years and under in factories, mines, and other hazardous occupations. The Employment of Children Act of 1991, whose provisions were extended by the President in 1998 to the FATA, prohibits the employment of children under age 14 in certain occupations and regulates their conditions of work. Under this law, no child is allowed to work overtime or at night. Penalties for the violation of the act include fines of up to \$335 (PRs 20,000) or 1 year in prison. The Government acknowledges that child labor is a problem. The Constitution prohibits forced labor, including forced labor performed by children; however, forced and bonded labor by children is common (see Section 6.c.).

Children in juvenile detention facilities reportedly are required to work; children at the Karachi Central Jail, who either are imprisoned for crimes they have committed, were detained with their parents, or were born in jail, reportedly are involved in woodcrafts and television repairs (see Section 6.c.).

In 1996 the Government announced the results of its first comprehensive child labor survey conducted with the assistance of the ILO's International Program for the Elimination of Child Labor (ILO-IPEC). According to the survey, 8.3 percent (or between 3.3 and 3.6 million) of children between the ages of 5 and 14 worked. The child labor force was predominately male (73 percent) and rural (71 percent). About 60 percent of child labor in the country occurred in Punjab. Some 45.8 percent of child laborers worked 35 hours or more per week and 12.6 percent worked 56 hours or more. The majority (67 percent) of child laborers worked in agriculture, forestry, hunting, and fishing industries; 11 percent in the manufacturing sector, 9 percent in wholesale and retail, and 8 percent in social and personal services. In occupational terms, craft and related trade work accounted for about 19 percent of child laborers, while 71 percent worked in unskilled jobs. Only the Government and exporters regard the ILO survey as an accurate measurement of the incidence of child labor. Many observers believe that it understates the problem, and give higher estimates of as many as 20 million child laborers. A 1997 survey by the Pakistan Institute of Labor Education and Research indicated that in one-fourth of 187 Karachi households, the eldest child worker (below the age of 14) provided more than 40 percent of household income. A recent ILO survey indicated that agriculture is the largest child labor industry; followed by the informal sector, which includes domestic work, street vending, illegal work, and family businesses; hazardous work, such as the leather, surgical instruments, and brick kiln industries rank third. The report also noted that when programs are developed to eliminate child labor in one industry, parents often shift their children to work in other industries. A survey conducted by the Human Rights Commission of Pakistan published in June 1999 noted that there are approximately 4,000 children working in auto workshops in the Mardan district of the NWFP. The report stated that most of the children were between the ages of 3 and 8. In a press conference in February, the president of the Punjab Laborers Front stated that 100,000 children between the ages of 5 and 12 years were working in more than 4,500 brick kilns in Punjab. The ILO, the Ministry of Labor, and the Federal Bureau of Statistics was scheduled to conduct a new survey in 2001 in over 30,000 households; this survey will include the agricultural sector and rural areas where the worst forms of child labor often occur.

Child labor, mostly female, is common in the carpet industry, much of which is family-run. Carpet manufacturers are working with ILO-IPEC to establish a program to eliminate child labor from the industry through monitoring and rehabilitation. Although surgical instrument manufacturers have acted to remove child laborers from their factories, child labor still occurs at rudimentary offsite filing and polishing centers run by subcontractors for low-end items. Almost all children working in the surgical instrument industry are male. According to the ILO and the Punjab Welfare Department, children constitute about 15 percent of the work force in the surgical instrument industry in Sialkot; 7,500 of these children are estimated to be under age 14. According to a June 1999 report issued by Public Services International, the average age of children in the surgical instrument industry is 12. Children in the surgical instrument industry are prone to injuries from machinery and burns from hot metal, as well as respiratory illnesses from inhaling poisonous metal dust. The successful efforts to eliminate child labor in other industries have not been mirrored in the surgical instrument industry. Child labor is not regarded as a particular problem in the textile and apparel industries, but no specific studies of this sector have been performed. In October Fayyaz Ahmad, a child worker in a textile mill died as a result of injuries he sustained when his clothing became entangled in machinery.

In 1997 soccer ball manufacturers, importers, the ILO, and UNICEF implemented an 18-month action plan (the Atlanta Agreement) to eliminate child labor from the soccer ball industry. This project, based in Sialkot, monitored the production of soccer balls at newly established stitching centers, and set up as many as 185 rehabilitation centers to educate former child laborers and their younger siblings. At year's end, there were 153 rehabilitation centers; however, an additional 70 centers are projected for the next 2 years. The project also sought to identify unemployed adults, particularly women, from the families of former child stitchers to take up stitching work and replace lost income. Women initially were reluctant to move from their homes to stitching centers, so the project began to establish small, home-based stitching centers in individual villages; by year's

end, there were 358 home-based centers and 146 larger centers for female stitchers. The ILO currently monitors over 1,200 stitching centers. Saga Sports, which also manufactures soccer balls, has built modern community-based facilities in 10 villages with a high percentage of family stitching operations. The facilities contain work space for stitchers as well as dining areas, child care centers, recreation areas, and medical clinics. Each facility also has its own water system, waste disposal system, generator for electricity, and transportation system. Meals, child care, medical services, and use of the facilities are provided gratis to workers and their families; use of non-production areas is allowed to all community members. These centers reportedly have created approximately 6,000 jobs, 400 to 500 of which are held by women. During the year, Saga Sports became the first industry in Sialkot to permit freedom of association. By year's end, over 6,000 children have been removed from employment in the soccer ball industry.

Under a memorandum of understanding with the Government, the International Program for the Elimination of Child Labor (ILO/IPEC) program in Pakistan is involved with other child labor projects. Projects in Sialkot include one in the surgical instruments industry and one in the non-formal (non-exporting) sectors. The ILO works with the Government, employers, workers, and NGO's to pursue the Government's policy and plan of action for child labor. The Government established 30 rehabilitation centers (50 are planned) for former child laborers through the Pakistan Bait-ul-Mal, the Government's social welfare fund. Each center educates 120 children. The ILO created a similar program in conjunction with the European Union, specifically targeting child bonded laborers. In 1998 the ILO and the Swiss Agency for Development and Cooperation (SDC) launched a large project to combat child labor and child abuse in the NWFP. This program, which targets children in the automobile repair sector, aims to provide children with vocational training and informal education. In May the Government, in conjunction with the ILO, issued a national policy and action plan to combat child labor. Its three principal goals are: To immediately eradicate the worst forms of child labor, to progressively eliminate all remaining forms of child labor, and to ensure at least a primary education and vocational training for the targeted children. According to the plan, funding will be provided by the federal and provincial governments and "international donors;" however, no funds were allocated to implement this plan by year's end.

In response to international criticism, the Government has begun to push provincial authorities to enforce child labor laws. However, enforcement of these laws remains a problem. There are few child labor inspectors in most districts, and the inspectors often have little training and insufficient resources. They reportedly also are subject to corruption. By law inspectors also may not inspect facilities that employ less than 10 persons; most child labor occurs in facilities smaller than this. Hundreds of convictions are obtained each year for violations of child labor laws, but low fines levied by the courts—ranging from an average of \$7 (PRs 364) in the NWFP to an average of \$140 (PRs 7,280) in Baluchistan—are not a significant deterrent. The 1991 Employment of Children Act allows for fines of up to \$350 (PRs 18,200). Penalties often are not imposed on those found to be violating child labor laws.

The Child Care Foundation of Pakistan, a national NGO, was established in 1996 with support from the Ministry of Commerce. Other NGO's, such as the Pakistan Bait-ul-Mal, conduct programs to end child labor. Bait-ul-Mal, with funding from the Government and international organizations, operates 33 education centers for children known collectively as the National Center for the Rehabilitation of Child Labor. Parents of working children are offered compensation of \$6 per month (PRs 300), plus a small daily stipend of about \$0.10 (PRs 5) in exchange for sending their children to school. Children in the centers receive free schooling, uniforms, books, and meals. However, many children apparently do not remain there for more than 1 year; the schools often are in areas far from their clients, and some children reportedly are sent to the schools in order to qualify for the stipend. The Bunyad Literacy Community Council also runs schools focusing on children who work in the soccer ball and carpet industries; its programs aim to transition children out of working and into mainstream schooling. Other local NGO's, such as the Society for the Protection of the Rights of the Child, are working to eliminate child labor.

e. Acceptable Conditions of Work

Federal statutes applicable throughout the country govern labor regulations. The minimum wage for unskilled workers is \$35 (PRs 1,976) per month, with only slightly higher minimum rates for skilled workers. It applies only to industrial and commercial establishments employing 50 or more workers and not to agricultural or other workers in the informal sectors. The minimum wage usually is inadequate to provide a decent standard of living for a worker and family, since families tend to be large, including members of the extended family.

Federal law provides for a maximum workweek of 48 hours (54 hours for seasonal factories) with rest periods during the workday and paid annual holidays. These regulations do not apply to agricultural workers, workers in factories with fewer than 10 employees, and contractors. Many workers are unaware of their rights because of their lack of education.

Additional benefits required by the Federal Labor Code include official government holidays, overtime pay, annual and sick leave, health and safety standards in the workplace, health care, education for workers' children, social security, old age benefits, and a workers welfare fund. Employees earning more than \$52 (PRs 3,120) per month are not considered workers for the purpose of these benefits.

The provinces have been ineffective in enforcing labor regulations because of limited resources, corruption, and inadequate regulatory structures. In general health and safety standards are poor. Although organized labor presses for improvements, the Government has done little and its efforts to enforce existing legal protection are weak. Workers cannot remove themselves from dangerous working conditions without risking loss of employment. There is a serious lack of adherence to mine safety and health protocols. For example, mines often have only one opening for entry, egress, and ventilation.

f. Trafficking in Persons

The law prohibits the trafficking of women under age 21 into the country for sexual purposes, as well as kidnaping and slavery; however, trafficking in persons, especially in women, is a significant problem. Trafficking in women is protected by powerful criminal interests and operates relatively openly. The Government has done little to stem the flow of women trafficked into the country or to help victims of trafficking. For example, despite the large numbers involved, only 88 cases have been registered in Sindh between 1990 and 1999. Of the 260 men and 110 women arrested, only 87 were charged and only 7 were sentenced.

Pakistan is a receiving country for thousands of trafficked women every year, mainly from Bangladesh. Smaller numbers of Burmese, Sri Lankan, Indian, and Afghan women also are trafficked into the country and some Pakistani women were trafficked overseas. The Commission of Inquiry for Women drew attention to the problem of "enforced prostitution and trafficking in women," noting that women are the victims of exploitation by police and pimps, and should be treated with compassion. Trafficking in women has occurred for decades; there are likely several hundred thousand trafficked women in the country. A Karachi-based NGO estimates that 100 to 150 women who are trafficked into the country each day from Bangladesh are sold for domestic labor throughout the country and for forced prostitution in Karachi. Press reports indicate that the buying and selling of brides persists in parts of the NWFP and Punjab. Trafficking victims usually are deceived with false prospects of marriage or offers of legitimate jobs in Pakistan. They generally do not have legal residency, and, if arrested, end up in jail for violation of immigration laws or the Hudood ordinance. Without money to pay for bail, they often are bailed out by their pimps, who force them to return to prostitution. Small numbers of escaped victims of trafficking end up in shelters, but most do not because there are few such shelters available. Many women who are not bailed out are not repatriated; since they arrive without documentation, the Bangladesh High Commission will not take responsibility for them, and they remain confined to women's shelters. Some have been repatriated at the expense of individuals who discover them and pay for their return home.

Prices for trafficked women start at approximately \$550 (PRs 30,000) but can go as high as approximately \$5,000 (PRs 260,000). Physical beauty and educational level are major factors in determining prices. Some women sold in shops in Karachi reportedly are sent to Persian Gulf countries, where they are slaves; women sent to rural Pakistan reportedly are de facto slaves. Buyers in such shops reportedly purchase women for purposes of labor or sex; some are married to their buyers.

There are reports that Afghan and Bangladeshi girls are trafficked into the country for sexual purposes.

Young boys are trafficked from Pakistan to the Persian Gulf to work as camel jockeys; reports estimate that there are between several hundred and a few thousand boys between the ages of 4 and 10 working as camel jockeys, mostly in the United Arab Emirates (UAE). The majority of these boys are sent to the Gulf countries by their parents, landless agricultural workers who receive a monthly sum of money for their child's labor. Parents occasionally also accompany their children to the Persian Gulf. However, a significant minority of these children are abducted by traffickers in the country and sent abroad without the knowledge of their parents. The conditions such children live under often are poor, and many children reportedly are injured or maimed while racing camels. The children reportedly do not receive proper medical care or schooling, and when they become too old to race, they are sent back to the country and left to fend for themselves. In February the district administration in Multan approached the Pakistan Ambassador to the UAE for the return of two children reportedly sold to a UAE citizen for approximately \$400 (PRs 20,000) each, and the federal investigation agency filed charges against four residents of Multan who were involved in the deal. To date, there has been no report on the return of the boys. Within the country, children sometimes are kidnaped to be used as forced labor, for ransom, or to seek revenge against an enemy (see Sections 6.c. and 6.d.). In rural areas, it is a traditional practice for poor parents to give children to rich landlords in exchange for money or land, according to human rights advocates. These children frequently are abused by these landlords and held as bonded laborers for life.

[End.]

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