

PAKISTAN (38) (130)



**PAKISTAN
COUNTRY REPORT**

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Country Information & Policy Unit

**IMMIGRATION & NATIONALITY DIRECTORATE
HOME OFFICE, UNITED KINGDOM**

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1 SCOPE OF DOCUMENT

1.1 This Country Report has been produced by Immigration and Nationality Directorate, Home Office, for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum / human rights claims made in the United Kingdom. It includes information available up to 1 March 2005.

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

1.3 The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

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

1.5 The information included in this Country Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented; rather that information regarding implementation has not been found.

1.6 As noted above, the Country Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. Country Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text.

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

Report was issued.

1.8 This Country Report and the accompanying source material are public documents. All Country Reports are published on the IND section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.

1.9 Country Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in Country Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country Information Bulletins, which are also published on the IND website. They also have constant access to an information request service for specific enquiries.

1.10 In producing this Country Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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Advisory Panel on Country Information

1.11 The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country information material. The Advisory Panel welcomes all feedback on the Home Office's Country Reports and other country information material. Information about the Panel's work can be found on its website at www.apci.org.uk.

1.12 It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office Country Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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2 Geography

General

2.1 Europa Regional Surveys of the World: South Asia 2005 notes that "The Islamic Republic of Pakistan covers an area of 796,095 sq km (307,374 sq miles), excluding Jammu and Kashmir (the sovereignty of which is disputed with India). The territory of Pakistan extends from 23° 45' to 36° 50' N and between 60° 55' and 75° 30' E, and is bounded to the west, north-west and north by Iran and Afghanistan (a narrow panhandle in the high Pamirs separates it from direct contact with Tajikistan), to the north-east by the People's Republic of China, to the east and south-east by India and by Jammu and Kashmir, and to the south by the Arabian Sea... The capital is Islamabad." [1] (p386) Statistics quoted in Europa advise that official estimates give the population as being 148,720,000 as at 1 January 2004. [1] (p437) In respect of the disputed territory of Jammu and Kashmir, Europa records that the Pakistani-held parts of this region are known as Azad ('Free') Kashmir and cover an additional 11,693 sq km (4,494 sq miles). [1] (p437)

(See also sub-section on 'Northern Areas' in Section 6C, below)

2.2 Europa's table on Administrative Divisions reveal that Pakistan is divided into four provinces: Balochistan [Baluchistan]; North-West Frontier Province; Punjab and Sindh, and that there are also Federally Administered Tribal Areas - FATA. Statistics from the 1998 census used in this table give the populations in the provinces as being: 73.6 million in Punjab; 30.4 million in Sindh; 17.7 million in the North-West Frontier Province; and 6.5 million in Balochistan [Baluchistan]. [1] (p473)

2.3 The CIA World Factbook 2004 states that the ethnic groups of Pakistan are Punjabi, Sindhi, Pashtun (Pathan), Baloch [Baluchi], and Muhajir [Mohajir]. [34] (p4)

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Languages

2.4 The CIA World Factbook 2004 states that the languages of Pakistan are "Punjabi 48%, Sindhi 12%, Siraiki (a Punjabi variant) 10%, Pashtu 8%, Urdu (official) 8%, Balochi 3%, Hindko 2%, Brahui 1%, English (official and lingua franca of Pakistani elite and most government ministries) Burushaski, and others 8%." [34] (p4) As reported in the Ethnologue website, "The number of languages listed for Pakistan is 69. Of those, all are living languages." [6] (p1)

3. Economy

3.1 A Country Brief by The World Bank Group dated September 2004 states that:

"In 2004, GDP [Gross Domestic Product] grew by an estimated 6.4 percent while inflation remained relatively low at 4.6 percent. These macroeconomic achievements have allowed the country to keep on track towards fiscal consolidation while enabling the government to increase spending on health and education. The government has also launched far-reaching structural reforms to privatize public sector enterprises, strengthen public and corporate governance, liberalize external trade, and reform the banking sector. However, despite these favorable developments, formidable challenges remain. Pakistan still lags behind countries with comparable per capita income in most social indicators. Only 46 percent of Pakistan's population is literate, compared to an average of 63 percent of countries with similar income per capita.

Poverty remains a serious concern in Pakistan. With a per capita gross national income (GNI) of US\$520, poverty rates, which had fallen substantially in the 1980s and early 1990s, started to rise again towards the end of the decade. According to the latest figures (for 2000-2001), as measured by Pakistan's poverty line, 32 percent of the population is poor. More importantly, differences in income per capita across regions have persisted or widened. Poverty varies significantly among rural and urban areas and from province to province, from a low of 23 percent in urban Sindh to 48 percent in rural Sindh." [25] (p1)

3.2 Europa Regional Surveys of the World: South Asia 2005 records that:

"The Pakistani economy has experienced strong growth since 2001, and it was clear that the *rapprochement* between Pakistan and the USA was bringing economic dividends. Inflation remained low in Pakistan, although it increased during 2004, to 3.7%. However, since 2000 inflation has not exceeded 4.4%. On the other hand, the inflation of food prices has worsened the situation of the poor, and in May 2004 the consumer price index (CPI) increased by more than 7%. The Food Support Programme claims to distribute food subsidies to over 1m. of Pakistan's poorest families, but an independent assessment of the value of the programme has not been undertaken." [1] (p424)

3.3 The CIA World Factbook 2004 notes that Pakistan's unit of currency is the Pakistani rupee (PKR). [34] (p10) Europa notes that "100 paisa = 1 Pakistani rupee." [1] (p439) The Yahoo Currency Converter gives the exchange rate (as at 28 January 2005) as 111.80 PKR to the pound sterling (£) [17a], and 59.240 PKR to the US dollar (\$). [17b]

4 History

Independence to October 1999 Coup

4.1 The publication 'Freedom House – Freedom in the World 2005' notes that:

"Pakistan came into existence as a Muslim homeland with the partition of British India in 1947. Following a nine-month civil war, East Pakistan achieved independence in 1971 as the new state of Bangladesh. Deposing civilian governments at will, the army has directly or indirectly ruled Pakistan for 29 of its 56 years of independence. As part of his efforts to consolidate power, the military dictator General Zia ul-Haq amended the constitution in 1985 to allow the president to dismiss elected governments. After Zia's death in 1988, successive presidents cited corruption and abuse of power in sacking elected governments headed by Benazir Bhutto of the Pakistan People's Party (PPP) in 1990 and 1996, and Nawaz Sharif of the Pakistan Muslim League (PML) in 1993.

After the PML and its allies decisively won the 1997 elections, Sharif largely ignored Pakistan's pressing economic and social problems while undermining every institution capable of challenging him. This included repealing the president's constitutional power to dismiss governments, forcing the resignations of the chief justice of the Supreme Court and of an army chief, and cracking down on the press. After Indian troops bested Pakistani forces that had made incursions into Indianheld Kashmir, Sharif was blamed by the army for agreeing to a hasty withdrawal. When he attempted to reshuffle the army's leadership, he was deposed in October 1999 in a bloodless coup. Army chief Musharraf then appointed himself "chief executive," declared a state of emergency, and issued a Provisional Constitution Order suspending parliament, the provincial assemblies, and the constitution." [19a] (p1)

General Musharraf's Regime up to 2001

4.2 Europa Regional Surveys of the World: South Asia 2005 states that:

From the beginning, Gen. Musharraf was concerned to establish a self-consciously 'non-political', technocratic Government that would be able to command support both domestically and internationally and also pave the way for the reconstruction of Pakistani institutions. On 22 October 1999 he appointed four new provincial governors. Some four days later he announced a two-tier structure to head his administration: a National Security Council (NSC) and a civilian cabinet...Provincial cabinets were also appointed. In mid-August 2000 the NSC was reconstituted and redefined as the supreme executive body: it henceforth comprised the three chiefs of armed forces and the Ministers of Foreign Affairs, the Interior, Finance and Commerce...At the beginning of November 1999, meanwhile, as evidence of the military Government's serious determination to confront official corruption, a National Accountability Bureau was established." [1] (p408)

4.3 Europa further notes that "By October 2000 it remained difficult to give any definitive judgement on the character and success of the regime, particularly its

declared ambition to eliminate corruption and establish a 'real' democracy. Party mobilization was effectively banned, and the relatively free press was too limited to provide any balanced assessment of the Government. The major political parties were occupied with internal problems." [1] (p408)

4.4 Europa also reports that "In November/December 2000 former leaders Nawaz Sharif and Benazir Bhutto, with 16 other smaller political parties, agreed to form the Alliance for the Restoration of Democracy [ARD], in an effort to end military rule and accelerate a return to democracy. The new alliance superseded the PPP-led [Pakistan People's Party-led] Grand Democratic Alliance." [1] (p409) Freedom House – Freedom in the World 2005' noted "However, Musharraf was able to successfully neutralize Sharif and Bhutto, his primary political opponents, through a combination of court convictions and exile." [19a] (p1-2)

4.5 Europa noted that:

"When the first phase of local elections were held at the end of 2000, it was clear that Gen. Musharraf had been unable to remove party politics from the voting process: a significant number of elected members were associated with either the PML (Nawaz) [Pakistan Muslim league – Nawaz] or the PPP. This continued to be the case in the next three phases of local elections. His problems were accentuated further by the growing influence of militant Islamic movements, particularly Jamaat-e-Islami Pakistan, which had won support from important elements within the military. Nevertheless, by mid-2001 Gen. Musharraf seemed more intent on strengthening his own position than on returning the country to civilian rule... In June 2001, following the trend set by two previous military leaders, Gen. Musharraf dismissed President Tarar and assumed the presidency himself... Gen. Musharraf also dissolved the National Assembly, the Senate and the provincial assemblies, which had been suspended since the coup." [1] (p410)

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Al-Qa'ida and the Taliban (2001)

4.6 A BBC news report on the Taliban (Taleban) in Afghanistan dated 16 December 2003 advised that:

"The Taleban first came to prominence [in Afghanistan] in the autumn of 1994... The circumstances of the Taleban's emergence remained the centre of controversial debate. Despite repeated denials, Pakistan is seen as the architect of the Taleban enterprise. Suspicions arose early on when the Taleban went to the rescue of a Pakistani convoy stranded in Kandahar following attacks and looting by rival mujahideen groups. Many of the Afghans who joined the Taleban were educated in madrassas (religious schools) in Pakistan. Pakistan was also one of only three countries, along with Saudi Arabia and the United Arab Emirates (UAE), which recognized the Taleban regime. It was also the last country to break diplomatic ties with the Taleban. The US put Pakistan under pressure to do so after the 11

September, 2001, attacks in New York and Washington. The Taleban were overwhelmingly Pashtun, the ethnic group that forms the majority of Afghanistan's diverse population and also inhabits the North-West Frontier Province (NWFP) and Balochistan [Baluchistan] in neighbouring Pakistan. Even now, the resurgent Taleban draw considerable sympathy from fellow Pashtuns in Pakistan. Some of their fugitive leaders are able to find refuge across the long and porous border in NWFP and Balochistan." [35ap] (p1-2)

4.7 Additionally, an article on Afghanistan by 'The World in a Nutshell', updated on 26 March 2003, stated that:

"Were the Taliban puppets of Pakistan? Not exactly. Although the Taliban owed most of their success to Pakistan's military and financial aid and a Taliban victory served Pakistani interests, the tribe was not accountable to Islamabad. The relationship between the Afghan religious students and Pakistan was forged long before the Taliban became a major force. Most Taliban members were born, educated and trained in Pakistani refugee camps and shared a religious identity with Pakistan's majority Sunni population as well as an ethnic identity with the Pashtuns from the North West Frontier province which borders on Afghanistan. This kinship played a large role in Pakistan's decision to back the refugees. By training and arming the band of Afghan refugees Islamabad hoped to bring political stability to their war-wearied neighbor and help to install a strategic ally in the face of Pakistan's ongoing conflict with India. By playing on Saudi Arabian and US interests against Iran, furthermore, and by indicating that transit routes through Afghanistan to Central Asian Muslim countries would be opened, Pakistan was instrumental in securing Saudi and American support for the religious refugees. Ironically, the success of the Taliban inspired the "Talibanization" of Pakistan's own Islamic community thereby driving the country closer to an Islamic revolution of its own." [38] (p4)

4.8 Europa Regional Surveys of the World: South Asia 2005 reported that:

"The shifts that occurred in both domestic and international politics after the massive suicide attacks on US targets in New York and Washington, DC, in September 2001, gave President Musharraf the opportunity further to strengthen his position and weaken that of the main opposition parties. Whereas in the past the USA had been a strong critic of Pakistan's shift towards military rule, in the aftermath of the suicide attacks it recognised Pakistan's strategic importance in its efforts to carry out a campaign against the Islamic militant al-Qa'ida (Base) organization, held principally responsible for the attacks, and its Taliban [Taleban] hosts...As a result of ongoing dialogue between the USA and Pakistan, the former agreed to provide support to the South Asian country, both in terms of recognition and aid, and in return Pakistan offered a base for the US-led military campaign. The Pakistan President utilized this situation to justify attacks on Pakistan-based Islamic militants, who had extended their violent campaign from across the LoC (Line of Control – see below) in Kashmir to within Pakistan." [1] (p410)

4.9 A Freedom House report on Pakistan from 2002 noted that:

"Following the September 11 attacks and Musharraf's subsequent decision to support the United States, Pakistan faced an intensification of activity by Islamist groups, who organized numerous anti-U.S. protests at which several protesters were killed and dozens injured. As a result, authorities arrested hundreds of alleged fundamentalists and imposed travel bans on several prominent religious leaders. Pakistan's two main religious parties, the Jamaat-e-Islami and the Jamiat Ulema Islam, had earlier allied themselves with a number of smaller parties to form the Afghan Defence Committee, which supported the Taliban regime. By the end of the year, a suicide attack on the Indian parliament building by members of an organization based in Pakistan had increased international pressure on Musharraf to intensify his crackdown against militant Islamic groups." [19b] (p3)

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Militant Groups in 2002/2002 Referendum

4.10 A report by the Canadian Immigration and Refugee Board dated 8 March 2002 stated that:

"On 13 January 2002, the government banned five groups including Lashkar-e-Taiba (LT), Jaish-e-Muhammad (JM), Sipah-e-Sahaba Pakistan (SSP), Tehrik-e-Jafria Pakistan (TJP) and Tahrik-e-Nifaz-e-Sariat-e-Muhammadi [sic – spelt elsewhere as Tehrik-e-Nifaz-e-Shariat-e-Mohammadi] (TNSM) (*Dawn* 16 Jan. 2002a; *The News International* 16 Jan. 2002a; *Shia News.com* 12 Jan. 2002). Unlike the others, TJP is a Shia organization whose banning was understood by "Shias in Pakistan as... only to keep a balance between the two [Sunni and Shia] rivals...." (ibid.). These groups join Lashkar-e-Jhangvi and Sipah-e-Mohammad, both of which were banned on 14 August 2001 in an effort to stop ethnic and sectarian violence (*Dawn* 13 Jan. 2002; AP 14 Aug. 2001)." [12d] (p1)

(See also paragraph 4.25 for more groups banned in 2003)

4.11 On 2 April 2002, the BBC reported on President Musharraf's first visit to Afghanistan; speaking alongside interim Afghan leader Hamid Karzai at a news conference, Musharraf pledged that he would never again allow Pakistan to interfere in the internal affairs of Afghanistan. The meeting was seen as marking a watershed in Pakistan Afghanistan relations. President Musharraf pledged co-operation in wiping out "terrorist sanctuaries" in the region, and said that he had made it absolutely clear that Pakistan's one aim was to assist Afghanistan. [35f]

4.12 Europa Regional Surveys of the World: South Asia 2005 records that:

"In terms of curbing religious extremism, the Government's actions were contradictory. In April 2002 the Minister of the Interior declared the

Government's intention to deal with sectarianism firmly and, if necessary, ban sectarian parties and groups...In July, however, the Chief Executive issued a decree to revive the Islamic provisions of the suspended constitution and to incorporate them in the provisional constitutional order, thereby supporting a ban on the passing of any law that conflicted with Islamic principles." [1] (p409)

4.13 Europa also noted that:

"In early April 2002 the Government approved a plan to hold a national referendum seeking endorsement for Musharraf's term of office as President to be extended by five years, and approval of the Government's political and economic programme. Despite widespread opposition from human rights organizations, the media and political parties, the referendum was held at the end of April. According to official figures, about 98% of those participating supported the proposal... The referendum was viewed by some as an indication of Musharraf's success as a political leader, and regarded by others as a poll marred by gross irregularities." [1] (p410)

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Constitutional Amendments/2002-03 Elections

4.14 On 27 June 2002 the BBC reported that President Musharraf had put forward for debate constitutional amendments which would increase his powers. The amendments included enabling the President to name and dismiss the Prime Minister and his cabinet, provisions to reduce the terms of parliament and Prime Minister from five years to four years, and proposals for a permanent ten-member National Security Council that would be headed by President Musharraf. [35] (p1-2)

4.15 Europa Regional Surveys of the World: South Asia 2005 reported that:

"Indeed, in July 2002 he [Musharraf] introduced a set of reforms, including a range of proposed amendments to the Constitution. Musharraf's proposed reforms, which would transform Pakistan's prime-ministerial system into a presidential one, were heavily criticized... His suggestion of a National Security Council, in which the armed forces would have ultimate power on matters relating to national security, was condemned. There was also concern that his perceived attempt to extend the powers of the Head of State would undermine the authority of any government that might be elected, particularly as the President would have the authority to dissolve a government. Musharraf also suggested an amendment to the much-maligned ordinance that candidates for the election should be educated to university degree level, and strengthened the presidency by noting that the Election Commission would realize this amendment with the approval of the President, rather than with the approval of the legislature." [1] (p410-411)

4.16 On 7 July 2002 the BBC reported that, the previous day, President Musharraf had issued a decree preventing people who have held the office of Prime Minister twice in the past from being given a third term. This effectively banned two former Prime Ministers, Nawaz Sharif and Benazir Bhutto. A spokesman for Sharif's Pakistan

Muslim League said it was aimed at ousting the two big leaders from politics, and Bhutto's Pakistan People's Party (PPP) called it unconstitutional. [35u] (p1) A later BBC report of 10 July 2002 advised that voting for the lower house of parliament would take place on 10 October 2002, and that Musharraf's decree required all candidates to be university graduates which, the opposition claimed, ruled out 98% of the population from candidacy. [35v] (p1) The BBC reported on 16 July 2002 that, at a convention held in Islamabad, Pakistan's religious minorities had formed the All Pakistan Minorities Alliance - the first formal grouping between Sikhs, Christians and Hindus. The report stated that "The head of the Christian Organisation for Social Change, Cecil Chaudhry, told BBC that the alliance is not a political party but can come to an understanding about which candidates it can support." [35w] Europa 2004 recorded that, in mid-2002, the PPP formed a new political wing called the PPP Parliamentarians – PPPP – under new leadership in a bid to avert an imminent threat of losing the chance to contest the elections under the new rules. [1] (p411)

4.17 Europa Regional Surveys of the World: South Asia 2005 reported that:

"Instead of presenting the constitutional changes proposed in July [2002] before the next legislature, President Musharraf unilaterally endorsed 29 Amendments to the Constitution through a Legal Framework Order [LFO] on 21 August 2002. His new powers allowed him to dissolve the elected National Assembly, extend his term in office and appoint Supreme Court judges. Significantly, the military was given a formal role in governing the country." [1] (p411)

4.18 Europa also noted that Bhutto was barred from contesting the election due to an earlier criminal conviction for corruption, and Nawaz Sharif reportedly withdrew from the elections in solidarity with her. [1] (p409 and 411)

4.19 Europa also recorded that, following the election for the National Assembly on 10 October 2002, the Pakistan Muslim League (Quaid-e-Azam – Q) won the largest percentage of votes (25.7%) and 77 of the directly-elective 272 seats. Europa noted that "It did so, according to critics, with the aid of pre-poll rigging by the army and with Musharraf's support." [1] (p411)

4.20 The Human Rights Commission of Pakistan – HRCP - noted in its 'Democratic Development' Chronology that:

"October 10, 2002: First general election since the 1999 military coup results in a hung parliament. Accusations of official intervention precede polling. Parties haggle over the make-up of a coalition. Religious parties fare better than expected riding on the anti-US sentiment. Despite the Musharraf government's insistence that the exercise is free and fair, opposition parties, human rights groups, and independent observers from the European Union call the election "deeply flawed," accusing the military-led regime of manipulating candidate eligibility and public demonstration ordinances as a means of influencing the electoral outcome. Widely asserted is that the machinations substantively weakened the main secular opposition parties.⁶ Turnout [sic] was estimated to have been lower than any previous Pakistani national election, leading numerous observers to identify a pervasive apathy among the country's citizens with regard to national politics.

The PML-Q — also called the "king's party" due to its perceived pro-military bent— wins 118 of the total 342 parliamentary seats, almost all of them from Punjab. The affiliated National Alliance wins 16 seats. This number gives the pro-Musharraf parties a plurality in the National Assembly, but fall well short of the majority representation needed to control the body outright. As expected, the PPP does well in Sindh, but is unable to form a working coalition in that province's legislature. The PML-N suffers huge losses, winning only 19 national seats, all of them in Punjab. The Muttahida Quami Movement (MQM) does well in Sindh's provincial elections. The MQM collects only a small percentage of the national vote (winning 17 national seats). It aligns itself with the PML-Q. Small parties and independents account for the remaining 31 seats. The previously influential Awami National Party is shut out at the national level." [27a] (p9)

4.21 The HRCP chronology also noted that:

November 2002: Mir Zafarullah Jamali is selected as prime minister by the National Assembly. He is the first civilian premier since the 1999 military coup and a member of a party close to General Musharraf. Signals that a PML-Q-Islamist alliance is in the offing likewise end when Musharraf refused to accept demands that he resign his position as army chief. In an unexpected circumstance, the pro-Musharraf parties succeeded in forming a thin working coalition without the participation of either the PPP or the MMA [Muttahida Majlis-e-Amal], a development made possible by the defection of several [sic] PPP members, some of whom were rewarded with high-profile ministerships of their own. This splinter group, calling itself the PPP-Patriots, now boasts some 21 members.

The chief justice of Pakistan's Supreme Court swears Musharraf in to another five-year term as president, a move that opposition parties call "unconstitutional." [27a] (p9)

4.22 Europa Regional Surveys of the World: South Asia 2005 noted that, following the elections to the Senate on 25 February 2003, the ruling party PML-Q won 38 of 100 Senate seats. [1] (p446)

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Shari'a Act/Bhutto/Militant Islamists/Line of Control (2003)

4.23 The US State Department International Religious Freedom Report 2004, published on 15 September 2004, reported that:

"In June 2003, the Provincial Assembly of NWFP [North-West Frontier Province], dominated by the MMA, unanimously approved the NWFP Shari'a Act 2003, ruling that all future legislation should be in accordance with Shari'a law, existing legislation should be reviewed in light of Shari'a, and education and financial sectors should be brought in line with Islamic teaching. This was the first time in the country's history that a Shari'a Act had been passed by a provincial legislature; however, the act is almost identical to the 1991

Shari'a Act passed at the federal level, which was already binding on the entire country." [2a] (section II)

4.24 Keesings Record of World Events for November 2003 reported that, "A court in Geneva, Switzerland, on Nov. 5 upheld an appeal by former Prime Minister Benazir Bhutto and her husband Asif Ali Zadari against their convictions in August on a money laundering charge." The report stated that the six-month suspended prison sentence and financial penalties imposed by the investigating magistrate were quashed by the court, but added "However, the dossier on the case was sent on to Geneva's chief prosecutor for a decision on whether or not to refer the case to a higher court." [24b] (p45693)

4.25 Keesings further noted that:

"Pakistan banned in November [2003] six extremist Islamic groups under the 1997 Anti-Terrorist Act. At a meeting on Nov. 15 President Gen. Pervaiz Musharraf and Prime Minister Zafarullah Khan Jamali decided to ban three groups that had flouted an earlier prohibition order by changing their names. The banned organisations were the Shia group Islami Tehrik-i-Pakistan (formerly Tehrik-i-Jafria Pakistan) and the Sunni groups Millat-i-Islamia Pakistan (formerly Sipah-i-Sahaba Pakistan –SSP) and Khudam-ul-Islam (formerly Jaish-e-Mohammed - JeM). Another group, Jamaat-ud-Dawa (thought by some to be a new identity for the Kashmiri armed separatist group Lashkar-i-Toiba – LiT), escaped a ban but was placed under surveillance... The Interior Ministry on Nov. 20 announced the banning of three more groups: Jamiat-ul-Furqan (another offshoot of JeM), Jamiat-il-Ansar (formerly Harakat-ul-Mujaheddin-HuM) and Hizbut-Tahrir." [24b] (p45693)

(See also paragraph 4.10 for groups banned in 2002)

4.26 Keesings also recorded that "A ceasefire came into effect at midnight on Nov. 25-26 [2004] between the armies of India and Pakistan on the Line of Control (LoC) dividing their respective portions of Kashmir, marking the Muslim Eid-al-Fitr festival at the end of the fasting month of Ramadan." It noted that, on 26 November, it was agreed to extend the cease-fire along the Actual Ground Position Line (AGPL) in Siachen (at Kashmir's northern extremity). [24b] (p45692)

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Legal Framework Order/Assassination Attempts/Summit with India (2003 – 2004)

4.27 Keesings Record of World Events reported in December 2003 that, on 24 December 2003, Musharraf announced seven concessions to resolve the controversy over his Legal Framework Order (LFO) of constitutional changes, which had halted the national Assembly since the October 2002 elections. Negotiations took place with the opposition alliance of six Islamist parties - the Mutahida Majlis-i-Amal (MMA – United Council for Action). Musharraf undertook to step down as chief of army staff by December 2004. He also agreed to submit to a vote of confidence

in the federal legislature. Musharraf's supervisory national Security Council, on which the chiefs of the armed services would sit, was to be established by an act of parliament. In addition, although the President would be empowered to dismiss the National Assembly, he would have to refer the decision to the Supreme Court within 15 days. [24c] (45738) Europa Regional Surveys of the World: South Asia 2005 noted that, in late December 2003, the legislature passed the Constitution (Seventeenth Amendment) Bill. [1] (p444)

4.28 Keesings further recorded in December 2003 that President Musharraf narrowly escaped two assassination attempts during December 2003. The first attack was on 14 December when a remote-controlled bomb was detonated under a bridge seconds after Musharraf's motorcade had passed over it. An electronic jamming device fitted to the car had delayed the explosion. The second attack took place on 25 December 2003 again near his Rawalpindi residence; at least 17 people were killed and 50 injured when two suicide bombers drove cars at Musharraf's motorcade. Musharraf escaped injury, declaring the attackers as "extremists." On 28 December one of the suicide bombers was identified as a member of the banned Islamic extremist group Jaish-e-Mohammed, one of the most prominent militant separatist factions fighting against Indian rule in the northern state of Jammu and Kashmir. The Information Minister stated that the attack was carried out by an International terrorist network (an apparent reference to al-Qaida). At least 7 people were arrested after the first assassination attempt and 18 suspects held after the second. [24c] (p45737)

4.29 Keesings Record of World Events for January 2004 noted that direct air links and the Samijhauta Express train service were restored between New Delhi (India) and Lahore (Pakistan), and further recorded that a ground-breaking summit – the South Asian Association for Regional Co-operation (SAARC) – took place between leaders of the two countries in early January, though Pakistani militant separatist groups insisted that the 'armed struggle' would continue. [24a] (p45787)

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Political Events and Terrorism in 2004

4.30 Keesings Record of World Events for January 2004 reported that President Musharraf won confidence votes in the National Assembly, the Senate and the four provincial assemblies of Baluchistan [Balochistan], NWFP, Punjab and Sindh, further strengthening his hand following the National Assembly's approval on 29 December 2003 of the Legal Framework Order. [24a] (p45786)

4.31 Keesings also noted that a court in Islamabad had charged Javed Hashmi, acting president of the opposition Pakistan Muslim League (Nawaz) – PML(N) – on five counts (including treason, inciting mutiny and forgery) on 24 January 2004. He had been arrested in October 2003 after distributing copies of letters criticising the President that he alleged had been written by junior army officers. [24a] (p45786)

4.32 Europa Regional Surveys of the World: South Asia 2005 recorded that "In 2004 the Pakistani military, aided by technical and intelligence assistance from the USA,

intensified its operations against the al-Qa'ida organization and the remnants of the Taliban [Taleban] along the Afghan border." [1] (p423)

4.33 Military personnel carried out a two-week long security operation in respect of suspected Taleban and al-Qa'ida supporters in villages around Wana in South Waziristan in March 2004; Amnesty International issued a report on 1 April 2004 voicing concerns of human rights violations by the security forces, stating "They [the violations] included arbitrary arrest and detention, possible unlawful killings and extrajudicial executions and the deliberate destruction of houses to punish whole families when some of their members were alleged to have harboured people associated with the Taleban or *al-Qa'ida*." [4b] (p1)

4.34 On 14 April 2004, the BBC reported that:

"Pakistan's Senate has passed a new law to institutionalise the role of the armed forces in civilian politics for the first time in the nation's history. The law creates a 13-member National Security Council with four top military figures who will sit alongside top civilian leaders. The council will advise the government on security matters and other issues of national interest. Opposition MPs condemned the bill; one said it meant "permanent martial law"." [35a] (p1)

4.35 On 19 April 2004, the BBC reported that:

"Pakistan has announced that it will allow the jailed husband of former premier Benazir Bhutto to travel to Switzerland to conduct a court appeal [to be heard on 22 April]...Mr Zardari, who has been in jail in Pakistan for more than seven years, has faced a number of cases there but only been convicted of financial wrongdoing...Ms Bhutto lives in self-imposed exile from Pakistan in London and Dubai...During an appearance in a court in Rawalpindi last year Mr Zardari told the BBC he was being victimised for being the husband of Ms Bhutto." [35d] (p1-2)

However, a report on the same day in the PakTribune news stated that Zardari would not go to Switzerland in custody, and stated "Makhdoon Amin [President of the PPP Parliamentarians] said there no [sic] treaty exists between Pakistan and Switzerland about shifting of under trial prisoners. He said Asif may consider the offer if he is permitted to go abroad as a free citizen, but he can't accept forced exile, he added." [11a]

4.36 On 12 May 2004 the BBC reported that Mr Nawaz Sharif's brother, Shahbaz Sharif, had been deported, noting that "Mr Sharif returned on Tuesday [11 May] from a three-year exile but almost immediately was put on a plane to Saudi Arabia. The Supreme Court had earlier ruled there was no constitutional restriction on his return... Scores of his supporters were also arrested as riot police fired tear gas and made baton charges in Lahore... The authorities earlier made clear they would not countenance the presence of opposition leaders such as the Sharifs or another exiled former premier, Benazir Bhutto." [35e] (p1-2)

4.37 A Country Profile on Pakistan issued by the Foreign and Commonwealth

Office, reviewed on 10 February 2005, records that "On 12 May 2004 the PML (Q), PML-Jinnah, PML-Functional, PML-Zia and PML Junejo were reunited as the PML [Pakistan Muslim League]. On 19 May [2004] the National Alliance merged with the PML." [43b] (p3)

4.38 The BBC's 'Timeline' for Pakistan noted that Pakistan was readmitted to the Commonwealth in May 2004. [35b] (p5)

4.39 On 24 May 2004, the BBC reported that "Pakistani police have arrested six more people in Karachi they suspect are members of an outlawed Islamic militant group, Harkat-ul-Mujahideen al-Almi... They said a quantity of weapons were seized after the arrests... The latest arrests follow the detention last week of an alleged leader of the group, Kamran Atif." [35i]

4.40 Following sectarian violence in Karachi in May 2004, the BBC reported on 2 June 2004 that:

"The police chief of the Pakistani city of Karachi has been removed after three days of violence claimed about 25 lives, a police spokesman said.... A Sunni Muslim cleric was killed on Sunday and at least 20 people died in a bombing at a Shia mosque a day later. Three more died in clashes with police. President Pervez Musharraf had pledged action to curb the sectarian violence... The BBC's Zaffar Abbas in Islamabad says Karachi in particular has a long history of religious and ethnic violence, but the month of May was the worst in recent years – with more than 50 people killed in different incidents of violence. Three weeks ago at least 14 people were killed when a man, apparently dressed as a Shia cleric, blew himself up in a Shia mosque." [35h] (p1-2)

4.41 On 3 June 2004, the BBC reported clashes between protesters and security forces in the northern Pakistan city of Gilgit and town of Hunza. According to the report, "The[y] [Shias in both places] were protesting against the government's decision to impose a ban on rallies staged by the Shia community... They have been campaigning for changes in the curriculum, particularly in textbooks for religious studies, which they say only present a Sunni Muslim version of Islamic history." The report advised that an indefinite curfew had been put in place in the area. [35k] (p1-2)

4.42 On 3 June 2004, the BBC also reported that:

"The governing Pakistan Muslim League party (PML) in the southern province of Sindh has offered to form a coalition with seven opposition parties... He [Chaudhry Shujaat Hussein, the PML's President] asked the opposition parties – including the Pakistan Peoples Party (P) and the Muttahida Majlis E Aamal (MMA) for their cooperation in dealing with the province's law and order crisis, and floated the idea of forming a consensus government. Mr Hussain said that the move was not opposed by any of the opposition parties... However, none of the parties was willing to say how such a government of national consensus would help improve law and order in Karachi, where unidentified extremists have been involved in bomb explosions and suicide attacks." [35m] (p1)

4.43 On 4 June 2004 the BBC reported that "Pakistan has successfully test-fired a medium range missile capable of carrying nuclear warheads for the second time in less than a week... Senior officials told the Associated Press that Friday's launch was part of routine testing to improve Pakistan's missiles. A spokesman said the new Indian government had been informed the test would take place... Both countries recently agreed to hold talks on the nuclear issue." [35g] (p1)

4.44 A BBC news report of 14 June 2004 noted that:

"Eight people arrested in Pakistan for suspected al-Qaeda [al-Qa'ida] links have appeared in court. They were remanded in custody for 14 days, accused of week's [sic] attack on a senior army general, and other attacks in the city of Karachi. The accused are alleged to be members of a newly formed terror group called Jund Allah, or God's Brigade. The Pakistani government says they may have attended an al-Qaeda training camp in the region of South Waziristan... One of those detained over the weekend is said to be a nephew of top al-Qaeda suspect Khalid Sheikh Mohammed, arrested last year in Rawalpindi." [35n] (p1-2)

4.45 Pakistan newspaper Dawn reported on 14 June 2004:

"KARACHI, June 14: Rangers have arrested a man suspected to have masterminded a spate of attacks on Shi'ite Muslims in which scores of people were killed, officials said today. Dawood Badani, a member of Lashkar-e-Jhangvi group, was arrested in Karachi at the weekend, Major-General Javed Zia, chief of the rangers in Karachi, told reporters. "He is a key member of the group," Zia said." [33a] (p1)

4.46 On 24 June 2004, the BBC recorded that:

"Pakistan's new National Security Council has met for the first time amid continuing opposition protests that it is trying to usurp power. It was called in Islamabad to discuss law and order after several months of militant violence across the country... Thursday's [24 June] meeting addressed Pakistan's deteriorating law-and-order situation, the weeks of killings in Karachi, and anti-Al Qaeda operations on the Afghan border. The opposition alliance of religious parties, the MMA, however, was having no part in the talks. It fears the council – headed by Pakistan's military president, General Musharraf – formalises a role for the army in civilian democracy." [35o] (p1)

4.47 On 27 June 2004, BBC news noted that the Prime Minister, Zafarullah Khan Jamali, had resigned after pressure from party colleagues and the press; his reported views on issues such as the creation of the National Security Council, and alleged refusal to oblige the party's president on issues he considered unethical or illegal, did not please the president's camp. The report said that, shortly after his resignation, it was announced that the PML President, Chaudry Shujat Hussain, would take over the post temporarily, and be eventually succeeded by finance minister Shaukat Aziz. [35am] (p1-2)

4.48 On 15 July 2005, The BBC reported that "US Deputy Secretary of State Richard Armitage is in Pakistan for talks on counter-terrorism... In India, he said Pakistan still had a lot to do in its efforts to capture Taliban fighters and al-Qaeda militants. But he praised the ongoing peace talks between India and Pakistan." [35p] (p1)

4.49 On 22 August 2004 the BBC recorded that up to a dozen suspected al-Qaida members were arrested between 11-15 August 2004, who were thought to be planning attacks on targets such as Musharraf's residence, army headquarters and the US embassy in Islamabad on 14 August, Pakistan's Independence Day. It reported that Pakistan had stated that more than 60 suspected militants had been arrested in recent weeks, and that there had been a crackdown on suspected militants since the July arrest of alleged al-Qaida computer expert Mohammad Naeem Noor Khan, who was believed to have given vital information about Osama bin Laden's network. [35ak] (p1) On 30 August 2004 the BBC also reported that three tribesmen were among four people killed on 23 August in North Waziristan, when the army battled with alleged al-Qaida suspects, [35al]

4.50 On 25 August 2004, the BBC noted that Prime Minister Hussain had resigned; he did so a week after Aziz had fulfilled a requirement for the post of Prime Minister by winning a seat in Parliament. [35an] Three days later, the BBC reported that Aziz had taken the oath as Pakistan's 21st Prime Minister. [35ao] Pakistan's newspaper, the Daily Dawn, announced that Musharraf was to administer the oath to the new cabinet during a ceremony on 31 August 2004. [33c]

4.51 On 9 September 2004, the BBC recorded that:

At least six people have been killed in two separate attacks in Indian-administered Kashmir. Two Indian paramilitary soldiers were killed in a landmine blast near Doda, 165km (100 miles) north-east of the state's winter capital, Jammu. In a separate incident, two soldiers and two militants are said to have been killed in a gunbattle in Rajouri. Violence in the troubled Kashmir region was the focus of talks between India and Pakistan earlier this week. Police say at least five soldiers were injured in the first attack. A spokesman for the Hizbul Mujahideen militant group says it carried out the landmine attack. In a separate incident four people, including two security personnel and two militants, are said to have been killed in a gunbattle in a forest up in the mountains in Rajouri district." [35at]

4.52 A further BBC report of 9 September 2004 stated:

"More than 50 people were killed when Pakistani jets bombed a training camp believed to have been used by foreign militants, the military says. Air force bombers and helicopter gunships reportedly attacked the compound in a village in South Waziristan, near the Afghan border. The military says most of the dead were Chechen, Uzbek and Arab militants with suspected al-Qaeda and Taliban links. Witnesses say Pakistani tribesmen are also among those killed. It is one of the biggest attacks since Pakistani forces intensified operations in the area six months ago. Army spokesman Maj Gen Shaukat Sultan confirmed that more than 50 people had been killed in the raid on the camp near Dila Khula, a village about 25km (15 miles) north-east

of South Waziristan's main town of Wana...He said the military learned of the camp after investigations into the recent spate of attacks by Islamic militants in other parts of Pakistan...Local residents spoke of the death of more civilians. One journalist said villagers gathered to survey the damage of the first strike, when Pakistani air forces struck a second time. The army denied there were significant civilian casualties...Wana is at the centre of Pakistani military operations against hundreds of al-Qaeda-linked suspects. Until March, when heavy military action began, militants were able to operate freely, correspondents say. Now the military believes they are running from one refuge to another. Observers say sympathy for the Taliban is still strong in North and South Waziristan. It is alleged that Osama Bin Laden and his deputy, Ayman al-Zawahri, are hiding somewhere along the 2,400km (1,490-mile) border." [35ay]

4.53 Following the bombing of a meeting of Sunni Muslims in the city of Multan in October, the BBC reported on 20 October 2004 that a key suspect, Syed Irfan Ali, had been arrested. The report noted that:

"The car bomb targeted the radical Sunni Millat-e-Islami group and was believed to be part of a bloody sectarian conflict with minority Shias...The attack took place at the end of an all-night vigil to mark the first anniversary of the killing of militant Sunni leader Azam Tariq. Millat-e-Islami, formerly known as Sipah-e-Sahaba, was banned by the government last year [2003] along with a number of other Sunni and Shia groups because of its alleged involvement in sectarian violence. Three days after the Multan attack, four people were killed in an explosion at a Shia mosque in Lahore." [35ah]

4.54 On 4 November 2005, Reuters reported that "In an unusual display of support for separatist guerrillas, more than 6,000 people marched in the streets of Indian Kashmir on Thursday, shouting slogans to mourn the death of [5] rebels killed [by Indian soldiers] during a mosque siege...Police said three of the dead rebels were Pakistani nationals who belonged to the outlawed militant group Lashkar-e-Taiba, based in Pakistan. The other two were Kashmiri members of Hizbul Mujahideen, the largest militant outfit in the disputed region...Indian authorities say rebel violence has abated in the disputed Himalayan region this year and fewer militants are crossing over from the Pakistan side." [14]

4.55 Articles by the Daily Dawn and BBC news on 23 November 2004 both reported the release on bail of Benazir Bhutto's husband, Asif Ali Zardari. [33e] [35au] A further BBC news report of 23 November 2004 noted that "Ms Bhutto denied any deal had been done with the government to free Mr Zardari but said there had been talks between the administration and the Pakistan People's Party (PPP), which she still leads. "No government official met with me, but there have been meetings with Asif Zardari and my party leaders for political reconciliation", she said...The last recorded stance of the government on Ms Bhutto's position was that she would be arrested the moment she set foot in the country." [35av]

4.56 On 29 November 2004, the BBC recorded that, following their testing of a medium-range nuclear-capable missile in October, Pakistan had test-fired a medium-range ballistic missile capable of carrying nuclear warheads. The report

said that observers did not expect the test to affect current peace moves. [35ab]

4.57 On 8 December 2004, the BBC noted that the Senate had approved a bill strengthening the law against 'honour killings'. Approved by the National Assembly, in October, the BBC noted that "The law brings in stiffer penalties for all cases where men kill female relatives for a perceived sleight on their family or tribal honour. Hundreds of women are killed in this way every year in Pakistan... Some women's rights organisations have criticised the new law, saying it does not outlaw the practice of killers being able to buy their freedom by paying compensation to the victim's relatives." [35x]

4.58 On 30 December 2004, the BBC reported that:

"Pakistani President Pervez Musharraf has addressed the nation on television to confirm that he will stay on as head of the army... He had earlier promised to give up the army role by the end of this year, while retaining the presidency... "I have decided to retain both offices... any change in internal or external policies can be extremely dangerous for Pakistan," he said. The Pakistani parliament passed a controversial bill in November allowing Gen Musharraf to keep his dual role as president and army chief... They [his opponents] have been staging protests in recent months, calling on him to leave the military. Hardline Islamist parties have led the protests. The president had made a deal with them to step down as army chief. In return they did not oppose a series of constitutional changes at the beginning of the year. Some legal experts had said the November law could not override the requirement to step down and that the general was bound by the constitution. But Gen Musharraf has said 96% of Pakistanis want him to stay as head of the army... His term as president expires in 2007." [35ax]

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Balochistan Militants/Talks with India/Peace Agreement – S Waziristan (2005)

4.59 Having reported on 19 December 2004 that the Pakistan military had stated that they had taken almost complete control of South Waziristan's tribal areas [35ba], the BBC subsequently noted on 17 January 2005 that the government risked a new battlefield. The latter report stated that:

"The venue is Balochistan, Pakistan's troubled western province where nationalists have been fighting pitched battles against security forces for well over a year. Their demands include more autonomy for the province and an end to military cantonments and huge development projects that they feel may marginalise the local Baloch population. In 2004 this conflict assumed serious proportions as rebels stepped up their attacks, killing more than 30 soldiers and paramilitary personnel. Government troops and installations across the province came under rocket attacks and bombings throughout the year, including the Sui gas complex. More important was the emergence of a new militant group calling itself the Balochistan Liberation Army (BLA). It is this group, say government officials, which is fuelling the current unrest. The BLA says it carried out several attacks over the last year... The BLA, for its

part, says it is fighting "Punjabi domination" - the sense that Balochistan's natural resources are being exploited by a state apparatus dominated by people from the province of Punjab." [35bb]

4.60 On 19 January 2005, the BBC recorded that "India and Pakistan have held talks aimed at defusing tensions along the Line of Control that divides Indian- and Pakistani-administered Kashmir. India accused Pakistan of violating a ceasefire along the de facto border by firing shells into Indian-administered territory on Tuesday. Pakistan denied the allegation, saying its soldiers had no role in the firing... The firing came after Indian security forces said they had shot dead four suspected militants on the Line of Control in Poonch district earlier on Tuesday [18 January]. Militant separatists have been fighting Indian rule in Kashmir, which is claimed by both Pakistan and India, since 1989. About 40,000 people are reported to have been killed in the fighting. India and Pakistan have fought two wars over Kashmir since independence. They embarked on a peace process in January last year [2004] to try to resolve their differences, including those over Kashmir. India pulled back several thousand troops from Indian-administered Kashmir in November because of a perceived decrease in violence. It is estimated to have between 180,000 and 350,000 soldiers in the state, including paramilitary special forces." [35as]

4.61 On 7 February 2005, the BBC noted the signing of a peace agreement between the authorities and tribal fighters in South Waziristan. The report stated that two journalists were killed by bullets fired from a vehicle in Wana after the signing, and recorded that:

The signing of the agreement they attended was with Mehsud tribesmen believed to have links with al-Qaeda and the Taliban militants. According to the agreement, the tribesmen will not support the militants or carry out attacks on government installations. Militant leader Baitullah Mehsud, his face covered to prevent photographers, signed the agreement amid anti-American slogans from the tribesmen. However, the BBC's Haroon Rashid in Peshawar says the accord does not extend to all tribesmen. Abdullah Mehsud, who was involved in the kidnap of two Chinese engineers last year, one of whom died, is not party to the agreement." [35bc]

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Bhutto-Sharif Agreement/Kashmir Talks/Lashkar-e-Jhangvi (2005)

4.62 On 10 February 2004, the BBC reported that Benazir Bhutto had signed a three-point agreement with Nawaz Sharif, calling for the restoration of democracy, an independent election commission and respect for popular mandate. [35aw]

4.63 On 17 February 2005, the BBC recorded that India and Pakistan had decided to launch a bus service between Srinager and Muzaffarabad, across the ceasefire line in Kashmir, and stated that "Kashmiri politicians on both sides of the Line of Control which divides the region welcomed the move." The report further stated that "A second bus service linking the Pakistani city Lahore with Amritsar in India was also announced as well as a rail link between Rajasthan state and Pakistan's Sindh

province. Both sides agreed to begin talks on: reducing the risk of nuclear accidents and also said they planned to reopen their respective consulates in Karachi and Mumbai (Bombay)." [35a7]

4.64 On 18 February 2005, the BBC reported that, following a gun battle with police in Quetta, two suspected militants had blown themselves up. Police believed that the men were members of the outlawed Sunni group, Lashkar-e-Jhangvi. [35b4]

For history prior to 1997, refer to Europa Regional Surveys of the World: South Asia 2005. [1]

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5 State Structures

The Constitution

Overview

5.1 Europa Regional Surveys of the World: South Asia 2005 notes that:

"The Constitution was promulgated on 10 April 1973, and amended on a number of subsequent occasions... The Preamble upholds the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam. The rights of religious and other minorities are guaranteed... Fundamental rights are guaranteed and include equality of status (women have equal rights with men), freedom of thought, speech, worship and the press and freedom of assembly and association... The Federal Legislative consists of the President, a lower [the National Assembly] and an upper house [the Senate]." [1] (p443)

5.2 Europa also recorded that "Several provisions [of the Constitution] were suspended following the imposition of martial law in 1977. The (amended) Constitution was restored on 30 December 1985. The Constitution was placed in abeyance on 15 October 1999 following the overthrow of the government in a military coup. The Constitution, incorporating a Legal Framework Order, was revived on 15 November 2002." [1] (p3279)

(See also Section 4, History, paragraphs 4.1 and 4.14 – 4.22, above)

5.3 A Pakistani government press conference on 21 August 2002 reported that:

"President General Pervez Musharraf announced [plans] to restore Article 58 (2-B) and establish National Security Council (NSC) as part of the Constitution, to effect essential mechanism of checks and balances for achieving a sustainable democratic order... At the packed Chaghai auditorium, the president said that he would hold the offices of the President and the Chief of Army Staff for the next five years to ensure continuity of the reforms package after the October 10 [2002] general polls... He [Musharraf]

said the 13th amendment of the Constitution has been scrapped, which had revoked the powers of the president to dissolve assemblies and appoint services chiefs in his discretion... On the composition of the NSC, he [Musharraf] said the President would head this consultative body, which would have prime minister, chairman senate, speaker national assembly, leader of the opposition, four provincial chief ministers, CJCSC [Chairman Joint Chiefs of Staff Committee], and three services chiefs." [29c] (p1-2)

5.4 The announcement of these constitutional changes was followed by the publication, on 21 August 2002, of the text of Legal Framework Order (LFO), 2002. [29d] The LFO amended the 1973 constitution, empowered the Chief Executive to make further constitutional amendments and stipulated that the validity of any provisions or Orders should not be called into question in any court on any ground whatsoever. [29d] (p2) The provisions of the LFO could override the Constitution or any other Order or law for the time being in force. [29d] (p2)

5.5 Europa Regional Surveys of the World: South Asia 2005 noted that "In a surprise development, the coalition of six Islamist parties, grouped under the 'umbrella' of the MMA [Muttahida Majlis-e-Amal], agreed to allow an amended version of the constitutional amendments to pass through the National Assembly, provided that Musharraf agreed to submit to a vote of confidence on his presidency and that he resign from his military post by December 2004" – these amendments were approved on 31 December 2003. [1] (p412)

Citizenship and Nationality (including Fraudulent Documents)

5.6 Information issued by the Pakistani government (accessed on 15 February 2005) advises that Pakistan citizenship can be acquired in specified circumstances; these include foreign ladies married to Pakistani nationals, and the minor children of Pakistani ladies married to foreigners. [29b] (p1-3) Children born to a Pakistani mother and foreign national father after 18 April 2000 are to be treated automatically as citizens of Pakistan. [29b] (p3) The Government of Pakistan has dual nationality agreements with 15 countries including the UK [29b] (p3); however, travel advice issued by the Foreign and Commonwealth Office states that "If you or your father were born in Pakistan you might be considered by the authorities to be a Pakistani national even if you do not hold a Pakistani passport, and the British government might be prevented from providing the full range of consular assistance." [43a] (p1) Pakistani citizens acquiring nationality of a country with which there are no dual nationality arrangements are required to renounce Pakistani nationality. [29b] (p3)

5.7 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005, UNHCR stated that Citizenship of Pakistan could be acquired in the following circumstances:

- | | |
|-------------------|--|
| "By birth | - Section 4 of the Citizenship Act |
| By descent | - Section 5 of the Citizenship Act |
| By migration | - Section 6 of the Citizenship Act |
| By Naturalization | - Section 9 of the Citizenship Act |
| By Marriage | -Section 10 of the Citizenship Act" [20d] (p1) |

5.8 A report by the Canadian Immigration and Refugee Board dated 18 June 2004 stated that:

"During a presentation at the Ninth European Country of Origin Information Seminar held in Dublin, Ireland, on 26 and 27 May 2004, an Islamabad-based representative of the United Nations High Commissioner of Refugees (UNHCR) provided information on various country conditions in Pakistan. The UNHCR representative stated that there is a high level of corruption in Pakistan and that it is possible to obtain many types of fraudulent documents or documents that are fraudulently authenticated by a bona fide stamp or authority (27 May 2004)." [12a] (p1)

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Political System

Introduction

5.9 Europa Regional Surveys of the World: South Asia 2005 states that Pakistan's Constitution provides for a Federal Legislative structure, consisting of a President, a lower house (the National Assembly) and an upper house (the Senate). [1] (p443) Europa reports that "The President is Head of State and acts on the advice of the Prime Minister. He is elected by an electoral college, comprising the two chambers of the Federal Legislature and the four Provincial Assemblies, to serve for a term of five years." [1] (p443)

(BUT see History Section, paragraphs 4.1 - 4.2 re October 1999 coup, 4.13 – 4.20 re Constitutional amendments and 4.25 re Legal Framework Order)

5.10 Europa records that each of the four provinces had a Governor appointed by the President, each province also had a provincial legislature consisting of the Governor and the Provincial Assembly and the Chief Minister of each provincial government was appointed by the Governor. [1] (p443) However, after the coup the provincial assemblies were suspended and General Musharraf appointed governors for the four provinces. [1] (p407-408)

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Main Political Parties Following the Coup

5.11 On 23 July 2002, the Election Commission of Pakistan issued 'The Political Parties Rules, 2002' [40a] in response to Article 19 of The Political Parties Order, 2002, which set various conditions for participation in the electoral process by political parties. [27b] Among other criteria they both state that a political party must conduct internal elections and submit a certificate of intra-party elections as well as a consolidated financial statement of the party's accounts to the Election Commission. [40a] (p2-4) and [27b] (p4-5) The Order gives the criteria for eligibility to obtain an election symbol. [27b] (p5-6) The Election Commission also issued a statement of registered political parties and their symbols. [40b]

5.12 Europa Regional Surveys of the World: South Asia 2005 records that "Some 73 parties, issued with election symbols by the Election Commission, contested the general election on 10 October 2002." Europa states that three alliances contested the elections: the Alliance for the Restoration of Democracy - ARD – which included the Pakistan Muslim League (Nawaz) and the Pakistan People's Party Parliamentarians; the National Alliance, which included the National People's Party, the Millat Party, the Sindh National Front, the Sindh Democratic Alliance and the National Awami Party; and the Muttahida Majlis-e-Amal, comprising Jamaat-e-Islami Pakistan, Jamiat-e-Ulema-e-Pakistan, Jamiat-e-Ulema-e-Islam (S), Jamiat-e-Ulema-e-Islam (F), Islami Tehreek Pakistan and Jamiat Ahl-e-Hadith. [1] (p446-447)

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Federal Legislature

5.13 Europa Regional Surveys of the World: South Asia 2005 notes that:

"The Federal Legislature consists of the President, a lower and an upper house. The lower house, called the National Assembly, has 207 members elected directly for a term of five years, on the basis of universal suffrage (for adults over the age of 21 years), plus 10 members representing minorities. The upper house, called the Senate, has 87 [BUT see 5.12, below] members who serve for six years, with one-third retiring every two years. Each Provincial Assembly is to elect 19 Senators. The tribal areas are to return eight members and the remaining three are to be elected from the Federal Capital Territory by members of the Provincial Assemblies." [1] (p443)

5.14 Europa also noted that "The Legal Framework Order, promulgated by the President in August 2002, increased the number of seats in the Senate from 87 to 100. Eighty-eight of the members are elected by the four provincial legislatures; eight are chosen by representatives of the Federally Administered Tribal Areas; and four by the federal capital. Its term of office was reduced to five years from six... In accordance with the Legal Framework Order, promulgated by the President in August 2002, the number of seats in the National Assembly increased from 217 to 342, with 60 seats reserved for women and 10 for non-Muslims. (In comments prepared for the Advisory Panel meeting on Country Information meeting on 8 March 2005, UNHCR stated that the number of members of the National Assembly had risen from 207 to 324. [2005] (p1)) Its term of office was reduced by one year to four." [1] (p446) Europa also records that the voting age was lowered from 21 to 18. [1] (p444)

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Judiciary

5.15 The CIA World Factbook 2004, updated on 27 January 2005, states that Pakistan's "Legal system [is] based on English common law with provisions to accommodate Pakistan's status as an Islamic state; accepts compulsory ICJ jurisdiction, with reservations." [34] (p5)

5.16 A 2005 Freedom House report on Pakistan noted that:

"The judiciary consists of civil and criminal courts and a special Sharia (Islamic law) court for certain offenses. Lower courts remain plagued by corruption; intimidation by local officials, powerful individuals, and Islamic extremists; and heavy backlogs that lead to lengthy pretrial detentions. The military regime undermined the Supreme Court's reputation for independence in January 2000, when it ordered all high-ranking judges to swear to uphold the Provisional Constitutional Order issued by Musharraf. When the chief justice and a number of other judges refused, they were replaced. Since then, the courts have rejected subsequent challenges to the legality of military rule. During 2003, the courts' refusal to overturn the LFO [Legal Framework Order] led to a showdown between the judiciary and members of the legal profession, who boycotted court proceedings and released a white paper to the media that criticized the judiciary's lack of independence." [19a] (p4)

5.17 The Freedom House report also stated that:

"Other parts of the judicial system, such as the antiterrorism courts, operate with limited due process rights. A November 1999 ordinance vested broad powers of arrest, investigation, and prosecution in a new National Accountability Bureau and established special courts to try corruption cases. Musharraf has used both to prosecute rival politicians and officials from previous civilian governments. The Sharia court enforces the 1979 Hudood Ordinances, which criminalize nonmarital rape, extramarital sex, and several alcohol, gambling, and property offenses, and provide for Koranic punishments, including death by stoning for adultery, as well as jail terms and fines. According to Human Rights Watch, an estimated 210,000 cases are currently being processed under the ordinances. In part because of strict evidentiary standards, authorities have never carried out the Koranic punishments. The Federally Administered Tribal Areas (FATA) are under a separate legal system, the Frontier Crimes Regulation, which authorizes tribal leaders to administer justice according to Sharia and tribal custom. Feudal landlords and tribal elders throughout Pakistan continue to adjudicate some disputes and impose punishment in unsanctioned parallel courts called jirgas. A 2002 report issued by Amnesty International raised concerns that the jirgas abuse a range of human rights and are particularly discriminatory toward women." [19a] (p4)

5.18 In February 2002 the Integrated Regional Information Networks (IRIN) reported that army officers were being allowed to preside over anti-terrorist courts (ATCs). IRIN noted that "Previously, a sessions judge presided over cases at ATCs, but under the new provision there will be a three-member team comprising a judge, a magistrate and an army officer at lieutenant-colonel rank or above." IRIN quoted the chairman of the Human Rights Commission of Pakistan as saying "This is another blow to the judiciary and their freedom. We are not happy with this move." [41a]

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Legal Rights/Detention

Court System

5.19 Information issued by the Pakistani government (accessed on 15 February 2005) states that:

"There is a Supreme Court in Pakistan and a High Court in each province, and other courts exercising civil and criminal jurisdiction. The Supreme Court and High Courts have been established under the Constitution and other Courts have been established by or under the Acts of Parliament or Acts of Provincial Assemblies. The Constitution also provides for the office of Ombudsman... The Supreme Court is at the apex of the judicial systems of Pakistan. It consists of a Chief Justice known as Chief Justice of Pakistan and such number of other judges as may be determined by the Act of Parliament. At present, besides the Chief Justice, there are thirteen other Judges in the Supreme Court... The Chief Justice of Pakistan is appointed by the President. Other Judges are also appointed by the President after consultation with the Chief Justice." [29a] (p1)

5.20 This government source also reports that:

"The Supreme Court has original, appellate and advisory jurisdiction. Original Jurisdiction.- The Supreme Court, to the exclusion of every other Court in Pakistan, has the jurisdiction to pronounce declaratory judgements in any dispute between the Federal Government or a provincial government or between any two or more provincial governments... There is a High Court in each of the four provinces... A High Court consists of a Chief Justice and so many other [sic] Judges as may be determined by law or as may be fixed by the President... A High Court has original and appellate jurisdiction... A High Court has the power to withdraw any civil or criminal case from a trial court and try it itself... A High Court has extensive appellate jurisdiction against the judgements, decisions, decrees and sentences passed by the civil and criminal courts... Federal Shariat Court comprises eight Muslim Judges including the Chief Justice to be appointed by the President. Of the Judges, four are the persons qualified to be the Judges of the High Courts, while three are Ulema (scholars well-versed in Islamic Law)... Federal Shariat Court has original and appellate jurisdiction... The Court may examine and decide the question whether or not any law or provision of law is repugnant to the injunctions of Islam as laid down in the Holy Quran and Sunnah of the Holy Prophet (Peace be upon him)... Where any law is held to be repugnant to the injunctions of Islam, the President in the case of Federal law or the Governor in the case of a Provincial law is required to take steps to amend the law so as to bring it in conformity, with the injunctions of Islam; and such law ceases to have effect from the specified day... The Court has exclusive jurisdiction to hear appeals from the decision [sic] of criminal courts under any law relating to enforcement of Hudood Law i.e. laws pertaining to offences to intoxication, theft, Zina (unlawful sexual intercourse) and Qazf (false imputation of Zina)." [29a] (p1-3)

5.21 The government source further notes that:

"In every district of a Province, there is a Court of District Judge which is the principal court of original jurisdiction in civil matters. Courts of General Jurisdiction Besides the Court of District Judge, there are courts of Civil Judges. Civil Judges function under the superintendence and control of District Judge and all matters of civil nature originate in the courts of Judges... In every district, there is a Court of Sessions Judge and Courts of Magistrates. Criminal cases punishable with death and cases arising out of the enforcement of laws relating to Hudood are tried by Sessions Judges. The Court of a Sessions Judge is competent to pass any sentence authorised by law. Offences not punishable with death are tried by Magistrates. Among the Magistrates there are Magistrates of 1st Class, 11nd Class and 111rd Class. An appeal against the sentence passed by a Sessions Judge lies to the High Court and against the sentence passed by a Magistrate to the Sessions Judge if the term of sentice [sic] is upto [sic] four years, otherwise to the High Court.

To deal with specific types of cases Special Courts and Tribunals are constituted. These are; Special Courts for Trial of Offences in Banks; Special Courts for Recovery of Bank Loans; Special courts under the Customs Act, Special Traffic Courts; Courts of Special Juges [sic] Anti-Corruption; Commercial Courts; Drug Courts; Labour Courts; Insurance Appellate Tribunal; Income Tax Appellate Tribunal and Services Tribunals. Appeals from the Special Courts lie to the High Courts, except in case of Labour Courts and Special Traffic Courts, which have separate forums of appeal. The Tribunals lie to the Supreme Court of Pakistan. Speedy and Inexpensive Justice Steps have been taken to overcome the problems of inordinate delays in dispensing justice and enormous cost involved in litigation- a legacy of the past... The Code of Criminal Procedure, 1898, has been amended to grant automatic concession of release on bail to the under-trial prisoners, if the continuous period of their detention exceeds one year in case of offences not punishable with death and two years in case of offences punishable with death. It also made incumbent on the criminal courts to take into consideration the period of detention spent by the accused as an under-trial prisoner while awarding sentence. No fee is payable in criminal cases and for filing any petition before the Federal Shariat Court. Court fee in civil cases upto [sic] the value of Rs.25,000 has been abolished." [29e] (p3)

5.22 The government source additionally notes that:

"The Concept Mohtasib (Ombudsman) is an ancient Islamic concept and many Islamic States had established the office of Mohtasib to ensure that no wrong or injustice was done to the citizens... It was Article 276 of the Interim constitution of 1972, which provided for the appointment of a Federal Ombudsman as well as Provincial Ombudsmen for the first time [in Pakistan]. Subsequently, the Constitution of 1973 included the Federal Ombudsman at item 13 of the Federal Legislative List in the Fourth Schedule. The Institution of Ombudsman was, however, actually lbrought [sic] into being through the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983... The Wafaqi Mohtasib, who is appointed by the President of Pakistan, holds office for a period of four years. He is not eligible for any

extention [sic] of tenure, or for re-appointment under any circumstances. He is assured of security of tenure and cannot be removed from office except on ground of misconduct or of physical or mental incapacity. Even these facts, at his request, can be determined by the Supreme Judicial Council. Further, his office is non-partisan and non-political... The chief purpose of the Wafaqi Mohtasib is to diagnose, investigate, redress and rectify any injustice done to a person through maladministration on the part of a Federal Agency or a Federal Government official. The primary objective of the office is to institutionalise a system for enforcing administrative accountability." [29e] (p4)

5.23 The US State Department Report 2004 (USSD), published on 28 February 2005, noted that:

"Under both the Hudood and standard criminal codes, there were bailable and non-bailable offences. Bail pending trial is required for bailable offenses and permitted at a court's discretion for non-bailable offenses with sentences of less than 10 years. In practice, judges denied bail at the request of police, the community, or on payment of bribes. In many cases, trials did not start until 6 months after the filing of charges, and in some cases individuals remained in pretrial detention for periods longer than the maximum sentence for the crime for which they were charged. HRCP [Human Rights Commission of Pakistan] estimated that 80 percent of the prison population was awaiting trial... [2b] (section 1d)... The civil, criminal, and family court systems provide for an open trial, the presumption of innocence, cross-examination by an attorney, and appeal of sentences. There are no jury trials. Due to the limited number of judges, the heavy backlog of cases, lengthy court procedures, and political pressures, cases routinely took years, and defendants had to make frequent court appearances. Cases start over when an attorney changes." [2b] (section 1e)

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Anti Terrorism Act and Courts

5.24 The US State Department Report 2004 (USSD), published on 28 February 2005, notes that:

"The Anti-Terrorist Act allows the Government to use special streamlined courts to try violent crimes, terrorist activities, acts or speech designed to foment religious hatred, and crimes against the State. Cases brought before these courts are to be decided within 7 working days, but judges are free to extend the period as required. Under normal procedures, the High and Supreme Courts hear appeals from these courts. Human rights activists have criticized this expedited parallel system, charging it is more vulnerable to political manipulation." [2b] (section 1e)

5.25 In February 2002 the Integrated Regional Information Networks (IRIN) reported that army officers were being allowed to preside over anti-terrorist courts (ATCs). It noted that "Previously, a sessions judge presided over cases at ATCs, but under the new provision there will be a three-member team comprising a judge, a magistrate and an army officer at lieutenant-colonel rank or above." IRIN quoted the chairman of the

Human Rights Commission of Pakistan as saying "This is another blow to the judiciary and their freedom. We are not happy with this move." [41a]

5.26 The USSD 2004 stated that "Anti-terrorist courts are not to grant bail if the court has reasonable grounds to believe that the accused is guilty. Amendments to the Anti-Terrorist Act that were passed by the National Assembly on October 18 [2004] allow security forces without reference to the courts to restrict the activities of terrorist suspects, seize their assets, and detain them for up to a year without charges." [2b] (section 1d)

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Federally Administered Tribal Areas

5.27 The US State Department Report 2004 (USSD), published on 28 February 2005, notes that "The FATA [Federally Administered Tribal Areas] have a separate legal system, the Frontier Crimes Regulation (FCR), which recognizes the doctrine of collective responsibility. Authorities are empowered to detain fellow members of a fugitive's tribe, or to blockade a fugitive's village, pending his surrender or punishment by his own tribe." [2b] (section 1d) The USSD 2004 also records that:

"Tribal leaders are responsible for justice in the FATA. They conduct hearings according to Islamic law and tribal custom. The accused have no right to legal representation, bail, or appeal. The usual penalties consisted of fines. Federal civil servants assigned to tribal agencies oversee proceedings and may impose prison terms of up to 14 years." [2b] (section 1e)

5.28 In May 2002 the Integrated Regional Information Networks (IRIN) reported a package of reforms for FATA, which included plans for the establishment of a new judicial system and a new administrative structure. [41c] (p1) However, nearly three years later, on 21 January 2005 Pakistan newspaper The Daily Dawn reported:

"PESHAWAR, Jan 20: The Awami National Party (ANP) has demanded of the federal government to bring about improvements in the century-old 'draconian' Frontier Crimes Regulations (FCR) governing the Federally Administered Tribal Areas (Fata).

In a press release issued here on Thursday, the chief of ANP Asfandiyar Wali Khan and his mother Begum Nasim Wali, the chief of the NWFP chapter of the ANP, took exception to the recently-made statement by the NWFP governor, Syed Iftikhar Hussain Shah, under which he linked amendments under the FCR to the deweaponization in Fata... They [ANP leaders] said that the presence of weapons could not justify imposition of inhuman laws such as the FCR in the entire country... They said that their party was of the view that bureaucracy was 'unnecessarily' delaying implementation of reforms in Fata." [33d] (p1)

Tribal Justice System

5.29 In a paper dated August 2002 Amnesty International reported:

"The system of justice administered by tribal *sardars*, heads of tribes, is not only ruled out by the Constitution in areas other than the designated tribal areas; the institution of the *sardar* was formally abolished in the System of Sardari (Abolition) Act, 1976 which says in the preamble:

"The system of Sardari, prevalent in certain parts of Pakistan, is the worst remnant of the oppressive feudal and tribal system which, being derogatory to human dignity and freedom, is repugnant to the spirit of democracy and equality as enunciated by Islam and enshrined in the Constitution of the Islamic Republic of Pakistan and opposed to the economic advancement of the people.

A quarter century later, the system stills exists and operates without legal authority. *Sardars* commenting on the Act of 1976 have told Amnesty International that "you cannot finish the jirga system by decree, it is more effective [than the official system]... it will only dry out if the judiciary works and provides due process of law." [4e] (p2-3)

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Sharia Law

5.30 Europa Regional Surveys of the World: South Asia 2005 reported that:

"The Nawaz Sharif Government also successfully addressed the highly controversial issue of providing legal status to *Shari'a*...The amended *Shari'a* Bill was adopted by the Assembly in mid-May [1991] and approved by the Senate two weeks later...In order to make the *Shari'a* Bill effective, a series of legislative and administrative measures, termed as Islamic reforms, were adopted. These included the Constitution Amendment Bill, declaring *Shari'a* as the law of the land; legislation providing for the Islamization of the educational, judicial and economic systems, the promotion of Islamic values through the mass media, and the eradication of corruption, obscenity and other social evils...Benazir Bhutto criticized it as being a 'fundamentalist' Bill, while the JUI [Jamiat-e-Ulema-e-Islam] claimed that the new law's provisions were not stringent enough." [1] (p395)

5.31 The US State Department Report 2004 (USSD), published on 28 February 2005 notes that:

"All Hudood convictions resulting in sentences of more than 2 years are appealed in first instance to the Federal Shariat Court. The Federal Shariat Court was subject to political and religious pressure. Attorneys in such cases must be Muslims familiar with Koranic law. The *Shari'a* bench of the Supreme Court hears appeals from the Federal Shariat Court. The Federal Shariat Court may overturn legislation that it judges to be inconsistent with Islamic tenets, but such cases are appealed and finally heard by the *Shari'a* bench of the Supreme Court. [2b] (section 1e)

(See also Section 4, History, Shari'a Acts Sub-section)

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Hudood Ordinances

5.32 A Human Rights Commission of Pakistan publication accessed on 16 February 2005 stated that:

"In 1979 the following four Hudood Ordinances were enforced:

1. Offence of Zina [ie rape, abduction, adultery and fornication] (Enforcement of Hudood) Ordinance, 1979
2. Offence of Qazf [ie false accusation of zina] (Enforcement of Hadd) Ordinance, 1979
3. Offence Against Property [ie theft] (Enforcement of Hudood) Ordinance, 1979
4. Prohibition [ie of alcohol and narcotics] (Enforcement of Hadd) Order, 1979" [27d] (p1)

5.33 The US State Department Report 2004 (USSD), published on 28 February 2005 noted that:

"The Hudood Ordinances provide for harsh Koranic [Hadd] punishments for violations of Islamic law (Shari'a), including death by stoning and amputation. These punishments, which require a high standard of evidence, were not used during the year. [2b] (section 1c)... At the trial level, ordinary criminal courts hear cases involving violations of the Hudood ordinances, which criminalize nonmarital rape (see Section 5 [in USSD 2004]), extramarital sex, gambling, alcohol, and property offenses. The Hudood ordinances set strict standards of evidence, which discriminate between men and women and Muslims and non-Muslims, for cases in which Koranic punishments are to be applied (see Sections 1.c. and 5 [in USSD 2004]). For Hudood cases involving the lesser secular [Tazir] penalties, different weight is given to male and female testimony in matters involving financial obligations or future commitments." [2b] (section 1e)

5.34 A 2005 Freedom House report on Pakistan reported that "The Sharia court enforces the 1979 Hudood Ordinances, which criminalize nonmarital rape, extramarital sex, and several alcohol, gambling, and property offences, and provide for Koranic punishments, including death by stoning for adultery, as well as jail terms and fines... In part because of strict evidentiary standards, authorities have never carried out the Koranic punishments." [19a] (p4)

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Qisas and Diyat Ordinances

5.35 The US State Department International Religious Freedom Report 2004, published on 15 September 2004, stated that:

"The Penal Code incorporates the doctrines of Qisas ("a life for a life") and Diyat ("money paid as compensation for murder"). Qisas was invoked in tribal

areas. For example, victims' families reportedly have been allowed to kill murderers after conviction by a "jirga" (council of tribal elders). Diyat occasionally was applied as well, particularly in the NWFP, in place of judicial punishment. According to this principle, only the family of the victim, not the Government, may pardon a defendant. Christian activists alleged that when a Muslim kills a non-Muslim, the killer can redress the crime by paying Diyat to the victim's family; however, a non-Muslim who kills a Muslim does not have that option and must serve a jail sentence or face the death penalty. The compensation paid to the family of a non-Muslim or a woman is also less than that offered to a man." [2a] (section II)

5.36 The US State Department Report 2004 (USSD), published on 28 February 2005 recorded that "The Penal Code allows for the victim or his/her family to pardon criminal defendants in exchange for monetary restitution (Diyat) or physical restitution (Qisas). While Diyat was invoked, particularly in NWFP and in honor cases in Sindh, it was not known that Qisas have been used." [2b] (section 1e)

(See also Section 5, sub-section on Shari'a Law)

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Blasphemy Laws

5.37 The US State Department International Religious Freedom Report 2004, published on 15 September 2004 reported that:

"The "blasphemy laws" are contained in Sections 295, 296, 297, and 298 of the Penal Code and address offenses relating to religion. Section 295(a), a colonial-era provision, originally stipulated a maximum 2-year sentence for insulting the religion of any class of citizens. In 1991 this sentence was increased to 10 years. 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 ruled invalid the option of life imprisonment for this offense. Section 296 outlaws voluntary disturbances of religious assemblies, and Section 297 outlaws trespassing on burial grounds. Section 298(a), another colonial-era provision, forbids the use of derogatory remarks about holy personages. Personal rivals and the authorities have used these blasphemy laws, especially Section 295(c), to threaten, punish, or intimidate Ahmadis, Christians, and Muslims. No person has been executed by the State under any of these provisions; however, some persons have been sentenced to death, or have died while in official custody... The blasphemy laws also reportedly have been used to "settle scores" unrelated to religious activity, such as intra-family or property disputes. Information related to blasphemy cases is difficult to obtain because records often are not maintained properly in prisons and courts; however, according to CLAAS [Centre for Legal Aid Assistance and Settlement], 14 new blasphemy cases

were registered during the period covered by this report; 12 of the accused are Muslims, and 2 are Christians." [2a] (section II)

5.38 The USSD Report on International Religious Freedom 2004 also noted that:

"President Musharraf attempted to modify the blasphemy laws in April 2000. In an attempt to reduce the number of persons who are accused wrongly under the laws, the reform would have required complainants to register new blasphemy cases with the local deputy commissioners instead of with police officials. However, religious and sectarian groups mounted protests against the proposed change, and some religious leaders stated that if the laws were changed, even procedurally, persons would be justified in killing blasphemers. In May 2000, in response to increasing pressure and threats, Musharraf abandoned the proposed reforms to the blasphemy laws." [2a] (section II)

5.39 The US State Department Report 2004 (USSD), published on 28 February 2005 stated that:

"Complaints under the blasphemy laws, which prohibit derogatory statements or action against Islam, the Koran, or the prophets, were used to settle business or personal disputes and to harass religious minorities or reform-minded Muslims. Most complaints were filed against the majority Sunni Muslim community. Most blasphemy cases were ultimately dismissed at the appellate level; however, the accused often remained in jail for years awaiting a final verdict. Trial courts were reluctant to release on bail or acquit blasphemy defendants for fear of violence from religious extremist groups. On October 26, the National Assembly passed a bill that revises the complaint process and requires senior police officials' review of such cases in an effort to eliminate spurious charge. During the year, there were 8 persons convicted under the blasphemy laws and another 50 ongoing cases." [2b] (section 2c)

5.40 A 2005 Freedom House report on Pakistan reported that:

"Human rights groups say that instances of Muslims bribing low-ranking police officials to file false blasphemy charges against Ahmadis, Christians, Hindus, and occasionally other Muslims have been increasing sharply in recent years...To date, appeals courts have overturned all blasphemy convictions, but suspects are generally forced to spend lengthy periods in prison, where they are subject to ill-treatment, and they continue to be targeted by religious extremists after they are released." [19a] (p3)

A Paktribune news article of 7 December 2004 reported that, in a bill passed to amend the Pakistan Penal Code, cases involving blasphemy, Hudood ordinance and women accused of zina 1979 would be only be investigated by a police officer of at least the rank of Superintendent of Police. [11b]

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National Accountability Bureau (NAB)

5.41 A NAB organisational chart accessed on 16 February 2005 shows that NAB operates in Baluchistan [Balochistan], Sindh, Punjab, the North West Frontier and Rawalpindi, and is organised as follows:

"Identification and Inquiry Wing is the feeding point of all operations... Investigation Wing is headed by a Director, assisted by case officer to guide and monitor the process of investigation. All investigations are conducted by a team of Case Officer, Investigation Officer, a lawyer, and relevant expert...[Prosecution Wing] This Wing is responsible for preparation filing and pursuance in a court of law up to and including appeal stage...[Financial Crime Investigation Wing] Headed by Senior Executive Vice President, is a forensic accounting investigation team...[Overseas Operations Cell] Is responsible for liaison with international agencies for investigation, mutual legal assistance, extraditions and issuance/execution of Red Warrants. It is also responsible for tracing of international assets of accused persons...Administration wing in NAB/RABS is responsible for logistics, budgets and central registry subjects." [26b] The US State Department Report 2004 (USSD), published on 28 February 2005, stated that "In corruption cases, the National Accountability Board (NAB) may hold suspects indefinitely, provided judicial concurrence is granted every 15 days (see Section 1.e. [in USSD 2004]). " [2b] (section 1d)

5.42 A Press Release of 28 November 2002 from NAB stated:

"He [the NAB spokesman] said that [the] appointment of [the] Chairman [of] NAB by the President will be made in consultation with the leader of the house and the leader of the opposition in the National Assembly...He added that once the appointment is made, the Chairman does not seek any direction from the President or the Prime Minister in the discharge of his obligations... He added that the National Security Council, which is represented by all political stakeholders, shall act as a non-intrusive oversight body of NAB." [26a]

5.43 The US State Department Report 2004 (USSD), published on 28 February 2005 noted that:

"Special rules apply to cases brought by the NAB or before antiterrorist courts. Suspects in NAB cases may be detained for 15 days without charge (renewable with judicial concurrence) and, prior to being charged, are not allowed access to counsel. Accountability courts may not grant bail; the NAB chairman has sole power to decide if and when to release detainees... [2b] (section 1d)... Special accountability courts try corruption cases (see Section 1.d. [in USSD 2004]), including defaults on government loans by wealthy debtors, brought by the NAB. The NAB has not targeted genuine business failures or small defaulters. Accountability courts are expected to try cases within 30 days. In accountability cases, there is a presumption of guilt. Despite government claims that NAB cases would be pursued independent of an individual's political affiliation, opposition politicians were more likely to be prosecuted (see Section 1.d. [in USSD 2004]); however, in November, NAB issued orders for sitting Minister of Kashmir and Northern Areas Faisal Saleh Hayat to appear in court on corruption charges originally filed in 2000. NAB

prosecuted no serving members of the military or judiciary." [2b] (section 1e)

5.44 A BBC news report of 22 February 2005, noting that the Government had failed to get the Supreme Court to withdraw the above-mentioned corruption case (filed against Hayat prior to his defection from the Pakistan's Peoples Party) stated that "The NAB was originally constituted by President Musharraf to probe allegations of corruption against previous and incumbent officials and those who hold public office. But opposition parties say during the last few years the organisation has been used for witch-hunt and to pressurise politicians into changing loyalty." [35be] (p1-2)

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Arbitrary Arrest

5.45 The US State Department Report 2004 (USSD), published on 28 February 2005 stated that:

"The law prohibits arbitrary arrest and detention; however, in practice the authorities did not always comply with the law. The District Coordinating Officer (DCO) may order preventive detention for up to 90 days; however, human rights monitors reported instances in which prisoners have been held in preventive detention for up to 6 months. Human rights organizations charged that a number of individuals affiliated with terrorist organizations were held in preventive detention indefinitely. Under the criminal code, police may hold a suspect in investigative detention for 24 hours. A magistrate may permit continued detention for up to 14 days if necessary to complete the investigation. In corruption cases, the National Accountability Board (NAB) may hold suspects indefinitely, provided judicial concurrence is granted every 15 days (see Section 1.e [in USSD 2004])." [2b] (section 1d)

5.46 The USSD 2004 also noted that:

"A First Information Report (FIR) is the legal basis for all arrests. Police are to issue FIRs provided complainants offer reasonable proof that a crime has been committed. A FIR allows police to detain a named suspect for 24 hours after which only a magistrate can order detention for an additional 14 days, and then only if police show such detention is material to the investigation. In practice, the authorities did not fully observe these limits on detention. FIRs were frequently issued without supporting evidence as part of harassment or intimidation. Police routinely did not seek magistrate approval for investigative detention and often held detainees without charge until a court challenged them. Incommunicado detention occurred (see Section 1.c. [in USSD 2004]). When asked, magistrates usually approved investigative detention without reference to its necessity. In cases of insufficient evidence, police and magistrates colluded to continue detention beyond the 14-day period provided in the law through the issuance of new FIRs. The police sometimes detained individuals arbitrarily without charge or on false charges to extort payment for their release. Some women continued to be detained arbitrarily and sexually abused (see Sections 1.c. and 5. [in USSD 2004]). Police also detained relatives of wanted criminals in order to compel suspects

to surrender (see Section 1.f. [in USSD 2004])." [2b] (section 1d)

5.47 Lahore High Court's Instructions to Criminal Courts, accessed 28 February 2005, advise that it is mandatory to maintain a daily diary of investigations made under Chapter XIV of the Code of Criminal Procedure. [29f] (p3)

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Death Penalty

5.48 UNHCR's May 1998 Background Paper on Refugees and Asylum Seekers from Pakistan notes that:

"According to Amnesty International, the Penal Code of Pakistan includes provisions for imposing the death penalty for numerous offenses such as murder (section 302); murder in the course of a robbery (section 17(4)), offenses against property (Haddood Ordinance); waging war or abetting the waging of war against the state (section 121); abetting mutiny (section 13); kidnapping for ransom (section 364); kidnapping a person under the age of 10 with intent of murder or causing grievous bodily harm (section 364-a), robbery (section 396); hijacking (section 402(b)) and harbouring a hijacker (section 402(c)); *zina* and rape (Haddood Ordinance); blasphemy (section 295(c)); drug trafficking; planning to or sabotaging the railway system, and arms trading (September 1996). In March 1997 the Pakistan National Assembly extended the death penalty to gang rape (Amnesty International, June 1997; Dawn Wire Service, 8 March 1997; 7 March 1997). [20a] (p14)

5.49 An Amnesty International Press Release of 9 December 2004 reported that:

"A full bench of the Lahore High Court on 6 December 2004 revoked the JJSO [Juvenile Justice System Ordinance], reportedly finding it *"unreasonable, unconstitutional and impracticable"*. The High Court decision means that juvenile courts will be abolished and children will once again be tried in the same system as adults and can be sentenced to death. Convictions of juveniles who were spared the death penalty while the JJSO was in force between 2000 and December 2004, will not be affected by this judgement but cases pending against juveniles in juvenile courts will be transferred to regular courts... The Juvenile Justice System Ordinance which came into force in July 2000, abolished the death penalty for people under 18 at the time of the offence, in most parts of the country. However, the Ordinance was not extended to the Provincially and Federally Administered Tribal Areas in the north and west. One young man, Sher Ali, was executed in the Provincially Administered Tribal Area in November 2001 for a murder committed in 1993 when he was 13 years old. To Amnesty International's knowledge, no other juvenile has been executed in Pakistan since 1997... Only in October 2004, Amnesty International welcomed the extension of the JJSO to the The [sic] Provincially Administered Tribal Areas (PATA). Federally Administered Tribal Areas (FATA), the Northern Areas and Azad Jammu and Kashmir remained outside its ambit." [4c] (p1)

(See also Section 6.A, sub-section on Policies and Constitutional Provisions – no death penalty for converts from Islam)

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Internal Security

Police

5.50 The US State Department Report 2004 (USSD), published on 28 February 2005, stated that:

"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. Provincial governments control police and the paramilitary forces when they assist in law and order operations. During some religious holidays, the regular army was deployed in sensitive areas to help maintain public order. The civilian authorities maintained control of the security forces; however, there were instances when local police acted independently of government authority. Some members of the security forces committed numerous serious human rights abuses." [2b]
(Introduction)

5.51 The USSD 2004 also noted that, "The Government frequently investigated police officials for extrajudicial killings; however, failure to discipline and prosecute consistently and lengthy trial delays contributed to a culture of impunity." [2b] (section 1a)
..."Corruption was most prominent among Station House Officers (SHO), who ran each precinct. Some reportedly operated arrest for ransom operations and established unsanctioned stations to increase illicit revenue collection" [2b] (section 1d)

(See also Section 6.A, sub-section on Police and Section 5, sub-section on Arbitrary Arrest)

Army

5.52 On 24 December 2003, the BBC reported that:

"Pakistan's military has directly and indirectly managed the country's affairs for more than half the period of its independence...Pervez Musharraf's coup in 1999 strengthened the secular tendencies in the army, but has not guaranteed its permanence. The domestic political consequences of Islamabad joining the war on terror, the withdrawal of Inter Services Intelligence [ISI – see paragraphs 5.61-5.62 below] support from the Taliban and militants fighting in Kashmir, and the sectarian violence across Pakistan, mean that national politics remain febrile, and stability fragile. The army's hold is being contested in many areas, and this is often viewed by the establishment as a threat to national integrity." [35a] (p1-2)

5.53 A Human Rights Watch report of 1 November 2004 reported that "The Pakistani Army's traditional policy of denying fundamental rights to the tribal belt,

encompassing Waziristan along the Afghan border, and its brutality in conducting recent antiterrorist operations there, has created a rebellion that shows every sign of outliving Osama bin Laden. Meanwhile, the southwestern province of Balochistan, sullenly peaceful until recently, is rapidly moving toward an insurgency as decades of resentment against the Pakistani military come to a head." [13b] (p2)

5.54 The US State Department Report 2004 (USSD), published on 28 February 2005, stated that "According to press reports, the Pakistan Armed Forces were responsible during the year for approximately 65 civilian casualties that occurred during its offensives against suspected terrorists hiding in the Federally Administered Tribal Areas (FATA)." [2b] (section 1a)

Inter-Services Intelligence (ISI)

5.55 A 2004 entry on web-site 'encyclopedia.thefreedictionary.com' stated that:

"The Directorate for Inter-Services Intelligence (also Inter-Services Intelligence or I.S.I.) is the principal intelligence body of Pakistan. The ISI provided most of the operational and organizational leadership during the US-funded insurgency in Afghanistan against the USSR. It is widely believed that they are playing a similar role in the Kashmir region. ISI is headed by a lieutenant-general or a 3 star General of Pakistan Army. The roots of the ISI go back to the U.S. -backed guerrilla war to oust the Soviet Army from Afghanistan in the 1980s. That CIA (Central Intelligence Agency)-backed effort flooded Pakistan with weapons and Afghan, Pakistani and Arab "mujahideen", who fought under the name of Islam. In order to train fighters, distribute arms, channel money, the CIA relied on the ISI. During the Soviet invasion from 1979-1989, the ISI monitored the activities of and provided advice and support to the mujahideen, and commandos from the Army's Special Services Group helped guide the operations inside Afghanistan. The ISI trained about 83,000 Afghan Mujahideen between 1983 and 1997 and dispatched them to Afghanistan. Since its inception one of the goals of the ISI has been intelligence gathering in India. ISI actively supported various insurgent groups throughout India (Punjab, Kashmir, Assam, Northeastern India etc.) complementing the moral (diplomatic) support offered by the Pakistani government to these groups. India regularly accuses the ISI of complicity in various terrorist attacks all over the country (Bombay, Parliament House) in addition to the insurgence prone areas." [39] (p1)

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Prisons and Prison Conditions

5.56 The US State Department Report 2004 (USSD), published on 28 February 2005, stated that:

"Prison conditions were extremely poor, except those for wealthy or influential prisoners. Overcrowding was widespread. According to HRCP [Human Rights Commission of Pakistan], there were 85,000 prisoners occupying 87 jails originally built to hold a maximum of 36,075 persons. Nine prisoners

died in the Faisalabad Jail due to a lack of medical assistance." [2b] (section 1c)

5.57 The US State Department Report 2002, issued 31 March 2003, reported that:

"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 and no furnishings. Prisoners in these cells reportedly suffered the most abuse, including beatings and forced kneeling for long periods of time. Unsanitary conditions were common in small, poorly ventilated, and decrepit, colonial-era prisons, which mainly were considered class "C." Inadequate food led to chronic malnutrition for those unable to supplement their diet with help from family or friends. Access to medical care was a problem. Mentally ill prisoners normally lacked adequate care and were not segregated from the general prison population (see Section 5. [USSD Report]).... "B" cells often were used for prisoners with a university education or who benefit from political connections. Conditions in "A" and "B" cells were markedly better; prisoners in these cells are permitted to have servants, special food, and satellite television. Authorities reserved "A" cells for prominent persons, including political leaders." [2c] (section 1c)

5.58 The USSD 2004 further noted that:

"On December 5 [2004], the Lahore High Court struck down the Juvenile Justice System Ordinance, designed to protect the rights of children, on the grounds of being unconstitutionally vague. At year's end, the judgment [sic] remained in abeyance during appeals to the Supreme Court. Child offenders were generally kept in the same prisons as adults, albeit in separate barracks. Children in prison were subjected to the same harsh conditions, judicial delay, and mistreatment as the adult population. Local NGOs estimated 3,000 children were in prison at year's end. Child offenders could alternatively be sent to one of two residential reform schools in Karachi and Bahawalpur until they reached the age of majority. Abuse and torture reportedly also occurred at these facilities. Nutrition and education were inadequate. Family members were forced to pay bribes to visit children or bring them food. Facility staff reportedly trafficked drugs to children incarcerated in these institutions." [2b] (section 1c)

5.59 A report by Amnesty International published on 23 October 2003, titled 'Pakistan Denial of basic rights for child prisoners' stated that:

"Girls are held in women's cells in regular police stations, frequently overnight and interrogated without a woman police officer or a male relative to prevent abuse. The situation in rural areas girl [sic] detainees is worse than in the cities with virtually no female staff and no separate detention facilities in police and judicial lock-ups. Lack of knowledge of the law, impunity, corruption and lack of resources all contribute to the failure of the legal system to ensure children's rights.

As the JJSO is not in force across the whole of Pakistan, children who live in the Federally and Provincially Administered Tribal Areas (FATA and PATA

respectively) continue to be subject to the death sentence. Amnesty International is also aware of cases of children in other parts of Pakistan who have been sentenced to death as the magistrate or judge hearing their case did not know of the provision in the JJSO prohibiting death sentences for children. Death sentences are often overturned in the higher courts eventually but only after the child has suffered the trauma of being sentenced to death and spending months or even years in prison." [4a] (p1)

5.60 The USSD 2004 further stated that "There were reports of prison riots. On September 2 [2004], a riot broke out in the Sargodha district jail following the death of an inmate, allegedly from torture. Four inmates were killed and six guards and several inmates were injured. Several guards were briefly held hostage. The riots ended when an autopsy showed that the inmate in question died of a heart attack rather than torture. In the Sialkot prison riot of July 2003, 17 police officials were charged. None had been arrested by year's end." [2b] (section 1c)

(See also Section 6.A, sub-section on Torture)

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Military Service

5.61 A briefing prepared for Child Soldiers: Convention on the Rights of the Child – CRC – for June 2003 stated that "While there is currently no conscription, government armed forces recruit volunteers at the age of 16. However there is no evidence of deployment before the age of 18... The 1952 Pakistan Army Act allows compulsory military service to be introduced in times of emergency, but this provision has never been applied as the number of voluntary recruits has been sufficient." [16] (p1)

Medical Services

5.62 The US State Department's Report 2004 (USSD), published on 28 February 2005, reported that "Child health care services remained seriously inadequate. According to the National Institute of Child Health Care, more than 70 percent of deaths between birth and the age of 5 years were caused by easily preventable ailments such as diarrhea and malnutrition. While boys and girls had equal access to government facilities, families were more likely to seek medical assistance for boys." [2b] (section 5)

5.63 The US State Department's Consular Information Sheet on Pakistan dated 14 January 2005 and current as at 18 February 2005 reported that "Adequate medical care is available in major cities in Pakistan but is limited in rural areas. With the exception of the Agha Khan Hospital in Karachi, Doctors Hospital in Lahore, and Shifa International Hospital in Islamabad, Americans may find hospital care and cleanliness below U.S. standards." [2d] (p5)

5.64 The World Health Organisation's – WHO's – Country Profile on Pakistan updated August 2004 advised that, for every 10,000 people, there were 7.3 physicians, 0.40 dentists, 3.4 pharmacists, 4.7 nursing and midwifery personnel and 6.8 hospital beds.

[5] (p2) In 2004, the website Medics Travel published a list of medical organisations in Pakistan (see source [15]).

5.65 The USSD 2004 also reported that "Those suffering from HIV/AIDS faced broad societal discrimination. While the Government has launched education and prevention campaigns, these have done little to protect victims." [2b] (section 5) On 1 December 2004, BBC news reported that:

"Unlike India, recorded prevalence in Pakistan is small and the authorities are working to keep it that way. However, there are still plenty of complaints that government departments and NGOs have done little to help those infected or indeed have any idea of the full extent of the problem. Pakistan's hosting of a big Aids conference this week to mark World Aids Day on Wednesday may help. The conference is focusing on the effects of Aids on women and young girls. Delegates from south and south-east Asia have converged on Islamabad for three days of ministerial and expert discussions. For Pakistan, like most Muslim countries, HIV/Aids remains a taboo subject. The official count of the number of people infected, just under 3,000, is dismissed by experts as an irrelevant distraction which masks the true extent of the challenge ahead. The problem is where to start. There is little testing, tracking or counselling, let alone treatment, of those most at risk. Some health experts, like Dr Asif Mirza from the Family Planning Association of Pakistan, believe that the country is on the brink. "This is definitely going to explode and we are afraid of that day and we must prepare ourselves for that," he says. "We are not actually diagnosing people. The people are not coming to the surface. The first case was diagnosed in '87. Even after 17, 18 years we still talk about stigma and discrimination. "And the people who are already diagnosed, we don't look after them properly. We don't provide them proper information. We don't even test their families. Of course, government is doing a lot but still I think there's work which needs to be done." [35a]

5.66 A January 2004 Country Profile on Pakistan by USAID (US Agency for International Development) stated that "USAID supports efforts by Pakistan's National AIDS Control Programme to monitor the status of the epidemic, promote its ability to perform surveillance activities, and measure the effect of prevention programmes. The primary objective is to help Pakistan maintain its current low rate of HIV infections by assisting the government to conduct quality HIV/AIDS management programs and to strengthen the quality-assurance skills of program staff. In addition, Family Health International will, on occasion, work with the National AIDS Control Programme to review training and infection-surveillance protocols." [3] (p2-3)

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Educational System

5.67 Europa Regional Surveys of the World: South Asia 2005 states that "Universal and free primary education is a constitutional right, but education is not compulsory. Primary education begins at five years of age and lasts for five years. Secondary education, beginning at the age of ten, is divided into two stages, of three and four

years respectively. [1] (p469) Europa records the adult literacy rate as being 44.0% (males 58.2%, females 28.8%) in 2001, and states that in 2001/2002 there was an estimated enrolment figure at middle and secondary schools of 5.6 million, with 29 universities/degree-awarding institutes in the country. [1] (p442)

5.68 The US State Department Report 2004 (USSD), published on 28 February 2005, further notes that:

"The Government does not demonstrate a strong commitment to children's rights and welfare through its laws and programs. There is no federal law on compulsory education. Public education is free; however, fees were charged for books, supplies, and uniforms. Public schools, particularly beyond the primary grades, were not available in many rural areas, leading parents to use the parallel private Islamic school (madrassa) system. In urban areas, many parents sent children to private schools due to the lack of facilities and poor quality of education offered by the public system.

According to a foreign aid organization, out of 18 million children between ages 5 and 9, only 42 percent were in school. Less than half of children who enrolled completed more than 5 years of education. Out of every 100 children who enrolled, only 6 complete grade 12. The national literacy rate of 38 percent showed a significant gap between males (50 percent) and females (24 percent) due to historical discrimination against educating girls. While anecdotal evidence suggested increasing female participation in education, such discrimination continued, particularly in rural areas." [2b] (section 5)

5.69 The USSD 2004 continues:

"Madrassas served as an alternative to the public school system in many areas. Many madrassas failed to provide an adequate education, focusing solely on Islamic studies. Graduates were often unable to find employment. A few madrassas, particularly in the Afghan border area, reportedly continued to teach religious extremism and violence. The Government continued its efforts to modernize madrassa education during the year. An agreement was reached with the country's five independent madrassa boards to register the 85 percent of madrassas under their control and to introduce a modern educational curriculum. Government funding has been allocated in the budget to assist with teacher training.

At the vast majority of madrassas, students were reasonably well-treated. However, press reports claimed that there were some madrassas where children were confined illegally, kept in unhealthy conditions, and physically or sexually abused." [2b] (section 5)

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6 Human Rights

6 A Human Rights Issues

General

Overview

6.1 The US State Department Report 2004 (USSD), published on 28 February 2005, reported that:

"The Government's human rights record remained poor; although there were some improvements in several areas, serious problems remained. In 2002, citizens participated in national government elections, although many observers found serious flaws in their legal framework. Local police used excessive force and committed or failed to prevent extrajudicial killings. Sectarian killings continued to be a problem. Police abused and raped citizens. Prison conditions remained extremely poor, and police arbitrarily arrested and detained citizens. Some political leaders remained imprisoned or in exile abroad. Case backlogs led to long delays in trials, and lengthy pretrial detention was common. The judiciary was subject to executive and other outside influence. Corruption and inefficiency remained severe problems. The Government violated due process and infringed on citizens' privacy rights. The press was partly free and in some instances, the Government took retaliatory actions against media outlets and journalists; however, media criticism of security forces and the Government continued to increase during the year." [2b] (introduction)

6.2 The USSD 2004 also noted that:

"The Government imposed some limits on freedom of association, religion, and movement. Governmental and societal discrimination against religious minorities remained a problem. Domestic violence against women, rape, and abuse of children remained serious problems. Honor killings continued; however, new legislation stiffens penalties for honor killings; and criminal procedures for the blasphemy laws and Hudood Ordinances were changed to prevent abuses. Discrimination against women was widespread, and traditional social and legal constraints generally kept women in a subordinate position in society. Trafficking in women and children for the purposes of forced prostitution and bonded labor, and the use of child labor remained widespread. Workers' rights were restricted, and debt slavery remained a problem." [2b] (introduction)

(See also Section 6.B, sub-sections on Domestic Violence and Honour Killings)

6.3 A Human Rights Watch report on Pakistan dated January 2005 stated that:

"Since President Pervez Musharraf seized office in a military coup d'état five years ago, Pakistan's military has acted with increasing impunity to enforce its

writ over the state and to protect its grip on Pakistan's economic resources, especially land. For instance, in the Okara district of the military's traditional stronghold of Punjab, paramilitary forces acting in conjunction with the army killed and tortured farmers who refused to cede their land rights to the army. [BUT see paragraph 6.4, below] Other pressing human rights concerns in the country include a rise in sectarian violence; legal discrimination against and mistreatment of women and religious minorities; arbitrary detention of political opponents; harassment and intimidation of the media; and lack of due process in the conduct of the "war on terror" in collaboration with the United States. A major military offensive against alleged Taliban and Al-Qaeda forces in the South Waziristan area bordering Afghanistan resulted in massive displacement of civilians and scores of deaths." [13a] (p1)

6.4 With reference to paragraph 6.3, above, the USSD 2004 stated that "Unlike in previous years, there were no reports of paramilitary forces or the army torturing or killing farmers for refusing to sign contracts ceding their land rights to the Army in Okara." [2b] (section 1c)

6.5 A 2005 Freedom House report on Pakistan noted that:

"The constitution and other laws authorize the government to curb freedom of speech on subjects including the constitution, the armed forces, the judiciary, and religion... Pakistan is an Islamic republic, and there are numerous restrictions on religious freedom... Religious minorities also face unofficial economic and societal discrimination and are occasionally subjected to violence and harassment... The government generally does not restrict academic freedom. However, student groups, some of whom have ties to radical Islamist organizations, violently attack or otherwise intimidate students, teachers, and administrators at some universities, which contributes to a climate of intolerance... Despite legislation outlawing bonded labor and canceling enslaving debts, illegal bonded labor continues to be widespread... Feudal landlords and tribal elders throughout Pakistan continue to adjudicate some disputes and impose punishment in unsanctioned parallel courts called jirgas. A 2002 report issued by Amnesty International raised concerns that the jirgas abuse a range of human rights and are particularly discriminatory toward women." [19a] (p3-4)

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Human Rights Groups

6.6 The US State Department Report 2004 (USSD), published on 28 February 2005, reported that

"A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. They are required to be registered, although this requirement was not generally enforced. Government officials often were cooperative and responsive to their views. Human rights groups reported that they generally had good access to police stations and prisons. The HRCP

[Human Rights Commission of Pakistan] continued to investigate human rights abuses and sponsor discussions on human rights issues during the year.

International observers were permitted to visit the country and travel freely. The Government generally cooperated with international governmental human rights organizations. The ICRC [International Committee of the Red Cross] had a delegation in country." [2b] (section 4)

6.7 The USSD 2004 also noted that "The Government permitted visits to prisoners and detainees by human rights monitors, family members, and lawyers with some restrictions (see Section 1.d. [in USSD 2004]). Visits by local human rights monitors occurred during the year; however, the International Committee of the Red Cross (ICRC) was denied access to alleged terrorist detainees." [2b] (section 1c)

6.8 The USSD 2004 further reported that

"The National Assembly Standing Committee on Law, Justice, and Human Rights held hearings on a number of issues during the year, including honor crimes, the Anti-Defamation Law, the Blasphemy Law, and the Hudood Ordinance. While the Committee served as a useful forum to raise public awareness of such issues, its final action generally adhered to government policy. The Senate Standing Committee on Law, Justice, and Human Rights debated a number of issues of significant concern during the year and published a well-regarded investigatory report into the 2002 and 2003 dispute at Okara Farms in which security force personnel were implicated in abuse. The Parliamentarians Commission for Human Rights, an inter-party caucus of parliamentarians, was active in lobbying for reform in key areas. [2b] (section 4)

6.9 The US State Department report for International Religious Freedom 2004, published on 15 September 2004, noted that "The government provided protection to human rights lawyers defending accused blasphemers following threats and attacks on lawyers by religious extremists." [2a] (section II) The report also recorded that "A 3-year Human Rights Mass Awareness and Education Project, begun by the Government in 2001 with funding from the Asian Development Bank, was ongoing during the period covered by this report. Several nongovernmental organizations (NGOs) were engaged actively in the process." [2a] (section II)

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Police

6.10 The US State Department Report 2004 (USSD), published on 28 February 2005, stated that

"The police force was generally considered ineffective, abusive, and corrupt. Failure to punish abuses created a climate of impunity. Police and prison officials frequently used the threat of abuse to extort money from prisoners and their families. Police charged fees to register genuine complaints and accepted money for registering false complaints. Bribes to avoid charges

were commonplace. Persons paid police to humiliate their opponents and to avenge their personal grievances. Corruption was most prominent among Station House Officers (SHO), who ran each precinct. Some reportedly operated arrest for ransom operations and established unsanctioned stations to increase illicit revenue collection.

The 2002 Police Order was not fully implemented during the year. While the central government has allocated funding for the envisioned reforms, the national, provincial, and local police oversight bodies were not operating in most locations, ostensibly due to disputes between provincial and federal officials as to the scope of their authority." [2b] (section 1d)

6.11 The USSD 2004 also noted that:

"The extrajudicial killing of criminal suspects in staged encounters and during torture in custody occurred. Human rights monitors reported that 251 persons were killed in police encounters during the year. Police said that many of these deaths occurred when suspects attempted to escape, resisted arrest, or committed suicide; however, family members and the press said that many of these deaths were staged. Unlike in previous years, there were no reports of police killing suspected criminals to prevent them from implicating police in crimes during court proceedings... The Government frequently investigated police officials for extrajudicial killings; however, failure to discipline and prosecute consistently and lengthy trial delays contributed to a culture of impunity." [2b] (section 1a)

6.12 The USSD further reported that:

"Special women's police stations with all female staff have been established in response to complaints of custodial abuse of women, including rape. The Government's National Commission on the Status of Women claimed the stations did not function effectively in large part due to a lack of resources. Court orders and regulations prohibit male police from interacting with female suspects, but women were often detained and interrogated at regular stations. Instances of abuse of women in prisons were less frequent. Sexual abuse of child detainees by police or guards reportedly also was a problem." [2b] (section 1c)

6.13 The US State Department report on International Religious Freedom 2004, published on 15 September 2004 noted that:

"Police torture and other forms of mistreatment of persons in custody are common... There have been instances in which police have used excessive force against individuals because of their religious beliefs and practices; however, sometimes it was difficult to determine whether religious affiliation was a factor in police brutality. The police also have failed to act against persons who use force against others because of their religious beliefs. The Government admits that police brutality against all citizens is a problem. However, both the Christian and Ahmadi communities have documented instances of the use of excessive force by the police and police inaction to

prevent violent and often lethal attacks on members of their communities." [2a]
(section II)

6.14 The US State Department report for International Religious Freedom 2004 also stated that "The Government also continued to promote human rights awareness in its training of police officers." [2a] (section II)

6.15 The publication 'Freedom House – Freedom in the World 2005' reported that:

"Anecdotal evidence suggested that police continue to routinely engage in crime; use excessive force in ordinary situations; arbitrarily arrest and detain citizens; extort money from prisoners and their families; accept money to register cases on false charges; rape female detainees and prisoners; commit extrajudicial killings; and torture detainees, often to extract confessions. Political opponents, former government officials, and other critics of the regime are particularly at risk of arbitrary arrest or abduction, torture, and denial of basic due process rights at the hands of military authorities, according to Human Rights Watch." [19a] (p4)

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Torture

6.16 The US State Department Report 2004 (USSD), published on 28 February 2005, recorded that:

"The Constitution and the Penal Code prohibit torture and other cruel, inhuman, or degrading treatment; however, security forces tortured and abused persons, often to elicit confessions. Ordinary courts at times dismissed such confessions. Under provisions of the Anti-Terrorist Act, coerced confessions are admissible in Special Courts; however, police had not used this provision to obtain convictions.

Security force personnel continued to torture persons in custody throughout the country. Human rights organizations reported that methods used included beating; burning with cigarettes; whipping the soles of the feet; prolonged isolation; electric shock; denial of food or sleep; hanging upside down; and forced spreading of the legs with bar fetters. Officials from the Human Rights Commission of Pakistan (HRCP) estimated 5,000 cases of police torture annually; the Lawyers for Human Rights and Legal Aid Madadgaar Project recorded 1,101 cases of torture during the year. At times, torture resulted in death or serious injury (see Section 1.a. [in USSD 2004])." [2b] (section 1c)

6.17 An HRCP (Human Rights Commission of Pakistan) Newsletter of July 2004 reported that:

"The fact is that those in jails in each of the four provinces often face a fate as grim as those of the hapless men, and women, at Abu Ghraib [in Iraq]. The use of beatings, torture of various kinds and deliberate humiliation is a reality at virtually every jail in the country. Those held at police lock-ups often suffer

still worse abuses, with an alarming number dying each year as a consequence of the beatings or severe torture inflicted on them.

Other hapless citizens, such as the women stripped naked in public, or the population, with all jails in the country severely overcrowded, adds greatly to the difficulties of staff in managing prison affairs. Policies aimed at setting in place community-based restraints and changes in laws to avoid police arresting those accused of petty offences must form a part of any effort to reach a solution. Similarly, an improved level of judicial and police efficiency is crucial to relieve prisons of the large numbers of under-trial prisoners, who often make up the bulk of those held in jails." [27c] (p1)

(See also Section 5, sub-section on Prisons and Prison Conditions)

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Freedom of Speech and Media

Overview

6.18 The US State Department Report 2004 (USSD), published on 28 February 2005, stated that:

"The Constitution provides for freedom of speech and of the press, and citizens generally were free to discuss public issues; however, some journalists were intimidated and others practiced self-censorship

There were numerous English and Urdu daily and weekly newspapers and magazines. All were independent. The Ministry of Information controls and manages the country's primary wire service, the Associated Press of Pakistan (APP), which is the official carrier of Government and international news to the local media. The few small privately owned wire services practiced self-censorship. Foreign magazines and newspapers were available, and many maintained in-country correspondents who operated freely. Newspapers were free to criticize the Government, and most did. Condemnation of government policies and harsh criticism of political leaders and military operations were common. The only known retribution against a publication was denial of government advertising for several months to one English-language and one Urdu-language newspaper." [2b] (section 2a)

6.19 The USSD also reported that:

"The Government directly owned and controlled Pakistan Television and Radio Pakistan, the only national free electronic broadcasters. The semi-private Shalimar Television Network, in which the Government held the majority ownership stake, expanded its broadcast range during the year. All three reflected the Government point of view in news coverage. Private cable and satellite channels Geo, ARY, Indus, and Khyber all broadcast domestic news coverage and were critical of the Government. Cable and satellite

television with numerous international news stations was generally affordable. Private radio stations existed in major cities, but their licenses prohibited news programming. Some channels evaded this restriction through talk shows, although they were careful to avoid most domestic political discussions. International radio broadcasts, including from the British Broadcasting Corporation and the Voice of America, were available." [2b] (section 2a)

6.20 The USSD 2004 further noted that "The press was partly free and in some instances, the Government took retaliatory actions against media outlets and journalists; however, media criticism of security forces and the Government continued to increase during the year." [2b] (introduction) The USSD also stated that:

"The Government directly and indirectly censored the media during the year. For example, on May 9, satellite broadcaster ARY cancelled an interview with opposition politician Shahbaz Sharif due to what its executives termed "huge government pressure."...Media outlets also practiced self-censorship... Constitutional prohibitions on ridiculing Islam, the armed forces, and the judiciary and blasphemy laws have been used in the past to censor journalists, although there were no reports of the use of these provisions during the year... Many private media organizations were dependent on government advertising revenue, and two major anti-government newspapers were denied government advertising for several months." [2b] (section 2a)

6.21 The USSD also advised that:

"An Anti-Defamation Law passed during the year [2004] significantly expanded the definition of and increased penalties for defamatory statements. The Government claimed the Bill's language exempted members of the media, and no member of the media had been prosecuted under the new law.

The Anti-Terrorist Act prohibits the possession or distribution of material designed to foment sectarian hatred or obtained from banned organizations. Court rulings mandate the death sentence for anyone blaspheming against the "prophets." The Penal Code provides for 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. [in USSD 2004])." [2b] (section 2a)

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Journalists

6.22 The Committee to Protect Journalists issued an article of instances of attacks and restrictions on the press in 2004; see source [2j] for full details. Reporters Without Borders (Reporters Sans Frontières [RSF]) also issued an annual report for 2004 highlighting instances where journalists had been attacked and restricted. Their report noted that: "What the authorities tolerated least were reports about the presence of Taliban and Al Qaeda members in Pakistani territory. Foreign journalists found it very difficult to obtain permission to visit border regions especially

those near Peshawar or Quetta and the security services kept anyone going there under close surveillance. In October [2004], the Pakistani army invited the press to follow part of its operations in one of the tribal areas on the "embedded journalist" model used for the invasion of Iraq." [23] (p1)

6.23 The US State Department Report 2004 (USSD), published on 28 February 2005, stated that:

"The Government arrested, harassed, and intimidated journalists during the year [2004]... Several local journalists were denied entry to the FATA [Federally Administered Tribal Areas] during the year... Several individual journalists were threatened and intimidated by government agencies for reports that called into question the Government's commitment to fight terrorism... Extremist groups also harassed and physically assaulted journalists." [2b] (section 2a)

(See also Section 6.A, sub-section on Freedom of Speech and Media)

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Freedom of Religion

Overview

Background and Demography

6.24 The US State Department International Religious Freedom Report 2004, published on 15 September 2004, notes that: "The country is an Islamic republic; Islam is the state religion." [2a] (Introduction) Figures given in this report based on a 1998 census indicated that 96% of the population were Muslim (the majority of these being Sunni Muslim, with an estimated 10% being Shi'a); 1.69% Christian; 2.02% Hindu and 0.35% "other" (including Ahmadis). [2a] (section I)

6.25 As noted in the US State Department International Religious Freedom Report 2004, published on 15 September 2004:

"Religious minority groups believe that they are under represented in government census counts and claim that they represent 10 per cent of the population, rather than the census figure of 4 to 5 percent.... The most recent official census estimates place the number of Hindus at 2.44 million, Christians at 2.09 million, and the Ahmadi population at 286,000. The figure for the Ahmadis is inherently inaccurate because they have been boycotting census and registration for electoral rolls since 1974 when they were declared non-Muslims. The Hindu and Christian communities each claim membership of approximately 4 million. Estimates for the remaining communities are less contested and place the total number of Parsis (Zoroastrians), Buddhists, and Sikhs as 20,000 each; and Baha'is at 30,000." [2a] (section I)

6.26 The same report advises that more than 90% of Pakistan's Christians reside in Punjab (where they form the largest religious minority of the province). The report notes that "Approximately 60% of Punjab's Christians live in rural villages. The largest group of Christians belongs to the Church of Pakistan, an umbrella Protestant group that is a member of the Anglican Communion; the second largest group belongs to the Roman Catholic Church. The rest are from different evangelical and church organizations." [2a] (section I)

6.27 The above report further records that:

"Hindus constitute approximately 8 percent of the population of Sindh province. A few tribes in Sindh and Balochistan practice traditional indigenous religions, and there is also a small population of Parsis (approximately 7,000 persons). The Ismailis are concentrated in Karachi (in Sindh Province) and the Northern Areas, locally referred to as Gilgit and Baltistan. According to experts, the Shi'a population is estimated to be 23 percent of the total Karachi population while they are approximately 10 percent of the country's total population. The tiny but influential Parsi community is concentrated in Karachi, although some live in Islamabad and Peshawar (in the NWFP). Christians constitute approximately 2 percent of Karachi's population. The Roman Catholic diocese of Karachi estimates that 120,000 Catholics live in Karachi, 40,000 in the rest of Sindh, and 5,000 in Quetta, Baluchistan. Evangelical Christians have converted a few tribal Hindus of the lower castes from interior Sindh. An estimated 100,000 Hindus live in Karachi. According to local Christian sources, between 70,000 and 100,000 Christians and a few thousand Hindus live in the Northwest Frontier Province (NWFP).

Ahmadis, who consider themselves Muslims but do not accept that Muhammad was the last prophet, are concentrated in Sindh and Punjab. The spiritual center of the Ahmadi community is in Punjab in the large, predominately Ahmadi town of Rabwah." [2a] (section I)

6.28 As noted by the USSD report on International Religious Freedom 2004:

There have been instances in which police have used excessive force against individuals because of their religious beliefs and practices; however, sometimes it was difficult to determine whether religious affiliation was a factor in police brutality. The police also have failed to act against persons who use force against others because of their religious beliefs. The Government admits that police brutality against all citizens is a problem. However, both the Christian and Ahmadi communities have documented instances of the use of excessive force by the police and police inaction to prevent violent and often lethal attacks on members of their communities. [2a] (section II)

6.29 The same report also stated that "Relations between different religious groups frequently were tense, acts of sectarian and religious violence continued, and over 100 deaths were attributed to sectarian violence during the period covered by this report. The worst religious violence was directed against the country's Shi'a minority, which continued to be disproportionately the victims of individual and mass killings."

6.30 The Human Rights Watch World Report 2005 on Pakistan noted that:

"Sectarian violence increased significantly in Pakistan in 2004. While estimates suggest that at least 4,000 people, largely from the minority Shi'a Muslim sect, have died as a result of sectarian violence since 1980, the last five years have witnessed a steep rise in incidents of sectarian violence. For example, in October 2004, at least seventy people were killed in sectarian attacks perpetrated by both Sunni and Shi'a extremist groups in the cities of Multan and Karachi. In recent years, Sunni extremists, often with connections to militant organizations such as Sipah-e Sahaba Pakistan, have targeted the Shi'a. There has been a sharp increase in the number of targeted killings of Shi'a, particularly Shi'a doctors, in recent years. Those implicated in acts of sectarian violence are rarely prosecuted and virtually no action has been taken to protect the affected communities.

Discrimination and persecution on grounds of religion continued in 2004 and an increasing number of blasphemy cases were registered. The Ahmadi religious community in particular was the target of religious extremists. Ahmadis also continued to be arrested and faced charges under various provisions of the Blasphemy Law for allegedly contravening the principles of Islam. Charges filed include "preaching," distributing "objectionable literature," and preparing to build a "place of worship." Other religious minorities, including Christians and Hindus, also continue to face discrimination." [13a] (p2)

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Policies and Constitutional Provisions

6.31 The US State Department report on International Religious Freedom 2004, published on 15 September 2004, states that:

"The Constitution provides for freedom of religion and states that adequate provisions are to be made for minorities to profess and practice their religions freely; however, in practice the Government imposes limits on freedom of religion. The country is an Islamic republic; Islam is the state religion. Islam also is a core element of the national ideology; the country was created to be a homeland for Muslims, although its founders did not envisage it as an Islamic state. Religious freedom is "subject to law, public order, and morality;" accordingly, actions or speech deemed derogatory to Islam or to its Prophet are not protected. In addition the Constitution requires that laws be consistent with Islam and imposes some elements of Koranic law on both Muslims and religious minorities." [2a] (Introduction)

6.32 The same report also stated that:

"There were no significant changes in the Government's treatment of religious minorities during the period covered by this report. The Government fails in

many respects to protect the rights of religious minorities. This is due both to public policy and to the Government's unwillingness to take action against societal forces hostile to those who practice a different faith. The accretion of discriminatory religious legislation has fostered an atmosphere of religious intolerance, which contributes to acts of violence directed against non-Muslims and members of minority Muslim groups. There were instances in which the Government failed to intervene in cases of societal violence directed at minority religious groups. The lack of an adequate government response contributed to an atmosphere of impunity for acts of violence and intimidation against religious minorities. However, the Government promotes religious tolerance, does not encourage sectarian violence, and, at the highest levels, specifically condemned sectarian extremism during the period covered by this report. It has banned all significant sectarian extremist groups and arrested hundreds of members of these groups suspected of violent attacks. Parties and groups with religious affiliations have been known to target minority groups." [2a] (introduction)

(See also Section 6.A, sub-section on Hudood Ordinances and Blasphemy Laws)

6.33 The USSD International Religious Freedom Report 2004, published on 15 September 2004, states that:

"The Constitution safeguards "educational institutions with respect to religion." For example, under the Constitution, no student can be forced to receive religious instruction or to participate in religious worship other than his or her own. The denial of religious instruction for students of any religious community or denomination also is prohibited under the Constitution.

"Islamiyyat" (Islamic studies) is compulsory for all Muslim students in state-run schools. Although students of other faiths legally are not required to study Islam, they are not provided with parallel studies in their own religions. In some schools, non-Muslim students may study "Akhlaqiyyat," or Ethics, rather than Islamiyyat. In practice teachers compel many non-Muslim students to complete Islamic studies." [2a] (section II)

6.34 As noted by the US State Department Report 2004 (USSD), published on 28 February 2005, "Members of religious minorities were subject to violence and harassment, and police at times refused to prevent such actions or to charge persons who committed them." [2b] (section 2c)

6.35 However, the USSD International Religious Freedom Report 2004, published on 15 September 2004, also noted that:

"The Government took some steps to improve the situation of religious minorities during the period covered by this report. In November 2003, the Government banned, under the Anti-Terrorism Act of 1997, three extremist groups that were reconstituted versions of organizations previously banned in 2002. Each of the newly banned groups promoted sectarian violence and intolerance. The groups banned were Millat-e-Islami (the former Sipah Sahaba), a Sunni extremist group whose leader had been ambushed and

killed in Islamabad in October 2003; Islami Tehreek Pakistan (the former Tehreek-e-Jafariya), a Shi'a extremist group whose leader was arrested for involvement in the killing of the leader of Millat-e-Islami; and Khuddamul Islam (the former Jaish-e-Muhammad), a Sunni extremist group that also promoted jihad in Kashmir and Afghanistan. The bans on these groups were accompanied by the detention of their top leaders, the closing of their offices across the country, and the freezing of their assets held in all Pakistani banks, both domestic and foreign based. Nearly all of those detained following the initial bans were later released. However, members of the groups were placed on "Schedule Four" of the Anti-Terrorism Act, which, among other limitations, allows the government to restrict their movements in the country and to monitor their activities.

A 3-year Human Rights Mass Awareness and Education Project, begun by the Government in 2001 with funding from the Asian Development Bank, was ongoing during the period covered by this report. Several nongovernmental organizations (NGOs) were engaged actively in the process. The Government also continued to promote human rights awareness in its training of police officers." [2a] (section II)

6.36 The USSD International Religious Freedom Report 2004, published on 15 September 2004, further noted that "Although the Government removed colonial-era entries for sect from government job application forms to prevent discrimination in hiring, the faith of some, particularly of Christians and Hindus, often can be ascertained from their names." [2a] (section III)

6.37 As stated by the USSD International Religious Freedom Report 2004, "While there is no law instituting the death penalty for apostates (those who convert from Islam), social pressure against conversion is so powerful that most such conversions reportedly take place in secret. According to missionaries, police and other local officials harass villagers and members of the poorer classes who convert. Reprisals and threats of reprisals against suspected converts are common." [2a] (section III)

6.38 According to the USSD International Religious Freedom Report 2004,

Missionaries are allowed to operate in the country, and proselytizing is permitted (except by Ahmadis) as long as there is no preaching against Islam and the missionaries acknowledge that they are not Muslim. However, all missionaries are required to have specific missionary visas, which have a validity of 2 to 5 years and allow only one entry into the country per year. Only "replacement" visas for those taking the place of departing missionaries are available, and long delays and bureaucratic problems are frequent." [2a] (section II)

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Hudood Ordinances and Blasphemy Laws

6.39 The US State Department report on International Religious Freedom 2004, published on 15 September 2004, records that:

"Specific government policies that discriminate against religious minorities include the use of the "Hudood" Ordinances, which apply different standards of evidence to Muslims and non-Muslims and to men and women for alleged violations of Islamic law; list specific legal prohibitions against Ahmadis practicing their religion; and incorporate blasphemy laws that have been used to target reformist Muslims, Ahmadis, Christians, and Hindus. Both the Hudood Ordinances and the blasphemy laws have been abused, in that they are often used against persons to settle personal scores. Approximately 1,600 to 2,100 persons were imprisoned under the Hudood Ordinances as of the end of the reporting period.

More than 100 persons were detained for blasphemy offenses as of the end of the reporting period. Resolving cases is very slow; there is generally a long period between filing the case and the first court appearance. Lower courts are frequently intimidated, delay decisions, and refuse bail for fear of reprisal from extremist elements. According to the Center for Legal Aid, Assistance, and Settlement (CLAAS), 14 new blasphemy cases were registered during the period covered by this report. Several high profile blasphemy cases remained unresolved because the courts repeatedly postponed hearings, and the Government did not press the courts to proceed. However, during the period covered by this report, the Lahore High Court overturned a few lower court convictions and acquitted several blasphemy defendants." [2a] (Introduction)

6.40 The US State Department report on International Religious Freedom 2004, published on 15 September 2004 further notes that:

"The blasphemy laws were intended to protect both majority and minority faiths from discrimination and abuse; however, in practice rivals and the authorities frequently use these laws to threaten, punish, or intimidate religious minorities. Credible sources estimate that several hundred persons have been arrested since the laws were implemented; however, significantly fewer persons have been tried. Most of the several hundred persons arrested in recent yearshave [sic] been released due to a lack of sufficient evidence. However, many judges reportedly have issued guilty verdicts to protect themselves and their families from retaliation by religious extremists. 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. Lower level magistrates generally are more susceptible to pressure by religious extremists than the higher-level judiciary. The government provided protection to human rights lawyers defending accused blasphemers following threats and attacks on lawyers by religious extremists. Many of those accused of blasphemy face harassment and even death before reaching trial, during incarceration, or even after acquittal on clear-cut proof that the charges were false. Islamic extremists have vowed categorically to kill all accused blasphemers, regardless of judicial acquittals. As a result, the accused often are denied requests for bail on the grounds that their lives would be at risk from vigilantes if released. When released, many of the acquitted go into hiding until they can secure asylum outside the country." [2a] (section II)

6.41 The US State Department report on International Religious Freedom 2004, published on 15 September 2004 also records that:

"Blasphemy laws and the anti-Ahmadi law (Sections 298(b) and 298 (c) of Ordinance XX of 1984) often target members of the Ahmadi community. According to Ahmadi sources, 89 Ahmadis were charged formally in criminal cases on a "religious basis" (including blasphemy) in 2002, compared with 70 cases in 2001 and 166 cases in 2000. In 2003 approximately 80 Ahmadis were arrested, and according to Ahmadi sources, 6 Ahmadis similarly were charged since January [2004]... The blasphemy laws also have been used to harass Christians and other religious minorities, often resulting in cases that persist for years. Religious extremists, who are often part of an organized group, also have killed persons accused under the provisions but acquitted."

[2a] (section II)

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Voting Rights

6.42 According to the USSD International Religious Freedom Report 2004, published on 15 September 2004:

"In January 2002, the Government eliminated the country's system of separate religious-based electorates, which had been a longstanding point of contention between religious minorities and human rights groups on one side and the Government on the other. With the elimination of the separate electorate system, political representation is to be based on geographic constituencies that represent all residents, regardless of religious affiliation. Minority group leaders believe this change may help to make public officials take notice of the concerns and rights of minority groups. Because of their often geographically concentrated populations, religious minorities could have significant influence as swing voting blocks in some constituencies. Few non-Muslims are active in the country's mainstream political parties due to limitations on their ability to run for elective office under the previous separate electorate system." [2a] (section II)

6.43 The same report continued; "While most minority leaders welcomed the return of joint electorates, some complained that the elimination of reserved seats made the election of any minority members unlikely. In response to this complaint, the Government announced in August 2002 that reserved parliamentary seats for religious minorities would be restored. Non-Muslims are now able to vote both for a local candidate in their geographic constituencies and for a representative of their religious group." [2a] (section II)

6.44 The 'Text of Legal Framework Order 2002' stated that 10 National Assembly seats would be reserved for non-Muslims [29d] (p3) and that, in the Provincial Assemblies, there would be three seats reserved for non-Muslims in both Balochistan [Baluchistan] and NWFP, eight in Punjab and nine in Sindh. [29d] (p7)

6.45 According to the USSD International Religious Freedom Report 2004:

"In May 2002, under increasing pressure from fundamentalist leaders, the Government reinstated a column on the voter registration form that requires Muslims to take an oath accepting the finality of the Prophethood of Mohammed. When joint electorates were restored in January 2002, this oath initially was removed from voter registration forms, but religious leaders protested because voter lists no longer identified Ahmadis. In June 2002, the Election Commission also announced that it would accept objections from members of the public to Ahmadis who registered to vote as Muslims. Voters with objections filed against them are required either to sign an oath swearing to the finality of the prophethood of Mohammed or to be registered as non-Muslims on the voter list. In protest the Ahmadi community notified the President in September 2002, that it would boycott the October 2002 elections. No Ahmadis are known to have voted, but the Government's policy has not changed." [2a] (section II)

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Ahmadis

Introduction

6.46 The USSD International Religious Freedom Report 2004, published on 15 September 2004, stated that the most recent official census [1998] placed the number of Ahmadis in Pakistan at 286,000. However, the report noted that "The figure for the Ahmadis is inherently inaccurate because they have been boycotting census and registration for electoral rolls since 1974 when they were declared non-Muslims." [2a] (section I)

6.47 The website 'Encyclopedia.com', which provides articles from the Columbia Encyclopaedia, Sixth Edition, records that Aymadiyya is:

"a contemporary messianic movement founded (1899) by Mirza Ghulam Ahmad (1839-1908), b. Qadiyan, the Punjab. His Barahin-i Ahmadiyya, which he began to publish in 1880, was well received by his Islamic community. In 1889, he announced that he had received a divine revelation authorizing him to accept the baya, the allegiance of the faithful; he later also declared himself the Mahdi and the promised Messiah (masih) of Islam (1891). His doctrine, incorporating Indian, Sufi, Islamic, and Western elements, attempted to revitalize Islam in the face of the British raj, Protestant Christianity, and resurgent Hinduism." [8]

6.48 The article also reports that:

"After his [Mirza Ghulam Ahmad] death, his followers elected Mawlana Nur ad-Din as his successor. Nur ad-Din died in 1914, and the community split into two branches. The majority remained in Qadiyan and recognized Ghulam Ahmad as prophet (nabi). The basic belief held by the Qadiyani community was and is that it is the sole embodiment of "True Islam." The founder's son, Hadhrat Mirza Bashir ad-Din Mahmud Ahmad (1889-1965), was chosen as Khalifatul-

Masih [caliph of the Messiah] by the Qadiyani branch, known today as the Ahmadiyya Movement in Islam (jamaat-i ahmadiyya). His half-century of leadership shaped the movement, operating after 1947 out of the city of Rabwah (which they founded and gave a Qur'anically inspired name) in Pakistan and administering a network of schools and hospitals. His successors have been chosen from among Ghulam Ahmad's descendants; the leader of the movement (since 2003) is Mirza Masroor Ahmad (b. 1950)."

The other branch, less willing to distinguish itself from mainstream Islam, recognized Ghulam Ahmad as a reformer (mujaddid) and established what came to be known as the ahmadiyya anjuman ishaat-i Islam movement in Lahore, Pakistan, also known as the Lahore Ahmadiyya Movement. Both branches engage in energetic missionary activity in Nigeria, Kenya, Indonesia, and the Indian subcontinent." [8]

6.49 The article also notes that:

"Orthodox Islam has never accepted Ghulam Ahmad's visions, and Ahmadis in Pakistan have faced religious and political attacks to the extent that they have been declared apostate and non-Muslim by the country's religious and political elite. A 1984 Pakistani government decree banned the use of Islamic forms of worship by Ahmadis, and the fourth Khalifatul-Masih went into exile in London until his death in 2003. The most widely cited figure for membership in the Ahmadiyya Movement in Islam is 10 million, although this figure dates to the 1980s; current official movement figures are significantly higher." [9]

Ahmadi Headquarters, Rabwah

6.50 The USSD International Religious Freedom Report 2004, published on 15 September 2004, states that "Ahmadis, who consider themselves Muslims but do not accept that Muhammad was the last prophet, are concentrated in Punjab and Sindh. The spiritual center of the Ahmadi community is in Punjab in the large, predominantly Ahmadi town of Rabwah. In 1998, during Shahbaz Sharif's government, Rabwah was renamed when the Punjab Assembly unanimously adopted the resolution to change the name to Chenab Nagar; this change was against the wishes of the Ahmadi community." [2a] (section I)

Lahori Ahmadis

(See also Section 6.A, Ahmadis, Introduction sub-section)

6.51 A comparative study of the Lahore and Qadiyani (Qadiani) branches made by the Lahore Ahmadiyya Movement for the Propagation of Islam, accessed on their website 15 March 2005, states that the (majority) Qadiyani Ahmadis believe that Muhammed was not the last prophet, that Mirza Ghulam Ahmad was a prophet, that marriage to non-Ahmadis is not permitted, whilst Lahore Ahmadis believe that Muhammed was the last prophet, that Mirza Ghulam Ahmad was not a prophet but a Mujaddid (Reformer), and that marriage to non-Ahmadis is permitted. [9] This website gives the group their full name of the Ahmadiyya Anjuman Isha'at-e-Islam Lahore (Lahore Ahmadiyya Movement for the Propagation of Islam). [9]

Legislative Restrictions

6.52 The USSD International Religious Freedom Report 2004, published on 15 September 2004, reports that "Under the Second Constitutional Amendment Act of 1974, the Ahmadi community is defined as non-Muslim because Ahmadis do not believe that Mohammed was the last prophet of Islam; however, all Ahmadis consider themselves Muslims." [2a] (section II) The report also stated that "Ahmadis suffer from societal harassment and discrimination." [2a] (section III)

6.53 The USSD International Religious Freedom Report 2004 further recorded that:

"The Government does not ban formally the public practice of the Ahmadi faith, but the practice is restricted severely by law. A 1974 constitutional amendment declared Ahmadis to be non-Muslims because they do not accept Mohammed as the last prophet of Islam. However, Ahmadis consider themselves to be Muslims and observe Islamic practices. In 1984 the Government added Section 298(c) into the Penal Code, prohibiting Ahmadis from calling themselves Muslims or posing as Muslims; from referring to their faith as Islam; from preaching or propagating their faith; from inviting others to accept the Ahmadi faith; and from insulting the religious feelings of Muslims. This section of the Penal Code, commonly referred to as the "anti-Ahmadi law," has caused problems for Ahmadis, particularly the provision that forbids them from "directly or indirectly" posing as Muslims. This vague wording has enabled mainstream Muslim religious leaders to bring charges against Ahmadis for using the standard Muslim greeting form and for naming their children Mohammed. 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. This provision has been used by the government and anti-Ahmadi religious groups to target and harass Ahmadis. Ahmadis also are prohibited from holding any public conferences or gatherings, and since 1983 they have been denied permission to hold their annual Ahmadi conference. Ahmadis are banned from preaching or adopting social practices that make them appear to be Muslims. Their publications also are banned from public sale; however, they publish religious literature in large quantities for a limited circulation." [2a] (section II)

6.54 The USSD International Religious Freedom Report 2004 additionally stated that: "Specific government policies that discriminate against religious minorities include the use of the "Hudood" Ordinances, which apply different standards of evidence to Muslims and non-Muslims and to men and women for alleged violations of Islamic law; list specific legal prohibitions against Ahmadis practicing their religion; and incorporate blasphemy laws that have been used to target reformist Muslims, Ahmadis, Christians, and Hindus. Both the Hudood Ordinances and the blasphemy laws have been abused, in that they are often used against persons to settle personal scores." [2a] (introduction)

6.55 The USSD International Religious Freedom Report 2004 also noted that:

"The "blasphemy laws" are contained in Sections 295, 296, 297, and 298 of

the Penal Code and address offenses relating to religion. Section 295(a), a colonial-era provision, originally stipulated a maximum 2-year sentence for insulting the religion of any class of citizens. In 1991 this sentence was increased to 10 years. 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 ruled invalid the option of life imprisonment for this offense." Section 296 outlaws voluntary disturbances of religious assemblies, and Section 297 outlaws trespassing on burial grounds. Section 298(a), another colonial-era provision, forbids the use of derogatory remarks about holy personages. Personal rivals and the authorities have used these blasphemy laws, especially Section 295(c), to threaten, punish, or intimidate Ahmadis, Christians, and Muslims. No person has been executed by the Government under any of these provisions; however, some persons have been sentenced to death, or have died while in official custody." [2a] (section II)

6.56 The USSD International Religious Freedom Report 2004 also noted that "Blasphemy laws and the anti-Ahmadi law (Sections 298(b) and 298 (c) of Ordinance XX of 1984) often target members of the Ahmadi community. According to Ahmadi sources, 89 Ahmadis were charged formally in criminal cases on a "religious basis" (including blasphemy) in 2002, compared with 70 cases in 2001 and 166 cases in 2000. In 2003 approximately 80 Ahmadis were arrested, and according to Ahmadi sources, 6 Ahmadis similarly were charged since January [2004]." [2a] (section II)

(See also Section 6.A, sub-section on Voting Rights and sub-section on Freedom of Assembly and Association)

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Passport Declaration

6.57 The USSD International Religious Freedom Report 2004, published on 15 September 2004, recorded that "The Government designates religion on citizens' passports. To obtain a passport, citizens must declare whether they are Muslim or non-Muslim; Muslims also must affirm that they accept the unqualified finality of the Prophethood of Mohammed, declare that Ahmadis are non-Muslims, and specifically denounce the founder of the Ahmadi movement." [2a] (section II)

Bai'at

6.58 According to information supplied by the Ahmadiyya Muslim Association UK in 1998, bai'at is an oath of allegiance, a pledge made by a person who is not an Ahmadi by birth to fulfil certain conditions and abide by the doctrines of Islam. A person born of Ahmadi parents is considered to be an Ahmadi by birth and is not required to go through bai'at - unless there has been a change in the Supreme Head of the community in which case all Ahmadis perform bai'at, thus renewing their allegiance to

the new Head. There is no objection for an Ahmadi by birth to perform bai'at, though he or she will not be issued with a Certificate of Bai'at. [18a]

Current Situation

6.59 As noted by the US State Department Report 2004 (USSD), published on 28 February 2005:

"The Constitution declares the Ahmadi community, which considers itself a Muslim sect, to be a non-Muslim minority. Provisions of the penal code prohibited Ahmadis from engaging in any Muslim practices, including using Muslim greetings, referring to their places of worship as mosques, reciting Islamic prayers, and participating in the Hajj or Ramadan fast. Ahmadis are prohibited from proselytizing, holding gatherings, or distributing literature. Government forms, including passport applications and voter registration documents, require anyone wishing to be listed as a Muslim to denounce the founder of the Ahmadi faith. Ahmadis were frequently discriminated against in government hiring and in admission to government schools." [2b] (section 2c)

6.60 The USSD International Religious Freedom Report 2004, published on 15 September 2004, stated that:

"In principle the Government does not restrict organized religions from establishing places of worship and training members of the clergy. However, in practice Ahmadis suffer from restrictions on this right. Several Ahmadi mosques reportedly have been closed; others reportedly have been desecrated or had their construction stopped...Ahmadis also are prohibited from being buried in Muslim cemeteries. According to press reports, the authorities continued to conduct surveillance on the Ahmadis and their institutions.

The Federal Ministry of Religious Affairs issues registration documents to pilgrims for their pilgrimage to Mecca. In July 2003, it added a new section to the documents in which the applicant has to certify on a printed oath that the founder of the Ahmadiyya movement, Mirza Ghulam Ahmad Qadiani, was a "cunning person and an imposter." [2a] (section II)

6.61 The same report further noted that:

"Ahmadis suffer from societal harassment and discrimination. Even the rumor that someone may be an Ahmadi or have Ahmadi relatives can stifle opportunities for employment or promotion. Most Ahmadis are home-schooled or go to private, Ahmadi-run schools. Ahmadi students in public schools often are subject to abuse by their non-Ahmadi classmates. The quality of teachers assigned to predominately Ahmadi schools by the government reportedly is poor. In 2002, in response to a question from Islamic clerics, President Musharraf (who has been accused of favoring Ahmadis) declared that he believed Ahmadis are "non-Muslims."" [2a] (section III)

6.62 A January 2005 Report of a fact-finding mission to Pakistan made by FIDH – the International Federation for Human Rights – in the latter half of 2004 recorded that

"The Ahmadis are perhaps the single most targeted group in Pakistan, for whom the denial of freedom of expression, of religion and of association is near complete...It has to be added that the anti-Ahmadi politics extend to supporters of the Ahmadi cause: human rights defenders or journalists who advocate their rights have also been subjected to threats and harassments." [10] (p61)

6.63 The FIDH Report also stated that

"An estimated 2000 cases have been brought against Ahmadis under the Blasphemy Law since its adoption; more generally, approximately 4000 Ahmadis have been prosecuted under various laws because of their faith. The laws clearly violate internationally recognised standards of freedom of religion and freedom of expression. The political and religious context in Pakistan also means that the police and the judiciary preferably side with accusers in blasphemy cases rather than with Ahmadi defendants, however little evidence is presented, for fear of retaliation – just as they tend to be biased in favour of authors of anti-Ahmadi violence against their victims. It is a fact that the perpetrators of such violence have very seldom been prosecuted. In effect, there is virtual impunity for anti-Ahmadi criminals." [10] (p61)

Khatme Nabuwwat

6.64 A 1994 report on Ahmadis by the Canadian Refugee and Immigration Board 1994 recorded that, during British rule, the Majlis Tahaffuz Khatme Nabuwwat (Committee to Secure the Finality of Prophethood) was founded under the name Majlis-e-Ahrar, and that it was originally a small Muslim political party opposed to the creation of an independent Islamic state. In the 1970s the group reportedly changed its name to attract orthodox Muslims, and was subsequently commonly known as the Khatme Nabuwwat. [12b] (p8-9)

6.65 The same report stated that mullahs within the organisation have in the past called for the banning of Koranic expressions in Ahmadi places of worship and had reportedly collaborated with Pakistani authorities in the destruction of Ahmadi mosques. According to the report, the organisation had also gone as far as calling for the banning of the Ahmadi movement and the death of Ahmadis, and the Ahmadiyya Movement in Islam had stated that the movement had Saudi Arabian support and had expanded its activities beyond Pakistan - notably to the UK. [12b] (p9-10)

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Christians

Introduction

6.66 The USSD International Religious Freedom Report 2004, published on 15 September 2004 stated that figures from the most recent census (1998) showed that an estimated 1.69 percent of the population of Pakistan were Christian; however, although the official census estimated the number of Christians as being 2.09 million, the community itself claimed membership of approximately 4 million. The Report noted that "While Sunni Muslims are the vast majority in Punjab, more than 90 per

cent of the country's Christians also reside there, making them the largest religious minority in the province. Approximately 60 percent of Punjab's Christians live in rural villages." [2a] (section I)

6.67 The USSD International Religious Freedom Report 2004 also noted that "Foreign missionaries operate in the country. The largest Christian mission group operating in Sindh and Baluchistan engages in Bible translation for the Church of Pakistan, a united church of Anglicans, Methodists, Presbyterians, and Lutherans that is affiliated with the Anglican Communion. An Anglican missionary group fields several missionaries to assist the Church of Pakistan in administrative and educational work. Roman Catholic missionaries, mostly Franciscan, work with persons with disabilities." [2a] (section I)

Current Situation

6.68 The US State Department Report 2004 (USSD), published on 28 February 2005, recorded that "Christians and Ahmadiis were the targets of religious violence... The Ahmadi, Christian, Hindu, and Shi'a Muslim communities reported significant discrimination in employment and access to education, including at government institutions." [2b] (section 2c)

6.69 The USSD International Religious Freedom Report 2004, published on 15 September 2004, noted that:

"While many Christians belong to the poorest socioeconomic groups, this condition may be due more to ethnic and social factors than to religion. These factors also may account for a substantial measure of the discrimination that poor Christians face. Many poor Christians remain in the profession of their low caste Hindu ancestors (most of whom were "untouchables"). Their position in society, although somewhat better today than in the past, does not reflect major progress despite more than 100 years of consistent missionary aid and development. Christian students reportedly are forced to eat at separate tables in public schools that are predominately Muslim." [2a] (section III)

6.70 The USSD International Religious Freedom Report 2004 also recorded that

"Many religious and community leaders, both Muslim and non-Muslim, reported that a small minority of extremists account for the vast majority of violent acts against religious minorities. However, discriminatory religious legislation has encouraged an atmosphere of religious intolerance, which has led to acts of violence directed against Ahmadiis, Shi'as, Christians, Hindus, and Zikris. Members of religious minorities are subject to violence and harassment, and police at times refuse to prevent such abuses or refuse to charge persons who commit them (see Section II [in USSD 2004]). Wealthy religious minorities and those who belong to religious groups that do not seek converts report fewer instances of discrimination." [2a] (section III) The report stated that "Human rights groups report that there have been incidents in which persons from minority groups, especially Hindus and Christians, have been abducted and forcibly converted. The Center for Legal Aid Assistance and Settlement (CLAAS) and the All Pakistan Minorities Alliance (APMA) reported the attempted forced

conversion of two Christians during the period covered by this report." [2a] (section II)

6.71 As noted by the USSD International Religious Freedom Report 2004:

"Many Ahmadis and Christians reported discrimination in applying to government educational institutions due to their religious affiliation. Christians and Ahmadis reportedly have been denied access to medical schools, and societal discrimination against Ahmadis persists at many universities. [2a] (section II) The report also stated that "The Government admits that police brutality against all citizens is a problem. However, both the Christian and Ahmadi communities have documented instances of the use of excessive force by the police and police inaction to prevent violent and often lethal attacks on members of their communities." [2a] (section II)

(See also Section 5, sub-section on Blasphemy Laws, and Section 6.A, sub-section on Hudood Ordinances and Blasphemy Laws)

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Shi'a and Sunni Muslims - Historical theological differences

6.72 The World Directory of Minorities (1997) records that:

"Formal Islamic theology regards the Qur'an, supplemented by the traditions (*Sunna*) of the Prophet, as the sole and sufficient repository of the faith. It rejects any priesthood as necessary to mediate the faith to believers or for an infallible interpretation of the scriptures. That infallibility, difficult to pinpoint in practice, belongs to the community as a whole, although the business on interpreting the Qur'an and *Sunna* has been carried out over the centuries through a consensus of jurists and theologians. The Sunnis (followers of the *Sunna*) consider community consensus based on the Qur'an and traditions of the Prophet to be infallible and binding. Sunnis believe that following the Prophet's death in 632 CE, the responsibility of 'caretaker', or caliph, for the community passed to members of the Quraysh tribe, and thereafter to Quraysh descendants and the Umayyad (660-750) and Abbasid (750-1258) dynasties." [37] (p331)

6.73 The World Directory further stated that:

"However, a fundamental schism in Islam occurred soon after the Prophet's death, because a party, or *Shi'a*, within the community claimed that the Prophet's cousin and son-in-law, Ali, should have been appointed caliph in 632 CE. Ali was only acknowledged caliph in 656, the fourth since the death of the Prophet, and was killed in 661 during the struggle for supremacy within the Muslim community. Although they lost the struggle, the Shi'i [Shi'a] supporters of Ali clung to their cause with fervent devotion. In 680 Ali's younger son, Husayn, tried to contest Ummayyad rule. He and his small party were surrounded and massacred close to Karbala in southern Iraq in 680. Husayn's death became a powerful symbol of martyrdom and suffering for the Shi'i community. The Shi'a articulated belief in a succession of imams, viewed as

infallible in the interpretation of law and doctrine, whose essential qualification was descent from Ali and for whom Shi'ites have an almost mystical devotion." [37] (p331)

6.74 The World Directory also reported that "Although the Sunni and Shi'i traditions formally accept each other as Muslim, at a popular level there is a deep animosity which periodically finds expression, particularly in the Shi'i community when it annually commemorates the martyrdom of Imam Husayn on 'Ashura', the tenth day of Muharram." [37] (p332)

Pakistan's Shi'as (aka Shi'i or Shi'ites)

6.75 The CIA World Factbook 2004 noted that 97% of Pakistan's population were Muslims (comprised of 77% Sunni and 20% Shi'a Muslims). [34] (p4)

6.76 As recorded by the US State Department Report 2004 (USSD), published on 28 February 2005, "Sectarian violence between Sunni and Shi'a extremists continued during the year. Attacks on mosques and religious gatherings resulted in over 100 deaths (see Sections 1.a. and 5 [in USSD 2004]). Unidentified gunmen allegedly linked to Sunni extremist groups continued to kill Shi'a professionals, primarily doctors and lawyers, during the year. Investigations into the 2003 attack on a Shi'a mosque in Quetta were ongoing." [2b] (section 2c)

6.77 The USSD International Religious Freedom Report 2004, published on 15 September 2004, noted that "The worst religious violence was directed against the country's Shi'a minority, which continued to be disproportionately the victims of individual and mass killings" [2a] (introduction) and further stated that:

"Many religious and community leaders, both Muslim and non-Muslim, reported that a small minority of extremists account for the vast majority of violent acts against religious minorities. However, discriminatory religious legislation has encouraged an atmosphere of religious intolerance, which has led to acts of violence directed against Ahmadis, Shi'as, Christians, Hindus, and Zikris. Members of religious minorities are subject to violence and harassment, and police at times refuse to prevent such abuses or refuse to charge persons who commit them (see Section II [in USSD 2004]). Wealthy religious minorities and those who belong to religious groups that do not seek converts report fewer instances of discrimination." [2a] (section III)

6.78 As reported by the USSD International Religious Freedom Report 2004:

"The Government took some steps to improve the situation of religious minorities during the period covered by this report. In November 2003, the Government banned, under the Anti-Terrorism Act of 1997, three extremist groups that were reconstituted versions of organizations previously banned in 2002. Each of the newly banned groups promoted sectarian violence and intolerance. The groups banned were Millat-e-Islami (the former Sipah Sahaba), a Sunni extremist group whose leader had been ambushed and killed in Islamabad in October 2003; Islami Tehreek Pakistan (the former Tehreek-e-Jafariya), a Shi'a extremist group whose leader was arrested for

involvement in the killing of the leader of Millat-e-Islami; and Khuddamul Islam (the former Jaish-e-Muhammad), a Sunni extremist group that also promoted jihad in Kashmir and Afghanistan. The bans on these groups were accompanied by the detention of their top leaders, the closing of their offices across the country, and the freezing of their assets held in all Pakistani banks, both domestic and foreign based. Nearly all of those detained following the initial bans were later released. However, members of the groups were placed on "Schedule Four" of the Anti-Terrorism Act, which, among other limitations, allows the government to restrict their movements in the country and to monitor their activities." [2a] (section II)

6.79 The Integrated Regional Information Networks, IRINNEWS.ORG, reported on 4 March 2004 that Pakistan authorities had arrested a man in connection with the Quetta attack on a religious procession that month. The report stated that:

"At least 44 people were killed and over 150 injured when suspected Sunni Muslim radicals attacked a religious Shiite procession mourning the martyrdom of Prophet Muhammad's grandson, held to be one of the most important people in Shi'ite history... It was the worst sectarian attack in Pakistan since 57 people were killed in a suicide attack on a Shi'ite mosque in Quetta last July [2003]... In retaliation, angry Shi'ite mobs rampaged through the city of 1.2 million setting fire to shops and attacking a cinema and a bank. The local administration immediately announced a curfew and witnesses reported seeing snipers positioned on roof-tops as army trucks with machine-guns were reported to be patrolling the roads... The Pakistani government had ordered a judicial inquiry into the attacks Ahmed [the information minister] said... In another incident, more sectarian clashes were reported from the rural area of Mandi Bahauddin in the eastern province of Punjab where Shi'ite and Sunni mobs confronted each other after a local Shi'ite leader was reportedly shot dead by a Sunni mob." [41b]

(Also see 4.37, above, re bombings at Shi'a mosques in May 2004)

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Freedom of Assembly and Association

Overview

6.80 The US State Department Report 2004 (USSD), published on 28 February 2005, noted that:

"The Constitution provides for freedom "to assemble peacefully and without arms subject to any reasonable restrictions imposed by law in the interest of public order," and the Government generally observed this right, but with some restrictions. While the Government allowed numerous opposition rallies and demonstrations to proceed during the year, at times, it denied permits or imposed restrictions on timing and/or venue. For example, the Jamaat-e-Islami was forced to move its annual September gathering from

Lahore to the outskirts of Peshawar when its initial permit application was denied. Ahmadis have been prohibited from holding any conferences or gatherings since 1984 (see Section 2.c. [in USSD 2004]). In the wake of renewed sectarian violence in October [2004], the Government banned religious extremist organizations from holding any public gatherings." [2b] (section 2b)

6.81 The USSD 2004 also stated that:

"Police sometimes used excessive force against demonstrators (see Section 1.a. [in USSD 2004])... The PPPP claimed police action was designed to prevent its holding rallies and marches in Punjab Province.

The authorities sometimes prevented leaders of religious political parties from traveling to certain areas if the authorities believed their presence would increase sectarian tensions or cause public violence (see Section 2.d. [in USSD 2004]).

The Constitution provides for the right of association subject to restriction by government ordinance and law. NGOs were required to register with the Government under the Cooperative Societies and Companies Ordinance of 1960. No prominent NGO reported problems with the Government over registrations during the year. Some continued to operate without registering and were not prosecuted." [2b] (section 2b)

Political Activists

6.82 As reported by the USSD 2004:

"The Government permitted all existing political parties to function. The Government forced the PPP-P and PML-N to elect leaders other than former P.M.s Benazir Bhutto and Nawaz Sharif by refusing to register any parties whose leaders had a court conviction. The amended Political Parties Act bars any person from becoming Prime Minister for a third time, effectively barring Benazir Bhutto and Nawaz Sharif.

The opposition claimed the Government convicted two of its leaders on politically motivated charges during the year. On April 12, PML-N leader Javed Hashmi was convicted in closed proceedings on charges of sedition and sentenced to more than 20 years in prison (see Section 1.e. [in USSD 2004]). Former PPP National Assembly Speaker Yousaf Raza Gillani was sentenced to 10 years in prison on September 18 on charges of abuse of office. Gillani was accused of using his position as Speaker to obtain jobs for relatives and supporters.

The Government ban on political party activities in the FATA [Federally Administered Tribal Areas] continued. Candidates were not allowed to register by political party, and political party rallies were not allowed. Several political parties campaigned covertly during the 2002 national elections... The National Accountability Ordinance (NAO) prohibits those convicted of

corruption by the NAB from holding political office for 10 years (see Section 1.d.). The NAB disproportionately targeted opposition politicians for prosecution and did not prosecute members of the military." [2b] (section 3)

6.83 The Human Rights Watch World Report 2005 on Pakistan noted that "The Government continued to use the National Accountability Bureau (NAB) and a host of anti-corruption and sedition laws to jail political opponents or blackmail them into changing their political stance or loyalties or at the very least to cease criticizing the military authorities." [13a] (p3)

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Employment Rights

6.84 The US State Department Report 2004 (USSD), published on 28 February 2005, recorded that;

"The Industrial Relations Ordinance (IRO) provides industrial workers the right to form trade unions. The Essential Services Maintenance Act (ESMA), which applies to the security forces, most of the civil service, health care workers, and safety and security personnel at petroleum companies, airports, and seaports, was often invoked to limit or ban strikes or curtail collective bargaining rights. Agricultural workers, non-profit workers, and teachers, among others, are not afforded the right to unionize. According to government estimates, union members were approximately 10 percent of the industrial labor force and 3 percent of the total estimated work force; however, unions claimed that the number of union members was underestimated." [2b] (section 6a)

6.85 The USSD 2004 also noted that:

"In those sectors covered by the IRO, unions were allowed to conduct their activities without government interference. The IRO protects the right to collective bargaining subject to restrictions, but limits the right of unions to strike. The IRO allows only one union to serve as the collective bargaining agent within a given establishment, group of establishments, or industry. In cases where more than one union exists, the IRO establishes a secret balloting procedure to determine which union shall be registered as agent." [2b] (section 6b)

6.86 The USSD 2004 further reported that:

"Legally required conciliation proceedings and cooling-off periods constrain the right to strike, as does the Government's authority to end any strike that may cause "serious hardship to the community," prejudice the national interest, or has continued for 30 days. The Government can and has prohibited all strikes by public utility services under the IRO. The law prohibits employers from seeking retribution against leaders of a legal strike and stipulates fines for offenders. The law does not protect leaders of illegal strikes. Several small strikes occurred during the year." [2b] (section 6b)

6.87 As noted by the USSD 2004:

"National labor laws require the Government to determine every 6 months whether collective bargaining is to be allowed. In cases where collective bargaining was prohibited, special wage boards decided wage levels. Such boards were established at the provincial level and were composed of representatives from industry, labor, and the provincial labor ministry. Unions generally were dissatisfied with the boards' findings. Disputes were adjudicated before the National Industrial Relations Commission.

The estimated 12,500 employees working in Pakistan's three Export Processing Zones (EPZs) are exempted by the ESMA from the protection and right to form trade unions provided by the IRO. The Export Processing Zone Authority drafts labor laws within the EPZs." [2b] (section 6b)

6.88 The USSD 2004 also stated that:

The national minimum wage for unskilled workers was \$42 (Rs. 2,500) per month. It applies only to industrial and commercial establishments employing 50 or more workers. The national minimum wage did not provide a decent standard of living for a worker and family. Additional benefits required by the Federal Labor Code include official government holidays, overtime pay, annual and sick leave, health care, education for workers' children, social security, old age benefits, and a worker's welfare fund.

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 did not apply to agricultural workers, workers in factories with fewer than 10 employees, domestic workers, and contractors.

Health and safety standards were poor. There was a serious lack of adherence to mine safety and health protocols. For example, mines often only had one opening for entry, egress, and ventilation. Workers could not remove themselves from dangerous working conditions without risking loss of employment.

Provincial governments have primary responsibility for enforcing all labor regulations. Enforcement was ineffective due to limited resources, corruption, and inadequate regulatory structures. Many workers were unaware of their rights." [2b] (section 6e)

6.89 The USSD 2004 further reported that:

"The Government has adopted laws and promulgated policies to protect children from exploitation in the workplace; however, enforcement of child labor laws was lax and child labor was a serious problem. The Ministry of Labor has identified 35 hazardous forms of child labor, including street vending, surgical instrument manufacturing, deep-sea fishing, leather manufacturing, brick making, and carpet weaving, among others. Child labor

in agriculture and domestic work was also common... The Employment of Children Act prohibits the employment of children under age 14 years in factories, mines, and other hazardous occupations and regulates their conditions of work, e.g. no child is allowed to work overtime or at night; however, there were few child labor inspectors in most districts, and the inspectors often had little training, insufficient resources, and were susceptible to corruption. By law, inspectors may not inspect facilities that employ less than 10 persons, where most child labor occurs. Hundreds of convictions were obtained for violations of child labor laws, but low fines levied by the courts—ranging from an average of \$6 (Rs. 364) in the NWFP to an average of \$121 (Rs. 7,280) in Baluchistan—were not a significant deterrent. The Employment of Children Act allows for fines of up to \$333 (Rs. 20,000). Penalties often were not imposed on those found to be violating child labor laws." [2b] (section 6d)

6.90 The USSD 2004 additionally noted that:

"The International Labor Organization—International Program for the Elimination of Child Labor (ILO-IPEC) continued programs in the carpet weaving, surgical instrument, rag picking, and deep sea fishing industries and launched a Time Bound Program for the Elimination of the Worst Forms of Child Labor. Working with industries and the Government, ILO-IPEC used a combination of monitoring, educational access, rehabilitation, and family member employment to transition children out of these industries. An ILO-IPEC program to eliminate child labor in the soccer ball manufacturing industry was completed and deemed a success." [2b] (section 6d)

6.91 The USSD 2004 stated that:

"The Constitution and law prohibit forced or bonded labor, including by children; however, the Government did not enforce these prohibitions effectively. The Bonded Labor System (Abolition) Act (BLAA) outlaws bonded labor, cancels all existing bonded debts, and forbids lawsuits for the recovery of such debts. The Act makes bonded labor by children punishable by up to 5 years in prison and up to \$833 (Rs. 50,000) in fines.

Conservative estimates put the number of bonded workers at several million... A large proportion of bonded laborers were low-caste Hindus, or Muslim and Christian descendants of low-caste Hindus... Although the police arrested violators of the law against bonded labor, many such individuals bribed the police to release them. Human rights groups reported that landlords in rural Sindh maintained as many as 50 private jails housing some 4,500 bonded laborers. Ties between such landlords and influential politicians hampered effective elimination of bonded labor.

The Constitution and the law prohibit slavery; however, human rights groups claimed that in remote areas of rural Sindh, bonded agricultural labor and debt slavery continued." [2b] (section 6c)

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People Trafficking

6.92 The US State Department Report 2004 (USSD), published on 28 February 2005, records that:

"The law prohibits trafficking in persons; however, trafficking in persons was a serious problem. All forms of trafficking are prohibited under the Prevention and Control of Human Trafficking, Ordinance 2002, and maximum penalties range from 7 to 14 years' imprisonment plus fines. The Government arrested 67 and prosecuted 39 under the ordinance during the year. The Federal Investigation Agency (FIA) had primary responsibility for combating trafficking. The Government established a dedicated Anti-Trafficking Unit in the FIA during the year. An Inter-Ministerial Committee on Human Trafficking and Smuggling coordinated federal efforts. The Government assisted other countries with international investigations of trafficking." [2b] (section 5)

6.93 As noted by the USSD 2004:

"Although no accurate statistics on trafficking existed, the country was a source, transit, and destination country for trafficked persons. Women and girls were trafficked from Bangladesh, Afghanistan, Iran, Burma, Nepal, and Central Asia for forced commercial sexual exploitation and bonded labor in the country based on erroneous promises of legitimate jobs. In a similar fashion, men and women were trafficked from the country to the Middle East to work as bonded laborers or in domestic servitude. Upon arrival, both groups had passports confiscated and were forced to work to pay off their transportation debt. Although the practice declined, families continued to sell young boys between ages 3 and 10 for use as camel jockeys in Middle Eastern countries. Women and children from rural areas were trafficked to urban centers for commercial sexual exploitation and labor. In some cases, families sold these victims into servitude, while in other cases they were kidnapped. Women were trafficked from East Asian countries and Bangladesh to the Middle East via the country. Traffickers bribed police and immigration officials to facilitate passage. During the year, authorities prosecuted 17 governmental officers and arrested 3 FIA inspectors." [2b] (section 5)

6.94 The USSD 2004 also reported that:

"The Government rescued some kidnapped victims. In the 14 months following June 2003, the Overseas Pakistani Foundation and the Ansar Burney Welfare Trust repatriated 5,700 citizens trafficked to the Middle East. The Government sponsored shelters and training programs for actual and potential trafficking victims. There were 276 detention centers where women were sheltered and given access to medical treatment, limited legal representation, and some vocational training. The Government provided temporary residence status to foreign trafficking victims. The FIA and the International Organization for Migration held training and seminars on trafficking for government officials and NGOs during the year. The Interior

Minister was personally engaged in such efforts. Very few NGOs dealt specifically with trafficking; however, many local and provincial NGOs provided shelter to victims of trafficking and those at risk for trafficking." [2b] (section 5)

6.95 The USSD 2004 further stated that:

"Police often treated trafficking victims as criminals, charging them with immigration law violations. Police remained reluctant to assist foreign trafficking victims in filing charges. Women victims who were forced into prostitution at times feared prosecution for adultery and fornication if they pursued cases. Foreign victims, particularly Bangladeshis, faced difficulties in obtaining repatriation to their home countries. Women trafficked abroad and sexually exploited faced societal discrimination on their repatriation.

A few NGOs held workshops on trafficking during the year, and the Government and NGOs worked to publicize the plight of camel jockeys and discourage the continuation of the practice." [2b] (section 5)

6.96 In January 2004, at the twelfth SAARC (South Asian Association for Regional Cooperation) Summit, Pakistan adopted the Islamabad Declaration, which stated that "Member states should move towards an early ratification of the two conventions on Child Welfare and Trafficking in Women and Children for Prostitution". [29g] (p3)

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Freedom of Movement

6.97 In respect of freedom of movement within the country, foreign travel, emigration and repatriation, the US State Department Report 2004 (USSD), published on 28 February 2005 notes that:

"The law provides for these rights; however, the Government limited them in practice. The Government at times prevented political party leaders and religious leaders from traveling to certain parts of the country (see Section 2.b. [in USSD 2004]). Special permission was required to enter certain restricted areas, including parts of the FATA [Federally Administered Tribal Areas].

Law prohibited travel to Israel. Government employees and students must obtain "no objection" certificates before traveling abroad, although this requirement rarely was enforced against students. Persons on the publicly available Exit Control List (ECL) are prohibited from foreign travel. There were approximately 2,153 names on the ECL. While the ECL was intended to prevent those with pending criminal cases from traveling abroad, no judicial action is required to add a name to the ECL. Those on the list have the right to appeal for removal to the Secretary of Interior and the Advocate General of the Senior Judiciary. Courts have intervened to have opposition leaders removed from the ECL.

The Constitution prohibits forced exile; however, former Prime Minister Nawaz Sharif remained in exile in Saudi Arabia, in accordance with a 2000 agreement with the Government." [2b] (section 2d)

6.98 According to the website of the Government of Pakistan, updated 6 May 2004, passports for those over 18 years of age could be obtained via district passport offices without the signature of another adult. Proof of identity was provided by two copies of the National Identity card, which must be provided by both men and women applying for a passport. [29a]

(See also Section 6.A, Ahmadis, sub-section on Passport Declaration)

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6 B Human Rights - Specific Groups

Mohajirs

Overview

6.99 The Encarta Online Encyclopedia 2005 notes that:

"Mohajirs constitute about 8 percent of the population. They are Muslims who settled in Pakistan after the partition of British India in 1947. Unlike other cultural groups of Pakistan, they do not have a tribe-based cultural identity. They are the only people in the country for whom Urdu, the official language, is their native tongue. Mohajirs were the vanguard of the Pakistan Movement, which advocated the partition of British India in order to create the independent nation of Pakistan for Indian Muslims. After the partition, a large number of Muslims migrated from various urban centers of India to live in the new nation of Pakistan. These migrants later identified themselves as *mohajirs*, meaning "refugees" in both Urdu and Arabic. A large number of Mohajirs settled in the cities of Sind Province, particularly Karāchi and Hyderābād. They were better educated than most indigenous Pakistanis and assumed positions of leadership in business, finance, and administration. Today they remain mostly urban." [32a] (p2)

Formation of MQM

6.100 Encarta also records that:

"Sindhis felt dispossessed by the preponderance of Mohajirs in the urban centers of Sind. With the emergence of a Sindhi middle class in the 1970s and adoption of Sindhi as a provincial language in 1972, tensions between Mohajirs and Sindhis began to mount. The 1973 constitution of Pakistan divided Sind into rural and urban districts, with the implication that the more numerous Sindhis would be better represented in government. Many Mohajirs felt that they were being denied opportunities and launched a movement to

represent their interests. The movement, which evolved into the Mohajir Qaumi Movement (MQM) in the mid-1980s, called for official recognition of Mohajirs as a separate cultural group and advocated improved rights for Mohajirs. Although factional rivalries and violence within the MQM tarnished its image and shrunk its power base, the movement continues to be a potent force in urban centers of the province, particularly Karāchi. The MQM has contributed to a more defined Mohajir identity within the country." [32a] (p2)

6.101 Europa Regional Surveys of the World: South Asia 2005, notes that the MQM was formed in 1978, and was initially called the All Pakistan Mohajir Students Organisation. The name was changed to the Mohajir Qaumi Movement in 1984, and changed again in 1997 to the Muttahida Qaumi Movement. Europa also records that the MQM represents the interests of Muslim, Urdu-speaking immigrants (from India) in Pakistan, seeks official recognition of Mohajir as the fifth nationality (the other four being Punjabi, Sindhi, Baluchi and Pathan) and aims for the abolishment of the current feudal political system and to establish democracy. [1] (p447)

6.102 Europa also records that, by the early 1990s, the MQM had split into the majority Altaf faction – MQM(A) – led by Altaf Hussain, and the smaller faction of the MQM Haqiqi – MQM(H)." [1] (p395)

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Current Situation

6.103 The US State Department Report 2004 (USSD), published on 28 February 2005 notes that:

There were reports of violence between political factions in the country. For example, the Mohajir Qaumi Movement - Haqiqi (MQM-H), an urban Sindh-based political party that in the past used violence to further its aims, claimed that its rival the Muttahida Qaumi Movement – Altaf (MQM), now a member of the national and provincial governing coalition, used security forces to carry out extrajudicial killings of its members; however, no direct connections between security forces and the killings were made. By year's end, the MQM political leadership had denounced violence and broken ties with its former militant wing, a group that resembled an armed gang carrying out retaliation against rival gangs, including the MQM-H's armed wing." [2b] (section 1a)

6.104 The USSD 2004 also recorded that "MQM-H claimed that security forces acting on behalf of the MQM routinely held its activists incommunicado. Opposition parties charged that the MQM kidnapped and tortured their activists during the March 28 [2004] local government by-elections and the May 12 provincial and national assembly by-elections in Karachi." [2b] (section 1b) The report also stated that "Several dozen MQM-H activists, arrested between 1999 and 2003 remained in custody at year's end, some without charge." [2b] (section 1d)

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Women

Overview

6.105 The Human Rights Watch World Report 2005 on Pakistan recorded that:

"Violence against women and girls, including domestic violence, rape, "honor killings," acid attacks, and trafficking, are rampant in Pakistan. The existing legal code discriminates against women and girls and creates major obstacles to seeking redress in cases of violence. Survivors of violence encounter unresponsiveness and hostility at each level of the criminal justice system, from police who fail to register or investigate cases of gender-based violence to judges with little training or commitment to women's equal rights." [13a] (p1)

6.106 The US State Department Report 2004 (USSD), published on 28 February 2005, noted that "Discrimination against women was widespread, and traditional social and legal constraints generally kept women in a subordinate position in society. [2b] (Introduction)

6.107 The USSD 2004 further stated that "The national literacy rate of 38 percent showed a significant gap between males (50 percent) and females (24 percent) due to historical discrimination against educating girls. While anecdotal evidence suggested increasing female participation in education, such discrimination continued, particularly in rural areas." [2b] (section 5)

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Legal Provisions

General

6.108 The US State Department Report 2004 (USSD), published on 28 February 2005, records that "The Constitution provides for equality before the law for all citizens and broadly prohibits discrimination based on race, religion, caste, residence, or place of birth; however, in practice there was significant discrimination based on these factors." [2b] (section 5)

6.109 Section 25 of Chapter I Part II of Pakistan's Constitution states that "All citizens are equal before law and are entitled to equal protection of law... There shall be no discrimination on the basis of sex alone... Nothing in this Article shall prevent the State from making any special provision for the protection of women and children." [42a] (p5)

(See also Section 5, sub-section on Citizenship and Nationality)

Discriminatory Legislation

6.110 The US State Department Report 2004 (USSD), published on 28 February 2005, notes that:

"The Constitution prohibits discrimination on the basis of sex; however, in practice, this provision was not enforced. Women faced discrimination in

family law, property law, and in the judicial system (see Section 2.c. [in USSD 2004]). The Hudood Ordinances create judicial discrimination against women. Women's testimony in cases involving proposed Koranic punishment was considered invalid or discounted significantly. In other cases involving property matters or questions of future obligations, a woman's testimony is equal to half that of a man.

Family law provides protections for women in cases of divorce, including requirements for maintenance, and lays out clear guidelines for custody of minor children and their maintenance. In practice, many women were unaware of these legal protections or unable to obtain legal counsel to enforce them. Divorced women were often left with no means of support and were ostracized by their families. While prohibited by law, the practice of buying and selling brides continued in rural areas. Women are legally free to marry without family consent, but women who did so were often ostracized or were the victims of honor crimes." [2b] (section 5)

6.111 The USSD 2004 further records that:

"Inheritance law discriminates against women. Female children are entitled to only half the inheritance of male children. Wives inherit only one-eighth of their husband's estate. Women often received far less than their legal inheritance entitlement. In rural Sindh, landowning families continued the practice of "Koranic marriages" in an effort to avoid division of property. Property of women married to the Koran remains under the legal control of their father, or eldest brother, and such women are prohibited from contact with any male over 14." [2b] (section 5)

6.112 As noted by the USSD 2004:

"At the trial level, ordinary criminal courts hear cases involving violations of the Hudood ordinances, which criminalize nonmarital rape (see Section 5), extramarital sex, gambling, alcohol, and property offenses. The Hudood ordinances set strict standards of evidence, which discriminate between men and women and Muslims and non-Muslims, for cases in which Koranic punishments are to be applied (see Sections 1.c. and 5 [in USSD 2004]). For Hudood cases involving the lesser secular penalties, different weight is given to male and female testimony in matters involving financial obligations or future commitments." [2b] (section 1e)

6.113 The USSD 2004 also records that "According to human rights monitors, 80 to 85 percent of the female prison population was awaiting trial on adultery related offenses under the Hudood Ordinances. Most of these cases were filed without supporting evidence, trials often took years, and bail was routinely denied." [2b] (section 1d)

6.114 As stated by the USSD 2004:

"Husbands and male family members often brought spurious adultery and

fornication charges against women under the Hudood Ordinances. Even when courts ultimately dismissed charges, the accused spent months, sometimes years, in jail and saw her reputation destroyed. The Government's National Commission on the Status of Women advocated for the repeal of the Hudood Ordinances. On October 26 [2004], the National Assembly adopted legislation that requires senior police officials to evaluate the merits of adultery and fornication allegations and requires a court order before a woman can be arrested on such charges." [2b] (section 5)

(See also Section 6.B, sub-section on Domestic Violence)

6.115 As noted by the Human Rights Watch World Report 2005 on Pakistan:

"Under Pakistan's existing Hudood Ordinance, proof of rape generally requires the confession of the accused or the testimony of four adult Muslim men who witnessed the assault. If a woman cannot prove her rape allegation she runs a very high risk of being charged with fornication or adultery, the criminal penalty for which is either a long prison sentence and public whipping, or, though rare, death by stoning. The testimony of women carries half the weight of a man's testimony under this ordinance. The government has yet to repeal or reform the Hudood Ordinance, despite repeated calls for its repeal by the government-run National Commission on the Status of Women, as well as women's rights and human rights groups. Informed estimates suggest that over 200,000 cases under the Hudood laws are under process at various levels in Pakistan's legal system." [13a] (p1)

6.116 In Amnesty International's August 2002 Report, 'Pakistan The tribal justice system,' it was reported that:

"Women do not as a rule have access to the tribal justice system. If issues including inheritance or custody of children affecting women arise they are usually settled in the family with women's interests represented—or misrepresented—by male relatives...Amnesty International was told that women's evidence would not be accepted in murder cases.

Women also do not have direct access to *jirgas* [councils of tribal elders] even if they fear becoming the victims of honour crimes; they cannot defend themselves or clear their reputation of slurs and slander...Women are not consulted when important decisions affecting their lives are made; even when they are handed over as part of a compensation agreements to settle a revenge killing or an "honour" crime...Tribal leaders and others supporting this practice betray a high level of disregard for women's rights when they argue that the handing over of women to settle a dispute produces blood bonds which make for lasting peace and are therefore desirable." [4e] (p13)

(See also Section 5, sub-section on Tribal Justice System, and Section 6.B, sub-section on Domestic Violence)

6.117 Amnesty International's publication, *The Wire*, for July 2004 reported that:

"According to the Human Rights Commission of Pakistan, every two hours a woman is raped in Pakistan and every eight hours a woman is subjected to gang rape. The frequency of rape is thought to be much higher but many rapes remain unreported due to a combination of social taboos, discriminatory laws and victimization by the police... These laws [Hudood Ordinances] place an almost impossible burden of proof on women and girls who are raped. If they report a rape to the police they are often charged with Zina crimes [unlawful sexual intercourse] because they have in effect admitted to sexual intercourse outside of marriage and been unable to prove absence of consent. In such cases, the victims are more likely to be convicted than the perpetrators." [4d] (p2)

6.118 On 5 January 2005, IRIN news reported on 22 January 2004 that:

"Pakistani President General Musharraf on Tuesday [4 January 2005] gave his assent to a bill setting out enhanced punishment for honour crimes - usually carried out against women and girls who "offend the honour of the family"... Musharraf had earlier called for a law banning honour killings "to lend more strength to Pakistan's efforts to do away with this intolerable practice", he said at the time.

Following his call, the lower house of parliament strengthened a law against honour killing, which was subsequently passed by the upper house on 7 December. The bill provides for the enhancement of punishment of honour-related crimes committed in the name of customary practices... The struggle for women's rights in Pakistan has gained momentum following recent court decisions. Last April a high court decision banned all trials conducted under the traditional system of Jirga in the southern province of Sindh." [41d] (p1)

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National Commission on the Status of Women

6.119 In an overview updated 26 February 2004, the Government of Pakistan's Women Development Division stated that "The Government has [sic] set-up a National Commission on the Status of Women in July 2000. The main objective of the commission is to examine the policy, programmes and other measures taken by the Government for women development and gender equality to assess implementation and make suitable recommendations to the concerned authorities where considered necessary for effective impact." [29h] (p3)

6.120 The US State Department Report 2004 (USSD), published on 28 February 2005, noted that: "The Government's Ministry for the Advancement of Women lacked sufficient staff and resources to function effectively. Continuing government inaction in filling vacant seats on the National Commission for the Status of Women hampered its efficacy." [2b] (section 5)

Family Law and Marriage

6.121 The Muslim Family Laws Ordinance, 1961, is the legislation which applies to

Muslim citizens. The Ordinance stated that "It extends to whole of Pakistan [sic], and applies to all Muslim citizens of Pakistan, wherever they may be." It covers marriage, polygamy, divorce and maintenance. [30] (p1) The Dissolution of Muslim Marriages Act 1939 laid down the grounds on which a woman may divorce her husband. [31] (p1) The Offence of Zina (Enforcement of Hudood) Ordinance, 1979, states that an adult male is defined as having attained the age of 18 years, a female as having attained the age of 16, or reached puberty. [42b] (p1)

6.122 The US State Department International Religious Freedom Report 2004, published on 15 September 2004, stated that:

"Civil marriages do not exist; marriages are performed and registered according to one's religion. Upon conversion to Islam, the marriages of Hindu or Christian men remain legal; however, upon conversion to Islam, the marriages of Hindu or Christian women, or of other non-Muslims that were performed under the rites of the previous religion, are considered dissolved. Children born to Hindu or Christian women who do not separate from their husbands, yet convert to Islam after marriage, are considered illegitimate unless their husbands also convert. Children of non-Muslim men who convert are not considered illegitimate. Under Islamic law, a Muslim man can marry a woman of the Book (Jews or Christians) but cannot marry a Hindu woman. Muslim women may only marry Muslim men." [2a] (section II)

6.123 As noted by the US State Department Report 2004 (USSD), published on 28 February 2005:

"While the Government generally did not interfere with the right to marry, local officials on occasion assisted influential families to prevent marriage the families opposed. The Government also failed to prosecute vigorously cases in which families punished members (generally women) for marrying or seeking a divorce against the wishes of other family members. Upon conversion to Islam, women's marriages performed under the rites of their previous religion were considered dissolved, while the marriages of men who converted remained intact (see Section 2.c. [in USSD 2004])." [2b] (section 1f)

6.124 The USSD 2004 also recorded that:

"Family law provides protections for women in cases of divorce, including requirements for maintenance, and lays out clear guidelines for custody of minor children and their maintenance. In practice, many women were unaware of these legal protections or unable to obtain legal counsel to enforce them. Divorced women were often left with no means of support and were ostracized by their families. While prohibited by law, the practice of buying and selling brides continued in rural areas. Women are legally free to marry without family consent, but women who did so were often ostracized or were the victims of honor crimes." [2b] (section 5)

(See also Section 6.B, sub-section on Honour Killings)

6.125 IRIN news reported on 22 January 2004 that "In another progressive step, last

month [December 2003] the highest court in the country empowered women to marry of their own free will without the approval of their parent or legal guardian." [41a]

6.126 As noted by the US State Department Report 2004 (USSD), published on 28 February 2005, "In rural Sindh, landowning families continued the practice of "Koranic marriages" in an effort to avoid division of property. Property of women married to the Koran remains under the legal control of their father, or eldest brother, and such women are prohibited from contact with any male over 14." [2b] (section 5)

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Domestic Violence

6.127 The US State Department Report 2004 (USSD), published on 28 February 2005 recorded that:

"Domestic violence was a widespread and serious problem. Husbands frequently beat, and occasionally killed, their wives, and often newly married women were abused and harassed by their in-laws. Dowry and family-related disputes often resulted in death or disfigurement through burning or acid...During the year, there were 193 cases of stove deaths, many of these related to disputes with in-laws.

According to the HRCP [Human Rights Commission of Pakistan], one out of every two women was the victim of mental or physical violence. The National Commission on the Status of Women has called for specific domestic violence legislation. In its absence, abusers may be charged with assault, but cases rarely were filed. Police and judges were reluctant to take action in domestic violence cases, viewing it as a family problem. Battered women were usually returned to their abusive family members. Women were reluctant to pursue charges because of the stigma attached to divorce and their economic and psychological dependence on relatives. Relatives were reluctant to report abuse for fear of dishonoring the family reputation." [2b] (section 5)

6.128 Following allegations of abuse at a woman's shelter in Hyderabad, an IRIN news article of 16 August 2004 reported that "Human rights activists have called for drastic reforms in the existing structure of the state-run women's shelters across the country." The article further reported that:

"In a conservative society like Pakistan, where 70 to 80 percent of women, according to HRW [Human Rights Watch], face domestic violence in the form of physical, sexual and verbal abuse, such centres were established to give women support in their hour of need. But such essential services need proper support, activists maintain.

"Existing state-run women's refuge centres are like 'dumping places' and sub-prisons. Once a woman enters, she can't leave without obtaining a court order," Khalida Saleemi, director of Struggle for Change (SACH), an NGO

working for the rehabilitation of violence victims, told IRIN in the Pakistani capital, Islamabad.

"Counselling is one of the most critical needs of women in refuge centres as all of them live under stress, but, none of these abodes have in-house councillors," Saleemi said, adding that the government should arrange proper medical and psychiatric services for physically injured and emotionally disturbed women." [41f] (p1)

6.129 The IRIN report also noted that:

"The protection and safety of women in refuges has always been a critical issue. Religious conservatives have often raised concerns over the security situation in these centres and have accused those running such facilities several times of exploiting female residents. Allegations that stem from cultural norms that define a woman's place as being in a male-dominated household.

Additionally, rights activists observe that the rules for visitors are also often violated. In some cases, people are allowed to go inside the shelters without formal permission from the designated authority. While on the other hand, human rights workers are denied access." [41f] (p1-2)

(See also Section 6.B, sub-section on Assistance Available to Women)

Honour Killings

6.130 The 2004 Freedom House report on Pakistan stated that "According to the HRCP [Human Rights Commission of Pakistan] at least 450 women were killed by family members in so-called honour killings in 2003." [19a] (p5)

6.131 As noted by the US State Department Report 2004 (USSD), published on 28 February 2005:

"Honor killings continued to be a problem, and women were the principal victims. Local human rights organizations documented 1,458 cases during the year, and many more likely went unreported. Sindh province had over half of reported cases, although human rights organizations believed the practice also was prevalent in Punjab, NWFP, and Baluchistan... On October 26, [2004] the National Assembly adopted a bill increasing penalties for crimes involving matters of honor and placing restrictions on the victims or heirs' right to pardon perpetrators of such crimes; however, human rights groups remained concerned that perpetrators of such crimes, in a limited number of cases, could still be pardoned by the victim or heirs (see Section 5 [in USSD 2004])." [2b] (section 1a)

6.132 The USSD 2004 further reported that:

"Honor killings and mutilations occurred during the year (see Section 1.a. [in USSD 2004]). Women were often the victims at the hands of their husbands

or male relatives. Authorities reported 1,261 honor crimes in the 12 months after June 2003, with the majority in Sindh. The practice was also common in Punjab and among tribes in Baluchistan, NWFP, and FATA [Federally Administered Tribal Areas]. On October 26 [2004], the National Assembly adopted legislation that provides for additional penalties for all crimes involving honor and that restricts the right of victims or heirs to pardon perpetrators in exchange for restitution. " [2b] (section 5)

6.133 On 5 January 2005, an IRIN news article reported that "According to a local NGO, Lawyers for Human Rights and Legal Aid (LHRLA), some 1,458 women were murdered during the year 2004, while the number of total reported cases of violence against women last year stands at above 4,300." [41d] (p1)

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Rape

6.134 Amnesty International's publication, The Wire, for July 2004 reported that:

"According to the Human Rights Commission of Pakistan, every two hours a woman is raped in Pakistan and every eight hours a woman is subjected to gang rape. The frequency of rape is thought to be much higher but many rapes remain unreported due to a combination of social taboos, discriminatory laws and victimization by the police... These laws [Hudood Ordinances] place an almost impossible burden of proof on women and girls who are raped. If they report a rape to the police they are often charged with Zina crimes [unlawful sexual intercourse] because they have in effect admitted to sexual intercourse outside of marriage and been unable to prove absence of consent. In such cases, the victims are more likely to be convicted than the perpetrators." [4d] (p2)

6.135 As recorded in the US State Department Report 2004 (USSD), published on 28 February 2005,

"Rape, other than by one's spouse, is a criminal offense. One cannot be prosecuted for marital rape or for rape in cases where a marriage between the perpetrator and victim has been contracted but not solemnized. Although rape was widespread, prosecutions were rare. It is estimated that less than one-third of rape cases were reported to the police. Police were at times implicated in the crime (see Section 1.c. [in USSD 2004])." [2b] (section 5)

6.136 The USSD 2004 also stated that:

Many rape victims were pressured to drop charges. Police and prosecutors often threatened to charge a victim with adultery or fornication if she could not prove the absence of consent, and there were cases in which rape victims were jailed on such charges. The standard of proof for rape set out in the Hudood Ordinances is based on whether the accused is to be subjected to Koranic or secular punishment. In cases of Koranic punishment, which can result in public flogging or stoning, the victim must produce four adult male

Muslim witnesses to the rape or a confession from the accused. No Koranic punishment has ever been applied for rape. The standards of proof are lower for secular punishment, which can include up to 25 years in prison and 30 lashes. Such punishment was applied. Courts, police and prosecutors, at times, refused to bring rape cases when Koranic standards of evidence could not be met." [2b] (section 5)

6.137 As noted by the USSD 2004:

"Police frequently discouraged women from bringing rape charges and often abused or threatened the victim, telling her to drop the case, especially when bribed by the accused. Police requested bribes from some victims prior to lodging rape charges, and investigations were often superficial. Medical personnel were generally untrained in collection of rape evidence and were at times physically or verbally abusive to victims, accusing them of adultery or fornication. Women accused of adultery or fornication were forced to submit to medical exams against their will even though the law requires their consent. Judges were reluctant to convict rapists, applied varying standards of proof, and, at times, threatened to convict the victim for adultery or fornication rather than the accused for rape. Families and tribes, at times, killed rape victims or encouraged them to commit suicide." [2b] (section 5)

6.138 The USSD 2004 further reported that:

"Husbands and male family members often brought spurious adultery and fornication charges against women under the Hudood Ordinances. Even when courts ultimately dismissed charges, the accused spent months, sometimes years in jail and saw her reputation destroyed. The Government's National Commission on the Status of Women advocated for the repeal of the Hudood Ordinances. On October 26 [2004], the National Assembly adopted legislation that requires senior police officials to evaluate the merits of adultery and fornication allegations and requires a court order before a woman can be arrested on such charges." [2b] (section 5)

Assistance Available to Women

6.139 The US State Department Report 2004 (USSD), published on 28 February 2005, stated that:

"The Government has criticized violence against women. Its Crisis Center for Women in Distress refers abused women to NGOs for assistance. During the year, the NGO Struggle for Change, which operated a shelter for abused women, provided rehabilitation assistance (shelter, employment counseling, and legal aid) to 67 women. An additional 157 women received legal or financial assistance. Provincial governments operated shelters for women in distress at the district level. In some cases, managers of such shelters have abused women in their care." [2b] (section 5)

(See also Section 6.B, sub-section on Domestic Violence)

6.140 The CRIN (Child Rights Information Network) website published research by MADADGAAR (a protection and referral centre) in January 2005 on reported cases of child and women abduction. It stated that:

"Madadgaar is a joint venture of Lawyers for Human Rights and Legal Aid (LHRLA) and UNICEF. It is Pakistan's First child Help Line and Protection Service for Children and Women. Madadgaar documents all the cases that are published in newspapers or are otherwise acknowledged, to collect information regarding human rights violation in the country, especially against children and women. In order to maintain an updated database the staff members of Madadgaar monitor twenty-six newspapers daily in Urdu, English and Sindhi languages. With the help of this database Madadgaar attempts to keep the public informed about the incidents of abuse against women and children through media." [7] (p1)

6.141 The Madadgaar Research Report recorded that "Last year [2004], 2906 abduction cases were reported in the national as well as vernacular press. Out of the total 2906 cases of children and women kidnapping, there were 1398 cases of women kidnapping, 981 cases of female child abduction and in 527 cases male child [sic] were reported kidnapped from different areas of the country." [7] (p1)

6.142 With regard to victims of trafficking, the US State Department Report 2004 (USSD), published on 28 February 2005, noted that:

"The Government rescued some kidnapped victims. In the 14 months following June 2003, the Overseas Pakistani Foundation and the Ansar Burney Welfare Trust repatriated 5,700 citizens trafficked to the Middle East. The Government sponsored shelters and training programs for actual and potential trafficking victims. There were 276 detention centers where women were sheltered and given access to medical treatment, limited legal representation, and some vocational training. The Government provided temporary residence status to foreign trafficking victims. The FIA and the International Organization for Migration held training and seminars on trafficking for government officials and NGOs during the year. The Interior Minister was personally engaged in such efforts. Very few NGOs dealt specifically with trafficking; however, many local and provincial NGOs provided shelter to victims of trafficking and those at risk for trafficking." [2b] (section 5)

(See also Section 6.A, sub-section on People Trafficking)

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Treatment of Women in Detention

6.143 The US State Department Report 2004 (USSD), published on 28 February 2005, stated that:

"Special women's police stations with all female staff have been established in response to complaints of custodial abuse of women, including rape. The

Government's National Commission on the Status of Women claimed the stations did not function effectively in large part due to a lack of resources. Court orders and regulations prohibit male police from interacting with female suspects, but women were often detained and interrogated at regular stations. Instances of abuse of women in prisons were less frequent... Female detainees and prisoners were held separately from male detainees and prisoners. According to women's rights NGOs, there were approximately 3,000 women in jail nationwide at year's end." [2b] (section 1c)

Political Representation

6.144 As noted by the US State Department Report 2004 (USSD), published on 28 February 2005:

"There were 73 women in the 342-seat National Assembly; there were five women in the Cabinet; and none in the Supreme Court. Sixty seats in the National Assembly are reserved for women, as are 128 of the 758 seats in provincial assemblies and one-third of the seats in local councils. In some districts, social and religious conservatives prevented women from becoming candidates; however, in several districts, female candidates were elected unopposed. Women participated in large numbers in elections, although some were dissuaded from voting by their families, religious and tribal leaders, and social customs. Local leaders in the Lower Dir District in the NWFP did not allow women to contest the local government by-elections in March. As a result of this agreement and similar ones from the past, 196 of 204 seats reserved for women in the local council remained vacant. A similar ban was also agreed in part of Swabi and other NWFP districts. Provincial chief ministers have named women to serve in their cabinets." [2b] (section 3)

Property and Inheritance Rights

6.145 The US State Department Report 2004 (USSD), published on 28 February 2005, further records that:

"Inheritance law discriminates against women. Female children are entitled to only half the inheritance of male children. Wives inherit only one-eighth of their husband's estate. Women often received far less than their legal inheritance entitlement. In rural Sindh, landowning families continued the practice of "Koranic marriages" in an effort to avoid division of property. Property of women married to the Koran remains under the legal control of their father, or eldest brother, and such women are prohibited from contact with any male over 14." [2b] (section 5)

(See also Section 6.B, sub-section on Discriminatory Legislation)

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Children

Overview

6.146 Section 2 (a), Chapter 1, of The Offence of Zina (Enforcement of Hudood) Ordinance, 1979, states "In this Ordinance, unless there is anything repugnant in the subject of context: (a) "adult" means a person who has attained, being a male, the age of eighteen years or, being a female, the age of sixteen years, or has attained puberty." [42b] (p1)

6.147 An Amnesty International report of 2003 stated that "In July 2000 Pakistan promulgated a Juvenile Justice System Ordinance [JJSO] as part of its efforts to fulfil obligations under the United Nations (UN) Convention on the Rights of the Child (CRC) to protect the rights of children who come into conflict with the law. Amongst other things, the Ordinance defines the age of a child as being less than 18 years of age, prohibits the death penalty for juveniles, sets out clear guidelines for the granting of bail and calls for the creation of more borstal institutions." [4a] (p1) (BUT the JJSO was revoked on 6 December 2004 and children were again made liable to the death penalty – Amnesty International report of 9 December 2004 refers. [4c] (p1))

6.148 The US State Department Report 2004 (USSD), published on 28 February 2005, notes that:

"The Government does not demonstrate a strong commitment to children's rights and welfare through its laws and programs. There is no federal law on compulsory education. Public education is free; however, fees were charged for books, supplies, and uniforms. Public schools, particularly beyond the primary grades, were not available in many rural areas, leading parents to use the parallel private Islamic school (madrassa) system. In urban areas, many parents sent children to private schools due to the lack of facilities and poor quality of education offered by the public system...At the vast majority of madrassas, students were reasonably well-treated. However, press reports claimed that there were some madrassas where children were confined illegally, kept in unhealthy conditions, and physically or sexually abused." [2b] (section 5)

(See also Section 5, sub-section on Educational System)

6.149 As recorded by the USSD 2004:

"Child abuse was widespread. According to child rights NGOs, abuse was most common within families. In rural areas, poor parents sold children as bonded laborers (see Section 6.d. [in USSD 2004]) and at times, sold daughters to be raped by landlords.

Trafficking and commercial sexual exploitation were problems (see Section 5, Trafficking [in USSD 2004]).

Child labor was a significant problem (see Section 6.d. [in USSD 2004]).

NGOs like Sahil and Rozan worked on child labor, child sexual abuse, and

child trafficking. NGOs played an important role in providing counseling and medical services to victims and in raising awareness of these problems." [2b] (section 5)

6.150 The USSD 2004 also stated that:

"The Government has adopted laws and promulgated policies to protect children from exploitation in the workplace; however, enforcement of child labor laws was lax and child labor was a serious problem. The Ministry of Labor has identified 35 hazardous forms of child labor, including street vending, surgical instrument manufacturing, deep-sea fishing, leather manufacturing, brick making, and carpet weaving, among others. Child labor in agriculture and domestic work was also common.

Forced and bonded labor, sexual exploitation, and the trafficking of children occurred (see Section 5 [in USSD 2004])." [2b] (section 6d)

6.151 The USSD further noted that:

"The Employment of Children Act prohibits the employment of children under age 14 years in factories, mines, and other hazardous occupations and regulates their conditions of work, e.g. no child is allowed to work overtime or at night; however, there were few child labor inspectors in most districts, and the inspectors often had little training, insufficient resources, and were susceptible to corruption. By law, inspectors may not inspect facilities that employ less than 10 persons, where most child labor occurs. Hundreds of convictions were obtained for violations of child labor laws, but low fines levied by the courts—ranging from an average of \$6 (Rs. 364) in the NWFP to an average of \$121 (Rs. 7,280) in Baluchistan—were not a significant deterrent. The Employment of Children Act allows for fines of up to \$333 (Rs. 20,000). Penalties often were not imposed on those found to be violating child labor laws." [2b] (section 6d)

6.152 As recorded in the USSD 2004:

"The International Labor Organization–International Program for the Elimination of Child Labor (ILO-IPEC) continued programs in the carpet weaving, surgical instrument, rag picking, and deep sea fishing industries and launched a Time Bound Program for the Elimination of the Worst Forms of Child Labor. Working with industries and the Government, ILO-IPEC used a combination of monitoring, educational access, rehabilitation, and family member employment to transition children out of these industries. An ILO-IPEC program to eliminate child labor in the soccer ball manufacturing industry was completed and deemed a success." [2b] (section 6d)

6.153 The USSD 2004 also stated that "The Constitution and law prohibit forced or bonded labor, including by children; however, the Government did not enforce these prohibitions effectively. The Bonded Labor System (Abolition) Act (BLAA) outlaws bonded labor, cancels all existing bonded debts, and forbids lawsuits for the

recovery of such debts. The Act makes bonded labor by children punishable by up to 5 years in prison and up to \$833 (Rs. 50,000) in fines." [2b] (section 6c)

6.154 The USSD 2004 noted that "Women and children from rural areas were trafficked to urban centers for commercial sexual exploitation and labor. In some cases, families sold these victims into servitude, while in other cases they were kidnapped". [2b] (section 5)

(See also Section 6.A, sub-section on People Trafficking)

6.155 The 2004 Freedom House report on Pakistan stated that "The enforcement of child labor laws continues to be inadequate." [19a] (p4)

(See also Section 6.A, sub-section on Employment Rights)

6.156 The US State Department Report 2004 (USSD), published on 28 February 2005, recorded that:

"On December 5, the Lahore High Court struck down the Juvenile Justice System Ordinance, designed to protect the rights of children, on the grounds of being unconstitutionally vague. At year's end, the judgment [sic] remained in abeyance during appeals to the Supreme Court. Child offenders were generally kept in the same prisons as adults, albeit in separate barracks. Children in prison were subjected to the same harsh conditions, judicial delay, and mistreatment as the adult population. Local NGOs estimated 3,000 children were in prison at year's end. Child offenders could alternatively be sent to one of two residential reform schools in Karachi and Bahawalpur until they reached the age of majority. Abuse and torture reportedly also occurred at these facilities. Nutrition and education were inadequate. Family members were forced to pay bribes to visit children or bring them food. Facility staff reportedly trafficked drugs to children incarcerated in these institutions." [2b] (section 1c)

(Also see section on Prisons and Prison Conditions, paragraph 5.63)

6.157 As noted by the US State Department Report 2004 (USSD), published on 28 February 2005, "Child health care services remained seriously inadequate. According to the National Institute of Child Health Care, more than 70 percent of deaths between birth and the age of 5 years were caused by easily preventable ailments such as diarrhea and malnutrition. While boys and girls had equal access to government facilities, families were more likely to seek medical assistance for boys." [2b] (section 5)

Child Care Arrangements

6.158 The website of the Edhi Foundation, accessed in March 2005, stated that their services included shelter for orphans, and that they were currently a home for 6,000 destitutes, runaways and mentally ill. It stated that "Baby cradles are installed near most emergency Edhi centers where unwanted children can be abandoned without disclosing any identity." [21]

6.159 The Pakistan page of SOS Children's Villages website, accessed in March 2005, reports that they have seven communities in Pakistan (in Lahore, Dhodial, Rawalpindi, Faisalabad, Karachi, Sargodha and Multan) and two under construction in Muzaffarabad and Sialkot, offering schooling, medical services and vocational training to those in need. [28]

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Homosexuals

6.160 The US State Department Report 2004 (USSD), published on 28 February 2005, records that "Homosexual intercourse is a criminal offence; however, prosecution was rare. Homosexuals did not openly reveal their sexual orientation, and there were no allegations during the year of discrimination on the basis of sexual orientation. Those suffering from HIV/AIDS faced broad societal discrimination. While the Government has launched education and prevention campaigns, these have done little to protect victims." [2b] (section 5)

6.161 A report by the Canadian Immigration and Refugee Board dated 27 July 2004 stated that:

"According to an article published in Hindustan Times, in Pakistan, gay marriages are illegal, and death by stoning is the suggested punishment for anyone found to be engaging in a homosexual act (2 July 2004; see also University of Florida 2003). Similarly, The Boston Globe reported in July 2004 that in Pakistan, homosexuality is a crime that carries the punishment of whipping, imprisonment or death, although no one has been "executed for sodomy in Pakistan's recent history" (11 July 2004).

One homosexual who lives in Pakistan said that homosexuality "'is seen as an aberration. It's seen as something to be ashamed of. It's seen as something to be hated'" (Hindustan Times 2 July 2004). During a presentation at the Ninth European Country of Origin Information Seminar held in Dublin, Ireland, on 26 and 27 May 2004, an Islamabad-based representative of the United Nations High Commissioner of Refugees (UNHCR) indicated that there is social stigma towards homosexuals in Pakistan, who are treated by society as "outcasts" (27 May 2004).

The Boston Globe reported that most individuals interviewed for its article did not identify themselves as homosexual, despite engaging in homosexual relations, and believed that homosexuality should remain illegal because it is against Islam (11 July 2004)." [12c] (p1)

6.162 The same report also noted that:

"Although societal attitudes towards homosexuality among the urban and educated population seem to be increasingly accepting, the conservative and religious population of the country view it as "an abnormality and religious sin"

(Hindustan Times 2 July 2004; see also The Boston Globe 11 July 2004). Accordingly, most homosexuals adhere to the cultural requirement of marriage with a member of the opposite sex and have children (Hindustan Times 2 July 2004; The Boston Globe 11 July 2004). Some of these individuals continue to have homosexual relationships even though they are married to a member of the opposite sex and have had children with them (Hindustan Times 2 July 2004). Similarly, The Boston Globe reported that homosexuality is "tacitly accepted...as long as it doesn't threaten traditional marriage" (11 July 2004).

Sexual relations between men are common in Pakistan, particularly between young boys and older men (The Boston Globe 11 July 2004). Many of these boys later become prostitutes (ibid.). The Boston Globe alleges that it is easy to sexually entice a boy in most parts of Pakistan (ibid.)." [12c] (1-2)

6.163 The Canadian Immigration and Refugee Board Report further recorded that:

"Homosexuality is most tolerated, though quietly, in North-West Frontier Province (NWFP), "one of the most religiously conservative regions of Pakistan" (ibid.). Within the Pashtun community, which forms the majority of the population in NWFP,

...having a young, attractive boyfriend is a symbol of prestige and wealth for affluent middle-aged men. Indeed, Pashtun men often keep a young boy in their hujra, the male room of the house that the wife rarely enters. The practice is so common that there are various slang terms for the boyfriends in different regional languages: larke (boy), warkai, alec (ibid.).

In such relationships a strict set of unwritten rules require the boy, who agrees not to leave or marry, to be a passive partner (ibid.). In exchange, the boy is supplied with food and clothing, and if he decides to abandon the relationship and marry, he will be "considered damaged [and will] end up wandering the streets as [an] outcast..." (ibid.).

Sexual relations between males are also common in madrassas (religious schools for boys) where "the situation resembles that found among prison inmates, where sex is mostly about availability and dominance rather than preference" (ibid.)." [12c] (p2)

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6 C Human Rights - Other Issues

Afghan Refugees

6.164 As noted by the US State Department Report 2004 (USSD), published on 28 February 2005:

"The law does not provide for the granting of asylum or refugee status in

accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol; however, the Government has a system to protect refugees. The Government provided protection against refoulement, the return of persons to a country where they feared persecution. Since 1979, the Government has provided temporary protection to millions of refugees from neighboring Afghanistan. The Government maintained there were 3.2 million Afghan refugees in the country at year's end. The Government continued to work closely with the United Nations High Commission for Refugees (UNHCR) to provide support to this population. The Government cooperated with UNHCR in the voluntary repatriation of 384,032 Afghan refugees during the year." [2b] (section 2d)

6.165 The USSD 2004 also reported that:

"Police in some cases demanded bribes from Afghan refugees. There were credible reports that intelligence communities harassed refugees during their search for al-Qa'ida. Some women refugees who accepted jobs with NGOs reported harassment from Taliban sympathizers in their own community. Refugees faced societal discrimination and abuse from local communities, which resented economic competition and blamed refugees for high crime rates. Single women, female-headed households, and children working on the streets were particularly vulnerable to abuse. In November [2004], Afghan refugees attacked health clinics in the Girdi Jungle refugee camps run by Save the Children after desecrated Korans were found outside the buildings. Save the Children temporarily suspended its operations in the camp until the Government provided enhanced security." [2b] (section 2d)

6.166 Briefing Notes issued by the UNHCR on 11 January 2005 reported that:

"The High Commissioner for Refugees is in Islamabad today on the first leg of his visit to the region. He held meetings with high-ranking officials this morning, during which Pakistan and UNHCR formally agreed to conduct a census of all Afghans in the country during February 2005.

The census, in which all Afghans who arrived in Pakistan after 1 December 1979 must participate, will record the gender, ethnicity, address and source of livelihood of all Afghans, as well as whether or not they intend to return to Afghanistan in the next twelve months. This information will assist the Pakistani government and UNHCR in developing policies for those Afghans who do not return home before the end of the UNHCR voluntary assisted repatriation programme in March 2006." [20c]

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"Azad" Kashmir

Introduction

6.167 A BBC News 'Q & A' on the Kashmir dispute published on 5 September 2004 reports that:

"The territory of Kashmir was hotly contested even before India and Pakistan won their independence from Britain in August 1947. Under the partition plan provided by the Indian Independence Act of 1947, Kashmir was free to accede to India or Pakistan. The Maharaja, Hari Singh, wanted to stay independent but eventually decided to accede to India, signing over key powers to the Indian Government - in return for military aid and a promised referendum. Since then, the territory has been the flashpoint for two of the three India-Pakistan wars: the first in 1947-8, the second in 1965. In 1999, India fought a brief but bitter conflict with Pakistani-backed forces who had infiltrated Indian-controlled territory in the Kargil area. In addition to the rival claims of Delhi and Islamabad to the territory, there has been a growing and often violent separatist movement against Indian rule in Kashmir since 1989." [35c] (p1)

6.168 The report stated that:

There are several groups pursuing the rival claims to Kashmir. Not all are armed, but since Muslim insurgency began in 1989, the number of armed separatists has grown from hundreds to thousands. The most prominent are the pro-Pakistani Hizbul Mujahideen. Islamabad denies providing them and others with logistical and material support. The Jammu and Kashmir Liberation Front (JKLF) was the largest pro-independence group, but its influence is thought to have waned. Other groups have joined under the banner of the All-Party Hurriyat (Freedom) Conference, which campaigns peacefully for an end to India's presence in Kashmir." [35c] (p2)

6.169 The BBC report also recorded that:

"Islamabad says Kashmir should have become part of Pakistan in 1947, because Muslims are in the majority in the region. Pakistan also argues that Kashmiris should be allowed to vote in a referendum on their future, following numerous UN resolutions on the issue. Delhi, however, does not want international debate on the issue, arguing that the Simla Agreement of 1972 provided for a resolution through bilateral talks. India points to the Instrument of Accession signed in October 1947 by the Maharaja, Hari Singh. Both India and Pakistan reject the option of Kashmir becoming an independent state." [35c] (p1)

Line of Control

6.170 The BBC report on the Kashmir dispute stated that:

"A demarcation line was originally established in January 1949 as a ceasefire line, following the end of the first Kashmir war. In July 1972, after a second conflict, the Line of Control (LoC) was re-established under the terms of the Simla Agreement, with minor variations on the earlier boundary. The LoC passes through a mountainous region about 5,000 metres high. The conditions are so extreme that the bitter cold claims more lives than the sporadic military

skirmishes. North of the LoC, the rival forces have been entrenched on the Siachen glacier (more than 6,000 metres high) since 1984 - the highest battlefield on earth. The LoC divides Kashmir on an almost two-to-one basis: Indian-administered Kashmir to the east and south (population about nine million), which falls into the Indian-controlled state of Jammu and Kashmir; and Pakistani-administered Kashmir to the north and west (population about three million), which is labelled by Pakistan as "Azad" (Free) Kashmir. China also controls a small portion of Kashmir." [35c] (p3-4)

6.171 As noted by the BBC report published 5 September 2004 on the Kashmir dispute, "The UN has maintained a presence in the disputed area since 1949. Currently, the LoC is monitored by the UN Military Observer Group in India and Pakistan (Unmogip). According to the UN, their mission is "to observe, to the extent possible, developments pertaining to the strict observance of the ceasefire of December 1971." [35c] (p4)

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Current Situation

6.172 Europa Regional Surveys of the World: South Asia 2005 recorded that, in November 2003, Pakistan announced a unilateral cease-fire along the Line of Control – LoC – (the informal border dividing Indian and Pakistani-administered Kashmir). Europa also recorded that "In December 2003 prospects for constructive dialogue also improved after both nations reached agreements on restoring airline overflight and landing rights and a railway service between Lahore and New Delhi." [1] (p418)

6.173 Keesings Record of World Events for January 2004 noted that a ground-breaking summit – the South Asian Association for Regional Co-operation (SAARC) – took place between leaders of the two countries in early January, though Pakistani militant separatist groups insisted that the 'armed struggle' would continue. [24a] (p45787)

6.174 On 17 February 2005, the BBC recorded that India and Pakistan had decided to launch a bus service between Srinager and Muzaffarabad, across the ceasefire line in Kashmir, and stated that "Kashmiri politicians on both sides of the Line of Control which divides the region welcomed the move." The report further stated that "A second bus service linking the Pakistani city Lahore with Amritsar in India was also announced as well as a rail link between Rajasthan state and Pakistan's Sindh province. Both sides agreed to begin talks on reducing the risk of nuclear accidents and also said they planned to reopen their respective consulates in Karachi and Mumbai (Bombay)." [35ar]

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Northern Areas

6.175 The US State Department Report 2004 (USSD), published 28 February 2005:

"Inhabitants of the Northern Areas (Gilgit and Baltistan) are not covered under

the constitution and have no representation in the federal legislature. An appointed civil servant administered these areas; an elected Northern Areas Council serves in an advisory capacity. Members of the Azad Kashmir assembly and government are required to claim allegiance to Pakistan before they can stand in elections. Some Kashmiri political parties advocated for an independent Kashmir and have therefore not been allowed to stand in provincial elections." [2b] (section 3)

Treatment of Non-Governmental Organisations (NGO's)

6.176 The US State Department Report 2004 (USSD), published 26 February 2005, noted that:

"A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. They are required to be registered, although this requirement was not generally enforced. Government officials often were cooperative and responsive to their views. Human rights groups reported that they generally had good access to police stations and prisons. The HRCP [Human Rights Commission of Pakistan] continued to investigate human rights abuses and sponsor discussions on human rights issues during the year.

International observers were permitted to visit the country and travel freely. The Government generally cooperated with international governmental human rights organizations. The ICRC [International Committee of the Red Cross] had a delegation in country." [2b] (section 4)

6.177 According to a 2004 Freedom House report on Pakistan, "The military regime generally tolerates the work of nongovernmental organizations (NGO's). However, government officials detained a regional coordinator for the independent HRCP [Human Rights Commission of Pakistan] in March [2004]. In recent years, Islamic fundamentalists have issued death threats against prominent human rights defenders and against female NGO activists who work in rural areas." [19a] (p4)

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ANNEX A: CHRONOLOGY OF EVENTS

(As reported in the BBC's 'Timeline – Pakistan A chronology of key events' [35b] unless otherwise sourced)

1906 - Muslim League founded as forum for Indian Muslim separatism.

1940 - Muslim League endorses idea of separate nation for India's Muslims.

1947 - Muslim state of East and West Pakistan created out of partition of India at the end of British rule. Hundreds of thousands die in widespread communal violence and millions are made homeless.

1948 - Muhammed Ali [Jinnah], the first governor general of Pakistan, dies.

1948 - First war with India over disputed territory of Kashmir.

Military rule

1951 - Jinnah's successor Liaquat Ali Khan is assassinated.

1956 - Constitution proclaims Pakistan an Islamic republic.

1958 - Martial law declared and General Ayyub Khan takes over.

1960 - General Ayyub Khan becomes president.

War and secession

1965 - Second war with India over Kashmir.

1969 - General Ayyub Khan resigns and General Yahya Khan takes over.

1970 - Victory in general elections in East Pakistan for breakaway Awami League, leading to rising tension with West Pakistan.

1971 - East Pakistan attempts to secede, leading to civil war. India intervenes in support of East Pakistan which eventually breaks away to become Bangladesh.

1972 - Simla peace agreement with India sets new frontline in Kashmir.

1973 - Zulfikar Ali Bhutto becomes prime minister.

Zia takes charge

1977 - Riots erupt over allegations of vote-rigging by Zulfikar Ali Bhutto's Pakistan People's Party (PPP). General Zia ul-Haq stages military coup.

1978 - General Zia becomes president.

1979 - Zulfikar Ali Bhutto hanged.

1980 - US pledges military assistance to Pakistan following Soviet intervention in Afghanistan.

1985 - Martial law and political parties ban lifted.

1986 - Zulfikar Ali Bhutto's daughter Benazir returns from exile to lead PPP in campaign for fresh elections.

1988 August - General Zia, the US ambassador and top Pakistan army officials die in mysterious air crash.

Bhutto comeback

1988 November - Benazir Bhutto's PPP wins general election.

1990 - Benazir Bhutto dismissed as prime minister on charges of incompetence and corruption.

1991 - Prime Minister Nawaz Sharif begins economic liberalisation programme. Islamic Shariah law formally incorporated into legal code.

1992 - Government launches campaign to stamp out violence by Urdu-speaking supporters of the Mohajir Quami Movement.

1993 - President Khan and Prime Minister Sharif both resign under pressure from military. General election brings Benazir Bhutto back to power.

Politics and corruption

1996 - President Leghari dismisses Bhutto government amid corruption allegations.

1997 - Nawaz Sharif returns as prime minister after his Pakistan Muslim League party wins elections.

1998 - Pakistan conducts its own nuclear tests after India explodes several devices.

1999 April - Benazir Bhutto and her husband convicted of corruption and given jail sentences. Benazir stays out of the country.

1999 May - Kargil conflict: Pakistan-backed forces clash with the Indian military in the icy heights around Kargil in Indian-held Kashmir. More than 1,000 people are killed on both sides.

1999 October - Prime Minister Nawaz Sharif overthrown in military coup led by General Pervez Musharraf. Coup is widely condemned, Pakistan is suspended from Commonwealth.

2000 April - Nawaz Sharif sentenced to life imprisonment on hijacking and terrorism charges.

2000 December - Nawaz Sharif goes into exile in Saudi Arabia after being pardoned by military authorities.

2001 20 June - Gen Pervez Musharraf names himself President while remaining head of the army. He replaced the figurehead president, Rafiq Tarar, who vacated his position earlier in the day after the parliament that elected him was dissolved.

2001 July - Musharraf meets Indian Prime Minister Atal Behari Vajpayee in the first summit between the two neighbours in more than two years. The meeting ends without a breakthrough or even a joint statement because of differences over Kashmir.

2001 September - Musharraf swings in behind the US in its fight against terrorism and supports attacks on Afghanistan. US lifts some sanctions imposed after Pakistan's nuclear tests in 1988, but retains others put in place after Musharraf's coup.

Kashmir Tensions

2001 October - India fires on Pakistani military posts in the heaviest firing along the dividing line of control in Kashmir almost [sic] a year.

2001 December - India imposes sanctions against Pakistan, to force it to take action against two Kashmir militant groups blamed for a suicide attack on parliament in New Delhi. Pakistan retaliates with similar sanctions.

2001 December - India, Pakistani mass troops along common border amid mounting fears of a looming war.

2002 January - President Musharraf bans five militant groups (Jaish-e-Muhammed, Lashkar-e-Taiba, Sipah-e-Sahaba, Tehrik-e-Jafria Pakistan, Tahrik-e-Nifaz-e-Shariat-e-Muhammadi). [12d] (p1)

2002 January - Musharraf announces that elections will be held in October 2002 to end three years of military rule.

2002 April - Musharraf wins another five years in office in a referendum criticised as unconstitutional and fraught with irregularities.

2002 May - 14 people, including 11 French technicians, are killed in a suicide attack on a bus in Karachi. The following month 12 people are killed in a suicide attack outside the US consulate in the city.

2002 May - Pakistan test fires three medium-range surface-to-surface Ghauri missiles, which are capable of carrying nuclear warheads. Musharraf tells nation that Pakistan does not want war but is ready to respond with full force if attacked.

2002 June - Britain and America maintain diplomatic offensive to avert war, urge their citizens to leave India and Pakistan.

2002 July - Election date announced - elections for the National Assembly, the Senate and the four provincial assemblies to take place on 10 October 2002. [35v] (p1-2)

2002 August - President Musharraf grants himself sweeping new powers, including the right to dismiss an elected parliament. Opposition forces accuse Musharraf of perpetuating dictatorship.

2002 October - First general election since the 1999 military coup results in a hung parliament. Parties haggle over the make-up of a coalition. Religious parties fare better than expected.

2002 October - EU observers and human rights groups voiced criticism over the election process. [27a] (p9)

2002 November - Mir Zafarullah Jamali selected as prime minister by the National Assembly. He is the first civilian premier since the 1999 military coup and a member of a party close to General Musharraf.

2003 February - Senate elections: Ruling party wins most seats in voting to the upper house. Elections said to be final stage of what Musharraf calls transition to democracy.

2003 June - North-West Frontier Province votes to introduce Sharia law.

2003 June - Pakistan envoy arrives in India en route to Delhi as Pakistan's new high commissioner; India had already named their new high commissioner in Islamabad. [35ad]

2003 November – A Swiss court upheld the appeal of Benazir Bhutto and Asif Ali Zadari against their convictions in August on a money laundering charge. [24b] (p45693)

Kashmir ceasefire

2003 November - Pakistan declares a Kashmir ceasefire, which is swiftly matched by India.

2003 December - Pakistan and India agree to resume direct air links and to allow overflights of each other's planes from beginning of 2004 after two-year ban.

2003 December - 2 attempts on the Presidents life, "extremists" blamed [24c] (p45737)

2004 January - Peace talks between India and Pakistan [24a] (p45787)

2004 February – Leading nuclear scientist Dr Abdul Qadeer Khan admits to having leaked nuclear weapons secrets. Technology is said to have been transferred to Libya, North Korea and Iran.

2004 April – Parliament approves creation of military-led National Security Council. Move institutionalises role of armed forces in civilian affairs.

2004 May – Pakistan readmitted to Commonwealth.

Factional violence in Karachi: Senior Sunni cleric shot dead; bomb attack on Shia mosque kills 16, injures 40.

2004 June – Military offensive near Afghan border against suspected al-Qaeda [al-Qa'ida] militants and their supporters after attacks on checkpoints. Earlier offensive, in March, left more than 120 dead.

2004 August – Shaukat Aziz is sworn in as prime minister. In July he escaped unhurt from an apparent assassination attempt.

2004 December – President Musharraf announces that he will stay on as head of the army. He had previously promised to relinquish his military role.

2005 January – Tribal militants in Baluchistan attack facilities at Pakistan's largest natural gas field, forcing closure of main plant.

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ANNEX B: POLITICAL PARTIES AND MILITANT GROUPS

ALL PAKISTAN MOHAJIR STUDENTS ORGANISATION (See MUTTAHIDA QUAMI MOVEMENT)

ALL PARTIES HURRIYAT (FREEDOM) CONFERENCE (APHC)

Reported in 2000 to be a non-violent umbrella group of secessionist organisations campaigning for an end to India's presence in Kashmir. Made up of at least twenty-three constituent groups including trade unions and religious and political organisations. [351] (p3) The All Parties Hurriyat Conference formally split on 15 September 2003 when pro-freedom members appointed former APHC chairman Syed Ali Geelani the new head. [33b]

AWAMI NATIONAL PARTY (ANP) (PEOPLE'S NATIONAL PARTY)

Formed 1986 by merger of National Democratic Party, Awami Tehrik (People's Movement) and Mazdoor Kissan (Labourers' and Peasants' Party). Federalist and Socialist, led by Khan Abdul Wali Khan. [1] (p447)

BALUCHISTAN NATIONAL MOVEMENT

Based in Quetta, led by Dr Abdul Hayai Baloch. [1] (p447)

HARKAT-UL-ANSAR (See JAMIAT-UL-ANSAR)

HARKAT-UL-MUJAHIDEEN (See JAMIAT-UL-ANSAR)

HIZBUL MUJAHIDEEN (HM)

Set up in 1990, a July 2000 news report stated that it was one of the most powerful Kashmiri militant groups in Kashmir, and the supreme commander was Syed Salahuddin. The news report also stated that the group was believed to have strong links with the Jamaat-e-Islami. [351] (p1) Tension between two rival factions of the group was reported in April 2003 after commander Abdul Majid Dar, the leader of one faction, was killed by unknown assailants in March 2003. His supporters accused Syed Salahuddin, the head of the other faction, over the killing. [35y] (p1) On 3 April 2003, Saif-ul-Islam, the Chief Commander of HM was killed in a gun-battle between militants and Indian forces in Kashmir. [35z] (p1)

IMAMIA

Organisation affiliated to the Tehrik-e-Pakistan [Tehreek-e-Jaferia] (TJP) Shia organisation (see below). The Imamia Students Organisation and the Imamia Organisation were reported in 2001 to play an active role in TJP activities. [36c] (p2)

ISLAMI TEHRIK-E-PAKISTAN (TJP) (formerly TEHRIK-E-JAFRIA-E- PAKISTAN and TEHRIK-E-PAKISTAN)

Founded 1987 as political party as Tehrik-e-Jafria-e-Pakistan. Shia extremist; leader Allama Sajid Ali Naqvi. [1] (p447) One of five extremist groups proscribed in January 2002, subsequently changing its name to Tehrik-e-Pakistan. [1] (p447) Banned under the name of Islami Tehrik-e-Pakistan in November 2003 by President Musharraf. [24b] (p45693)

JAISH-E-MOHAMMAD (JeM) (See JAMIAT-UL-FURQAN and KHUDAM-UL-ISLAM)

JAMAAT-E-ISLAMI PAKISTAN (JIP) (See MUTTAHIDA MAJLIS-E-AMAL - MMA)

Founded 1941. Seeks establishment of Islamic order through adherence to the teaching of Maulana Maududi; rightwing, led by Amir Qazi Hussain Ahmad. [1] (p447)

JAMAAT-UD-DAWA (See LASHKAR-E-TAIBA)

Thought by some to be a new identity for the Kashmiri armed separatist group Lashkar-i-Taiba [Toiba] [Toyeba] – LiT - this group escaped a ban when President Musharraf banned 6 further groups in November 2003. [24b] (p45693)

JAMIAT-E-ULEMA- E-ISLAM (JUI) (See MILLAT-E-ISLAMIA PAKISTAN and MUTTAHIDA MAJLIS-E-AMAL - MMA)

Founded 1950; advocates adoption of constitution in accordance with (Sunni) Islamic teachings. [1] (p447) JUI –F, the main faction after the group split in the 1980s, is led by Maulana Fazlur Rehman, a pro-Taleban cleric; the other faction, the JUI-S, is led by another pro-Taleban Islamist leader called Maulana Sami ul Haq. [35az]

JAMIAT-E-ULEMA- E-PAKISTAN (JUP) (See MUTTAHIDA MAJLIS-E-AMAL - MMA)

Founded 1948; advocates progressive (Sunni) Islamic principles and enforcement of Islamic laws in Pakistan. President Shah Farid-ul Haq. [1] (p447)

JAMIAT-UL-FURQAN (aka TANZEEM-UL-FURQAN)

An off-shoot of Jaish-e-Mohammad, this extremist Islamic group was banned in November 2003. [24b] (p45693)

JAMIAT-UL-ANSAR (formerly HARKAT-UL-MUJAHIDEEN/HARKAT-UL-ANSAR)

Described by the South Asia Terrorist Portal as a Pakistan-based terrorist outfit. The US categorised the organisation (under the name Harkat-ul-Ansar) as a terrorist outfit in 1997; there were reports at the time that it was linked to Osama bin Laden and al-Qa'ida. [36a] (p1-2) Composed mainly of Afghans, Pakistanis and even some Arabs. [35i] (p2), it was banned as Jamiat-ul-Ansar in November 2003. [24b] (p45693)

JAMMU AND KASHMIR LIBERATION FRONT (JKLF)

There were two organisations with this name, both traceable to the Jammu and Kashmir National Liberation Front (JKNLF). One was set up in the UK in May 1977 by Amanullah Khan, a co-founder of the JKNLF, the other in September 1995 after its

leader, Yasin Malik, split from Khan over differences in strategy. The latter favoured non-violent means, and became a constituent of the All Party Huriyat [Hurriyat] Conference. [36e] Khan's JKLF was one of the most active militant groups, but in 2000 it was thought to have a dwindling membership and less military power. [35f] (p2)

KHATME NABUWWAT (COMMITTEE TO SECURE THE FINALITY OF PROPHETHOOD) (aka KHATME NUBUWWAT)

Founded before the partition of India as **Majlis-e-Ahrar**, a small Muslim political party. It changed its name to the **Majlis Tahaffuz Khatme Nubuwwat** in the 1970's, reportedly in order to attract orthodox Muslims, and became more commonly known as **Khatme Nabuwwat**. It is reported to have called for the banning of the Ahmadi movement and the killing of Ahmadis. [12b] (p8-10)

KHUDAM-UL-ISLAM (formerly JAISH-E-MOHAMMAD - JeM)

Formed in 2000 under the name **Jaish-e-Mohammad** (Army of Mohammad) by an Islamic cleric, Maulana Massod Azhar. [35f] (p2) One of five extremist groups banned by President Musharraf in January 2002, it was banned in November 2003 as **Khudam-ul-Islam** by President Musharraf along with 5 other groups. [24b] (p45693)

LASHKAR-E-JHANGVI

Reported as being a Sunni-Deobandi terrorist outfit. [36b] (p1) Formed in 1996 by a break-away faction of the **Sipah-e-Sahaba**, they were banned in 2002 and designated as a terrorist group by the US State Department in January 2003. [35ae] (p2) The US believed that it had close ties with the Taliban in Afghanistan [36b] (p4) and al-Qaeda [al-Qa'ida] terrorist group. [35ae] (p2)

LASHKAR-E-TAIBA (LASHKAR-E-TOIBA) (LASHKAR-E-TOYEBA) (See JAMAAT-UD-DAWA)

Meaning "Army of the Pure," described in a 2000 news report as being a violent Kashmiri militant group, based in the Punjab, numbering approximately 300 activists, advocating Islamic rule over all parts of India, and engaging in suicide attacks. Has been linked with numerous killings. [35f] (p1-2) Made up predominantly of non-Kashmiri fighters, and is thought to embrace a rigid form of Sunni Islam. [35f] (p2) One of five extremist groups banned by President Musharraf in January 2002. [12d] (p1)

MAJLIS-E-AHRAR (See KHATME NABUWWAT [COMMITTEE TO SECURE THE FINALITY OF PROPHETHOOD])

MAJLIS TAHAFFUZ KHATME NUBUWWAT (See KHATME NABUWWAT [COMMITTEE TO SECURE THE FINALITY OF PROPHETHOOD])

MILLAT-E-ISLAMIA PAKISTAN (See JAMIAT-E-ULEMA- E-ISLAM – JUI)

Derived from the JUI and founded in 1984 by Maulana Nawaz Jhangvi as the Anjuman Sipa-e-Sahaba Pakistan at a time of growing anti-Ahmadi sentiment. [20b] (p20) One of five extremist groups banned by President Musharraf (under the name of **Sipah-e-Sahaba Pakistan - SSP**) in January 2002. [1] (p447) It is a Sunni sectarian outfit allegedly involved in terrorist violence. [36d] (p1) It has strongholds in southern districts of the populous central province of Punjab and the port city of Karachi. [35ae] (p1) The group was banned by President Musharraf under the name of **Millat-e-Islamia Pakistan** in November 2003. [24b] (p45693) [1a] (p447) (See also **Lashkar Jhangvi**)

MUTTAHIDA MAJLIS-E-AMAL (MMA) A coalition comprising Jamaat-e-Islami Pakistan, Jamiet-e-Ulema-e-Pakistan, Jamiet-e-Ulema-e-Islam (S), Jamiet-e-Ulema-e-Islam (F), Islami Tehreek Pakistan and Jamiet Ahl-e-Hadith. [1] (p446)

MUSLIM STUDENT FEDERATION – MSF (See PAKISTAN MUSLIM LEAGUE [PML])

MOHAJIR QUAMI MOVEMENT (See MUTTAHIDA QUAMI MOVEMENT)

MUTTAHIDA QAUMI MOVEMENT (MQM) (UNITED NATIONAL MOVEMENT)

Founded 1978 as the **All Pakistan Mohajir Students Organisation**; became **Mohajir Qaumi Movement** in 1984; renamed as **Muttahida Qaumi Movement** in 1997. Represents interests of Muslim, Urdu-speaking immigrants (from India). Seeks the designation of Mohajir as the fifth nationality (after Sindhi, Punjabi, Pathan and Balochi). [1] (p447) Split into two factions in the early 1990s: MQM (Altaf) headed by Altaf Hussain and the smaller MQM (Haqiqi). [1] (p395)

PAKISTAN MUSLIM LEAGUE (PML)

Founded in 2004 following merger of PML Quaid-e-Azam Group, PML (Junejo), PML (Functional), PML (Zia-ul-Haq Shaheed), PML (Jinnah) and the Sindh Democratic Alliance. President Chaudhry Shujaat Hussain. [1a] (p447) The PML student organisation is the **Muslim Student Federation (MSF)** [20a] (p11)

PAKISTAN MUSLIM LEAGUE – NAWAZ (PML-N)

Founded 1993 as a faction of the Pakistan Muslim League (Junejo). [1a] (p447) Acting President Javed Hashmi was charged on five counts (including treason, inciting mutiny and forgery) on 24 January 2004. He had been arrested in October 2003 after distributing copies of letters criticising the President that he alleged had been written by junior army officers. [24a] (p45786)

PAKISTAN PEOPLE'S PARTY (PPPP)

Founded 2004 following the merger of Pakistan People's Party (Sherpao Group) and Pakistan People's Party Parliamentarians (Patriots); advocates Islamic socialism, democracy and a non-aligned foreign policy. [1a] (p447)

PAKISTAN PEOPLE'S PARTY PARLIAMENTARIANS (PPPP) (See PAKISTAN PEOPLE'S PARTY)

A faction of the Benazir Bhutto's Pakistan People's Party set up in 2002 to contest the October 2002 elections. [1a] (p411) Merged with the PPP in 2004. [1a] (p447)

PAKISTAN PEOPLE'S PARTY (SHAHEED BHUTTO GROUP)

Karachi. Formed 1995 as a breakaway faction of the PPP, Chair: Ghinwa Bhutto; Sec-Gen: Dr Mubashir Hasan [1] (p447)

PAKISTAN PEOPLE'S PARTY (SHERPAO GROUP) See PAKISTAN PEOPLE'S PARTY)

Merged with the Pakistan People's Party in 2004. [1a] (p447)

SIPAH-E-MOHAMMAD (FIGHTERS OF MUHAMMAD)

Shia militant organisation formed as a reaction to Sunni violence. [20b] (p20) General Musharraf banned this group on 14 August 2001, in a move against ethnic and sectarian violence. [12d] (p1)

SIPAH-E-SAHABA PAKISTAN (SSP) (See MILLAT-I-ISLAMIA PAKISTAN)

TANZEEM-E-NIFAZ-E-SHARIAT-E-MOHAMMADI

Founded by Maulana Sufi Mohammad, a follower of Saudi Arabia's Wahhabi school of thought, this radical Sunni Muslim group was banned. A BBC news report of 7 October 2003 stated that the group had engaged in violent agitation for the enforcement of Islamic laws in its stronghold of Malakhand in northwestern Pakistan. In October 2002, Sufi Mohammad crossed into Afghanistan with thousands of followers to help the Taliban fight the US led forces, but returned after the collapse of the Taliban and was put into detention. [35ae] (p2)

TANZEEM-UL-FURQAN (See JAMIAT-UL-FURQAN)

TEHRIK-E-INSAF (MOVEMENT FOR JUSTICE)

Lahore. Founded 1996, led by Imran Khan. [1] (p447)

TEHRIK-E-JAFRIA-E-PAKISTAN) (TJP) (See ISLAMI TEHRIK-E-PAKISTAN)

TEHRIK-E-PAKISTAN (See ISLAMI TEHRIK-E-PAKISTAN)

TEHRIK-NIFAZ-E-SHARIAT-E-MOHAMMADI (TNSM)

A militant, Wahibi tribal organisation which waged an armed struggle in the mid-1990's for the enforcement of Shari'a law in the Malakand region, NWFP. [36f] (p4) Their Chief, Maulana Sufi Mohammad reportedly led thousands of TNSM cadres across the Afghan border in October 2001 to fight alongside the Taliban. [36f] (p3) One of five extremist groups banned by President Musharraf in January 2002. [12d] (p1))

UNITED JIHAD COUNCIL

Umbrella group of fourteen militant groups based in "Azad" Kashmir. [35j]

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ANNEX C: PROMINENT PEOPLE

A. THE GOVERNMENT: ((([29i] unless otherwise stated)

• President	General Pervez Musharraf [34] (p5)
• Prime Minister	Shaukat Aziz [34] (p5)
• Foreign Affairs	Mian Khurshid Mahmud Kasuri
• Minister of Commerce	Humayun Akhtar Khan
• Education Minister	Lt Gen (Rtd) Javed Ashraf
• Health Minister	Muhammad Nasir Khan
• Industries & Production & Special Initiatives	Jehangir Khan Tareen

• Information & Broadcasting	Sheikh Rashid Ahmad
• Labour, Manpower, Overseas Pakistanis	Ghulam Sarwar Khan
• Railways	Mian Shahmim Haider
• Water and Power	Liaquat Ali Jatoi
• Defence Minister	Rao Sidandar Iqbal
• Interior	Aftab Ahmed Khan Sherpao
• Narcotics Control	Ghaus Bux Khan Maher
• Petroleum and Natural Resources	Amanullah Khan Jadoon
• Information Technology	Awais Ahmed Khan Leghari
• Food, Agriculture & Livestock	Sikander Hayat Khan Bosun
• States and Frontier Regions	Sardar Yar Muhammad Rind

(NOTE – Not all posts listed here)

B. Others:

BHUTTO, Benazir

Born in 1953 in the province of Sindh and educated at Harvard and Oxford, Ms Bhutto gained credibility from her father's high profile, even though she was initially a reluctant convert to politics. Ms Bhutto was imprisoned just before her father's death in 1979, after he was imprisoned and charged with murder by General Zia-ul-Haq in 1977. She spent most of her five-year jail term in solitary confinement. During stints out of prison for medical treatment, Ms Bhutto set up a Pakistan People's Party office in London, and began a campaign against General Zia. She returned to Pakistan in 1986, attracting huge crowds to political rallies. After Zia's death in 1988, she became one of the first democratically elected female prime ministers in an Islamic country. She has twice been prime minister of Pakistan, from 1988 to 1990 and from 1993 to 1996. On both occasions she was dismissed from office by the president for alleged corruption. She has steadfastly denied the corruption charges against her, which she says are politically motivated and left Pakistan in 1999 to live abroad shortly after her conviction. [35q] In April 2001 the Supreme Court nonetheless set aside the corruption conviction and ordered a retrial; in June 2001 she was sentenced *in absentia* to three years imprisonment for not appearing in court to answer charges of corruption (she was residing in Dubai). [1] [p409] In November 2003 a Swiss court upheld the appeal of Benazir Bhutto and Asif Ali Zadari against their convictions in August (2003) on a money laundering charge. [24b] (p45693)

BHUTTO, Zulfikar Ali

Born in 1928 in Sind Province and descended from a long line of Muslim landlords and politicians. Formed the Pakistan People's Party – in 1967. Won a majority of seats in West Pakistan in the 1970 elections. Following the 1971 civil war (culminating in the creation of Bangladesh from East Pakistan) Bhutto became president and chief martial law administrator of Pakistan in December 1971. After the new Constitution was adopted in August 1973, Bhutto became Prime Minister. He was re-elected in March 1977, but deposed by General Muhammed Zia ul-Haq in a military coup in July (1977). He was found guilty of authorising the murder of a political opponent in 1974 – which he denied – and hanged in April 1979. [32b]

JINNAH, Muhammad Ali

Leader of Muslim League and popularly known as Quaid-i-Azam ("Great Leader"). Became the first Governor-General of Pakistan when the country was created in August 1947, but died the following year. [1] (p387-388)

HUSSAIN, Altaf

Leader of the Muttahida Qaumi Movement (Altaf) –MQM (A), in 1994 he was sentenced in absentia to 27 years' imprisonment on charges of terrorism. [1] (p397)

MUSHARRAF, Pervez

Born in Delhi in August 1943, his family migrated to Pakistan during the partition of the Indian. Began his military career in 1964, and became the army chief of staff in 1998. He overthrew Prime Minister Sharif's government in October 1999. [35aa]

SHARIF, Mohammad Nawaz

Formerly Chief Minister of Punjab, he led the Islamic Democratic Alliance to victory in the October 1990 elections and was appointed Prime Minister. [1] (p394) Dismissed in April 1993 by President Ishaq Khan, who accused him of 'maladministration, nepotism and corruption'. Sharif's government was restored to power after the Supreme Court ruled that the President's order had been unconstitutional. [1] (p396) Sharif's faction of the Pakistan Muslim League (Junejo Group) failed to win an outright majority in the October 1993 elections [1] (p396-397), but the party swept to power in the February 1997 elections, after which Sharif became prime minister once again. [1] (p401) He was overthrown in the military coup of 12th October 1999 [1] (p407), and sentenced to two terms of life imprisonment for hijacking and terrorism in April 2000. [1] (p409) He remains in exile in Saudi Arabia, in accordance with a 2000 agreement with the Government. [2b] (section 2d)

UL-HAQ, MOHAMMAD ZIA

General and Chief of Army Staff, appointed martial law administrator following July 1977 coup. [1] (p390) He became president in 1978, and pursued a policy of "Islamisation" of the country's institutions, which was confirmed in the December 1984 referendum. [1] (p391) Martial law was repealed in December 1985 and the Constitution restored (as amended the previous October). [1] (p392) He was killed in an air crash on 17 August 1988. [1] (p393)

ZARDARI, Asif Ali

Benazir Bhutto's husband. Arrested following dismissal of PPP government in 1990 on charges of extortion, kidnapping and financial irregularities; later acquitted. [1] (p394) In July 1996, was controversially appointed to his wife Benazir's cabinet. [1] (p400) He and Benazir convicted of corruption in April 1999 and sentenced to five years' imprisonment and disqualified as members of the federal legislature. [1] (p405) In April 2001 the Supreme Court set the corruption convictions for Zardari and Benazir Bhutto aside and ordered a retrial. [1] (p409) In November 2003 a Swiss court upheld the appeal of Benazir Bhutto and Asif Ali Zardari against their convictions in August (2003) on a money laundering charge. [24b] (p45693)

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